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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Louis Galea, M.P., Ministru ta' l-Edukazzjoni, u moqri għall-Ewwel darba fis-Seduta tat-30 ta' Lulju, 2001.

ATT biex jipprovdi minflok l-Att dwar il-Protezzjoni ta' l-Antikitajiet, Kap. 54, għas-sovrintendenza, konservazzjoni u amministrazzjoni tal-patrimonju kulturali f'Malta u dwar hwejjeg ancillari għal dan jew li għandhom x'jaqsmu ma' dan.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Louis Galea, M.P., Minister of Education, and read the First time at the Sitting of the 30th July, 2001.

AN ACT to make provision in place of the Antiquities (Protection) Act, Cap. 54, for the superintendence, conservation and management of cultural heritage in Malta and for matters ancillary thereto or connected therewith.

RICHARD J. CAUCHI

Clerk of the House of Representatives

ATT TA' L-2001 DWAR IL-PATRIMONJU KULTURALI

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ABBOZZ TA' LIĠI msejjah

ATT biex jipprovi minflok l-Att dwar il-Protezzjoni ta' l-Antikitajiet, Kap. 54, għas-sovrintendenza, konservazzjoni u amministrazzjoni tal-patrimonju kulturali f'Malta u dwar ħwejjeġ ancillari għal dan jew li għandhom x'jaqsmu ma' dan.

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

TAQSIMA I PRELIMINARI

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2001 dwar il-Patrimonju Kulturali. Titolu fil-qosor u bidu fis-sehh.

(2) Id-disposizzjonijiet ta' dan l-Att għandhom jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-patrimonju kulturali jista' b'avviż fil-Gazzetta jistabbilixxi, u dati differenti jistgħu jigu hekk stabbiliti għal disposizzjonijiet differenti u għanijiet differenti tiegħu.

(3) Avviż taht subartikolu (2) ta' dan l-artikolu jista' jagħmel dawk id-dispożizzjonijiet transitorji bħalma jkunu jidhru lill-Ministru

li jkunu meħtieġa jew spedjenti f'dak li għandu x'jaqsam mad-disposizzjonijiet li jinġiebu fis-seħħ bih.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'ohra:

“Aġenzija” tfisser l-Aġenzija Operattiva mwaqqfa taht l-artikolu 8 ta' dan l-Att;

“Avviż ta' Sospensjoni” għandha t-tifsira mogħti lilha bl-artikolu 46 ta' dan l-Att;

Kap. 356.

“Awtorità ta' l-Ippjanar” tfisser l-Awtorità mwaqqfa taht l-Att dwar l-Ippjanar ta' l-Iżvilupp;

“Ċentru” tfisser iċ-Ċentru Malti għar-Restawr imsemmi fl-artikolu 10 ta' dan l-Att;

“detentur” tfisser min ikollu fizikament għandu oġġett kulturali f'isem terzi;

“dritt ta' preferenza” tfisser il-jedd mogħti lis-Sovrintendent bi u skond l-artikolu 40 ta' dan l-Att;

“Entitajiet” tfisser is-Sovrintendenza, l-Aġenzija, iċ-Ċentru, il-Kumitat u l-Fond, u Entità għandha tiftiehem skond hekk;

“Fond” tfisser il-Fond dwar il-Patrimonju Kulturali mwaqqaf bl-artikolu 16 ta' dan l-Att;

“Forum” tfisser il-Forum Nazzjonali għall-Patrimonju Kulturali mwaqqaf fl-artikolu 15 ta' dan l-Att;

“funzjoni” tinkludi kull responsabbiltà, poter u dmir;

Kap. 226.

“ibhra territorjali” għandha t-tifsira mogħtija lilha fl-Att dwar l-Ibhra Territorjali u ż-Zona Kontigwa, u tinkludi l-ibhra kollha li jinsabu bejn il-linji bażi hemm imsemmija u l-kosta;

“investigazzjoni” tfisser kull attività għall-fini li tinkiseb u tiġi registrata informazzjoni li jkollha x'taqsam mal-patrimonju kulturali u tinkludi kull xogħol għall-finijiet li jiġu identifikati, skoperti, skavati, mikxufa, rkuprati u mneħħija kull oġġett jew materjal li jkunu sitwati fi, fuq jew taht xi proprjetà kulturali;

“jikkoordina” tfisser l-iskambju ta’ veduti bil-fomm jew bil-miktub, qabel ma tittiehed xi deċiżjoni jew titwettaq xi azzjoni, bil-ghan li jiġu evitati konflitti, hela u żbalji jew sabiex jinsