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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Owen Bonnici, Ministru għall-Ġustizzja, Kultura u Gvern Lokali, u moqri għall-Ewwel darba fis-Seduta tas-17 ta' Ottubru, 2018.

A BILL introduced by the Honourable Owen Bonnici, Minister for Justice, Culture and Local Government, and read the First time at the Sitting of the 17th October, 2018.

ATT biex jemenda l-Att dwar il-Patrimonju Kulturali, Kap. 445, biex jirregola aħjar il-professjoni tal-konservazzjoni-restorazzjoni u ta' forniture oħrajn ta' servizzi kulturali, u biex jagħmel provvedimenti fir-rigward tal-patrimonju kulturali ta' taħt l-ilma u għal għanijiet konnessi mal-kwistjonijiet imsemmija.

AN ACT to amend the Cultural Heritage Act, Cap. 445 to better regulate the conservation-restoration profession and other cultural service providers and to make provision with respect to underwater cultural heritage and for purposes connected with the matters aforesaid.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Att dwar il-Patrimonju Kulturali, Kap. 445, biex jirregola aħjar il-professjoni tal-konservazzjoni-restorazzjoni u ta' fornituri oħrajn ta' servizzi kulturali, u biex jagħmel provvedimenti fir-rigward tal-patrimonju kulturali ta' taħt l-ilma u għal għanijiet konnessi mal-kwistjonijiet imsemmija.

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:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2018 biex jemenda l-Att dwar il-Patrimonju Kulturali, u dan l-Att għandu jinqara u jinftiehem bħala ħaga waħda mal-Att dwar il-Patrimonju Kulturali hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.
u dhul fis-seħh.
Kap. 445.

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

2. L-Arrangament tal-Att, tal-Att prinċipali, għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni
tal-Arrangament
tal-Att, tal-Att
prinċipali.

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TAQSIMA I	Preliminari	1-3
TAQSIMA II	Prinċipji u Dmirijiet Ġenerali	4-6
TAQSIMA III	Kostituzzjoni, Kompożizzjoni u Funzjonijiet tal-Entitajiet	7-14
TAQSIMA IV	Dispożizzjonijiet Amministrattivi u dwar il-Persunal	15-17
TAQSIMA V	Dispożizzjonijiet Finanzjarji	18-28
TAQSIMA VI	Professjonisti fil-Konservazzjoni	29-43
TAQSIMA VII	Patrimonju Kulturali ta' Taħt l-Ilma	44-48

C 2064

TAQSIMA VIII	Protezzjoni tal-Patrimonju Kulturali	49-52
TAQSIMA IX	Poteri Speċjali tal-Istat	53-68
TAQSIMA X	Patrimonju Kulturali Reliġjuż	69
TAQSIMA XI	Reati	70-71
TAQSIMA XII	Regolamenti	72
TAQSIMA XIII	Mixxellanji	73

SKEDA Rata ta' Dazju ta' Esportazzjoni

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Emenda tal-artikolu 2 tal-Att prinċipali.

3. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara t-tifsira "Aġenzija" għandha tidhol it-tifsira ġdida li ġejja:

Kap. 497.

" "Aġenzija tal-Gvern" għandu jkollha l-istess tifsira mogħtija lilha fl-Att dwar l-Amministrazzjoni Pubblika;"

(b) fit-tifsira "avviż ta' sospensjoni", minflok il-kliem "bl-artikolu 46;" għandhom jidhlu l-kliem "bl-artikolu 62;"

(c) minnufih wara t-tifsira "Awtorità tal-Ippjanar" għandhom jidhlu it-tifsiriet godda li ġejjin:

Kap. 552.

" "bastiment" tinkludi kull bastiment użat fin-navigazzjoni bl-ilma, inkluż sottomarini;"

"bini skedat" għandu jkollha l-istess tifsira mogħtija lilha fl-Att dwar l-Ippjanar tal-Iżvilupp;"

"Bord" tfisser il-Bord tal-*Warrants* tar-Restawraturi kif stabbilit bl-artikolu 35;

(d) it-tifsira "Ċentru" għandha tithassar;

(e) it-tifsira "detentur" għandha tithassar;

(f) minnufih wara t-tifsira "bini skedat" kif miżjuda għandhom jidhlu t-tifsiriet godda li ġejjin:

Kap. 497.

" "detentur tal-patrimonju kulturali" tfisser min fizikament għandu oġġett kulturali f'isem terzi;

"Dipartiment tal-Gvern" għandu jkollha l-istess tifsira mogħtija lilha fl-Att dwar l-Amministrazzjoni Pubblika;"

(g) fit-tifsira "dritt ta' preferenza", minflok il-kliem

"skont l-artikolu 40;", għandhom jidhlu l-kliem "skont l-artikolu 55;"

(h) minnufih wara t-tifsira "dritt ta' preferenza" għandha tidhol it-tifsira ġdida li ġejja:

" "Entità tal-Gvern" għandu jkollha l-istess tifsira mogħtija lilha fl-Att dwar l-Amministrazzjoni Pubblika;"

Kap. 497.

(i) fit-tifsira "Entitajiet", il-kliem "iċ-Ċentru," għandhom jiġu mħassra;

(j) it-tifsira "esplorazzjoni" għandha tiġi sostitwita b'dan li ġej:

" "esplorazzjoni" tfisser attività fuq l-art u fl-ibhra territorjali jew fiż-żona kontigwa, magħmula bil-għan li tiskopri informazzjoni ġdida li tirrigwarda l-patrimonju kulturali jew fit-tfittxija li jiġu skoperti oġġetti mobbli jew immobbli ta' valur għall-patrimonju kulturali li għadhom mhux dokumentati fl-inventarju nazzjonali ta' proprjetà kulturali;"

(k) it-tifsira "Fond" għandha tiġi sostitwita b'dan li ġej:

" "Fond" tfisser il-Fond dwar il-Patrimonju Kulturali mwaqqaf bl-artikolu 13;"

(l) fit-tifsira "Forum", minflok il-kliem "fl-artikolu 15;" għandhom jidhlu l-kliem "fl-artikolu 14;"

(m) minnufih wara t-tifsira "Forum", għandha tidhol it-tifsira ġdida li ġejja:

" "ftehim ta' fiduċja" għandu jkollha l-istess tifsira mogħtija lilha fl-artikolu 51;"

(n) minnufih wara t-tifsira "funzjoni", għandha tidhol it-tifsira ġdida li ġejja:

" "Hiliet tal-patrimonju" għandha tinkludi, iżda m'għandhiex tkun limitata għal, dawk il-hiliet, abbiltajiet u kompetenzi meħtieġa għat-tlestija ta' xogħol speċifiku fl-isfera tal-patrimonju kulturali. Dawn il-hiliet jinkludu l-applikazzjoni ta' sengħa jew artigjanat patrimonjali, għarfien, użanza, arti, teknika u ħila kif ġew żviluppati u salvagwardjati, kemm permezz ta' tradizzjoni jew istruzzjoni, u li għandhom kuntest ta' konservazzjoni;"

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(o) minnufih wara t-tifsira "ibħra territorjali" għandha tidhol it-tifsira ġdida li ġejja:

" "inventarju" tfisser lista b'informazzjoni assoċjata ta' proprjetà kulturali li tista' tkun inkluża fl-inventarju nazzjonali;

Iżda l-inventarju nazzjonali għandu jfisser dik il-lista b'informazzjoni assoċjata ta' proprjetà kulturali kif stabbilit taħt l-artikolu 7(5);";

(p) minnufih wara t-tifsira "investigazzjoni" għandha tidhol it-tifsira ġdida li ġejja:

" "investigazzjoni fuq il-post" tfisser programm limitat jew dettaljat, skont il-każ, ta' xogħol fuq il-post intrużiv jew mhux intrużiv biex jiddetermina l-preżenza jew xort'oħra ta' karatteristiċi arkeoloġiċi, strutturi, depożiti, artefatti jew ekofatti f'żona jew sit speċifikat fuq l-art jew taħt l-ilma;";

(q) minnufih wara t-tifsira "jikkoordina" għandhom jidhlu it-tifsiriet ġodda li ġejjin:

" kollezzjonijiet pubbliċi" tfisser kollezzjonijiet ta' oġġetti kulturali li huma proprjetà tal-Gvern ta' Malta, entitajiet tal-gvern, awtoritajiet, korporazzjonijiet, fondazzjonijiet u assoċjazzjonijiet tal-gvern;

" "kollezzjonijiet semi-pubbliċi" tfisser kollezzjonijiet ta' oġġetti kulturali li mhumiex direttament proprjetà tal-Gvern iżda tali kollezzjonijiet għandhom ikunu soġġetti għall-obbligi applikabbli għal kollezzjonijiet pubbliċi skont id-dispożizzjonijiet ta' dan l-Att;";

(r) it-tifsira "konservazzjoni", għandha tiġi sostitwita b'dan li ġej:

" "konservazzjoni" tfisser kull attività meħtieġa sabiex timmassimizza r-reżistenza u tnaqqas kemm jista' jkun id-deterjorament ta' kwalunkwe proprjetà kulturali, u tinkludi l-eżaminar, ir-riċerka, l-ittestjar, it-trattament, ir-reġistrazzjoni u l-preservazzjoni ta' tali proprjetà kulturali jew kwalunkwe parti minnha;";

(s) fit-tifsira "kurazija" u "att ta' kurazija", il-kliem "fl-artikolu 48" għandhom jiġu sostitwiti bil-kliem "fl-artikolu 64";

(t) fit-tifsira "mużew", fit-test Inġliż, il-kelma "documentates" għandha tiġi sostitwita bl-kelma "documents" u minnufih warajha għandhom jidhlu t-tifsiriet ġodda li ġejjin:

" "oġġett intrużiv" tfisser oġġett li huwa mwahhal mal-fdalijiet ta' vapur, ma' karatteristika topografika naturali jew mas-sottoswol tal-qiegħ tal-baħar;"

" "Organizzazzjoni Mhux Governattiva" tfisser kwalunkwe organizzazzjoni volontarja li l-għan tagħha huwa l-promozzjoni tal-patrimonju kulturali u tista' tinkludi l-konservazzjoni, restawr, ġestjoni, preżentazzjoni u, jew studju ta' proprjetà kulturali u li ġiet debitament ipprovduta b'certifikat ta' iskrizzjoni mill-Kummissjoni għall-Organizzazzjonijiet Volontarji taħt l-Att dwar l-Organizzazzjonijiet Volontarji;" Kap. 492.

(u) fit-tifsira "ordni ta' konservazzjoni u protezzjoni", il-kliem "fl-artikolu 47;" għandhom jiġu sostitwiti bil-kliem "fl-artikolu 63;"

(v) minnufih wara t-tifsira "ordni ta konservazzjoni u protezzjoni" kif emendata, għandhom jidhlu t-tifsiriet ġodda li ġejjin:

" "osservatur" tfisser persuna akkreditata u debitament awtorizzata minn, u li taħdem taħt l-istruzzjonijiet tas-Sovrintendenza tal-Patrimonju Kulturali biex twettaq attivitajiet ta' monitoraġġ u t-terminu "monitoraġġ" għandu jirreferi għal persuna akkreditata li twettaq dan il-kompitu;"

"pajsagġ" tfisser żona, kif perċepita min-nies, li l-karatteristiċi tagħha huma r-riżultat tal-azzjoni u l-interazzjoni ta' fatturi naturali u, jew tal-bniedem;"

(w) it-tifsira "patrimonju kulturali", għandha tiġi sostitwita b'dan li ġej:

" "patrimonju kulturali" tfisser oġġetti mobbli jew immobbli ta' importanza artistika, arkitettonika, storika, arkeoloġika, etnografika, paleontoloġika u ġeoloġika u tinkludi informazzjoni jew *data* relattivi għall-patrimonju kulturali li jappartjeni lil Malta jew lil xi pajjiż ieħor. Dan jinkludi wkoll siti jew depożiti arkeoloġiċi, paleontoloġiċi jew ġeoloġiċi, fdalijiet umani, pajsagġ tal-art u tal-baħar, gruppi ta' bini, kif ukoll kollezzjonijiet xjentifiċi, kollezzjonijiet ta' kampjuni naturali u ta' oġġetti artistiki,

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manuskritti, kotba, materjal ippubblikat, arkivji, materjal awdjo-viżiv u riproduzzjonijiet ta' xi wahda minn dawn hawn qabel imsemmija, jew kollezzjonijiet ta' valur storiku, kif ukoll assi kulturali intangibbli li jinkludu l-arti, it-tradizzjonijiet, id-drawwiet u l-hiliet li jintużaw fl-arti dimostrattiva, fl-arti applikata u fl-artiġġjanat u assi intangibbli oħra li għandhom valur storiku, artistiku jew etnografiku;"

(x) minnufih wara t-tifsira "patrimonju kulturali" kif sostitwita, għandhom jidhlu t-tifsiriet godda li ġejjin:

"Patrimonju Kulturali ta' taħt l-Ilma" tfisser kull traċċa ta' eżistenza tal-bniedem li għandha karattru kulturali, storiku jew arkeoloġiku li kienet parzjalment jew totalment taħt l-ilma, perjodikament jew kontinwament, għal mill-inqas ħamsin sena u li hi relatata ma' Malta bħal, iżda mhux limitata għal:

(i) siti, strutturi, bini, artefatti u fdalijiet tal-bniedem, flimkien mal-kuntest arkeoloġiku u naturali tagħhom;

(ii) bastimenti, inġenji tal-ajru, vetturi oħra jew kwalunkwe parti minnhom, il-merkanzija tagħhom jew kontenuti oħra, flimkien mal-kuntest arkeoloġiku u naturali tagħhom; u

(iii) oġġetti ta' karattru preistoriċi:

Iżda l-Patrimonju Kulturali ta' Taħt il-Baħar ma għandux jinkludi *pipelines*, *cables* u installazzjonijiet imqiegħda f'qiegħ il-baħar u li jkunu għadhom jintużaw:

Iżda wkoll il-Patrimonju Kulturali ta' Taħt l-Ilma li jkun tneħħa mill-ilmijiet għandu jinkludi referenza għall-fdalijiet ta' bastiment, għal parti mill-fdalijiet ta' bastiment, għal oġġett jew parti minnu, skont il-każ:

(a) li ngarru minn dawk l-ilmijiet;

(b) li tneħħew, jew ingarru minn qiegħ il-baħar, jew mis-sottoswol ta' qiegħ il-baħar, taħt dawk l-ilmijiet; jew

(ċ) li tneħħew, jew ingarru, minn

karatteristika topografika naturali f'dawk l-ilmijiet;"

"Perit" għandu jkollha l-istess tifsira mogħtija lilha fl-Att dwar il-Periti;"

Kap. 390.

(y) fit-tifsira "sena finanzjarja", il-kliem "ta' kull sena:" għandhom jiġu sostitwiti bil-kliem "ta' kull sena;" u l-proviso sussegwenti għandu jiġihassar;

(z) minnufih wara t-tifsira "Sovrintendenza" għandha tidhol it-tifsira ġdida li ġejja:

" " sħarriġ" tfisser l-użu ta' tekniċi mhux intrużivi u mhux distruttivi biex jiddeterminaw il-preżenza jew in-nuqqas ta' anomaliji li jirriżultaw minn karatteristiċi arkeoloġiċi, strutturi jew depożiti, f'żona jew sit speċifikati fuq l-art jew taħt l-ilma. Għall-finijiet ta' dan l-Att, l-istħarriġ jinkludi kull attività mfassla biex teżamina u tirreġistra żona jew karatteristiċi tagħha sabiex tiddekrivi u tiġbor data miktuba, imkejla jew grafika;"

(aa) minnufih wara t-tifsira "żona kontigwa" għandha tidhol it-tifsira ġdida li ġejja:

" "żona protetta" tfisser żona li fir-rigward tagħha hemm Avviż tal-Gvern fis-seħħ u kwalunkwe żona li permezz tagħha ż-żona msemmija hija estiża b'avviż li jkun fis-seħħ taħt dan l-Att u tinkludi l-ajra ta' fuq dik iż-żona u kwalunkwe ilmijiet, il-qiegħ tal-baħar u s-sottoswol inklużi f'tali żona;"

4. Fit-test Inġliż, fis-subartikolu (4) tal-artikolu 4 tal-Att prinċipali, minflok il-kelma "documentate", għandha tidhol il-kelma "document";

Emenda tal-artikolu 4 tal-Att prinċipali.

5. L-artikolu 7 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 7 tal-Att prinċipali.

(a) fit-test Inġliż, fis-subartikolu (1) tiegħu, il-kelma "fulfil" għandha tiġi sostitwita bil-kelma "fulfill";

(b) il-paragrafu (a) tas-subartikolu (5) tiegħu, inklużi s-subparagrafi (i) sa (iv) tiegħu, għandu jiġi sostitwit b'dan li ġej:

"(a) li taġixxi bħala repożitorju nazzjonali għall-inventarju nazzjonali tal-patrimonju kulturali liemafunzjoni għandha tinkludi d-dritt li tistabbilixxi, taġġorna, tiġġestixxi u, fejn xieraq, tippubblika, jew

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tiżgura l-kumpilazzjoni ta' inventarju nazzjonali ta' proprjetà kulturali kif stipulat fl-artikolu 53;"

(ċ) il-paragrafu (b) tas-subartikolu (5) tiegħu, għandu jiġi sostitwit b'dan li ġej:

"(b) li teżercita sorveljanza fuq il-protezzjoni, skavar, monitoraġġ, esplorazzjoni, konservazzjoni, restawr, manutenzjoni, esibizzjoni u aċċessibilità, importazzjoni, esportazzjoni u moviment ta' proprjetà kulturali;"

(d) fil-paragrafu (ċ) tas-subartikolu (5) tiegħu, minnufih wara l-kliem "li tippromwovi" għandhom jidhlu l-kliem "u tmexxi";

(e) fil-paragrafu (f) tas-subartikolu (5) tiegħu, il-kliem "u siti;" għandhom jiġu sostitwiti bil-kliem "u siti u li żżomm id-databases u l-informazzjoni meħtieġa kollha derivata minn jew meħtieġa biex torganizza, tippjana, tikkoordina u tissorvelja proġetti ta' restawr u konservazzjoni;"

(f) fil-paragrafu (i) tas-subartikolu (5) tiegħu, il-kliem "skont l-artikolu 42" għandhom jiġu sostitwiti bil-kliem "skont l-artikolu 57"; u

(g) fil-paragrafu (k) tas-subartikolu (5) tiegħu, minflok il-kliem "jassenjalha.", għandhom jidhlu l-kliem "jassenjalha;" u minnufih wara għandhom jiżdiedu l-paragrafi godda li ġejjin:

"(l) li tagħti parir lill-Gvern, f'konsultazzjoni mal-Kumitat u l-Aġenzija u korpi oħra rilevanti, dwar politika ta' konservazzjoni u restawr;

(m) biex takkredita għall-finijiet ta' dan l-Att organizzazzjonijiet mhux governattivi stabbiliti biex jippromwovu patrimonju kulturali, inklużi l-konservazzjoni, ir-restawr, il-ġestjoni, il-preżentazzjoni jew l-istudju ta' proprjetà kulturali li huma jżommu b'titolu ta' proprjetà jew b'fiduċja, u li tikkompila, żżomm u regolarment taġġorna regjistru ta' dawn l-organizzazzjonijiet mhux governattivi:

Iżda kull organizzazzjoni mhux governattiva li tkun inkluża f'tali regjistru għandha tikseb l-approvazzjoni preliminari tal-Ministru;

(n) li tagħti parir lill-Ministru, wara diskussjoni mal-Kumitat, dwar l-inkarigu ta' oġġetti ta' proprjetà ta'

patrimonju kulturali lil entitajiet kulturali oħra, organizzazzjonijiet mhux governattivi kulturali u kunsilli lokali, skont il-kundizzjonijiet u t-termini stipulati fi ftehim ta' fiduċja;

(o) bla ħsara għad-drittijiet intellettuali tal-istituzzjonijiet li għandhom interess u ta' riċerkaturi individwali, li tagħmel aċċessibbli għall-pubbliku permezz tal-pubblikazzjoni u t-tixrid, ir-riżultati tar-riċerka u investigazzjonijiet imwettqa mis-Sovrintendenza jew minn persuni oħra taħt l-awtorità tagħha;

(p) li twettaq riċerka u tikkonsulta dipartimenti tal-Gvern, organizzazzjonijiet privati u organizzazzjonijiet internazzjonali u persuni oħra kif jista' jkun meħtieġ fil-qadi ta' dmirijietha taħt dan l-Att; u

(q) li taħtar u takkredita osservaturi u esperti kif meħtieġ għall-finijiet ta' dan l-Att."

6. Is-subartikolu (4) tal-artikolu 8 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 8 tal-Att prinċipali.

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

"(a) li tiżgura li l-mużewijiet, il-kollezzjonijiet inklużi kollezzjonijiet ta' riserva, siti, bini u proprjetà, mobbli jew immobbli, li jiffurmaw parti mill-patrimonju kulturali, kemm jekk huma proprjetà tagħha jew amministrati minnha, jiġu konservati, restawrati, amministrati, ġestiti, operati, mogħtija pubbliċità, studjati, riċerkati u fejn applikabbli, skavati u ppreżentati għall-esibizzjoni, bl-aħjar mod possibbli;"

(b) fil-paragrafu (ċ) tiegħu, il-kliem "amministrata minnha" għandhom jiġu sostitwiti bil-kliem "amministrata mill-Aġenzija;"

(ċ) fil-paragrafu (f) tiegħu, il-kliem "fil-lokalità tagħhom; u" għandhom jiġu sostitwiti bil-kliem "fil-lokalità tagħhom;"

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

"(g) li tippromwovi u twettaq riċerka fil-qasam tal-patrimonju kulturali u, bla ħsara għall-funzjoni regolatorja tas-Sovrintendent, li twettaq skavi u investigazzjonijiet

C 2072

oħra li jistgħu jkunu meħtieġa sabiex oġġetti jew aspetti tal-patrimonju kulturali jiġu skoperti, mharsin u apprezzati;"; u

(e) minnufih wara l-paragrafu (g) kif sostitwit, għandhom jidhlu l-paragrafi ġodda li ġejjin:

"(h) li tipprovdi aċċess lis-Sovrintendent għad-dokumentazzjoni ta' xogħlijiet ta' restawr u konservazzjoni mwettqa għand jew mill-Aġenzija, u, fejn meħtieġ, il-prinċipji, teknoloġija u metodoloġija użati;

(i) li tagixxi bħala aġenzija nazzjonali ta' konsulenza dwar kwistjonijiet relatati mal-konservazzjoni u r-restawr u kull kwistjoni relatata mal-funzjonijiet tiegħu;

(j) meta jkun hekk meħtieġ, li tagħti pariri lill-Gvern, wara konsultazzjoni mas-Sovrintendenza u l-Kumitat, dwar politika ta' konservazzjoni u restawr li tkopri lil Malta u tidentifika oqsma prijoritarji u bżonnijiet speċjali;

(k) li twaqqaf u żżomm s-sistemi kollha meħtieġa, speċjalment *databases* ta' konservazzjoni, meħtieġa għall-organizzazzjoni, dokumentazzjoni, pjanar, koordinazzjoni, kontroll, monitoraġġ u b'mod ġenerali t-twettiq ta' proġetti ta' restawr tal-Aġenzija;

(l) li twaqqaf u żżomm dijanjosi xjentifiċi u laboratorji ta' konservazzjoni mġhammra b'mod sħiħ għall-iskop tat-twettiq tal-funzjonijiet tagħhom; u

(m) li twettaq dawk il-funzjonijiet l-oħra kollha taħt din il-liġi jew xi liġi oħra kif ukoll dawk il-funzjonijiet l-oħra li l-Ministru jista' minn żmien għal żmien jassenjalha, u b'mod ġenerali tagħti parir lill-Ministru fuq il-kwistjonijiet kollha li għandhom x'jaqsmu mal-patrimonju kulturali u l-proprjetà kulturali."

Thassir tal-artikolu 10 tal-Att prinċipali.

7. L-artikolu 10 tal-Att prinċipali għandu jithassar.

Thassir tal-artikolu 11 tal-Att prinċipali.

8. L-artikolu 11 tal-Att prinċipali għandu jithassar.

Emenda tal-artikolu 12 tal-Att prinċipali.

9. L-artikolu 12 tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 10, u s-subartikolu (3) tiegħu għandu jiġi sostitwit

b'dan li ġej:

"(3) Fl-eżerċizzju tal-funzjonijiet tagħhom taht dan l-Att, is-Sovrintendenza u l-Aġenzija għandhom:

(a) jagħtu effett, kemm jista' jkun malajr, lil xi direzzjoni, li ma tkunx inkonsistenti ma' xi dispożizzjoni ta' dan l-Att li l-Ministru jista' jagħti lis-Sovrintendenza u lill-Aġenzija b'rabta mal-prattika li għandha tiġi segwita minnhom fit-twertiq tal-funzjonijiet tagħhom, u dwar kull haġa li l-Ministru jidhirlu li tista' taffettwa l-patrimonju kulturali;

(b) jagħtu lill-Ministru l-facilitajiet biex jikseb kull informazzjoni dwar il-proprjetà u l-attivitajiet tas-Sovrintendenza u l-Aġenzija u għal dan il-għan is-Sovrintendenza u l-Aġenzija għandhom, kull waħda, ifornu lill-Ministru bi prospetti, kontijiet u informazzjoni oħra fir-rigward tal-funzjonijiet, u jagħtu facilitajiet għall-verifikazzjoni ta' kull informazzjoni mogħtija, b'tali mod u f'tali żminijiet li l-Ministru jista' jeħtieġ."

10. L-artikolu 13 tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 11 u l-kliem "Is-Sovrintendenza, l-Aġenzija u ċ-Centru" għandhom jiġu sostitwiti bil-kliem "Is-Sovrintendenza u l-Aġenzija".

Emenda tal-artikolu 13 tal-Att prinċipali.

11. L-artikolu 14 tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 12 u għandu jiġi emendat kif ġej:

Emenda tal-artikolu 14 tal-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(1) Għandu jkun hemm Kumitat ta' Garanzija, li għandu jkun magħmul kif ġej:

(a) President li jkun maħtur mill-Ministru;

(b) persuna maħtura mill-Ministru responsabbli għat-turiżmu;

(c) persuna maħtura mill-Ministru responsabbli għal Għawdex;

(d) persuna maħtura mill-Ministru responsabbli għall-proprjetà tal-Gvern;

(e) is-Sovrintendent *ex officio*;

C 2074

(f) il-President tal-Agenzija *ex officio*;

(g) iċ-*Chairperson* tal-Awtorità tal-Ippjanar *ex officio*;

(h) iċ-*Chairperson* tal-Awtorità għar-Rizorsi u l-Ambjent;

(i) id-Direttur tad-direttorat dwar ir-Restawr;

(j) membru tal-Kummissjoni għall-Patrimonju Kulturali Kattoliku msemmija fl-artikolu 69 li jinħatar mill-awtorità ekklesjastika lokali kompetenti;

(k) tliet persuni oħra maħtura mill-Ministru minn fost persuni li jaħdmu fil-qasam tal-patrimonju kulturali u f'organizzazzjonijiet mhux governattivi dedikati għall-patrimonju kulturali u persuna oħra attiva fil-qasam kummerċjali."; u

(b) fil-paragrafu (a) tas-subartikolu (6) tiegħu, il-kliem "taħt l-artikoli 7, 8 u 10" għandhom jiġu sostitwiti bil-kliem "taħt l-artikoli 7 u 8;".

Enumerazzjoni mill-ġdid tal-artikolu 15 tal-Att prinċipali.

12. L-artikolu 15 tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 13.

Emenda tal-artikolu 16 tal-Att prinċipali.

13. L-artikolu 16 tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 14 u għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, il-kliem "iċ-Ċentru" għandhom jiġihassru; u

(b) fis-subartikolu (5) tiegħu, il-kliem "ta' Garanzija" għandhom jiġihassru.

Emenda tal-artikolu 17 tal-Att prinċipali.

14. L-artikolu 17 tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 15 u fis-subartikolu (1) tiegħu, il-kliem ", u mill-President tal-Kumitat fil-każ tal-Kumitat," għandhom jiġihassru.

Enumerazzjoni mill-ġdid tal-artikolu 18 tal-Att prinċipali.

15. L-artikolu 18 tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 16.

Emenda tal-artikolu 19 tal-Att prinċipali.

16. L-artikolu 19 tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 17 u fis-subartikolu (1) tiegħu, minflok il-kliem "tal-artikolu 18" għandhom jidhlu l-kliem "tal-artikolu 16".

- 17.** L-artikolu 20 tal-Att prinċipali għandu jiġi enumerat mill-
għdid bħala l-artikolu 18 u fit-test Inġliż, fin-nota marginali tiegħu, il-
kelma "mett" għandha tiġi sostitwita bil-kelma "meet".
- Emenda tal-
artikolu 20 tal-
Att prinċipali.
- 18.** L-artikolu 21 tal-Att prinċipali għandu jiġi enumerat mill-
għdid bħala l-artikolu 19 u l-kliem "mija u sittax-il elf u erba' mija u
tmienja u sittin euro u sebgħa u sebgħin ċenteżmu (€116,468.67)"
għandhom jiġu sostitwiti bil-kliem "mitejn u ħamsin elf euro
(€250,000)".
- Emenda tal-
artikolu 21 tal-
Att prinċipali.
- 19.** L-artikoli 22, 23 u 24 tal-Att prinċipali għandhom jiġu
enumerati mill-għdid bħala l-artikoli 20, 21 u 22 rispettivament.
- Enumerazzjoni
mill-għdid tal-
artikoli 22, 23 u
24 tal-Att
prinċipali.
- 20.** L-artikolu 25 tal-Att prinċipali għandu jiġi enumerat mill-
għdid bħala l-artikolu 23 u fis-subartikolu (1) tiegħu, il-kliem "fl-
artikolu 24." għandhom jiġu sostitwiti bil-kliem "fl-artikolu 22."
- Emenda tal-
artikolu 25 tal-
Att prinċipali.
- 21.** L-artikolu 26 tal-Att prinċipali għandu jiġi enumerat mill-
għdid bħala l-artikolu 24.
- Enumerazzjoni
mill-għdid tal-
artikolu 26 tal-
Att prinċipali.
- 22.** L-artikolu 27 tal-Att prinċipali għandu jiġi enumerat mill-
għdid bħala l-artikolu 25 u għandu jiġi emendat kif ġej:
- Emenda tal-
artikolu 27 tal-
Att prinċipali.
- (a) fis-subartikolu (3) tiegħu, minflok il-kliem "taħt l-
artikolu 24," għandhom jidhru l-kliem "taħt l-artikolu 22,"; u
- (b) fis-subartikolu (4) tiegħu, minflok il-kliem "taħt l-
artikolu 24(5)." għandhom jidhru l-kliem "taħt l-artikolu 22(5)."
- 23.** L-artikolu 28 tal-Att prinċipali għandu jiġi enumerat mill-
għdid bħala l-artikolu 26.
- Enumerazzjoni
mill-għdid tal-
artikolu 28 tal-
Att prinċipali.
- 24.** L-artikolu 29 tal-Att prinċipali għandu jiġi sostitwit b'dan li
ġej:
- Sostituzzjoni
tal-artikolu 29
tal-Att
prinċipali.
- "Kuntratti ta'
provviista u ta'
xoghlijiet."
- 27.** Kull entità għandha timxi mar-regolamenti
dwar l-akkwist pubbliku."
- 25.** L-artikolu 30 tal-Att prinċipali għandu jiġi sostitwit b'dan li
ġej:
- Sostituzzjoni
tal-artikolu 30
tal-Att
prinċipali.

C 2076

"Rapport annwali. 28. Kull Entità għandha, mhux aktar tard minn tmien gimgħat wara t-tmien ta' kull sena finanzjarja, tagħmel u tibgħat lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport li jittratta b'mod ġenerali l-attivitajiet tagħha matul dik is-sena finanzjarja u li jkun fih dik l-informazzjoni dwar il-proċedimenti u l-politika tagħha, kif jista' minn żmien għal żmien jirrikjedi xi wieħed mill-Ministri msemmija. Il-Ministru għandu jara li kopja ta' kull wieħed minn dawn ir-rapporti titqiegħed fuq il-Mejda tal-Kamra flimkien mal-estimi kif provdut fl-artikolu 22."

Sostituzzjoni tal-artikolu 31 tal-Att prinċipali.

26. L-artikolu 31 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Kwalifiki għall-*Warrant*."

29. (1) Hadd ma jista' jeżerċita l-professjoni ta' Konservatur-Restawratur sakemm ma jkunx detentur ta' *warrant* taht l-artikolu 31.

(2) Persuna ma għandhiex tikkwalifika għall-ghoti ta' *warrant* sakemm -

(a) m'hijiex ċittadin ta' Malta, jew ta' Stat Membru ieħor tal-Unjoni Ewropea, jew ta' pajjiż fiż-Żona Ekonomika Ewropea, jew inkella mhix permessa li taħdem f'Malta skont xi liġi;

(b) mhix ta' kondotta u reputazzjoni tajba;

(ċ) m'għandiex kapacià legali sħiħa; u

(d) ma tissodisfax lill-Bord li -

(i) għandha l-kwalifiki akkademici miksuba wara t-tlestija b'suċċess ta' studji fl-livell terzjarju, ta' tul, b'kollox, ta' mill-inqas ħames snin *full-time*, jew perjodu ekwivalenti ta' ħin *part-time*, inkluż kors ta' sentejn *full-time* fil-konservazzjoni-restawr fis-seba' Livell ta' Qafas ta' Kwalifika ta' Malta jew l-ekwivalenti kif offrut minn dik l-università jew istituzzjoni akkademika, kif jista' jiġi rikonoxxut mill-Bord:

Iżda l-kwalifika ta' Baċċellerat fl-Istudji ta' Konservazzjoni u Restawr (Honours) mill-Università ta' Malta bejn is-snin 2003 u 2014 għandha titqies, għall-finijiet ta' din it-Taqsima tal-Att, li tissodisfa r-rekwizit għal kwalifiki skont dan is-subparagrafu:

Iżda wkoll fil-każ ta' individwi mharrġa fil-konservazzjoni-restawr f'pajjiżi oħra fejn it-taħriġ offrut ma jwassalx għal-livell ta' kwalifiki akkademiċi msemmija f'dan is-subparagrafu, l-individwu kkonċernat għandu jippreżenta din l-informazzjoni, flimkien ma' kull evidenza ta' taħriġ jew apprendistati fil-konservazzjoni-restawr, magħmula mill-individwu, lill-Bord u għandu jkun fid-diskrezzjoni tal-Bord biex jevalwa jekk l-individwu laħaqx livell adegwat ta' taħriġ fil-konservazzjoni-restawr; u

(ii) għal perijodu ta' mhux anqas minn sentejn wara li kisbet il-kwalifiki akkademiċi msemmija fis-subparagrafu (i), hija wettqet prattika ta' konservazzjoni-restawr taħt is-superviżjoni ta' Konservatur-Restawtur awtorizzat, skont il-linjigwida maħruġa mill-Bord, jew ma' xi korp bħal dak rikonoxxut mill-Bord għal dak l-iskop:

Iżda għall-ewwel hames snin wara d-dhul fis-seħħ ta' din it-Taqsima tal-Att, il-prattika ta' konservazzjoni-restawr tista' titwettaq taħt is-superviżjoni ta' persuna jew persuni li huma nfushom huma eliġibbli biex ikunu detenturi ta' *warrant* fil-konservazzjoni-restawr, li precedentement kienu prattikaw fil-konservazzjoni-restawr għal mill-inqas hames snin; u

(iii) giet ivvalutata kif xieraq mill-Bord f'valutazzjoni għal dak l-iskop wara li tkun ippreżentat evidenza ta' taħriġ akkademiku u portafoll tal-ħidma tagħha lill-Bord, kif il-Bord jista' jistabbilixxi fil-proċeduri tiegħu stess:

C 2078

Kap. 451.

Iżda meta t-tul tal-kors ta' studju li jwassal għall-kwalifiki akkademiċi huwa inqas mit-tul stipulat fis-subparagrafu (i), jew meta l-prattika ta' konservazzjoni-restawr hija inqas mir-rekwiżit ta' sentejn kif provdut fis-subparagrafu (ii), fejn l-applikant ikun cittadin ta' Stat Membru ieħor tal-Unjoni Ewropea jew taż-Żona Ekonomika Ewropea, il-Bord jista' jesigħih li jwettaq perijodu ta' adattament jew test tal-kapaċità f'konformità mad-dispożizzjonijiet tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki:

Iżda wkoll meta l-kwalifiki akkademiċi msemmija fis-subparagrafu (i) jinkisbu wara korsijiet akkademiċi *full-time* fil-konservazzjoni-restawr għal perijodu b'kollox ta' seba' snin, sas-seba' livell Ewropew ta' Kwalifiki jew oġġla u li fihom dak il-livell ta' taħriġ prattiku kif jista' jiġi approvat mill-Bord, il-kondizzjoni għal taħriġ sorveljat tista' titqies li tkun ġiet sodisfatta."

Sostituzzjoni tal-artikolu 32 tal-Att prinċipali.

27. L-artikolu 32 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Ċirkostanzi speċjali.

30. Minkejja d-dispożizzjonijiet tal-artikolu 29, persuna tista' tingħata *warrant* jekk:

(a) għandha r-rekwiżiti elenkati fl-artikolu 29(2)(a), (b) u (ċ); u

(b) qabel id-dhul fis-seħħ ta' dawn l-emendi, ipprattikat bħala Konservatur-Restawratur f'Malta jew fi Stat Membru ieħor tal-Unjoni Ewropea jew taż-Żona Ekonomika Ewropea għal perijodu ta' mhux inqas minn għoxrin sena; u

(ċ) tissodisfa lill-Bord li hija tal-kompetenza u l-kapaċità akkademika rikjesta, abbażi ta' eżami tal-portafoll, flimkien ma' intervista u preżentazzjoni ta' kwalunkwe kwalifiki akkademiċi jew professjonali."

Sostituzzjoni tal-artikolu 33 tal-Att prinċipali.

28. L-artikolu 33 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Għoti ta' *warrant* biex tiġi pprattikata l-professjoni ta' Konservatur-Restawratur.

31. (1) Il-*warrant* biex tiġi prattikata l-professjoni ta' Konservatur-Restawratur għandha tingħata mill-Ministru fuq ir-rakkomandazzjoni tal-Bord u għandha tiġi ffirmata mill-Ministru u l-President tal-Bord, lil kull persuna li tissodisfa l-ħtiġiet tal-artikoli 29 u 30. Id-deċiżjoni għandha tingħata fi żmien sitt xhur:

Iżda l-Bord, jista', għal raġunijiet ġustifikati, jestendi l-perjodu ta' sitt xhur b'avviż bil-miktub u jinforma lill-applikant b'din l-estensjoni.

(2) Detentur ta' *warrant* jista' juża denominazzjoni Konservatur-Restawratur ma' ismu.

(3) Persuna li jkollha *warrant* maħruġa skont dan l-artikolu għandha, barra minn hekk, ikollha ċertifikat wieħed jew aktar maħruġ mill-Bord (hawnhekk iżjed 'il quddiem f'dan l-Att imsejjaħ "ċertifikat prattikanti") sabiex tipprattika f'oqsma msemmija ta' Konevazzjoni-Restawr kif jista' jiġi preskritt mill-Ministru, u m'għandhiex tipprattika f'tali oqsma sakemm ma jkollhiex iċ-ċertifikat prattikanti relattiv.

(4) Kull detentur ta' *warrant* għandu jwettaq mitt siegħa ta' żvilupp professjonali kontinwu kull sena:

Iżda jekk detentur ta' *warrant* ma jwettaqx innumru ta' siegħat stabbilit, il-Bord għandu jissospendi l-*warrant* sakemm il-persuna turi għas-sodisfazzjon tal-Bord li r-rekwiżit ta' żvilupp professjonali kontinwu ġie sodisfatt."

29. L-artikolu 33A tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni tal-artikolu 33A tal-Att prinċipali.

"Persuni oħra li jaħdmu ma' Konservaturi-Restawraturi.

32. (1) Il-Bord għandu jirrikonoxxi r-reġistri, il-listi u d-direttorji miżmuma minn bordijiet ta' *warrants* oħra li jagħtu l-*warrants* lil persuni li jaħdmu ma' Konservaturi-Restawraturi. Il-persuni elenkati f'dawk ir-reġistri, listi u direttorji għandhom jissejġu "persuni elenkati".

(2) Il-Bord jista' jirreġistra persuna bħala persuna li għandha Ħila waħda tal-Patrimonju jew aktar:

C 2080

Iżda l-Bord għandu jkun sodisfatt li l-persuna li tapplika biex tkun hekk registrata hija mharrġa jew esperjenzata b'mod xieraq u hija eligibbli biex tikkwalifika u tkun registrata bħala persuna li għandha Ħila tal-Patrimonju skont id-dispożizzjonijiet ta' dan l-Att.

(3) Persuni registrati bħala persuni li għandhom Ħiliet tal-Patrimonju m'għandhomx iwettqu xogħol ta' konservazzjoni-restawr fuq patrimonju kulturali barra mill-qasam tagħhom ta' kompetenza:

Iżda persuni registrati bħala persuni li għandhom Ħiliet ta' Patrimonju għandhom biss jipprattikaw taht is-supervizjoni ta' Konservatur-Restawratur b'*warrant*, meta jkunu qed jaħdmu fuq patrimonju kulturali.

(4) Id-dispożizzjonijiet ta' dan l-artikolu m'għandhomx jaffetwaw il-kuntratti, il-proġetti u x-xogħlijiet li jkunu bdew qabel id-dhul fis-sehħ ta' dawn l-emendi imma għandhom japplikaw għal kuntratti jew xogħlijiet u proġetti kollha li jibdew wara d-dhul fis-sehħ ta' dawn l-emendi."

Żjieda ta' artikoli godda mal-Att prinċipali.

30. Minnufih wara l-artikolu 32 tal-Att prinċipali kif sostitwit, għandhom jiżdienu l-artikoli godda li ġejjin:

"*Warrant* temporanju. Kap. 451.

33. (1) Mingħajr hsara għall-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u minkejja d-dispożizzjonijiet tal-artikoli 29 u 30, kwalunkwe persuna stabbilita fi Stat Membru ieħor tista' tipprattika l-professjoni ta' Konservatur-Restawratur f'Malta fuq bażi temporanja u okkażjonali, jekk dik il-persuna:

(a) tkun legalment stabbilita fi Stat Membru ieħor bi skop li tipprattika l-professjoni ta' Konservatur-Restawratur f'dak l-Istat Membru; u

(b) tkun eżerċitat il-professjoni ta' Kunservatur-Restawratur għal mill-inqas sena matul l-għaxar snin immedjatament preċedenti l-provvista ta' servizzi fejn il-professjoni ta' Kunservatur-Restawratur mhix regolata f'dak l-Istat Membru.

(2) Il-persuni msemmija fis-subartikolu (1) għandhom jinfurmaw lill-Bord permezz ta' dikjarazzjoni bil-miktub li għandha ssir bil-quddiem, liema dikjarazzjoni għandha tinkludi dan li ġej:

(a) dettalji ta' kopertura ta' assigurazzjoni jew mezzi oħra ta' protezzjoni personali jew kollettiva relattiva għar-responsabbiltà professjonali. Din id-dikjarazzjoni għandha ssir darba fis-sena jekk il-fornitur tas-servizz ikollu l-intenzjoni li jipprovdi servizzi temporanji jew okkażjonali matul is-sena;

(b) prova tan-nazzjonalità tal-fornitur tas-servizz;

(ċ) attestazzjoni li tiċcertifika li l-Konservatur-Restawratur huwa stabbilit legalment fi Stat Membru għall-iskop tat-twettiq tal-attivitajiet ikkonċernati u li mhux ipprojbit milli jipprattika l-professjoni ta' Konservatur-Restawratur ukoll temporanjament, meta jikkonsenja l-attestazzjonijiet;

(d) evidenza ta' kwalifiki professjonali; u

(e) fejn applikabbli, kull mezz ta' prova li l-Konservatur-Restawratur ipprattika l-professjoni ta' Konservatur-Restawratur għal mill-inqas sena matul l-għaxar snin immedjatament preċedenti għall-provvista tas-servizzi.

Kap. 451.

(3) Mingħajr ħsara għall-Att dwar ir-Rikonossiment Reċiproku ta' Kwalifiki u minkejja d-dispożizzjonijiet tal-artikolu 29, il-persuna li tapplika għal *warrant* temporanja tkun meħtieġa li tissottometti dikjarazzjoni skont is-subartikolu (2) u l-Bord għandu jiddetermina jekk dik il-persuna għandhiex tingħata aċċess għall-professjoni ta' Konservatur-Restawratur jew sabiex teżerċita dik l-attività fit-territorju kollu ta' Malta.

(4) Il-Bord għandu jiddetermina n-natura temporanja u n-natura okkażjonali tal-prattika tas-servizzi ta' konservazzjoni-restawr għal kull każ:

Iżda fil-każijiet kollha, il-Bord għandu jistabbilixxi t-tul tal-provvista temporanja tas-servizz.

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(5) Persuna li tipprattika bhala Konservatur-Restawratur taht dan l-artikolu ghandha titqies bhala detentur ta' *warrant* temporanja u d-dispożizzjonijiet ta' dan l-Att u ta' kull ligi oħra applikabbli ghandhom japplikaw ghaliha bl-istess mod u firxa bhal kwalunkwe detentur ta' *warrant* ieħor.

Ċittadini ta' pajjiżi terzi.

34. (1) Ċittadini ta' pajjiżi terzi legalment stabbiliti Malta li jixtiequ jipprattikaw bhala Konservaturi-Restawraturi jew li jipprattikaw Hila tal-Patrimonju ghandhom japplikaw lill-Bord u ghandhom jigu evalwati kif jixraq mill-Bord.

(2) Il-Bord ghandu juza l-kriterji stabbiliti fl-artikolu 29 biex jevalwa l-individwi li japplikaw taht dan l-artikolu, li ghandhom jinkludu l-ghotja lill-individwu tal-opportunita li juri, b'mod partikolari permezz ta' test ta' kapacita, li ghandu l-gharfien u l-kompetenza mehtiega.

(3) Persuna li tapplika taht dan l-artikolu tista' tinghata *warrant* temporanja jew permanenti bhala Konservatur-Restawratur jew regjistrazzjoni bhala persuna li ghandha Hila tal-Patrimonju, skont il-każ, u kif il-Bord jidhirlu xieraq wara li jkun evalwa l-applikazzjoni."

Sostituzzjoni tal-artikolu 34 tal-Att prinċipali.

31. L-artikolu 34 tal-Att prinċipali ghandu jigi sostitwit b'dan li ġej:

"Bord tal-*Warrant* tar-Restawraturi.

35. (1) Ghandu jkun hemm Bord, li jkun maghruf bhala l-Bord tal-*Warrant* tar-Restawraturi li ghandu jkun magħmul minn:

(a) persuna waħda li ghandha tinhatar minn fost persuni li huma jew li kienu kkwalifikati biex jinhatru imħallfin f'Malta;

(b) tliet membri mahtura minn fost persuni li fil-fehma tal-Ministru ghandhom l-gharfien u l-esperjenza mehtiega u li wiehed minnhom ghandu jkun minn fost l-istaff akkademiku residenti tal-Universita ta' Malta u ieħor ghandu jkun minn fost l-istaff akkademiku tal-Kulleġġ Malti għall-Arti, Xjenza u Teknologija;

(ċ) is-Sovrintendent jew ir-rappreżentant tiegħu *ex officio*; u

(d) żewġ Konservaturi-Restawraturi li m'humix detenturi ta' *warrants* temporanji:

Iżda għall-ewwel sena mid-dhul fis-seħħ ta' dawn l-emendi, il-Bord għandu jkun magħmul minn persuni indikati fil-paragrafi (a), (b) u (ċ), filwaqt li l-paragrafu (d) għandu jidhul fis-seħħ fi żmien sena mid-dhul fis-seħħ ta' din id-dispożizzjoni, minn liema data l-Bord għandu jkun magħmul mill-persuni indikati fil-paragrafi (a) sa (d):

Iżda wkoll il-Ministru għandu jahtar persuna waħda minn dawk elenkati fil-paragrafi (a) u (b) bħala *Chairperson* tal-Bord.

(2) *Ic-Chairperson* u l-membri tal-Bord għandhom jinhatru mill-Ministru u għandhom jibqgħu fil-kariga għal dak it-terminu, li ma jeċċedix tliet snin, u taht dawk il-kondizzjonijiet li jistgħu jiġu stabbiliti fl-ittra tal-ħatra:

Iżda meta jiskadi t-terminu li għalih persuna tkun mahtura taht dan is-subartikolu, *ic-Chairperson* u l-membri jistgħu jerġgħu jinhatru għal terminu ieħor.

(3) Bla ħsara għal dak stabbilit aktar 'il fuq, il-Bord jista' jagħmel ir-regoli tiegħu u għandu jirregola l-proċeduri tiegħu.

(4) Fit-tweqqiq tal-funzjonijiet tiegħu, il-Bord għandu juża l-fondi li jistgħu jiġu allokati lill-Bord minn żmien għal żmien mill-Ministru tal-Finanzi.

(5) Meta jitbattal xi post fuq il-Bord, il-Ministru għandu, hekk kif ikun prattikabbli, jahtar persuna oħra biex timla l-post battal. Jekk il-post battal ikun jikkonċerna l-kariga tal-President, il-Ministru jista' jahtar lil xi membru ieħor tal-Bord minn dawk elenkati fil-paragrafi (a) u (b) aktar 'il fuq biex timtela l-pożizzjoni ta' President.

(6) In-numru ta' membri meħtieġ biex jiġi ffurmat kworum għandu jkun ta' tlieta, iżda, kemm-il darba jkun hemm kworum, il-Bord jista' jagixxi minkejja kwalunkwe post battal fost il-membri tiegħu.

(7) Il-Ministru jista' wkoll jiddelega uffiċjal pubbliku biex jagixxi bħala segretarju tal-Bord, u dak is-segretarju m'għandux ikollu vot."

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Żjieda ta' artikoli godda mal-Att prinċipali.

32. Minnufih wara l-artikolu 35 tal-Att prinċipali kif sostitwit għandhom jiżdieđu l-artikoli godda li ġejjin:

"Ilmenti fuq kwistjonijiet etiċi.

36. (1) Ilmenti kontra detenturi ta' *warrant*, detenturi ta' ċertifikati Prattikanti u persuni li għandhom Hila tal-Patrimonju dwar ksur tal-kodiċi ta' etika, għandhom jiġu sottomessi bil-miktub lill-Bord.

(2) Fl-eżerċizzju tal-funzjonijiet tiegħu taht dan l-artikolu, il-Bord għandu jirregola l-proċedura tiegħu stess.

(3) Il-Bord għandu jinvestiga l-ilment *in camera* u l-proċedimenti għandhom jitqiesu bħala kunfidenzjali.

(4) Jekk il-Bord jikkonkludi li d-detentur tal-*warrant*, id-detentur ta' ċertifikat Prattikanti jew il-persuna reġistrata li għandha Hila tal-Patrimonju, kisret il-kodiċi ta' etika, il-Bord jista' joħroġ twissija lid-detentur tal-*warrant*, detentur ta' ċertifikat Prattikanti jew lill-persuna li għandha Hila tal-Patrimonju jew jirrakkomanda lill-Ministru s-sospensjoni, il-kanċellazzjoni jew ir-revoka tal-*warrant*, ċertifikat Prattikanti jew reġistrazzjoni skont il-każ:

Iżda d-deċiżjoni tal-Bord għandha tiġi notifikata biss lid-detentur tal-*warrant*, detentur ta' ċertifikat Prattikanti jew lil persuna reġistrata li jkollha Hila tal-Patrimonju.

(5) Appelli kontra deċiżjoni tal-Bord skont dan l-artikolu għandhom jittressqu quddiem il-Bord tal-Appelli għall-Konservazzjoni-Restawr stabbilit skont l-artikolu 37, fi żmien għoxrin ġurnata min-notifika tad-deċiżjoni tal-Bord.

(6) Meta *warrant*, ċertifikat Prattikanti jew reġistrazzjoni jkunu ġew sospiżi għal aktar minn sena, is-sospensjoni tista' titneħħa mill-Bord f'kull waqt wara l-iskadenza ta' sena jekk jintwera għas-sodisfazzjon tal-Bord li kien hemm bidla fiċ-ċirkostanzi li tiġġustifika tali tneħħija.

Twaqqif ta' Bord tal-Appelli għall-Konservazzjoni-Restawr.

37. (1) Il-Bord tal-Appelli għall-Konservazzjoni-Restawr għandu jikkonsisti fi president u tliet membri oħra li għandhom jinhatru mill-Ministru minn fost persuni ta' integrità magħrufa li jidhiru li huma kwalifikati minhabba l-esperjenza li għandhom u l-kapaċità li wrew f'materja meqjusa xierqa għal dan il-għan:

Iżda mill-inqas wiehed mill-membri tal-Bord għandu jkun persuna li tkun ipprattikat bħala avukat f'Malta għal perjodu jew perjodi li jammontaw, b'kollox, għal mhux inqas minn tnax-il sena.

(2) Il-membri tal-Bord tal-Appelli għall-Konservazzjoni-Restawr għandhom jibqgħu fil-kariga għal perjodu ta' tliet snin, u għandhom ikunu eligibbli għall-ħatra mill-ġdid.

(3) Il-Ministru jista' wkoll jahtar president sostitut u sostituti tal-Bord tal-Appelli għall-Konservazzjoni-Restawr biex jippresjedu fuq l-imsemmi Bord kull meta l-president jew il-membri jew xi wiehed minnhom ma jkunx jista' temporanjament jew għal xi raġuni valida jattendi u jipparteċipa fis-seduti tal-imsemmi Bord:

Iżda, safejn ikun prattikabbli, l-istess president u l-istess membri għandhom jisimgħu u jikkonkludu l-istess każ.

(4) Membru tal-Bord tal-Appelli għall-Konservazzjoni-Restawr jista' biss jitneħħa mill-kariga mill-Ministru minħabba negligenza serja, inkompetenza, jew atti, omissjonijiet jew kondotta mhux xierqa lil membru tal-Bord ta' Appelli.

(5) Il-Bord tal-Appelli għall-Konservazzjoni-Restawr għandu jkollu s-setgħa li jisma' u jiddetermina appelli kemm fuq fatti kif ukoll fuq punti ta' dritt kontra deċiżjoni jew rakkomandazzjoni tal-Bord magħmula skont l-artikolu 36.

(6) Is-seduti tal-Bord tal-Appelli għall-Konservazzjoni-Restawr għandhom jinżammu *in camera*.

(7) Fl-eżerċizzju tal-funzjoni tiegħu l-Bord tal-Appelli għall-Konservazzjoni-Restawr għandu jkollu s-setgħat kollha assenjati lill-Prim'Awla tal-Qorti Ċivili bil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(8) Tliet membri tal-Bord tal-Appelli għall-Konservazzjoni-Restawr għandhom jikkostitwixxu kworum fil-laqgħat tiegħu.

(9) Id-deċiżjonijiet tal-Bord tal-Appelli għall-Konservazzjoni-Restawr għandhom ikunu finali.

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Appelli minn
deċiżjonijiet tal-
Bord.

Kap. 12.

38. (1) Deċiżjoni tal-Bord taht l-artikoli 31, 32, 33, 34 u 40(1) għandha tkun soġġetta għal appell quddiem il-Qorti tal-Appell kostitwit skont l-artikolu 41 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(2) L-appell għandu jiġi ppreżentat fi żmien għoxrin ġurnata min-notifika tad-deċiżjoni tal-Bord lill-applikant jew detentur ta' *warrant*, detentur ta' ċertifikat prattikanti jew persuna reġistrata li għandha Hila tal-Patrimonju.

(3) Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti li jippreskrivu d-drittijiet li għandhom jithallsu fir-reġistru tal-qrati b'konnessjoni ma' appelli taht dan l-artikolu:

Iżda sakemm id-drittijiet jiġu preskritti mill-Ministru responsabbli għall-ġustizzja, id-drittijiet pagabbli lil dik il-Qorti għandhom ikunu d-drittijiet applikabbli għall-Qorti tal-Maġistrati (Malta)."

Sostituzzjoni
tal-artikolu 35
preżenti tal-Att
prinċipali.

33. L-artikolu 35 preżenti tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Funzjonijiet tal-
Bord.

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

(a) jikkunsidra applikazzjonijiet għall-ħruġ ta' *warrant* taht din it-Taqsima, u jagħmel ir-rakkomandazzjonijiet fir-rigward lill-Ministru;

(b) jorganizza, jirregola u jiddetermina talbiet magħmula taht ċirkostanzi speċjali skont l-artikolu 30 u taht ċirkostanzi oħra skont l-artikoli 33 u 34;

(ċ) iżomm lista ta' universitajiet u ta' istituzzjonijiet akkademiċi u programmi ta' lawrja għall-finijiet tal-artikolu 29;

(d) jirrevedi l-kwalifiki akkademiċi u jivvaluta t-taħriġ prattiku magħmul minn individwu li jkun tħarreg f'ġurisdizzjoni barranija skont id-dispożizzjonijiet tal-artikolu 29(2)(d)(i);

(e) jistabilixxi s-suġġetti ewlenin minimi fil-qasam tal-konservazzjoni-restawr li tagħhom l-applikant għal *warrant* għandu jkollu l-għarfien;

(f) jorganizza u jirregola t-testijiet xierqa ta' kapacità u perjodi ta' adattament kif provdut f'dan l-Att;

(g) jikkunsidra u jiddetermina applikazzjonijiet għal ċertifikati godda prattikanti skont l-artikolu 31(3) u għar-reġistrazzjoni ta' persuni li għandhom Ħila tal-Patrimonju skont l-artikolu 32;

(h) ifassal kodiċi ta' etika u linjigwida ta' prattika għal detenturi ta' *warrant* u persuni reġistrati bħala persuni li għandhom Ħila tal-Patrimonju;

(i) ifassal linjigwida li għandhom jintużaw mill-Bord biex jiddetermina każijiet skont l-artikolu 40;

(j) jiddetermina każijiet ta' kondotta ħażina professjonali u proċedimenti dixxiplinarji oħra fir-rigward ta' individwi li huma detenturi ta' *warrants* u ċertifikati prattikanti, *warrants* temporanji, persuni reġistrati bħala li għandhom Ħila tal-Patrimonju, inklużi każijiet li jwasslu għas-sospensjoni jew għall-irtirar ta' *warrant*, jew detenturi ta' ċertifikat jew reġistrazzjoni ta' Ħila tal-Patrimonju mahruġa taħt dan l-Att;

(k) ifassal linjigwida li jistabbilixxu l-mod kif il-persuni li għandhom Ħiliet tal-Patrimonju għandhom jiġu evalwati u reġistrati bħala tali;

(l) jivvaluta assoċjazzjonijiet professjonali għar-rikonoxximent skont l-artikolu 42;

(m) jistabbilixxi l-kriterji għall-aċċettazzjoni ta' programmi ta' taħriġ u żvilupp professjonali kontinwu għal detenturi ta' *warrant* u detenturi ta' ċertifikati prattikanti; u

(n) jagħti parir lill-Ministru dwar kull kwistjoni li għandha x'taqsam mal-professjoni tal-Konservaturi-Restawraturi u ma' Ħiliet tal-Patrimonju.

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(2) Fl-eżerċizzju tal-funzjonijiet tiegħu l-Bord jista' jikkonsulta ma' dawk il-persuni li jidhirlu xierqa u jista' wkoll jaħtar kumitati jew esperti, li iċ-*Chairperson* tagħhom għandu jkun il-President tal-Bord jew id-delegat tiegħu, biex jaqdu d-dmirijiet jew xogħol ieħor kif il-Bord jista' jassenjalhom.

(3) Il-Bord għandu jzomm regjistru tad-detenturi tal-*warrant*, li jindika fir-rigward ta' kull persuna reġistrata fih ix-xogħol li għalih għandhom ċertifikat jew ċertifikati prattikanti, u għandu, mhux aktar tard minn tliet xhur wara t-tmiem ta' kull sena, jippubblika fil-Gazzetta lista ta' persuni li, fil-31 ta' Diċembru tas-sena msemmija, kienu rreġistrati bħala detenturi ta' *warrant* maħruġa taħt dan l-Att, u liema ċertifikati ta' prattika għandhom.

(4) Il-Bord għandu jzomm regjistru ta' persuni li għandhom *Hila* tal-Patrimonju taħt dan l-Att, li jindika fir-rigward ta' kull persuna reġistrata fih ix-xogħol, intervent jew proċedura li għaliha dik il-persuna hija rreġistrata, u għandu, mhux aktar tard minn tliet xhur wara t-tmiem ta' kull sena, jippubblika fil-Gazzetta lista ta' persuni li, fil-31 ta' Diċembru tas-sena msemmija, kienu hekk irreġistrati, u jindika fir-rigward ta' kull persuna x-xogħol, intervent jew proċedura li għalihom hija reġistrata.

(5) Il-Bord għandu jzomm regjistru ta' persuni li jkollhom *warrants* temporanji u rreġistrati biex jipprattikaw *Hila* tal-Patrimonju u mhux aktar tard minn tliet xhur wara t-tmiem ta' kull sena, jippubblika fil-Gazzetta tal-Gvern lista ta' persuni li, fil-31 ta' Diċembru tal-imsemmija sena, kienu hekk irreġistrati."

Sostituzzjoni tal-artikolu 36 tal-Att prinċipali.

34. L-artikolu 36 preżenti tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Sospensjoni jew revoka ta' *warrants* u ċertifikati prattikanti u reġistrazzjonijiet ta' *Hiliet* ta' Patrimonju.

40. (1) Il-Ministru jista', fuq parir tal-Bord, b'ordni bil-miktub, jissospendi, jirrevoka jew jikkancella *warrant*, ċertifikat prattikanti jew reġistrazzjoni, kif applikabbli, jekk il-persuna:

(a) wara inkjesta mill-Bord, instabet haġja, ta' xi wiehed mill-atti jew ommissjonijiet li ġejjin:

(i) diżonestà, imġieba hażina serja jew negligenza serja fl-eżerċizzju tal-professjoni tagħha;

(ii) aġixxiet bi ksur ta' xi dispożizzjoni ta' dan l-Att, regolament jew direttiva maħruġa skont dan l-Att;

(iii) naqset milli tkun konformi ma' xi regolamenti jew direttivi fir-rigward ta' standards professjonali, prattiċi jew integrità;

(iv) kondotta li tmur kontra l-kodiċi ta' etika u linji gwida għall-prattika skont dan l-Att;

(v) naqset milli tkun konformi ma' xi kundizzjoni relatata mal-*warrant*, jew ċertifikat prattikanti, jew reġistrazzjoni maħruġa taħt dan l-Att;

(vi) imġieba hażina li tiskredita lill-professjoni;

(vii) kisbet il-*warrant* jew ċertifikat prattikanti jew reġistrazzjoni b'mod qarrieqi jew frawdolenti;

(viii) l-eżistenza ta' ċirkostanzi materjali li, jekk il-*warrant* jew ċertifikat prattikanti ma kinux inħarġu, kienu jiskwalifikaw lil dik il-persuna milli tikseb il-*warrant* jew ċertifikat prattikanti; jew

(b) instabet haġja minn qorti tal-gustizzja:

(i) ta' reat taħt id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolament magħmul taħtu; jew

(ii) ta' reat li jaffettwa l-fiduċja pubblika jew ta' serq jew ta' frodi jew li xjentement irċeviet proprjetà miksuba b'serq jew frodi jew, skont il-każ, ta' reat punibbli b'terminu ta' priġunerija li jeċċedi sena.

(2) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (1):

C 2090

(a) *warrant* tista' tiġi ċeduta lill-Ministru mid-detentur tal-*warrant*;

(b) ċertifikat prattikanti jista' jiġi ċedut lill-Ministru mid-detentur taċ-ċertifikat prattikanti;

(ċ) reġistrazzjoni bħala persuna li għandha Ħila tal-Patrimonju tista' tiġi ċeduta lill-Ministru mill-persuna hekk reġistrata."

Sostituzzjoni tal-artikolu 37 tal-Att prinċipali.

35. L-artikolu 37 preżenti tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Effetti ta' revoka, kancellazzjoni jew sospensjoni ta' *warrant*, ċertifikat prattikanti jew reġistrazzjoni ta' Ħiliet tal-Patrimonju.

41. (1) Meta *warrant* u, jew ċertifikat prattikanti jew reġistrazzjoni taht dan l-Att jiġu revokati jew kancellati, il-persuna kkonċernata għandha tieqaf tkun detentur ta' dik il-*warrant*, u, jew kull ċertifikat prattikanti, jew reġistrazzjoni.

(2) Jekk il-*warrant* u, jew iċ-ċertifikat prattikanti jew ir-reġistrazzjoni jiġu sospizi, id-detentur jew il-persuna rreġistrata għandhom jieqfu milli jeżerċitaw il-professjoni u, jew jipprovdu l-ħila matul il-perjodu ta' sospensjoni."

Sostituzzjoni tal-artikolu 38 tal-Att prinċipali.

36. L-artikolu 38 preżenti tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Rikonoxximent ta' korpi approvati.

42. (1) Il-Ministru jista', fuq ir-rakkomandazzjoni tal-Bord, jirrikonoxxi kull assoċjazzjoni professjonali lokali ta' Konservaturi-Restawraturi bħala korp approvat għall-finijiet ta' dan l-Att jekk il-Bord ikun sodisfatt, fost affarijiet oħra, kif jista' jiġi preskritt, li l-kwalifiki edukattivi u professjonali mitluba minn dik l-assoċjazzjoni għal sħubija huma konformi ma' dawk stabbiliti taht dan l-Att u li tali sħubija hija miftuħa għall-persuni kollha li għandhom dawk il-kwalifiki.

(2) Dak ir-rikonoxximent għandu jkun soġġett għal dawk il-kondizzjonijiet li l-Ministru jista', fuq ir-rakkomandazzjoni tal-Bord, fl-għoti tar-rikonoxximent, jimponi jew kif jista' minn żmien għal żmien jippreskrivi; u jekk f'xi waqt xi waħda mill-kondizzjonijiet imsemmija qabel, jew xi waħda mid-dispożizzjonijiet kif misjuba jew preskritta, ma tiġix osservata jew imwettqa, jew ikun hemm bidla materjali fiċ-ċirkostanzi li fihom ingħata r-rikonoxximent, il-Ministru jista', fuq ir-rakkomandazzjoni tal-Bord, jissospendi jew jirtira r-rikonoxximent.

(3) Il-korp approvat għandu jżomm reġistru tal-membri tiegħu u għandu jdaħħal fih l-ismijiet tal-persuni kollha li jikkwalifikaw għal tali sħubija. L-imsemmi reġistru għandu jinżamm b'dak il-mod li jista' jiġi preskritt."

37. L-artikolu 39 preżenti tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 43 u l-kliem "fl-artikolu 34" fis-subartikolu (1) tiegħu għandhom jiġu sostitwiti bil-kliem "fl-artikolu 35".

Emenda tal-artikolu 39 tal-Att prinċipali.

38. Minnufih wara l-artikolu 43 tal-Att prinċipali, kif enumerat mill-ġdid, għandhom jizdiedu t-Taqsimiet u l-artikoli godda li ġejjin:

Żjieda ta' Taqsimiet godda u artikoli godda mal-Att prinċipali.

"TAQSIMA VII

Patrimonju Kulturali ta' Taħt l-Ilma

Dikjarazzjoni ta' Patrimonju Kulturali ta' Taħt l-Ilma.

44. (1) Is-Sovrintendent jista', b'avviż fil-Gazzetta, jiddikjara fdalijiet li jinsabu f'qiegħ il-baħar tal-ilmijiet territorjali ta' Malta u li għandhom mill-inqas hamsin sena bħala Patrimonju Kulturali ta' taħt l-Ilma.

(2) Kull meta s-Sovrintendent ikun tal-fehma li l-fdalijiet li jinsabu fl-ilmijiet territorjali huma ta' sinifikat kulturali u storiku, is-Sovrintendent jista', b'avviż fil-Gazzetta, jiddikjara dawk il-fdalijiet bħala nawfragju storiku u, jew sit arkeoloġiku taħt l-ilma.

(3) Meta s-Sovrintendent ikun tal-fehma li oġġett partikolari assoċjat ma' bastiment li jinsab fl-ilmijiet territorjali huwa ta' importanza storika, is-Sovrintendent jista', b'avviż ippubblikat fil-Gazzetta, jiddikjara li l-oġġett huwa oġġett storiku.

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(4) Is-Sovrintendent jista' jagħmel dikjarazzjoni taħt is-subartikoli (2) u (3) dwar kull parti mill-fdalijiet ta' bastiment, ajruplan jew sit arkeoloġiku taħt wiċċ l-ilma, jew li jkun relatat ma' kwalunkwe oġġett li jinsab fl-ibħra territorjali jew li tneħħa mill-ibħra territorjali.

(5) Meta tkun saret dikjarazzjoni skont dan l-artikolu dwar il-fdalijiet ta' bastiment, ajruplan jew xi sit arkeoloġiku taħt l-ilma jew oġġett li jinsab fl-ilmijiet territorjali u wara li tkun inħarġet dik id-dikjarazzjoni titneħħa xi parti minn dawk il-fdalijiet jew minn dak l-oġġett mill-ibħra territorjali, id-dikjarazzjoni għandha tkompli tapplika, soġġetta għal kwalunkwe emenda jew revoka tad-dikjarazzjoni, fir-rigward ta' dik il-parti ta' dawk il-fdalijiet jew b'rabta ma' dak l-oġġett minkejja t-tneħħija tiegħu minn dawk l-ilmijiet.

Żoni protetti.

45. Għall-fini ta' dan l-Att, is-Sovrintendent jista', b'avviż ippubblikat fil-Gazzetta, jiddikjara zona tal-baħar jew parzjalment tal-baħar u parzjalment tal-art bħala zona protetta fejn jinsab il-Patrimonju Kulturali ta' Taħt l-Ilma.

Kustodja ta' Patrimonju kulturali taħt l-ilma.

46. (1) Is-Sovrintendent jista', fir-rigward ta' persuna li jkollha pussess, kustodja jew kontroll ta' oġġett li jkun jew jiffirma parti minn nawfragġju storiku, sit arkeoloġiku taħt wiċċ l-ilma jew li jkun oġġett storiku, għall-finijiet:

(a) tal-preservazzjoni tal-oġġett;

(b) tat-tqegħid tal-oġġett f'kollezzjoni ta' oġġetti li kienet jew għadha trid tiġi stabbilita; jew

(ċ) tal-wirja tiegħu, jew tal-provvista ta' aċċess għall-oġġett, kemm jekk l-oġġett jiffirma parti minn kollezzjoni ta' oġġetti u anke jekk le,

b'avviż bil-miktub jesigi li l-persuna tiegħu dik l-azzjoni fir-rigward tal-oġġett kif speċifikat fl-avviż.

(2) L-azzjoni li persuna tista' tkun rikjesta li tiegħu fir-rigward ta' oġġett skont is-subartikolu (1) tinkludi iżda mhix limitata għal:

(a) li żżomm l-oġġett b'mod partikolari jew f'post partikolari;

(b) li tneħhi l-oġġett minn post partikolari f'hin partikolari;

(ċ) li tagħmel xi att partikolari fir-rigward tal-oġġett sa żmien partikolari, li jkun att maħsub biex jgħin fil-preservazzjoni tal-oġġett; u

(d) tikkunsinna l-oġġett fil-kustodja ta' persuna partikolari sa żmien partikolari.

Permessi għall-esplorazzjoni jew l-irkupru ta' nawfragji u relikwi.

47. (1) Is-Sovrintendent jista', fid-diskrezzjoni tiegħu jew tagħha, fuq applikazzjoni minn persuna, jagħti permess lil dik il-persuna li jawtorizza lil dik il-persuna u lil kwalunkwe persuna oħra msemmija jew deskritta fil-permess li tagħmel att jew haġa speċifikata fil-permess, li l-għemil tagħhom mingħajr il-permess jkun ipprojbit b'dan l-Att.

(2) Is-Sovrintendent jista' jimponi kondizzjonijiet fir-rigward ta' dak il-permess u jista' fi kwalunkwe waqt jirrevoka jew ivarja xi kundizzjoni hekk imposta.

Dmir ta' rappurtagġ tal-iskoperta ta' nawfragji u relikwi.

48. Kull persuna li ssib, fl-ibħra territorjali ta' Malta kwalunkwe forma ta' Patrimonju Kulturali taħt l-Ilma, għandha sa mhux aktar tard minn erbgħa u għoxrin siegħa minn dik l-iskoperta tibgħat lis-Sovrintendent avviż li jkun fih deskrizzjoni tal-fdalijiet jew tal-oġġett u deskrizzjoni tal-post fejn jinsabu l-fdalijiet jew l-oġġett.

TAQSIMA VIII

Protezzjoni tal-Patrimonju Kulturali

Protezzjoni tal-Patrimonju Kulturali

49. L-ebda persuna ma għandha tagħmel xi intervent jew tibdil, ħsara, demolizzjoni jew twettaq konservazzjoni jew restawr ta' proprjetà kulturali kif imfisser f'dan l-Att, jew klassijiet tal-istess, ħlief bil-permess bil-miktub tas-Sovrintendent u kif soġġett għal dawk il-kondizzjonijiet li jistgħu jkunu imposti, u kif jista' jiġi definit f'regolamenti maħruġa taħt dan l-Att.

Proprjetà Kulturali Mobbli mogħtija fuq self jew b'allokazzjoni.

50. (1) Is-Sovrintendent jista', bl-awtorità bil-miktub tal-Ministru, jidhól fi ftehim ma' aġenziji tal-gvern u korpi stabbiliti bil-liġi, organizzazzjonijiet mhux governattivi kulturali, kunsilli lokali u istituzzjonijiet akkademiċi, għas-self jew allokazzjoni ta' proprjetà kulturali mobbli skont id-dispożizzjonijiet u r-regolamenti preskritti taħt dan l-Att, u skont dawk il-kondizzjonijiet li jistgħu jkunu inklużi fil-ftehim:

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Iżda l-ftehim ta' self jew allokazżjoni, skont il-każ, għandu jsir għall-kustodja, amministrazzjoni, kura u wiri tal-proprjetà kulturali mobbli:

Iżda wkoll qabel ma jawtorizza lis-Sovrintendent biex jidhol f'xi ftehim ta' self jew ta' allokazżjoni, il-Ministru għandu jikkonsulta lill-Kumitat dwar il-kondizzjonijiet li għandhom jiġu inklużi fil-ftehim ta' self jew ta' allokazżjoni.

(2) Il-ftehim ta' self jew allokazżjoni għandu jinkludi termini u kondizzjonijiet, liema termini u kondizzjonijiet għandhom jiġu stabbiliti mis-Sovrintendent skont il-każ.

(3) Il-proprjetà kulturali soġġetta għall-ftehim ta' self jew allokazżjoni għandha tibqa' proprjetà tal-Gvern.

(4) Is-Sovrintendent wara li jikkonsulta mal-Kumitat jista' jirrakkomanda lill-Ministru li jirrevoka l-ftehim ta' self jew ta' allokazżjoni, jekk xi termini u kondizzjonijiet stipulati fih jew xi dispożizzjoni ta' dan l-Att, jew ta' xi regolamenti magħmulin tahtu, ma jiġux osservati.

Affidament tas-sit. 51. Is-Sovrintendent jista', bl-awtorità bil-miktub tal-Ministru, bi ftehim mal-Ministru responsabbli għall-proprjetà tal-gvern, jidhol b'att pubbliku, fi ftehim ma' entitajiet pubbliċi għall-kustodja, amministrazzjoni, kura u aċċessibilità ta' proprjetà immobbli skont id-dispożizzjonijiet ta' dan l-Att, u skont dawk il-kondizzjonijiet li jistgħu ikunu jinsabu fl-imsemmi ftehim.

Ġestjoni ta' kollezzjonijiet pubbliċi.

52. (1) L-ebda parti minn kollezzjoni pubblika m'għandha tieqaf tkun proprjetà pubblika:

Iżda oġġetti li huma proprjetà pubblika mogħtija b'self jew allokazżjoni għandhom ukoll ikunu koperti b'din id-dispożizzjoni.

(2) Dipartiment tal-Gvern, aġenziji tal-gvern u entitajiet tal-gvern li jkollhom oġġetti jew kollezzjonijiet ta' proprjetà kulturali, għandhom jiżguraw is-sigurtà ta' dik il-proprjetà u għandhom jinfurmaw lis-Sovrintendent dwar l-istat ta' tali proprjetà kulturali u l-post tagħha:

Iżda kull moviment ta' dawk l-oġġetti jew kollezzjonijiet għandu jiġi rrapportat lis-Sovrintendent fi żmien tletin jum minn dak il-moviment:

Iżda wkoll il-kollezzjonijiet ta' organizzazzjonijiet mhux governattivi għandhom ikunu soġġetti għall-istess obbligi li japplikaw għall-kollezzjonijiet pubbliċi:

Iżda wkoll fil-każ tax-xoljiment ta' organizzazzjoni mhux governattiva, il-kollezzjonijiet semi-pubbliċi għandhom isiru kollezzjonijiet pubbliċi.

(3) Il-kollezzjonijiet pubbliċi u l-oġġetti kostitwenti tagħhom għandhom jiġu elenkati f'inventarju, liema inventarju għandu jiġi sottomess lis-Sovrintendent biex jiġi inkluż fl-inventarju nazzjonali. Kwalunkwe akkwist gdid ta' proprjetà kulturali minn entitajiet pubbliċi għandu jiġi rrapportat lis-Sovrintendent fi żmien tletin jum mill-akkwist għall-inklużjoni fl-inventarju nazzjonali:

Iżda l-inventarju għandu jindika l-post fejn jinżammu l-oġġetti jew il-kollezzjoni.

(4) Il-ġestjoni u l-konservazzjoni ta' kollezzjonijiet semi-pubbliċi ta' proprjetà kulturali għandhom ikunu soġġetti għad-dispożizzjonijiet ta' dan l-Att.

(5) Kollezzjonijiet semi-pubbliċi bħal dawn m'għandhomx jiġu separati f'każ ta' xoljiment ta' assoċjazzjonijiet jew organizzazzjonijiet mhux governattivi."

39. Il-kliem tal-intestatura "TAQSIMA VII", minnufih wara l-artikolu 52 kif miżjud, għandhom jiġu sostitwiti bil-kliem "TAQSIMA IX".

Sostituzzjoni tal-intestatura "Taqsima VII".

40. L-artikolu 40 preżenti tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni tal-artikolu 40 tal-Att prinċipali.

"Inventarju Nazzjonali.

53. (1) Meta jiġi stabbilit l-inventarju nazzjonali tal-proprjetà kulturali, is-Sovrintendenza għandha tikkunsidra proprjetà kulturali u patrimonju kulturali ta' taħt l-ilma li jappartjenu:

(a) għall-Istat jew l-istituzzjonijiet Statali;

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(b) għall-Knisja Kattolika u denominazzjonijiet reliġjużi oħra;

(ċ) għal fondazzjonijiet stabbiliti skont il-liġi;

(d) għal persuni fiżiċi u ġuridiċi meta l-proprjetà kulturali mobbli tkun saret aċċessibbli għall-pubbliku u meta dawk il-persuni jkunu taw il-kunsens tagħhom għal dak l-iskop; u

(e) għal kull proprjetà kulturali oħra u patrimonju kulturali ta' taht l-ilma kif imfisser f'dan l-Att.

(2) Is-Sovrintendent jista' jitlob li jiġu żviluppati u aġġornati inventarji minn persuni oħra, u kopja ta' dawk l-inventarji għandha tiġi depożitata mas-Sovrintendent.

(3) Il-proprjetà kulturali u l-patrimonju kulturali ta' taht l-ilma inkluża fl-inventarju nazzjonali għandhom jiġu attribwiti livell ta' protezzjoni biex jiġu salvagwardjati b'mod adegwat il-proprjetà kulturali u l-patrimonju kulturali ta' taht l-ilma:

Iżda l-ommissjoni mill-inventarju nazzjonali ta' xi proprjetà kulturali jew patrimonju kulturali ta' taht l-ilma ma għandhiex titqies li timplika li dik il-proprjetà kulturali li tħalliet barra m'għandhiex tinghata dik il-protezzjoni.

Kap. 552.

(4) Is-Sovrintendent għandu jagħmel użu mil-lista ta' Proprjetà Skedata, kif imfissra fl-Att dwar l-Ippjanar tal-Iżvilupp, għall-finijiet tal-inventarju."

Emenda tal-artikolu 41 tal-Att prinċipali.

41. L-artikolu 41 preżenti tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 54 u għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minnufih wara l-kliem "Hadd ma jista'" għandha tiżdied il-kelma "jcaqlaq,"

(b) is-subartikoli (2), (3), (4), (5) u (6) għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (3), (4), (5), (6) u (7) rispettivament; u minnufih wara s-subartikolu (1) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

"(2) Kull moviment, meta jkun permess, għandu jkun soġġett għall-ħlas ta' dritt amministrattiv kif stabbilit fl-Iskeda.";

(ċ) fis-subartikolu (3) tiegħu kif enumerat mill-ġdid, minnufih wara l-kliem "għall-ħlas" għandhom jiżdiedu l-kliem "ta' miżata" u l-kliem "tad-dazju" għandhom jithassru;

(d) fis-subartikolu (4) tiegħu kif enumerat mill-ġdid, minnufih wara l-kliem "Permess għall-" għandha tizzied l-kelma "moviment," il-kliem "tad-dazju msemmi" għandhom jiġu sostitwiti bil-kliem "tal-miżata msemmija" u minnufih wara l-kliem "fis-subartikolu (2)" għandhom jiżdiedu l-kliem "u (3)";

(e) is-subartikolu (5) tiegħu kif enumerat mill-ġdid, għandu jiġi sostitwit b'dan li ġej:

"(5) Il-valur tal-oġġetti għall-iskop tal-ħlas tad-dritt imsemmi fis-subartikolu (3) għandu jiġi stabbilit minn espert wiehed jew aktar li jinhatru bi ftehim bejn il-Ministru u l-esportatur jew, fin-nuqqas ta' ftehim, mill-Prim'Awla tal-Qorti Ċivili fuq talba tal-esportatur, li għandha ssir b'rikors. L-ispiza tal-valutazzjoni għandha tithallas mill-esportatur.";

(f) is-subartikolu (6) tiegħu kif enumerat mill-ġdid, għandu jiġi sostitwit b'dan li ġej:

"(6) Minflok il-ħlas tad-dritt skont is-subartikolu (3), l-esportatur jista', bil-kunsens tas-Sovrintendent, jagħti lill-Gvern permezz ta' *datio in solutum*, oġġett wiehed jew aktar ta' valur ekwivalenti għad-dritt dovut.";

(g) fis-subartikolu (7) tiegħu kif enumerat mill-ġdid, fit-test Inġliż, minflok il-kliem "It shall be competent to the Government to" għandhom jidhlu l-kliem "The Government may";

(h) minnufih wara s-subartikolu (7) tiegħu kif enumerat mill-ġdid, għandhom jiżdiedu s-subartikoli godda li ġejjin:

"(8) Fil-każ ta' moviment u importazzjoni ta' proprjetà kulturali f'Malta, għall-iskop ta' wirja temporanja jew donazzjoni temporanja, jew bejgħ, is-Sovrintendent jista' joħroġ ċertifikat li jiggarrantixxi li l-Gvern jirrinunzja, fir-rigward ta' dawn l-oġġetti, id-dritt ta' preferenza u d-dritt li tiġi projbita l-esportazzjoni mill-ġdid tagħhom, għal perjodu ta' għaxar snin mid-data ta' ċertifikat u garanzija, liema ċertifikat u garanzija jistgħu jiġu mġedda:

Iżda:

C 2098

(i) it-talba bil-miktub għal tali ċertifikat għandha ssir qabel l-importazzjoni jew il-moviment f'Malta ta' dik il-proprjetà kulturali;

(ii) l-oġġetti għandhom jiġu eżaminati u reġistrati mis-Sovrintendent fil-punt tad-dhul f'Malta; u

(iii) tali oġġetti kulturali għandhom ikunu akkumpanjati b'evidenza ta' provenjenza u titlu fuq il-proprjetà kulturali u għandhom jiġu deskritti b'mod grafiku u bil-miktub fiċ-ċertifikat u l-garanzija.

(9) Is-Sovrintendent għandu jzomm regjistru ta' tali movimenti u importazzjonijiet, u għandu jinforma lill-Kumitat u lill-Ministru rigward il-ħruġ ta' dawn iċ-ċertifikati u garanziji.

(10) Il-Ministru għandu b'regolamenti jemenda t-tariffi stabbiliti fl-Iskeda ta' dan l-Att."

Żjieda ta' artikoli ġodda mal-Att prinċipali.

42. Minnufih wara l-artikolu 54 tal-Att prinċipali kif enumerat mill-ġdid, għandhom jiżdiedu l-artikoli ġodda li ġejjin:

"Dritt ta' preferenza.

55. (1) Fil-każ ta' bejgħ, esportazzjoni, moviment, skambju, għotja enfitewtika jew kiri ta' oġġett ta' proprjetà kulturali, is-Sovrintendent għandu jkollu d-dritt fuq kulhadd, bl-approvazzjoni tal-Ministru b'konsultazzjoni mal-Kumitat, li jakkwista tali proprjetà b'kondizzjonijiet ugwali inkluża l-konsiderazzjoni kif konkluzja bejn il-partijiet:

Iżda d-dritt ta' preferenza għandu jiġi eżerċitat fi kwalunkwe waħda miċ-ċirkostanzi li ġejjin:

(a) meta l-proprjetà kulturali hija ta' valur kulturali għoli; jew

(b) fil-każ ta' theddida fiżika potenzjali għall-proprjetà kulturali; jew

(ċ) fil-każ fejn l-esportazzjoni jew il-moviment jirriżulta fit-tneħħija tiegħu mit-territorju nazzjonali; jew

(d) biex tiġi garantita l-aċċessibilità tal-proprjetà kulturali:

Iżda wkoll fil-każ ta' esportazzjoni jew moviment tal-oġġett ta' proprjetà kulturali, il-Gvern għandu jakkwista l-istess b'titolu ta' bejgħ.

(2) Dan id-dritt ta' preferenza jista' jiġi eżercitat mhux aktar tard minn xahrejn mid-data li fiha jkun irċieva avviż ta' dak il-bejgħ, esportazzjoni, moviment, skambju, trasferiment jew kiri minn xi waħda mill-partijiet, jew mid-data meta s-Sovrintendent isir jaf dwar il-bejgħ, l-esportazzjoni, il-moviment, l-iskambju, it-trasferiment jew il-kiri msemmija, skont liema tiġi l-ewwel.

(3) Fl-eżerċizzju tad-dritt ta' preferenza, meta l-konservazzjoni tat-trasferiment ma tkunx tista' tiġi stabbilita mod ieħor, il-valur tal-proprjetà kulturali inkwistjoni għandu jiġi stabbilit skont id-dispożizzjonijiet tal-artikolu 59.

Konservazzjoni u Restawr.

56. (1) Ir-restawr u l-konservazzjoni ta' proprjetà kulturali pubblika għandhom ikunu soġġetti għad-dispożizzjonijiet ta' dan l-Att u jistgħu jitwettqu biss bl-awtorizzazzjoni minn qabel u bil-kondizzjonijiet stabbiliti mis-Sovrintendent, inkluża s-sottomissjoni ta' rapporti dwar il-kundizzjonijiet u dikjarazzjonijiet dwar il-metodi mill-Konservaturi-Restawraturi jew mill-persuni responsabbli għar-restawr u l-konservazzjoni proposti:

Iżda l-Aġenzija għandha biss tagħti avviż suffiċjenti u informazzjoni lis-Sovrintendent qabel il-bidu tax-xogħlijiet ta' restawr u konservazzjoni fuq il-proprjetà kulturali pubblika fdata lilha:

Iżda wkoll kull xogħol ta' restawr u konservazzjoni mwettaq fuq proprjetà pubblika għandu jkun soġġett għall-awtorizzazzjoni minn qabel tas-Sovrintendent.

(2) Ir-restawr u l-konservazzjoni ta' proprjetà kulturali privata ta' valur kulturali għoli għandhom ikunu soġġetti għad-dispożizzjonijiet ta' dan l-Att:

Iżda l-Konservatur-Restawratur għandu jinnotifika lis-Sovrintendent dwar ir-restawr u l-konservazzjoni ta' proprjetà kulturali privata ta' valur kulturali għoli.

C 2100

(3) Ix-xogħol ta' konservazzjoni u restawr imsemmi fis-subartikoli (1) u (2) jista' jkun soġġett għal spezzjonijiet perjodiċi u rappurtar mis-Sovrintendent.

(4) Is-Sovrintendent jista', wara l-ispezzjoni mwettqa skont is-subartikolu (3), jimmodifika l-kondizzjonijiet stabbiliti fl-awtorizzazzjoni oriġinali."

Emenda tal-artikolu 42 tal-Att prinċipali.

43. L-artikolu 42 preżenti tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 57, u fit-test Inġliż il-kelma "effect" għandha tiġi sostitwita bil-kelma "affect".

Żjieda ta' artikoli godda mal-Att prinċipali.

44. Minnufih wara l-artikolu 57 tal-Att prinċipali kif enumerat mill-ġdid, għandhom jiżdiedu l-artikoli godda li ġejjin:

"Skedar.

58. Is-Sovrintendent jista' jirrikommanda għall-iskedar lill-Awtorità tal-Ippjanar dawk is-siti u bini li huma meqjusa skedati bħala proprjetà kulturali skont it-tifsira tal-Att dwar l-Ippjanar tal-Iżvilupp.

Kap.552.

Permess għall-iżvilupp u interventi fuq proprjetà kulturali.

59. (1) Ebda persuna m'għandha tagħmel xi żvilupp jew interventi oħra fuq proprjetà kulturali jew fuq klassijiet ta' proprjetajiet skedati mingħajr ma tkun l-ewwel kisbet permess mingħand is-Sovrintendent u kif jista' jiġi preskritt f'regolamenti maħruġa taħt dan l-Att.

(2) Qabel jiddetermina applikazzjoni taħt is-subartikolu (1) is-Sovrintendent jista' jitlob informazzjoni li tinkludi r-riżultati ta' konsultazzjonijiet ma' entitajiet oħra, jew individwi, testijiet, investigazzjonijiet fuq il-post, eżamijiet jew spezzjonijiet u valutazzjonijiet oħra dwar l-istorja, kompożizzjoni, provenjenza jew aspetti oħra tal-proprjetà kulturali rilevanti kif jista' jkun rikjest mis-Sovrintendent.

(3) Fl-għoti ta' tali permess is-Sovrintendent jista' jimponi dawk il-kondizzjonijiet jew garanzija li jidhirlu xierqa.

(4) Is-Sovrintendent jista' jitlob li jittiehdu ritratti tal-iżvilupp propost u l-fażijiet varji tiegħu jew inkella li dawn jiġu dokumentati jew reġistrati, u li jiġi konsenjat rapport dwar ix-xogħol lis-Sovrintendent f'dawk iż-żminijiet li jistgħu jiġu stabbiliti fil-permess.

(5) Is-Sovrintendent jista' jitlob li l-iżvilupp propost jew xi parti minnu kif jista' jiġi dikjarat fil-permess jitwettaq taħt il-monitoraġġ jew is-sorveljanza kif għandu jiġi ddikjarat fil-permess, minn dak id-detentur ta' *warrant*, professjonist jew osservatur.

(6) Is-Sovrintendent jista' jitlob it-tfassil ta' pjanijiet emendati."

45. L-artikolu 43 preżenti tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni tal-artikolu 43 tal-Att prinċipali.

"Setgħa tad-dhul u spezzjoni.

60. (1) Kull uffiċjal tas-Sovrintendenza awtorizzat kif suppost bil-miktub mis-Sovrintendent, jista' bl-assistenza tal-Pulizija Eżekuttiva, jidhul f'kull zona, proprjeta', sit taħt investigazzjoni, post jew bini jekk is-Sovrintendent jidhirlu li dan huwa meħtieġ għall-qadi ta' kull funzjoni taħt dan l-Att jew jekk jidhirlu li hemm raġunijiet raġonevoli biex wieħed jemmen li twettaq jew ser jitwettaq reat kontra dan l-Att jew xi regolament ieħor, kondizzjoni tal-liċenzja jew kondizzjonijiet magħmula taħt l-istess.

(2) Meta d-dhul ikun għall-finijiet ta' spezzjoni jew dokumentazzjoni, is-Sovrintendent għandu jinnotifika bil-miktub lid-detentur tal-proprjeta' kulturali dwar id-dhul intiż, u wara dan, l-uffiċjal hekk awtorizzat għandu jingħata aċċess għal dik il-proprjeta' kulturali fejn ikunu qed isehħu l-konservazzjoni, ir-restawr jew l-iżvilupp.

(3) Is-Sovrintendent għandu jara li titwettaq spezzjoni f'każijiet ta' skoperti ta' proprjeta' kulturali rrapportati sabiex jiġi stabbilit jekk humiex meħtieġa xogħlijiet ta' preservazzjoni jew skavar.

(4) Is-Sovrintendent għandu jkollu d-dritt li jidhul u jokkupa kwalunkwe proprjeta' kulturali sabiex iwettaq skavi arkeoloġiċi fihom, kemm-il darba:

(a) jkun ġie notifikat avviż bil-miktub lil okkupant jew lis-sid tal-proprjeta' kulturali inkwistjoni mill-inqas tlett ijiem qabel il-bidu ta' dawk l-iskavi;

(b) it-tul ta' żmien mistenni tax-xogħol għandu jkun ġie ddikjarat fl-avviż:

Iżda kull estensjoni ulterjuri ta' dan il-perjodu għandha ssir bi preavviż ta' mill-anqas tlett ijiem; u

(è) is-sidien jew id-detentur tal-proprjetà kulturali okkupata skont dan l-artikolu għandhom ikunu intitolati għal kumpens għal kull telf ta' qligħ, ħsara sostnuta matul skavi arkeoloġiċi jew integrazzjoni mill-ġdid ta' żoni skavati.

(5) L-iskoperti magħmula matul il-perjodu ta' okkupazzjoni mis-Sovrintendent għandhom ikunu l-proprjetà tal-Gvern.

(6) Fl-eżerċizzju ta' kwalunkwe mid-drittijiet tiegħu taħt dan l-artikolu s-Sovrintendent jista' jitlob l-assistenza tal-Pulizija."

Sostituzzjoni tal-artikolu 44 tal-Att prinċipali.

46. L-artikolu 44 preżenti tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Skoperta ta' proprjetà kulturali.

61. (1) Kull persuna li, aċċidentalment jew mod ieħor, permezz ta' kwalukwe mezz tiskopri xi oġġett, sit jew bini, jew karatteristika partikolari f'bini jew proprjetà jew xi proprjetà kulturali ohra, kemm fuq l-art jew fil-baħar, li għalihom japplika dan l-Att, għandha tinforma minnufih lis-Sovrintendent, iżzomm il-proprjetà kulturali misjuba in situ u m'għandhiex għal perjodu ta' sitt ijiem tax-xogħol, li jista' fuq bażi raġonevoli jiġi estiż għal perjodu ieħor ta' sitt ijiem tax-xogħol, wara li tinforma lis-Sovrintendent, tipproċedi b'xogħol fuq is-sit fejn l-oġġett ta' proprjetà kulturali ġie skopert.

(2) Is-Sovrintendent għandu jispezzjona s-sit tal-iskoperta fi żmien l-imsemmija sitt ijiem tax-xogħol u jista' jordna lill-persuna responsabbli biex twaqqaf kull xogħol ieħor fuq is-sit jew xi parti minnu billi jagħtiha avviż biex tissospendi x-xogħlijiet skont id-dispożizzjonijiet ta' dan l-Att:

Iżda s-Sovrintendent għandu fi żmien is-sitt ijiem ta' xogħol jinforma lill-Aġenzija dwar is-sit ta' skoperta.

(3) Qabel jiddetermina l-azzjoni xierqa skont dan l-Att, is-Sovrintendent jista' jwettaq investigazzjonijiet, inklużi konsultazzjonijiet ma' entitajiet jew individwi oħra, testijiet, skavi u evalwazzjonijiet tas-sit kif preskritti fl-artikolu 70, eżamijiet jew spezzjonijiet u valutazzjonijiet oħra dwar l-istorja, il-kompożizzjoni, il-provenjenza jew aspetti oħra tal-proprjeta kulturali rilevanti kif jista' jkun meħtieġ.

(4) Il-Gvern ikollu d-dritt li jakkwista l-proprjeta immobbli kulturali hekk skoperta, skont l-Att dwar l-Artijiet tal-Gvern:

Kap. 573

Izda l-Aġenzija għandha tingħata d-dritt tal-ewwel rifjut għal dak li għandu x'jaqsma mall-allokazzjoni tal-proprjeta immobbli kulturali.

(5) Kull oġġett mobbli ta' valur kulturali skopert f'xi post ġewwa Malta, fl-ilmijiet territorjali u ż-żona kontigwa tagħha irrispettivament mill-metodu ta' skoperta għandhom ikunu tal-Gvern:

Izda dawk l-oġġetti mobbli għandhom ikunu fdati fil-kustodja, l-amministrazzjoni u l-kura tal-Aġenzija.

(6) Fil-każ tar-revoka tal-avviż ta' sospensjoni jew ordni ta' konservazzjoni maħruġa skont l-artikoli 62 u 63, is-Sovrintendent jista' jimponi dawk il-kundizzjonijiet fl-avviż ta' revoka kif jidhirlu xieraq.

(7) Kull meta tiġi skoperta proprjeta kulturali, is-Sovrintendent jista' jesigi:

(a) li l-iskoperta tiġi fotografata jew inekella dokumentata jew irreġistrata, u li d-dokumentazzjoni tiġi kkunsinnata lis-Sovrintendent f'dawk iż-żminijiet kif jista' jiġi dikjarat fl-avviż tar-revoka;

(b) it-tlestija ta' pjanijiet emendati relattivi għal kwalunkwe xogħol, żvilupp jew attività jew xi parti minnha; u

(c) li kull xogħol, żvilupp jew attività jew xi parti minnha titwettaq taħt il-monitoraġġ jew is-supervizjoni kif jista' jiġi dikjarat fl-avviż tar-revoka, minn dak id-detentur tal-warrant, professjonist jew osservatur."

C 2104

Sostituzzjoni
tal-artikolu 45
tal-Att
prinċipali.

47. L-artikolu 45 preżenti tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Avviżi ta'
sospensjoni.

62. (1) Meta jkun qed jitwettaq xi żvilupp jew xogħol ieħor fir-rigward ta' xi proprjetà kulturali bi ksur ta' xi waħda mid-dispożizzjonijiet ta' dan l-Att, jew xi persuna li jkollha liċenza biex tagħmel skavi arkeoloġiċi taħt dan l-Att ma tikkonformax ma' kull kondizzjoni marbuta ma' dik il-liċenza, jew xi persuna li jkollha permess ta' żvilupp fil-każ ta' skoperta aċċidentali ta' proprjetà kulturali, tonqos milli tosserva dak il-permess, jew f'każ ta' kontravvenzjoni ta' xi kondizzjoni li tinsab f'xi permess ta' żvilupp, is-Sovrintendent jista' jinnotifika b'avviż ta' sospensjoni, lil persuna li tkun qed twettaq dak l-iżvilupp, xogħol jew skavar, lil proprjetarju tal-proprjetà fejn ikunu qed jitwettqu dak l-iżvilupp jew xogħlijiet, lis-sid, pussessur jew detentur tal-proprjetà kulturali, u b'dan, il-persuna notifikata bl-ordni għandha tissospendi l-attività konnessa max-xogħol ta' żvilupp jew skavar.

(2) Is-Sovrintendent jista' jirrevoka tali avviż ta' sospensjoni jew assolutament jew kif soġġett għall-kondizzjonijiet li s-Sovrintendent jista' jidhiru xierqa."

Sostituzzjoni
tal-artikolu 46
tal-Att
prinċipali.

48. L-artikolu 46 preżenti tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Ordni ta'
Konservazzjoni u
Protezzjoni.

63. (1) Is-Sovrintendent jista' f'każ ta' ksur ta' xi dispożizzjoni ta' dan l-Att jew ta' xi regolamenti magħmulin taħtu, jew fil-każ ta' xi attività jew żvilupp fejn il-proprjetà kulturali tista' tkun f'riskju, jinnotifika b'ordni ta' konservazzjoni u protezzjoni lis-sid jew okkupant jew pussessur tal-proprjetà kulturali, li tkun teħtieġ dik l-azzjoni kif jista' jkun speċifikat fl-avviż, inkluż it-twaqqif ta' xi haġa li tkun qed issir jew titkompla, jew li tkun ippjanata li ssir, sabiex titwettaq f'dak iż-żmien speċifikat fl-ordni.

(2) Jekk xi azzjoni rikjesta fl-ordni ta' konservazzjoni u protezzjoni ma tkunx ittiehdet fiż-żmien hemmhekk speċifikat, is-Sovrintendent ikollu d-dritt li jidhol fil-proprjetà kulturali u jista' għal dak l-iskop jitlob l-assistenza tal-Pulizija Esekuttiva u jieħu l-azzjoni meħtieġa fejn applikabbli, bl-ispejjeż għas-sid jew għall-okkupant jew għall-pussessur.

Kap. 319.

(3) Bla ħsara għad-dispożizzjonijiet tal-artikolu 46 tal-Kostituzzjoni jew tal-artikolu 4 tal-Att dwar il-Konvenzjoni Ewropea, ebda ordni jew mandat kwatelatorju ma jistgħu jinħarġu minn xi qorti li jirrestringu lis-Sovrintendent milli joħroġ ordni taħt dan l-artikolu jew milli jagħmel xi ħaġa li huwa awtorizzat li jagħmel skont dan l-artikolu.

(4) Is-Sovrintendent jista' jirrevoka tali ordni ta' konservazzjoni u protezzjoni jew assolutament jew kif soġġett għal dawk il-kondizzjonijiet li s-Sovrintendent jista' jidhirlu xierqa."

49. L-artikolu 47 preżenti tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni
tal-artikolu 47
tal-Att
prinċipali.

"Kurazija.

64. (1) Is-Sovrintendent jista' b'awtorizzazzjoni bil-miktub tal-Ministru, bi ftehim mal-Ministru responsabbli għall-proprjeta' tal-gvern, b'att pubbliku, jidhul f'att ta' kurazija ma' kunsill lokali jew ma' organizzazzjoni mhux governattiva fejn il-kustodja u l-amministrazzjoni ta' proprjeta' immobbli kulturali tiġi mgħoddija lill-kunsill lokali jew lill-organizzazzjoni mhux governattiva, skont il-każ, skont id-dispożizzjonijiet ta' dan l-Att u ta' dawk ir-regolamenti li jistgħu jiġu preskritti u kif soġġett għal dawk il-kondizzjonijiet mhux inkonsistenti mal-istess, li jistgħu jkunu inklużi fl-att. L-att tal-kurazija għandu jistipula t-terminu li għalih ikun sar, liema terminu għandu jiġi approvat mis-Sovrintendent għal kull każ partikolari, wara konsiderazzjoni bir-reqqa tal-fattibbiltà u l-iskala tal-impenn ta' kull proposta.

(2) Il-Ministru għandu, madanakollu, fi żmien erba' ġimgħat wara l-pubblikazzjoni tiegħu, jew jekk il-Kamra ma tkunx imlaqqa', fi żmien erba' ġimgħat mid-data meta l-Kamra terga' titlaqqa', iqiegħed kopja tiegħu fuq il-Mejda tal-Kamra, u l-att tal-kurazija għandu jkun soġġett għall-kundizzjoni li jekk fuq mozzjoni mressqa mhux aktar tard minn tmienja u għoxrin ġurnata wara t-tqegħid fuq il-Mejda tal-Kamra tal-kopja tal-att tal-kustodja, il-Kamra tirrizolvi li l-att tal-kustodja għandu jiġi revokat, l-att għandu jiġi revokat awtomatikament hekk kif tgħaddi r-rizoluzzjoni.

C 2106

(3) Qabel ma jawtorizza lis-Sovrintendent jidhol fl-att ta' kurazija, il-Ministru għandu jisma' l-fehma tal-Kumitat dwar il-kondizzjonijiet li għandhom jiġu inklużi fl-att ta' kurazija; dawn il-kondizzjonijiet għandhom jindirizzaw b'mod partikolari l-kwistjonijiet li ġejjin:

(a) il-miżuri protettivi li għandhom jittieħdu biex jissalvagwardjaw il-proprjetà kulturali soġġetta għall-att ta' kurazija; u

(b) il-pjan ta' konservazzjoni u ġestjoni relatat mal-proprjetà kulturali, u l-arranġamenti organizzattivi, operattivi u finanzjarji konnessi mal-istess, u r-riżorsi organizzattivi, operattivi u finanzjarji li għandhom jiġu dedikati għall-istess.

(4) L-att ta' kurazija m'għandux jippreġudika xi setgħa ta' xi Entità stabbilita taħt dan l-Att fir-rigward tal-proprjetà kulturali soġġetta għall-att ta' kustodja.

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

(6) Il-Ministru wara li jikkonsulta lis-Sovrintendent u lill-Kumitat jista' f'kull hin b'Ordni fil-Gazzetta jirrevoka l-att ta' kurazija jekk xi kondizzjonijiet stipulati fih jew id-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmulin tahtu ma jkunux osservati mill-parti l-oħra.

(7) Fit-tmiem ta' kull sena kalendarja, il-parti li fil-kustodja tagħha titqiegħed il-proprjetà kulturali għandha tittrasmetti lill-Ministru, lis-Sovrintendent u lill-Kumitat rapport dwar l-attivitajiet tagħha fir-rigward tal-proprjetà kulturali u dwar kif tkun wettqet l-att ta' kurazija matul is-sena ta' qabel. Kopja ta' dak ir-rapport għandha titqiegħed fuq il-Mejda tal-Kamra mill-Ministru.

(8) Is-Sovrintendent jista' jgedded l-att ta' kurazija fuq l-istess termini u kondizzjonijiet għal terminu ieħor, jew termini, wara awtorizzazzjoni bil-miktub minn qabel mill-Ministru. Tali tiġdid għandu jiġi rreġistrat mal-Kumitat u kopja tiegħu għandha, fi żmien erba' ġimgħat, titqiegħed fuq il-Mejda tal-Kamra.

(9) Il-Ministru jista' jagħmel regolamenti li jippreskrivu b'mod ġenerali regoli dwar il-kustodja."

50. L-artikolu 48 preżenti tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni tal-artikolu 48 tal-Att prinċipali.

"Dritt esklussiv għal skavar.

65. (1) Skavi arkeoloġiċi jew paleontoloġiċi jew esplorazzjonijiet għal proprjetà kulturali, inklużi investigazzjonijiet, evalwazzjonijiet fuq il-post, stħarriġ u monitoraġġ, fuq l-art kif ukoll fl-ilmijiet territorjali jew fiż-żona kontigwa ta' Malta jistgħu jsiru biss mis-Sovrintendent, jew bil-permess bil-miktub tas-Sovrintendent u skont kwalunkwe kondizzjoni annessa mal-istess:

Iżda bla ħsara għad-dispożizzjonijiet tal-artikolu 60, is-Sovrintendent jista' jwettaq skavi jew iġieghel li jitwettqu skavi għall-finijiet ta' dan l-Att f'xi parti ta' Malta, kull meta dawn l-iskavi jkunu meqjusa bħala spedjenti u kif soġġett għal kwalukwe regolamenti magħmula taht l-artikolu 72(d):

Iżda wkoll id-dispożizzjonijiet ta' dan l-artikolu għandhom japplikaw mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 61.

(2) Meta jawtorizza attivitajiet imsemmija fis-subartikolu (1), is-Sovrintendent għandu fost konsiderazzjonijiet u kondizzjonijiet oħra li jistgħu jkunu meħtieġa, jiżgura li:

(a) jittiehdu miżuri ta' protezzjoni xierqa biex jiġi salvagwardjaw il-proprjetà kulturali soġġetta għal tali attivitajiet;

(b) tali attivitajiet jitwettqu skont proposta ta' riċerka xjentifika, metodoloġija tal-attivitajiet proposti, programm ta' pubblikazzjoni, pjan ta' konservazzjoni u ġestjoni għall-proprjetà kulturali u kwalunkwe oġġett li ġej minnhom, arrangamenti finanzjarji adegwati relatati magħhom, u r-riżorsi organizzattivi, operattivi u finanzjarji li għandhom jiġu dedikati għall-istess;

(ċ) il-produzzjoni ta' garanzija finanzjarja adegwata;

(d) tali attività awtorizzata jkollha l-inqas impatt possibbli fuq il-proprjetà kulturali, u li metodi ta' investigazzjoni mhux distruttivi jiġu applikati kull meta dan ikun possibbli matul dik l-attività;

C 2108

(e) tali attivitajiet u skavi u tekniki oħra potenzjalment distruttivi jitwettqu biss minn persuni kwalifikati u awtorizzati; u

(f) kopja sħiħa tar-rekords ta' kull attività awtorizzata bħal din għandha tiġi depożitata mill-persuna awtorizzata lis-Sovrintendent.

(3) Is-Sovrintendent jista' jstabbilixxi u jinnomina riżervi arkeoloġiċi, ukoll meta ma jkunx hemm fdalijiet viżibbli fuq l-art jew taħt l-ilma, għall-preservazzjoni ta' evidenza materjali biex tiġi studjata minn generazzjonijiet sussegwenti:

Iżda l-ħolqien ta' riservi arkeoloġiċi bħal dawn għandu jkun konsiderazzjoni materjali fil-valutazzjoni ta':

(a) awtorizzazzjonijiet għal skavi arkeoloġiċi u paleontoloġiċi; u

(b) permessi għal żviluppi u interventi oħra li jolqtu l-proprjetà kulturali skont l-artikolu 59.

(4) Is-Sovrintendent għandu jinkludi dawk ir-riżervi arkeoloġiċi fl-Inventarju Nazzjonali.

(5) Is-Sovrintendent għandu jieħu l-miżuri prattiċi kollha biex jiżgura l-abbozzar, wara operazzjonijiet arkeoloġiċi, ta' rekord sommarju xjentifiku li jista' jiġi ppubblikat qabel il-pubblikazzjoni tal-istudju komplut:

Iżda l-istudju komplut għandu jkun ippubblikat mhux aktar tard minn tliet snin mill-konklużjoni tal-iskavi."

Enumerazzjoni mill-ġdid tal-artikoli 49 u 50 tal-Att prinċipali.

51. L-artikoli 49 u 50 preżenti tal-Att prinċipali għandhom jiġu enumerati mill-ġdid bħala l-artikoli 66 u 67.

Sostituzzjoni tal-artikolu 51 tal-Att prinċipali.

52. L-artikolu 51 preżenti tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Dritt ta' appell.

68. (1) Kull persuna li tħossha aggravata b'deċiżjoni tas-Sovrintendent taħt l-artikoli 54, 55, 57, 62 u 63 għandu jkollha dritt ta' appell quddiem it-Tribunal ta' Revizzjoni Amministrattiva stabbilit bl-artikolu 5(1) tal-Att dwar il-Ġustizzja Amministrattiva.

Kap. 490.

(2) L-appell lit-Tribunal imsemmi għandu jiġi ppreżentat mhux aktar tard minn għoxrin jum wara n-notifika tad-deċiżjoni tas-Sovrintendent:

Iżda l-preżentata tal-appell m'għandhiex tissospendi l-eżekuzzjoni tad-deċiżjoni appellata.

(3) It-Tribunal ta' Reviżjoni Amministrattiva jista', fid-determinazzjoni tiegħu fuq kull appell ippreżentat skont is-subartikolu (1), jikkonferma, iregġa' lura jew ivarja, totalment jew parzjalment, id-deċiżjoni originali."

53. Il-kliem tal-intestatura "TAQSIMA VIII", minnufih wara l-artikolu 51 kif ġie sostitwit bl-artikolu 68, għandhom jiġu sostitwiti bil-kliem "TAQSIMA X".

Sostituzzjoni tal-intestatura 'Taqsim VIII'.

54. L-artikolu 52 preżenti tal-Att prinċipali għandu jiġu enumerat mill-ġdid bħala l-artikolu 69.

Enumerazzjoni mill-ġdid tal-artikolu 52 tal-Att prinċipali.

55. Il-kliem tal-intestatura "TAQSIMA IX", minnufih wara l-artikolu 52 kif ġie sostitwit bl-artikolu 69, għandhom jiġu sostitwiti bil-kliem "TAQSIMA XI".

Sostituzzjoni tal-intestatura 'Taqsim IX'.

56. L-artikolu 53 preżenti tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 70 u għandu jiġi emendat kif ġej:

Emenda tal-artikolu 53 tal-Att prinċipali.

(a) fin-nota marginali tiegħu, minflok il-kliem "ċertu proprjetà" għandhom jidhlu l-kliem "proprjetà kulturali";

(b) fis-subparagrafu (d) tas-subartikolu (1) tiegħu, il-kliem "l-artikolu 46" għandhom jiġu sostitwiti bil-kliem "l-artikolu 62" u il-kliem "l-artikolu 47" għandhom jiġu sostitwiti bil-kliem "l-artikolu 63";

(c) fis-subparagrafu (f) tas-subartikolu (1) tiegħu, il-kliem ", jew taċ-Ċentru" għandhom jithassru;

(d) fis-subparagrafu (g) tas-subartikolu (1) tiegħu, il-kliem "elf u mija u erbgħa u sittin euro u disgħa u sittin ċenteżmu (€1,164.69)" għandhom jiġu sostitwiti bil-kliem "elfejn euro (€2,000)" u l-kliem mija u sittax-il elf u erba' mija u tmienja u sittin euro u sebgħa u sebgħin ċenteżmu (€116,468.67)" għandhom jiġu sostitwiti bil-kliem "mitejn u ħamsin elf euro (€250,000)"; u

(e) fis-subartikolu (3) tiegħu il-kliem "tmienja u ħamsin euro u tlieta u għoxrin ċenteżmu (58.23)" għandhom jiġu

C 2110

sostitwiti bil-kliem "mitejn euro (€200.00)" u l-kliem "mija u sittax-il euro u sebgħa u erbgħin ċenteżmu (116.47)" għandhom jiġu sostitwiti bil-kliem "ħames mitt euro (€500)".

Emenda tal-artikolu 54 tal-Att prinċipali.

57. L-artikolu 54 preżenti tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 71 u fis-subartikolu (1) tiegħu, l-kliem "għandu jkollhom il-jedd" għandhom jiġu sostitwiti bil-kelma "għandhom".

Sostituzzjoni tal-intestatura 'Taqsim X'.

58. Il-kliem tal-intestatura "TAQSIMA X", minnufih wara l-artikolu 54 kif ġie enumerat mill-ġdid bħala l-artikolu 71, għandhom jiġu sostitwiti bil-kliem "TAQSIMA XII".

Emenda tal-artikolu 55 tal-Att prinċipali.

59. L-artikolu 55 preżenti tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 72 u għandu jiġi emendat kif ġej:

(a) fil-paragrafu (k) tiegħu, minflok il-kliem "mill-artikolu 35" għandhom jidhlu l-kliem "mill-artikolu 39";

(b) fil-paragrafu (l) tiegħu, il-kliem "l-artikoli 40 u 41" għandhom jiġu sostitwiti bil-kliem "l-artikoli 54 u 55";

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

"(m) biex jiġu ppubblikati r-rekwiziti għall-akkreditazzjoni ta' organizzazzjonijiet mhux governattivi skont l-artikolu 7(5)(m);";

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

"(n) biex tiġi stabbilita l-lista tal-Ħiliet tal-Patrimonju;";

(e) fil-paragrafu (o) tiegħu, il-kliem "l-artikolu 44" għandhom jiġu sostitwiti bil-kliem "l-artikolu 59";

(f) il-paragrafu (p) tiegħu, għandu jiġi enumerat mill-ġdid bħala l-paragrafu (r); u

(g) minnufih wara l-paragrafu (o) tiegħu, għandhom jidhlu l-paragrafi ġodda li ġejjin:

"(p) biex tistabbilixxi r-regoli relattivi għat-test tal-kapaċità;

(q) biex tistabbilixxi gwida, regoli u regolamenti u tipprovdi għall-forma u l-proċedura għall-inkarigu ta'

kollezzjonijiet u siti pubbliċi; u".

60. Il-kliem tal-intestatura "TAQSIMA XI", minnufih wara l-artikolu 55 kif ġie emendat u enumerat mill-ġdid bħala l-artikolu 72, għandhom jiġu sostitwiti bil-kliem "TAQSIMA XIII".

Sostituzzjoni tal-intestatura 'Taqsima XI'.

61. L-artikolu 56 tal-Att prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 73.

Enumerazzjoni mill-ġdid tal-artikolu 56 tal-Att prinċipali.

62. L-Iskeda li tinsab mal-Att prinċipali għandha tiġi sostitwita b'dan li ġej:

Sostituzzjoni tal-Iskeda tal-Att prinċipali.

"SKEDA
(Artikolu 54)

RATA TA' DAZJU TA' ESPORTAZZJONI

<i>Valur tal-oġġett</i>	<i>Dazju ta' Esportazzjoni</i>
Fuq l-ewwel €235 jew parti minnhom	10 fil-mija
Fuq it-tieni €235 jew parti minnhom	20 fil-mija
Fuq it-tielet €235 jew parti minnhom	30 fil-mija
Fuq it-raba' €235 jew parti minnhom	40 fil-mija
Fuq kull valur ieħor	50 fil-mija

".

Għanjiet u Raġunijiet

L-għanjiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jirregolaw aħjar il-professjoni tal-konservazzjoni-restawr u fornituri oħra ta' servizzi kulturali u sabiex jagħmel provvedimenti fir-rigward tal-patrimonju kulturali ta' taħt l-ilma.

C 2112

**A BILL
entitled**

AN ACT to amend the Cultural Heritage Act, Cap. 445 to better regulate the conservation-restoration profession and other cultural service providers and to make provision with respect to underwater cultural heritage and for purposes connected with the matters aforesaid.

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:-

Short title and commencement.
Cap. 445.

1. (1) The short title of this Act is the Cultural Heritage (Amendment) Act, 2018, and this Act shall be read and construed as one with the Cultural Heritage Act hereinafter referred to as "the principal Act".

(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.

Substitution of the Arrangement of Act, of the principal Act.

2. The Arrangement of Act, of the principal Act, shall be substituted by the following:

„

		Articles
PART I	Preliminary	1-3
PART II	Principles and General Duties	4-6
PART III	Constitution, Composition and Functions of Entities	7-14
PART IV	Administrative and Personnel Provisions	15-17
PART V	Financial Provisions	18-28
PART VI	Conservation Professionals	29-43
PART VII	Underwater Cultural Heritage	44-48
PART VIII	Protection of Cultural Heritage	49-52

		Articles
PART IX	Special Powers of the State	53-68
PART X	Religious Cultural Heritage	69
PART XI	Offences	70-71
PART XII	Regulations	72
PART XIII	Miscellaneous	73

SCHEDULE Rate of Export Duty

".

3. Article 2 of the principal Act shall be amended as follows:

Amendment of
article 2 to the
principal Act.

(a) immediately after the definition "Agency" there shall be added the following new definition:

" "Board" means the *Bord tal-Warrant tar-Restawraturi* established by article 35;"

(b) the definition "Centre" shall be deleted;

(c) the definition "conservation" shall be substituted by the following:

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

(d) in the definition "Conservation and Protection Order" for the words "in article 47;" there shall be substituted the words "in article 63;"

(e) the definition of "cultural heritage" shall be substituted by the following:

" "cultural heritage" means movable or immovable objects of artistic, architectural, historical, archaeological, ethnographic, palaeontological and geological importance and includes information or data relative to cultural heritage pertaining to Malta or to any other country. This includes archaeological, palaeontological or geological sites and deposits, human remains, landscapes and seascapes, groups of buildings, as well as scientific collections, collections of natural specimens and art objects, manuscripts, books, published material, archives, audio-visual material and reproductions of any of the

C 2114

preceding, or collections of historical value, as well as intangible cultural assets comprising arts, traditions, customs and skills employed in the performing arts, in applied arts and in crafts and other intangible assets which have a historical, artistic or ethnographic value;";

(f) immediately after the definition "cultural heritage" there shall be added the following new definition:

Cap. 497.

" "Department of Government" shall have the same meaning assigned to it in the Public Administration Act;";

(g) in the definition "Entities" the words "the Centre," shall be deleted;

(h) immediately after the definition "Entities" there shall be added the following new definition:

" "entrustment agreement" shall have the same meaning assigned to it in article 51;";

(i) the definition "exploration" shall be substituted by the following:

" "exploration" means an activity on land and in the territorial seas or in the contiguous zone, carried out with the intention of discovering new data regarding the cultural heritage or in the search of discovering new movable or immovable items of cultural heritage value not yet documented on the national inventory of cultural property;";

(ji) immediately after the definition "exploration" as substituted there shall be added the following new definition:

" "field investigation" means a limited or detailed programme, as the case may be, of non-intrusive or intrusive fieldwork to determine the presence or otherwise of archaeological features, structures, deposits, artefacts or ecofacts within a specified area or site on land or underwater;";

(k) in the definition "financial year" for the words "in any year:" there shall be substituted the words "in any year;" and the proviso thereof shall be deleted;

(l) in the definition "Forum" for the words "in article 15;" there shall be substituted the words "in article 14;";

(m) the definition "Fund" shall be substituted by the following:

" "Fund" means the Cultural Heritage Fund established by article 13;"

(n) immediately after the definition "Fund" there shall be added the following new definitions:

" "Government agency" shall have the same meaning assigned to it in the Public Administration Act; Cap. 497.

"Government entity" shall have the meaning assigned to it in the Public Administration Act;" Cap. 497.

(o) in the definition "guardianship" and "guardianship deed" for the words "in article 48" there shall be substituted the words "in article 64;"

(p) immediately after the definition "guardianship" and "guardianship deed" there shall be added the following new definitions:

" "Heritage skills" shall include, but shall not be limited to, those skills, aptitudes and competences necessary for the completion of a specific work in the sphere of cultural heritage. These skills include the application of a heritage trade or craft, knowledge, custom, art, technique and skill as have been developed and safeguarded, whether through tradition or instruction, and having a conservation context;

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

(q) immediately after the definition "integrated conservation" there shall be added the following new definitions:

" "intrusive object" means an object which is attached to the remains of a ship, to a natural topographic feature or to the subsoil of the sea-bed;

"inventory" means a list with associated information, of cultural property which can be subsumed in the national inventory:

Provided that the national inventory shall mean

C 2116

that list with associated information of cultural property as established under article 7(5);";

(r) immediately after the definition "holder" there shall be added the following new definition:

" "landscape" means an area, as perceived by people, whose character is the result of the action and interaction of natural and, or of human factors;";

(s) the definition "holder" shall be deleted;

(t) immediately after the definition "mission" there shall be added the following new definition:

" "monitor" means a person accredited and duly authorised by, and working under the instructions of the Superintendence of Cultural Heritage to carry out monitoring activities and the term "monitoring" shall refer to an accredited person performing this task;";

(u) in the definition "museum", the word "documentates" shall be substituted by the word "documents";

(v) immediately after the definition "museum" there shall be added the following new definition:

" "Non-Government Organisation" means any voluntary organisation the objective of which is the promotion of cultural heritage and may include the conservation, restoration, management, presentation and, or study of cultural property and which has been duly provided with a certificate of enrolment by the Commission of Voluntary Organisations under the Voluntary Organisations Act;";

Cap. 492.

(w) immediately after the definition "officer" there shall be added the following new definition:]

" "Perit" shall have the same meaning assigned to it in the Periti Act;";

Cap. 390.

(x) immediately after the definition "prescribed" there shall be added the following new definitions:

" "protected zone" means an area in respect of which a Government Notice is in force and any area by which the afore-mentioned area is extended by a notice that is in

force under this Act and includes the airspace above such an area and any waters, sea-bed and subsoil included in such an area;

"public collections" means collections of cultural objects which are the property of the Government of Malta, government entities, authorities, corporations, government foundations and associations;"

(y) in the definition "right of preference" for the words "with article 40;" there shall be substituted the words "with article 55;"

(z) immediately after the definition "right of preference" there shall be added the following new definitions:

" "semi-public collections" means collections of cultural objects which are not directly owned by Government but such collections shall be subject to the obligations applicable to public collections in accordance with the provisions of this Act;"

"scheduled buildings" shall have the same meaning assigned to it in the Development Planning Act;

Cap. 552.

"ship" includes any vessel used in navigation by water, including a submarine;"

(aa) immediately after the definition "surveillance" there shall be added the following new definition:

" "survey" means the use of non-intrusive and non-destructive techniques to determine the presence or absence of anomalies resulting from archaeological features, structures or deposits, within a specified area or site on land or underwater. For the purposes of this Act, survey includes any activity designed to examine and record an area or features thereof so as to describe and gather data in written, measured or graphic form;"

(bb) in the definition "suspension notice" for the words "in article 46" there shall be substituted the words "in article 62;" and

(cc) immediately after the definition "territorial waters" there shall be added the following new definition:

" "Underwater Cultural Heritage" means all traces of

C 2118

human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least fifty years and which are related to Malta such as, but not limited to:

(i) sites, structures, buildings, artefacts and human remains, together with their archaeological and natural context;

(ii) vessels, aircraft, other vehicles or any part thereof, their cargo or other contents, together with their archaeological and natural context; and

(iii) objects of prehistoric character:

Provided that Underwater Cultural Heritage shall not include pipelines, cables and installations placed on the seabed and still in use:

Provided further that the Underwater Cultural Heritage removed from waters shall include a reference to the remains of a ship, to part of the remains of a ship, to an object or part thereof, as the case may be:

(a) having been washed away from those waters;

(b) having been removed, or washed away, from the seabed, or the subsoil of the seabed, beneath those waters; or

(c) having been removed, or washed away, from a natural topographic feature in those waters;"

Amendment of article 4 of the principal Act.

4. In sub-article (4) of article 4 of the principal Act, for the word "documentate" there shall be substituted the word "document".

Amendment of article 7 of the principal Act.

5. Article 7 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the word "fulfil" there shall be substituted the word "fulfill";

(b) paragraph (a) of sub-article (5) including subparagraphs (i) to (iv) thereof shall be substituted by the following:

"(a) to act as a national repository for the national inventory of cultural heritage which function will include the right to establish, update, manage and, where appropriate, publish, or to ensure the compilation of a national inventory of cultural property as stipulated in article 53;"

(c) paragraph (b) of sub-article (5) thereof shall be substituted by the following:

"(b) to exercise surveillance over the protection, excavation, monitoring, exploration, conservation, restoration, maintenance, exhibition and accessibility, import, export and movement of cultural property;"

(d) in paragraph (c) of sub-article (5) thereof immediately after the words "to promote" there shall be added the words "and conduct";

(e) in paragraph (f) of sub-article (5) thereof, for the words "and sites;" there shall be substituted the words "and sites and to maintain all necessary databases and information derived from or required to organise, plan, co-ordinate, and monitor restoration and conservation projects;"

(f) in paragraph (i) of sub-article (5) thereof, for the words "with article 42", there shall be substituted the words "with article 57"

(g) in paragraph (k) of sub-article (5) thereof, for the words "assign to it." there shall be substituted the words "assign to it;" and immediately thereafter there shall be added the following new paragraphs:

"(l) to advise Government, in consultation with the Committee and the Agency and other relevant bodies, on a policy of conservation and restoration;

(m) to accredit for the purposes of this Act non-governmental organisations established to promote cultural heritage, including the conservation, restoration, management, presentation or study of cultural property which they hold in ownership or in trust, and to compile, maintain and regularly update a register of such non-governmental organisations:

C 2120

Provided that any non-governmental organisation to be included in such a register is to obtain the prior approval of the Minister;

(n) to advise the Minister, after discussion with the Committee, regarding the entrustment of items of cultural heritage property to other cultural entities, cultural non-government organisations and local councils, according to conditions and terms stipulated in entrustment agreements;

(o) without prejudice to the intellectual rights of stakeholder institutions and of individual researchers, to make publicly accessible through publication and dissemination the results of research and investigations carried out by the Superintendence or by other persons under its authority;

(p) to undertake research and consult Government departments, private organisations and international organisations and other persons as may be required in the discharge of its duties under this Act; and

(q) to appoint and accredit monitors and experts as necessary for the purposes of this Act."

Amendment of article 8 of the principal Act.

6. Sub-article (4) of article 8 of the principal Act shall be amended as follows:

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

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

(b) in paragraph (c) thereof, for the words "administered by it" there shall be substituted the words "administered by the Agency;"

(c) in paragraph (f) thereof, for the words "locality; and" there shall be substituted the words "locality;"

(d) paragraph (g) thereof, shall be substituted by the following:

"(g) to promote and carry out research in the field of cultural heritage and, subject to the regulatory function of the Superintendent, to conduct excavations and other investigations which may be required so that objects or aspects of cultural heritage be discovered, cared for and appreciated;" and

(e) immediately after paragraph (g) as substituted, there shall be added the following new paragraphs:

"(h) to provide access to the Superintendent to documentation of works of restoration and conservation carried out at or by the Agency, and, where necessary, the principles, technology and methodology employed;

(i) to act as a national consulting agency on matters related to conservation and restoration and any such matters related to its functions;

(j) when so required, to advise Government, following consultation with the Superintendence and the Committee, on a policy of conservation and restoration which will cover Malta and identify priority areas and special needs;

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

(l) to set up and maintain diagnostic science and conservation laboratories fully equipped for the purpose of fulfilling its functions; and

(m) to perform such other functions under this or any other law as well as such other functions as the Minister may from time to time assign to it, and generally to advise the Minister on all matters relating to the cultural heritage and cultural property."

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| 7. | Article 10 of the principal Act shall be deleted. | Deletion of article 10 of the principal Act. |
| 8. | Article 11 of the principal Act shall be deleted. | Deletion of article 11 of the principal Act. |
| 9. | Article 12 of the principal Act shall be renumbered as article 10 and sub-article (3) thereof, shall be substituted by the following: | Amendment of article 12 of the principal Act. |

C 2122

"(3) In the exercise of their functions under this Act, the Superintendence and the Agency shall:

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

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

Amendment of article 13 of the principal Act.

10. Article 13 of the principal Act shall be renumbered as article 11 and for the words "The Superintendence, the Agency and the Centre" there shall be substituted the words "The Superintendence and the Agency".

Amendment of article 14 of the principal Act.

11. Article 14 of the principal Act shall be renumbered as article 12 and shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following:

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

(a) a Chairperson appointed by the Minister;

(b) a person appointed by the Minister responsible for tourism;

(c) a person appointed by the Minister responsible for Gozo;

(d) a person appointed by the Minister responsible for government property;

(e) the Superintendent *ex officio*;

(f) the Chairperson of the Agency *ex officio*;

(g) the Chairperson of the Planning Authority *ex officio*;

(h) the Chairperson of the Environment and Resources Authority *ex officio*;

(i) the Director of the Restoration Directorate;

(j) a member of the Catholic Cultural Heritage Commission referred to in article 69 appointed by the competent local ecclesiastical authority; and

(k) three other persons appointed by the Minister from amongst persons working in the field of cultural heritage and in non-Governmental organizations dedicated to cultural heritage, and another person active in the commercial sector."; and

(b) in paragraph (a) of sub-article (6) thereof, for the words "under articles 7, 8 and 10;" there shall be substituted the words "under articles 7 and 8;".

12. Article 15 of the principal Act shall be renumbered as article 13. Renumbering of article 15 of the principal Act.

13. Article 16 of the principal Act shall be renumbered as article 14 and shall be amended as follows: Amendment of article 16 of the principal Act.

(a) in sub-article (1) thereof, the words "the Centre," shall be deleted; and

(b) in sub-article (5) thereof, the words "of Guarantee" shall be deleted.

14. Article 17 of the principal Act shall be renumbered as article 15 and in sub-article (1) thereof, the words "by the Chairperson of the Board of Governors in the case of the Centre," shall be deleted. Amendment of article 17 of the principal Act.

15. Article 18 of the principal Act shall be renumbered as article 16. Renumbering of article 18 of the principal Act.

16. Article 19 of the principal Act shall be renumbered as article 17 and in sub-article (1) thereof, for the words "of article 18" there shall be substituted the words "of article 16". Amendment of article 19 of the principal Act.

C 2124

- Amendment of article 20 of the principal Act. **17.** Article 20 of the principal Act shall be renumbered as article 18 and in the marginal note thereof, for the word "mett" there shall be substituted the word "meet".
- Amendment of article 21 of the principal Act. **18.** Article 21 of the principal Act shall be renumbered as article 19 and the words "four hundred and sixty-eight euro and sixty-seven cents (116,468.67)" shall be substituted by the words "two hundred and fifty thousand euro (250,000)".
- Renumbering of articles 22, 23 and 24 of the principal Act. **19.** Articles 22, 23 and 24 of the principal Act shall be renumbered as articles 20, 21 and 22 respectively.
- Amendment of article 25 of the principal Act. **20.** Article 25 of the principal Act shall be renumbered as article 23 and in sub-article (1) thereof, for the words "article 24." there shall be substituted the words "article 22.".
- Renumbering of article 26 of the principal Act. **21.** Article 26 of the principal Act shall be renumbered as article 24.
- Amendment of article 27 of the principal Act. **22.** Article 27 of the principal Act shall be renumbered as article 25 and shall be amended as follows:
- (a) in sub-article (3) thereof, for the words "under article 24," there shall be substituted the words "under article 22,"; and
- (b) in sub-article (4) thereof, for the words "under article 24(5)." there shall be substituted the words "under article 22 (5).".
- Renumbering of article 28 of the principal Act. **23.** Article 28 of the principal Act shall be renumbered as article 26.
- Substitution of article 29 of the principal Act. **24.** Article 29 of the principal Act shall be substituted by the following:
- "Contracts of supply and of works. **27.** Each Entity shall abide by the public procurement regulations.".
- Substitution of article 30 of the principal Act. **25.** Article 30 of the principal Act shall be substituted by the following:

"Annual report.

28. Each Entity shall, not later than eight weeks after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with its activities during that financial year and containing such information relating to its proceedings and policy as either of the said Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House together with the estimates as provided for in article 22."

26. Article 31 of the principal Act shall be substituted by the following:

Substitution of article 31 of the principal Act.

"Qualifications for Warrant.

29. (1) No person shall exercise the profession of conservator-restorer unless he is the holder of a warrant under article 31.

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

(a) he is a citizen of Malta, or of another Member State of the European Union, or of a country in the European Economic Area, or is otherwise permitted to work in Malta under any law;

(b) he is of good conduct and repute;

(c) he is of full legal capacity; and

(d) he satisfies the Board that –

(i) he is in possession of academic qualifications obtained after successful completion of studies at tertiary level, of a duration, in aggregate, of at least five years full-time, or equivalent part-time duration, including a degree course of at least two years full-time duration in conservation-restoration at Malta Qualification Framework Level 7 or equivalent as offered by such university or academic institution as may be recognised by the Board established in article 35:

C 2126

Provided that the qualification of a Bachelor in Conservation and Restoration Studies (Honours) by the University of Malta between the years 2003 and 2014 shall be considered, for the purposes of this Part of the Act, as satisfying the requirement for qualifications in terms of this sub-paragraph:

Provided further that in the case of individuals trained in conservation-restoration in other countries wherein the training offered does not lead to the level of academic qualifications referred to in this sub-paragraph, the individual concerned must present this information, together with all evidence of any conservation-restoration training or apprenticeships undertaken by the individual to the Board, and it shall be within the discretion of the Board to assess whether the individual has reached an adequate level of training in conservation-restoration; and

(ii) for a period of not less than two years after obtaining the academic qualifications referred to in sub-paragraph (i), he has carried out conservation-restoration practice under the supervision of a warranted Conservator-Restorer, in accordance with the guidelines issued by the Board, or with any such body recognised by the Board for such purpose:

Provided that for the first five years following the coming into force of this Part of the Act, the conservation-restoration practice may be carried out under the supervision of a person or persons who are themselves eligible for being warrant holders in conservation-restoration who have previously practised in conservation-restoration for at least five years; and

(iii) he has been duly assessed by the Board in an appraisal for the purpose after submitting evidence of academic training and a portfolio of his work to the Board, as the Board may establish in its own procedures:

Provided that where the duration of the course of study leading to academic qualifications is less than the duration stipulated in sub-paragraph (i), or when the conservation-restoration practice is less than the requirement of two years as provided in sub-paragraph (ii), where the applicant is a national of another Member State of the European Union or of the European Economic Area, the Board may require him to undertake an adaptation period or an aptitude test in conformity with the provisions of the Mutual Recognition of Qualifications Act:

Cap. 451.

Provided further that where the academic qualifications referred to in sub-paragraph (i) are obtained after full-time academic courses in conservation-restoration of a duration in the aggregate of at least seven years, up to a European Qualifications Framework level 7 or above and which contain such level of practical training as may be approved by the Board, the condition for supervised training may be deemed to have been fulfilled."

27. Article 32 of the principal Act shall be substituted by the following:

Substitution of article 32 of the principal Act.

"Special circumstances.

30. Notwithstanding the provisions of article 29, a person may be granted a warrant if he:

(a) possesses the requirements listed in article 29(2)(a), (b) and (c); and

C 2128

(b) has, prior to the coming into force of these amendments, practiced as a Conservator-Restorer in Malta or in another Member State of the European Union or of the European Economic Area for a period of not less than twenty years; and

(c) satisfies the Board that he is of the required competence and academic ability, based on an examination of the portfolio, together with an interview and a presentation of any academic or professional qualifications."

Substitution of article 33 of the principal Act.

28. Article 33 of the principal Act shall be substituted by the following:

"Granting of warrant to practice the profession of conservator-restorer.

31. (1) The warrant to practice the profession of conservator-restorer shall be granted by the Minister on the recommendation of the Board and shall be signed by the Minister and the Chairperson of the Board, to any person who satisfies the requirements of articles 29 and 30. A decision shall be taken within six months:

Provided that the Board may, for justified reasons, extend the six months period by notice in writing informing the applicant of such an extension.

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

(3) A person holding a warrant issued in accordance with this article shall, in addition, hold one or more certificates issued by the Board (hereinafter in this Act referred to as "a practising certificate") to practise in named fields of Conservation-Restoration as may be prescribed by the Minister, and shall not practice in such fields unless he holds the relative practising certificate.

(4) Every warrant holder shall perform hundred hours of continued professional development per year:

Provided that if the warrant holder does not perform the number of hours established, the Board shall suspend the warrant until such time as the person shows to the satisfaction of the Board that the requirement of continued professional development has been met."

29. Article 33A of the principal Act shall be substituted by the following:

Substitution of article 33A of the principal Act.

"Other persons working with Conservator-Restorers

32. (1) The Board shall recognise the registers, lists and directories kept by other warranting boards which grant warrants to persons that work with Conservator-Restorers. Persons listed in such registers, lists and directories shall be referred as "listed persons".

(2) The Board may register a person as having one or more Heritage Skills:

Provided that the Board is satisfied that the person who applies to be so registered is suitably trained or experienced and is eligible to qualify and be registered as having a Heritage Skill in accordance with the provisions of this Act.

(3) Persons registered as having a Heritage Skill shall not carry out conservation-restoration work on cultural heritage outside their field of expertise:

Provided that persons registered as having a Heritage Skill must only practice under the supervision of a warranted Conservator-Restorer when working on cultural heritage.

(4) The provisions of this article shall not affect contracts, projects and works that have commenced before the coming into force of these amendments but shall apply to all contracts or works and projects that will commence after the coming into force of these amendments."

30. Immediately after article 32 of the principal Act as substituted, there shall be added the following new articles:

Addition of new articles to the principal Act.

"Temporary warrant. Cap. 451.

33. (1) Without prejudice to the Mutual Recognition of Qualifications Act and notwithstanding the provisions of article 29 and 30, any person established in another Member State may practise the profession of a conservator-restorer in Malta on a temporary and occasional basis provided that such person:

C 2130

(a) is legally established in another Member State for the purpose of practising the profession of Conservator-Restorer in that Member State; and

(b) has pursued the profession of Conservator-Restorer for at least one year during the ten years immediately preceding the provision of services where the profession of Conservator-Restorer is not regulated in that Member State.

(2) Persons referred to in sub-article (1) shall inform the Board by means of a written declaration to be made in advance, which declaration shall include the following:

(a) details of an insurance cover or other means of personal or collective protection relative to professional liability. This declaration shall be made once a year if the service provider intends to provide temporary or occasional services during the year;

(b) proof of the nationality of the service provider;

(c) an attestation certifying that the Conservator-Restorer is legally established in a Member State for the purpose of pursuing the activities concerned and that he is not prohibited from practising the profession of a Conservator-Restorer even temporarily, at the moment of delivering the attestations;

(d) evidence of professional qualifications; and

(e) where applicable, any means of proof that the Conservator-Restorer has practised the profession of Conservator-Restorer for at least one year during the previous ten years immediately preceding the provision of services.

Cap. 451.

(3) Without prejudice to the Mutual Recognition of Qualifications Act and notwithstanding the provisions of article 29, the person applying for a temporary warrant shall be required to submit a declaration in accordance with sub-article (2) and the Board shall determine whether that person shall be given access to the profession of a Conservator-Restorer or to exercise that activity in the entire territory of Malta.

(4) The Board shall determine the temporary nature and occasional nature of the practise of the conservation-restoration services on a case by case basis:

Provided that in all cases, the Board shall establish the duration of the temporary provision of the service.

(5) A person practising as Conservator-Restorer under this article shall be deemed to be a temporary warrant holder and the provisions of this Act and of any other applicable law shall apply to him in the same manner and to the same extent as with any other warrant holder.

Third country nationals.

34. (1) Third country nationals legally established in Malta wishing to practise as a Conservator-Restorer or to practise a Heritage Skill shall apply to the Board and shall be duly assessed by the Board.

(2) The Board shall use the criteria established in article 29 to assess the individual so applying under this article, which shall include giving the individual the opportunity to show, in particular by means of an aptitude test, that he possesses the necessary knowledge or competence.

(3) A person applying under this article may be granted a temporary or permanent warrant as Conservator-Restorer or registration as a person having a Heritage Skill, as the case may be, and as the Board shall deem fit after having assessed the person's application."

31. Article 34 of the principal Act shall be substituted by the following:

Substitution of article 34 of the principal Act.

C 2132

"*Bord tal-Warrant tar-Restawraturi.*"

35. (1) There shall be a Board, to be known as the *Bord tal-Warrant tar-Restawraturi* which shall consist of:

(a) one person to be appointed from among persons who are or have been qualified to be appointed judges in Malta;

(b) three members appointed from among persons who in the opinion of the Minister have the necessary knowledge and experience and of whom one shall be from among the resident academic staff of the University of Malta and another shall be from among academic staff of the Malta College of Arts Science and Technology;

(c) the Superintendent or his representative *ex officio*; and

(d) two practising warranted Conservator-Restorers not being temporary warrant holders:

Provided that for the first year from the coming into force of these amendments, the Board shall be composed of the persons indicated in paragraphs (a), (b) and (c), while paragraph (d) shall come into force one year after the coming into force of this provision from which date the Board shall be composed of the persons indicated in paragraphs (a) to (d):

Provided further that the Minister shall appoint one person from those listed in paragraphs (a) and (b) as Chairperson of the Board.

(2) The Chairperson and members of the Board shall be appointed by the Minister and shall hold office for such term, not exceeding three years, and under such conditions as may be set out in the letter of appointment:

Provided that on the expiration of the term for which a person is appointed under this sub-article, the Chairperson and the members may be reappointed for a further term.

(3) Save as aforesaid, the Board may make its own rules and shall regulate its own procedures.

(4) In carrying its functions, the Board shall utilize the funds that may be allocated to the Board from time to time by the Minister for Finance.

(5) Where any vacancy in the Board occurs, the Minister shall as soon as practicable, appoint another person to fill the vacancy. If the vacancy arises in the post of Chairperson, the Minister may appoint any other member of the Board from those listed in paragraphs (a) and (b) above to fill the position of Chairperson.

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

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

32. Immediately after article 35 of the principal Act as substituted, there shall be added the following new articles: Addition of new articles to the principal Act.

"Complaints on ethical issues.

36. (1) Complaints against warrant holders, practising certificate holders and persons having a Heritage Skill on breaches of the code of ethics, shall be submitted in writing to the Board.

(2) In exercising its functions under this article, the Board shall regulate its own procedure.

(3) The Board shall investigate the complaint *in camera* and the proceedings shall be considered as confidential.

(4) If the Board concludes that the warrant holder, practising certificate holder or the person registered as having a Heritage Skill has breached the code of ethics, the Board may issue a warning to the warrant holder, practising certificate holder or the person having a Heritage Skill or recommend to the Minister the suspension, cancellation or revocation of the warrant, practising certificate or registration as the case may be:

C 2134

Provided that the decision of the Board shall be notified only to the warrant holder, practising certificate holder or the person registered having a Heritage Skill.

(5) Appeals against a finding of the Board in terms of this article shall be lodged before the Conservation-Restoration (Appeals) Board set up in terms of article 37 within twenty days from the notification of the decision of the Board.

(6) Where a warrant, practising certificate or registration has been suspended for more than one year, the suspension may be lifted by the Board at any time after the expiration of one year if it is shown to the satisfaction of the Board that there has been a change in circumstances which justifies such lifting.

Establishment of
Conservation-
Restoration
(Appeals) Board.

37. (1) The Conservation-Restoration (Appeals) Board shall consist of a chairperson and three other members that shall be appointed by the Minister from amongst persons of known integrity who appear to him to be qualified by reason of having had experience of, and shown capacity in, matter deemed appropriate for the purpose:

Provided that at least one of the members of the Board shall be a person who has practised as an advocate in Malta for a period or periods amounting, in the aggregate, to not less than twelve years.

(2) The members of the Conservation-Restoration (Appeals) Board shall hold office for a period of three years, and shall be eligible for reappointment.

(3) The Minister may also appoint a substitute chairperson and substitute members of the Conservation-Restoration (Appeals) Board to sit on the said Board whenever the chairperson or members or any one of them is for some valid reason unable temporarily to attend and participate in the sittings of the said Board:

Provided that, as far as practicable, the same chairperson and the same members shall hear and conclude the same case.

(4) A member of the Conservation-Restoration (Appeals) Board may only be removed from office by the Minister on the grounds of gross negligence, incompetence, or acts, omissions or conduct unbecoming a member of the Conservation-Restoration (Appeals) Board.

(5) The Conservation-Restoration (Appeals) Board shall have power to hear and determine appeals on both facts and points of law against a decision or recommendation of the Board made in accordance with article 36.

(6) The sittings of the Conservation-Restoration (Appeals) Board shall be held *in camera*.

(7) In the exercise of its function the Conservation-Restoration (Appeals) Board shall have all the powers as are assigned to the First Hall of the Civil Code by the Code of Organization and Civil Procedure.

Cap. 12.

(8) Three members of the Conservation-Restoration (Appeals) Board shall constitute a quorum in its meetings.

(9) The decisions of the Conservation-Restoration (Appeals) Board shall be final.

Appeals from
decisions of the
Board.

38. (1) A decision of the Board under articles 31, 32, 33, 34 and 40(1) shall be subject to appeal before the Court of Appeal constituted as provided in article 41 of the Code of Organization and Civil Procedure.

Cap. 12.

(2) The appeal shall be filed within twenty days from the notification of the decision of the Board to the applicant or warrant holder, practising certificate holder or person registered as having a Heritage Skill.

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

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

C 2136

Substitution of
article 35 of the
principal Act.

33. The current article 35 of the principal Act shall be substituted by the following:

"Functions of the
Board.

39. (1) The functions of the Board are to –

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

(b) to organise, regulate and determine requests made under special circumstances in accordance with article 30 and under other circumstances in accordance with articles 33 and 34;

(c) keep a list of universities and academic institutions and degree programmes for the purposes of article 29;

(d) review the academic qualifications and assess the practical training undertaken by an individual who has trained in a foreign jurisdiction in accordance with the provisions of article 29(2)(d)(i);

(e) establish the minimum core subjects in the field of conservation-restoration which an applicant for a warrant must be knowledgeable in;

(f) organise and regulate the appropriate aptitude tests and adaptation periods as provided in this Act;

(g) consider and determine applications for new practising certificates in terms of article 31(3) and for the registration of persons having a Heritage Skill in terms of article 32;

(h) draw up a code of ethics and guidelines of practice for warrant holders and persons registered as having Heritage Skills;

(i) draw up guidelines to be used by the Board in determining cases arising in terms of article 40;

(j) determine cases of professional misconduct and other disciplinary proceedings in respect of individuals holding warrants and practising certificates, temporary warrants, persons registered as having a Heritage Skill, including cases leading to the suspension or withdrawal of any warrant, or holders of a practising certificate or registration of a Heritage Skill issued under this Act;

(k) draw up guidelines establishing the manner in which persons having a Heritage Skill shall be assessed and registered as such;

(l) assess professional associations for recognition in terms of article 42;

(m) establish the criteria for the acceptance of programmes of continued professional training and development for warrant holders and holders of practising certificates; and

(n) advise the Minister in connection with any matter relating to the profession of conservators-restorers and to Heritage Skills.

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

(3) The Board shall keep a register of warrant holders, indicating with respect to each person registered therein the work for which they hold a practising certificate or certificates, and shall, not later than three months after the end of each year, publish in the Gazette a list of persons who, on the 31st December of the said year, were registered as holders of a warrant issued under this Act, and what practising certificates they hold.

C 2138

(4) The Board shall keep a register of persons having a Heritage Skill under this Act, indicating with respect to each person registered therein the work, intervention or procedure for which such person is registered, and shall not later than three months after the end of each year, publish in the Gazette a list of persons who, on the 31st December of the said year, were so registered, indicating with respect to each person the work, intervention or procedure for which he is registered.

(5) The Board shall keep a register of persons holding temporary warrants and registered to practise a Heritage Skill and shall not later than three months after the end of each year, publish in the Government Gazette a list of persons who, on the 31st December of the said year, were so registered."

Substitution of article 36 of the principal Act.

34. The current article 36 of the principal Act shall be substituted by the following:

"Suspension or revocation of warrants and practising certificates and registrations of Heritage Skills.

40. (1) The Minister upon advice of the Board may, by order in writing, suspend, revoke or cancel a warrant, practising certificate, or registration, as applicable, if the person:

(a) has, following an enquiry by the Board, been found guilty, of any of the following acts or omissions:

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

(ii) acted in violation of any provision of this Act, regulation or directive issued in accordance with this Act;

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

(iv) conduct that goes against the code of ethics and guidelines for practice in terms of this Act;

(v) failure to comply with any condition attached to a warrant, or practising certificate, or registration issued under this Act;

(vi) grievous conduct discreditable to the profession;

(vii) obtaining a warrant or practising certificate or registration in a deceitful or fraudulent manner;

(viii) the existence of material circumstances which, if the warrant or practising certificate had not been issued, would disqualify such person from obtaining a warrant or practising certificate; or

(b) has been found guilty by a court of law:

(i) of an offence under the provisions of this Act or any regulations made thereunder; or

(ii) of a crime affecting public trust or of theft or of fraud or of knowingly receiving property obtained by theft or fraud or, as the case may be, of a crime punishable by a term of imprisonment exceeding one year.

(2) Without prejudice to the provisions of sub-article (1):

(a) a warrant may be surrendered to the Minister by the warrant holder;

(b) a practising certificate may be surrendered to the Minister by the practising certificate holder;

(c) a registration as a person having a Heritage Skill may be surrendered to the Minister by the person so registered."

35. The current article 37 of the principal Act shall be substituted by the following:

Substitution of article 37 of the principal Act.

C 2140

"Effects of revocation, cancellation or suspension of a warrant, practising certificate or registration of Heritage Skills.

41. (1) Where a warrant and, or practising certificate or registration under this Act is revoked or cancelled, the person concerned shall cease to be a holder of such warrant, and, or any practising certificate, or registration.

(2) If the warrant and, or practising certificate or registration is suspended, the holder or registered person shall cease to exercise the profession and, or provide the skill during the period of suspension."

Substitution of article 38 of the principal Act.

36. The current article 38 of the principal Act shall be substituted by the following:

"Recognition of approved bodies.

42. (1) The Minister may, on the recommendation of the Board, recognise any local professional association of Conservators-Restorers as an approved body for the purposes of this Act if the Board is satisfied, among such other matters as may be prescribed, that the educational and professional qualifications demanded by such association for membership conform to those established under this Act and that such membership is open to all persons having such qualifications.

(2) Such recognition shall be subject to any such conditions as the Minister may, on the recommendation of the Board, in granting recognition, impose or as he may from time to time prescribe and if at any time any of the conditions as aforesaid, or any of the provisions as contained therein or as prescribed, is not observed or fulfilled, or there is a material change in the circumstances under which the recognition was granted, the Minister may, on the recommendation of the Board, suspend or withdraw the recognition.

(3) The approved body shall keep a register of its members and shall enter therein the names of all persons who qualify for such membership. The said register shall be kept in such manner as may be prescribed."

Amendment of article 39 of the principal Act.

37. The current article 39 of the principal Act shall be renumbered as article 43 and the words "in article 34" in sub-article (1) thereof shall be substituted by the words "in article 35".

38. Immediately after article 43 of the principal Act, as renumbered, there shall be added the following new Part and articles:

Addition of new Parts and articles to the principal Act.

"PART VII
Underwater Cultural Heritage

Declaration of Underwater Cultural Heritage.

44. (1) The Superintendent may, by a notice in the Gazette, declare remains found on the seabed that are situated in the territorial waters of Malta and are at least fifty years old as Underwater Cultural Heritage.

(2) Whenever the Superintendent is of the opinion that the remains that are situated in the territorial waters are of cultural and historic significance, the Superintendent may, by notice in the Government Gazette, declare those remains to be a historic shipwreck and, or an underwater archaeological site.

(3) Where the Superintendent is of the opinion that a particular object associated with a ship situated in the territorial waters is of historic significance, the Superintendent may, by notice published in the Gazette, declare the object to be a historic object.

(4) The Superintendent may make a declaration under sub-articles (2) and (3) in relation to any part of the remains of a ship, aircraft or underwater archaeological site, or in relation to any object situated in or that has been removed from the territorial waters.

(5) When a declaration has been made in accordance with this article in relation to the remains of a ship, aircraft or any other underwater archaeological site or an object situated in the territorial waters and after such declaration is issued, any part of those remains or that object is removed from the territorial waters, the declaration will continue to apply, subject to any amendment or revocation of the declaration, in relation to that part of those remains or in relation to that object notwithstanding its removal from those waters.

Protected zones.

45. For the purpose of this Act, the Superintendent may, by notice published in the Gazette declare an area of sea or partly of sea and partly of land within which Underwater Cultural Heritage is situated to be a protected zone.

C 2142

Custody of
Underwater
Cultural Heritage.

46. (1) The Superintendent may, in relation to a person who has possession, custody or control of an object being or forming part of, a historic shipwreck, an underwater archaeological site or being a historic object, for the purpose of:

(a) the preservation of the object;

(b) the placement of the object with a collection of articles that has been or is yet to be established; or

(c) the exhibition thereof, or the provision of access to, the object, whether or not the object forms part of a collection of objects,

by notice in writing require the person to take such action in relation to the object as is specified in the notice.

(2) The action that a person may be required to take in relation to an article in accordance with sub-article (1) includes but is not limited to:

(a) keeping the object in a particular manner or place;

(b) removing the object to a particular place within a particular time;

(c) doing a particular act in relation to the object within a particular time, being an act designed to assist in the preservation of the object; and

(d) delivering the object into the custody of a particular person within a particular time.

Permits for
exploration or
recovery of
shipwrecks and
relics.

47. (1) The Superintendent may, in his or her discretion, upon application by a person, grant a permit to that person authorizing that person and any other persons named or described in the permit to do an act or thing specified in the permit the doing of which would otherwise be prohibited by the Act.

(2) The Superintendent may impose conditions in respect of the permit and may at any time revoke or vary any conditions so imposed.

Duty to report the discovery of shipwrecks and relics.

48. Any person who finds, in the territorial waters of Malta any form of Underwater Cultural Heritage, shall by not later than twenty four hours from such discovery transmit to the Superintendent a notice setting out a description of the remains or of the object and a description of the place where the remains or object are situated."

"PART VIII Protection of Cultural Heritage

Protection of Cultural Heritage.

49. No person shall make any intervention or alteration, damage, demolish or undertake conservation or restoration of a cultural property as defined in this Act, or classes thereof, except with the permission in writing of the Superintendent and subject to such conditions as may be imposed, and as may be defined in regulations issued under this Act.

Movable Cultural Property granted on loan or by allocation.

50. (1) The Superintendent may, with the authority in writing of the Minister, enter into an agreement with government agencies and bodies corporate established by law, cultural non-government organisations, local councils and academic institutions, for the loan or allocation of movable cultural property in accordance with provisions and regulations prescribed under this Act, and in accordance with such conditions as may be contained in the agreement:

Provided that the loan or allocation agreement, as the case may be, shall be made for the custody, administration, care and display of the movable cultural property:

Provided further that before authorising the Superintendent to enter into a loan or allocation agreement, the Minister shall consult the Committee as to the conditions to be included in the loan or allocation agreement.

(2) The loan or allocation agreement shall include terms and conditions, which terms and conditions shall be determined by the Superintendent on a case by case basis.

(3) The cultural property subject to the loan or allocation agreement shall remain the property of Government.

C 2144

(4) The Superintendent after consulting the Committee may recommend to the Minister to revoke a loan or allocation agreement if any terms and conditions stipulated therein or any provision of this Act, or of any regulations made thereunder, are not observed.

Site entrustment.

51. The Superintendent may, with the authority in writing of the Minister, in concurrence with the Minister responsible for government property, enter by public deed into an agreement with state-owned entities for the custody, administration, care and accessibility of immovable property in accordance with the provisions of this Act, and in accordance with such conditions as may be contained in the said agreement.

Public collections management.

52. (1) No part of a public collection shall be transferred from public ownership:

Provided that items in the public ownership on loan or allocation shall also be covered by this provision.

(2) Department of Government, government agencies and government entities having items or collections of cultural property shall ensure the safety of such property and are to inform the Superintendent of the state of such cultural property and its location:

Provided that any movement of such items or collections has to be reported to the Superintendent within thirty days of such movement:

Provided further that collections of non-government organizations will be subject to the same obligations that apply to public collections:

Provided further that in the case of the dissolution of a non-government organization the semi-public collection shall become a public collection.

(3) Public collections and their constituent items are to be listed in an inventory, which inventory is to be submitted to the Superintendent for inclusion in the national inventory. Any new acquisition of cultural property by public entities is to be reported to the Superintendent within thirty days of acquisition for inclusion in the national inventory:

Provided that the inventory shall indicate the location in which the item or collection is kept.

(4) The management and conservation of semi-public collections of cultural property shall be subject to the provisions of this Act.

(5) Such semi-public collections shall not be separated in the event of the dissolution of associations or non-government organisations."

39. The words of the heading "PART VII", immediately after article 52 as added, shall be substituted by the words "PART IX".

Substitution of the heading 'PART VII'.

40. The current article 40 of the principal Act shall be substituted by the following:

Substitution of article 40 of the principal Act.

"National Inventory.

53. (1) In establishing the national inventory of cultural property, the Superintendence shall consider cultural property and underwater cultural heritage belonging to:

- (a) the State or State institutions;
- (b) the Catholic Church and other religious denominations;
- (c) foundations established in accordance to law;
- (d) physical and juridical persons when movable cultural property has been made accessible to the public and when such persons have given their consent for such a purpose; and
- (e) any other cultural property and underwater cultural heritage as defined in this Act.

(2) The Superintendent may cause inventories to be developed and updated by other persons, and a copy of such inventories shall be deposited with the Superintendent.

(3) Cultural property and underwater cultural heritage included in the national inventory shall be attributed a level of protection to adequately safeguard the cultural property and underwater cultural heritage:

C 2146

Provided that the omission from the national inventory of any cultural property or underwater cultural heritage shall not be taken to imply that such omitted cultural property shall not be afforded such protection.

Cap. 552. (4) The Superintendent shall also make use of the list of Scheduled property, as defined in the Development Planning Act, for the purposes of the inventory."

Amendment of article 41 to the principal Act.

41. The current article 41 of the principal Act shall be renumbered as article 54 and shall be amended as follows:

(a) in sub-article (1) thereof, immediately after the words "No person may" there shall be added the word "move,";

(b) sub-articles (2), (3), (4), (5) and (6) shall be renumbered as sub-articles (3), (4), (5), (6) and (7) respectively; and immediately after sub-article (1) thereof, there shall be added the following new sub-article:

"(2) Any movement, when permitted, shall be subject to the payment of an administration fee as set out in the Schedule.";

(c) in sub-article (3) thereof as renumbered, immediately after the words "the payment of the *ad valorem*" there shall be added the words "fee" and the word "duty" shall be deleted;

(d) in sub-article (4) thereof as renumbered, immediately after the words "Permission for" there shall be added the words "movement,", for the word "duty" there shall be substituted the word "fee" and immediately after the words "in sub-article (2)" there shall be added the words "and (3)";

(e) sub-article (5) thereof as renumbered, shall be substituted by the following:

"(5) The value of the objects for the purpose of the payment of the fee referred to in sub-article (3) shall be fixed by one or more experts to be appointed by agreement between the Minister and exporter or, in default of agreement, by the First Hall of the Civil Court on the demand of the exporter, to be made by an application. The cost of the evaluation shall be borne by the exporter.";

(f) sub-article (6) thereof as renumbered, shall be substituted by the following:

"(6) In lieu of the payment of the fee in accordance with sub-article (3), the exporter may, with the consent of the Superintendent, give to the Government by way of *datio in solutum*, one or more objects of a value equivalent to the fee due.";

(g) in sub-article (7) thereof as renumbered, for the words "It shall be competent to the Government to", there shall be substituted the words "The Government may";

(h) immediately after sub-article (7) thereof as renumbered, there shall be added the following new sub-articles:

"(8) In the case of movement and import of cultural property into Malta, for the purpose of a temporary exhibition, or temporary donation, or sale, the Superintendent may issue a certificate guaranteeing that Government renounces, with regard to these objects, to the right of preference and to the right to prohibit their re-export, for a period of ten years from the date of the certificate and guarantee, which certificate and guarantee may be renewed:

Provided that:

(i) a written request for such a certificate has to be made prior to the importation or movement into Malta of such cultural property;

(ii) the objects are examined and registered by the Superintendent at the point of entry into Malta; and

(iii) such cultural objects are to be accompanied by evidence of provenance and title on the cultural property and are to be described graphically and in writing in the certificate and guarantee.

(9) The Superintendent is to maintain a register of such movements and imports, and shall inform the Committee and the Minister regarding the issue of such certificates and guarantees.

C 2148

(10) The Minister shall by regulations amend the fees established in the Schedule to this Act."

Addition of new articles to the principal Act.

42. Immediately after article 54 of the principal Act, there shall be added the following new articles:

"Right of preference.

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

Provided that the right of preference shall be exercised in any of the following circumstances:

(a) when the cultural property is of high cultural value; or

(b) in the case of a potential physical threat to the cultural property; or

(c) in the case of export or movement resulting in its removal from national territory; or

(d) to guarantee the accessibility of cultural property:

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

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

(3) In exercising the right of preference, where the consideration of the transfer cannot be otherwise established, the value of the cultural property in question shall be established in accordance with the provisions of article 59.

Conservation and Restoration.

56. (1) The restoration and conservation of public cultural property shall be subject to the provisions of this Act and may only be carried out with the prior authorisation and conditions established by the Superintendent, including the submission of condition reports and method statements by the conservators-restorers or by the persons responsible for the proposed restoration and conservation:

Provided that the Agency shall only give sufficient notice and information to the Superintendent prior to the commencement of the restoration and conservation works on public cultural property entrusted to it:

Provided further that any restoration and conservation works carried out on public property shall be subject to the prior authorization of the Superintendent.

(2) The restoration and conservation of privately owned cultural property of high cultural value shall be subject to the provisions of this Act:

Provided that the conservator-restorer shall notify the Superintendent of the restoration and conservation of privately owned cultural property of high cultural value.

(3) Conservation and restoration work referred to in sub-articles (1) and (2) may be subject to periodic inspections and reporting by the Superintendent.

(4) The Superintendent may, following the inspection held in accordance with sub-article (3), modify the conditions established in the original authorization."

43. Article 42 of the principal Act shall be renumbered as article 57 and for the word "effect" there shall be substituted the word "affect".

Amendment of article 42 of the principal Act.

44. Immediately after article 57 of the principal Act as renumbered, there shall be added the following new articles:

Addition of new articles to the principal Act.

C 2150

"Scheduling.
Cap. 552.

58. The Superintendent may commend for scheduling to the Planning Authority such sites and buildings which are considered to be scheduled as cultural property within the meaning of the Development Planning Act.

Permit for Development and interventions on cultural property.

59. (1) No person shall make any development or other interventions on cultural property or on classes of scheduled properties without first having obtained a permit therefor from the Superintendent and as may be prescribed in regulations issued under this Act.

(2) Before determining an application under sub-article (1) the Superintendent may require such information including the results of consultations with other entities, or individuals, tests, field investigations, examinations or inspections and other assessments on the history, composition, provenance or other aspects of the relevant cultural property as may be required by the Superintendent.

(3) In granting such a permit the Superintendent may impose such conditions or guarantee as he may consider appropriate.

(4) The Superintendent may request that the proposed development and the various phases thereof be photographed or otherwise documented or recorded, and that a report on the work be delivered to the Superintendent at such times as may be established in the permit.

(5) The Superintendent may request that the proposed development or any part thereof as may be stated in the permit be carried out under monitoring or supervision as shall be stated in the permit, by such warrant holder, professional or monitor.

(6) The Superintendent may require the drawing up of amended plans."

Substitution of article 43 of the principal Act.

45. The current article 43 of the principal Act shall be substituted by the following:

"Power of entry
and inspection.

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

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

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

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

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

(b) the expected duration of the occupation is stated in the notice:

Provided that any further extension of this period shall be made with at least three days notice; and

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

C 2152

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

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

Substitution of article 44 of the principal Act.

46. The current article 44 of the principal Act shall be substituted by the following:

"Discovery of cultural property.

61. (1) Any person who, accidentally or otherwise, by any means discovers any object, site or building, or feature in a building or property or any other cultural property whether on land or sea to which this Act applies, shall immediately inform the Superintendent, keep the cultural property found in situ and shall not for a period of six working days, which may on reasonable ground be extended for a further period of six working days, after informing the Superintendent proceed with any work on the site where the object of cultural property is discovered.

(2) The Superintendent shall inspect the site of discovery within the said six working days and may direct the person responsible to desist from any further work on the site or any part thereof by giving him a notice to suspend works in accordance with the provisions of this Act:

Provided that the Superintendent shall within the six working days inform the Agency of the site of discovery.

(3) Before determining appropriate action in accordance with this Act, the Superintendent may carry out investigations, including consultations with other entities or individuals, tests, excavations and site evaluations as prescribed in article 70, examinations or inspections and other assessments on the history, composition, provenance or other aspects of the relevant cultural property as may be required.

(4) Government shall have the right to acquire immovable cultural property so discovered in accordance with the Government Lands Act:

Cap. 573.

Provided that the Agency shall be given a right of first refusal when it comes to the allocation of the immovable cultural property.

(5) Every movable object of cultural value discovered in any location within Malta, its territorial waters, and its contiguous zone irrespective of the method of discovery shall belong to Government:

Provided that such movable objects shall be entrusted for custody, administration and care to the Agency.

(6) In the case of a revocation of the suspension notice or a conservation order issued in accordance with articles 62 and 63, the Superintendent may impose such conditions in the revocation notice as he may consider appropriate.

(7) Whenever cultural property is discovered, the Superintendent may require:

(a) the discovery to be photographed or otherwise documented or recorded, and that the documentation be delivered to the Superintendent at such times as may be stated in the revocation notice;

(b) the drawing up of amended plans relative to any work, development or activity or any part thereof; and

(c) any work, development or activity or any part thereof to be carried out under monitoring or supervision as may be stated in the revocation notice, by such warrant holder, professional or monitor."

47. The current article 45 of the principal Act shall be substituted by the following:

Substitution of article 45 of the principal Act.

C 2154

"Suspension notices.

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

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

Substitution of article 46 of the principal Act.

48. The current article 46 of the principal Act shall be substituted by the following:

"Conservation and Protection order.

63. (1) The Superintendent may in the case of any infringement of any of the provisions of this Act or of any regulations made thereunder, or in the case of any activity or development where cultural property might be at risk, serve a conservation and protection order on the owner or occupier or possessor of cultural property requiring such action as may be specified in the notice, including the discontinuance of anything being done or carried on, or planned to take place, to be taken within such time as may be specified in the order.

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

Cap. 319. (3) Saving the provisions of article 46 of the Constitution or of article 4 of the European Convention Act no precautionary order or warrant may be issued by any court restraining the Superintendent from issuing an order under this article or of doing anything which he is authorised to do by this article.

(4) The Superintendent may revoke any such conservation and protection order either absolutely or subject to such conditions as the Superintendent deems appropriate."

49. The current article 47 of the principal Act shall be substituted by the following:

Substitution of article 47 of the principal Act.

"Guardianship.

64. (1) The Superintendent may with the authority in writing of the Minister, in concurrence with the Minister responsible for government property, enter by public deed, into a guardianship deed with a local council or with a non-government organization whereby the custody and administration of immovable cultural property is passed over to the local council or the non-government organisation, as the case may be, in accordance with the provisions of this Act and of such regulations as may be prescribed and subject to such conditions not being inconsistent therewith as may be contained in the deed. The guardianship deed shall state the term for which it is entered, which term shall be approved by the Superintendent on a case by case basis, following the careful consideration of the feasibility and scale of undertaking of each proposal.

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

C 2156

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

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

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

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

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

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

(7) At the end of each calendar year the party in whose custody the cultural property is placed shall transmit to the Minister, the Superintendent and the Committee a report of its activities in relation to the cultural property and on the way it has executed the guardianship deed during the previous year. A copy of such report shall be laid on the Table of the House by the Minister.

(8) The Superintendent may renew a guardianship deed on the same terms and conditions for a further term, or terms, following prior written authorisation by the Minister. Any such renewal shall be registered with the Committee and a copy thereof shall, within four weeks, be laid on the Table of the House.

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

50. The current article 48 of the principal Act shall be substituted by the following:

Substitution of article 48 of the principal Act.

"Exclusive right to excavate.

65. (1) Archaeological or palaeontological excavations or explorations for cultural property, including investigations, field evaluations, survey and monitoring, on land as well as in the territorial waters or in the contiguous zone of Malta can only be made by the Superintendent, or with the written permission of the Superintendent and in accordance with any condition attached thereto:

Provided that without prejudice to the provisions of article 60, it shall be lawful for the Superintendent to undertake or cause excavations to be carried out for the purposes of this Act in any part of Malta, whenever such excavations are considered to be expedient and subject to any regulations made under article 72(d):

Provided further that the provisions of this article shall apply without prejudice to the provisions of article 61.

(2) When authorising activities referred to in sub-article (1), the Superintendent shall among other considerations and conditions that may be necessary, ensure that:

(a) appropriate protective measures are taken to safeguard the cultural property subject to such activities;

(b) such activities are undertaken according to a scientific research proposal, a methodology of the proposed activities, publication programme, a conservation and management plan for the cultural property and any object derived therefrom, adequate financial arrangements in connection therewith, and the organisational, operational, and financial resources to be dedicated therefor;

(c) the production of adequate financial guarantee;

C 2158

(d) such authorized activity will have the least impact possible on the cultural property, and that non-destructive methods of investigation are applied wherever possible during such activity;

(e) such activities and excavations and other potentially destructive techniques are carried out only by qualified, authorised persons; and

(f) a full copy of the records of any such authorized activity shall be deposited by the authorized person with the Superintendent.

(3) The Superintendent may establish and designate archaeological reserves, even where there are no visible remains on the ground or under water, for the preservation of material evidence to be studied by later generations:

Provided that the creation of such archaeological reserves will be a material consideration in assessing:

(a) authorisations for archaeological and paleontological excavations; and

(b) permits for developments and other interventions impacting cultural property in accordance with article 59.

(4) The Superintendent shall include such archaeological reserves in the National Inventory.

(5) The Superintendent shall take all practical measures to ensure the drafting, following archaeological operations, of a publishable scientific summary record before the publication of the completed study:

Provided that the completed study shall be published not later than three years from the conclusion of the excavations."

Renumbering of articles 49 and 50 of the principal Act.

51. Articles 49 and 50 of the principal Act shall be renumbered as articles 66 and 67.

Substitution of article 51 of the principal Act.

52. Article 51 of the principal Act shall be substituted by the following:

"Right of appeal. 68. (1) Any person who feels aggrieved by a decision of the Superintendent under articles 54, 55, 57, 62 and 63 shall have a right to appeal before the Administrative Review Tribunal established by article 5 (1) of the Administrative Justice Act.

Cap. 490.

(2) The appeal to the said Tribunal shall be filed not later than twenty days of service of the decision of the Superintendent:

Provided that the filing of an appeal shall not suspend the execution of the decision appealed from.

(3) The Administrative Review Tribunal may, in its determination on any appeal entered in accordance with sub-article (1), confirm, reverse or vary, in whole or in part, the original decision."

53. The words of the Heading PART VIII, immediately after article 51 as substituted by article 68, shall be substituted by the words "PART X".

Substitution of the Heading 'Part VIII'.

54. The current article 52 of the principal Act shall be renumbered as article 69.

Renumbering of article 52 of the principal Act.

55. The words of the heading "PART IX", immediately after article 52 as substituted by article 69, shall be substituted by the words "PART XI"

Substitution of the heading 'PART IX'.

56. The current article 53 of the principal Act shall be renumbered as article 70 and shall be amended as follows:

Amendment of article 53 of the principal Act.

(a) in the marginal note thereof, for the words "certain" there shall be substituted the words "cultural";

(b) in sub-paragraph (d) of sub-article (1) thereof, for the words "article 46" there shall be substituted the words "article 62" and for the words "article 47" there shall be substituted the words "article 63";

(c) in sub-paragraph (f) of sub-article (1) thereof, the words "or of the Centre" shall be deleted;

(d) in sub-paragraph (g) of sub-article (1) thereof, for the words "one thousand and one hundred and sixty-four euro and sixty-nine cents (€1,164.69)" there shall be substituted the words "two thousand euro (€2,000)" and for the words one hundred and

C 2160

sixteen thousand and four hundred and sixty-eight euro and sixty-seven cents (€116,468.67)" there shall be substituted the words "two hundred and fifty thousand euro (€250,000.)"; and

(e) in sub-article (3) thereof for the words "fifty-eight euro and twenty-three cents (58.23)" there shall be substituted the words "two hundred euro (€200.00)" and for the words "one hundred and sixteen euro and forty-seven cents (116.47)" there shall be substituted the words "five hundred euro (€500)".

Amendment of article 54 of the principal Act.

57. The current article 54 of the principal Act shall be renumbered as article 71 and in sub-article (1) thereof, for the words "shall have the right" there shall be substituted the words "shall".

Substitution of the heading 'PART XII'.

58. The words in the heading "PART X", immediately after article 54 as renumbered as article 71, shall be substituted by the words "PART XII".

Amendment of article 55 of the principal Act.

59. The current article 55 of the principal Act shall be renumbered as article 72 and shall be amended as follows:

(a) in paragraph (k) thereof, for the words "article 35" there shall be substituted the words "article 39";

(b) in paragraph (l) thereof, for the words "articles 40 and 41" there shall be substituted the words "articles 54 and 55";

(c) paragraph (m) thereof, shall be substituted by the following:

"(m) to publish the requirements for accreditation of non-government organizations in accordance with article 47(5)(m);";

(d) paragraph (n) thereof, shall be substituted by the following:

"(n) to establish the list of Heritage Skills";

(e) in paragraph (o) thereof, for the words "article 44" there shall be substituted the words "article 59";

(f) paragraph (p) thereof, shall be renumbered as paragraph (r); and

(g) immediately after paragraph (o) thereof, there shall be added the following new paragraphs:

"(p) to establish the rules relative to the aptitude

test;

(q) to establish guidance, rules and regulations and to provide for the form and procedure for the entrustment of public collections and sites; and".

60. The words of the heading "PART XI", immediately after article 55 as amended and renumbered as article 72, shall be substituted by the words "PART XIII".

Substitution of the heading 'Part XI'.

61. Article 56 of the principal Act shall be renumbered as article 73.

Renumbering of article 56 of the principal Act.

62. The Schedule to the principal Act shall be substituted by the following:

Substitution of the Schedule to the principal Act.

"SCHEDULE
(Article 54)

RATE OF EXPORT DUTY

<i>Value of object</i>	<i>Export Duty</i>
On the first €235 or part thereof	10 per cent
On the second €235 or part thereof	20 per cent
On the third €235 or part thereof	30 per cent
On the fourth €235 or part thereof	40 per cent
On any further value	50 per cent

".

Objects and Reasons

The objects and reasons of the Bill is to better regulate the conservation-restoration profession and other cultural service providers and to provide with respect to underwater cultural heritage.

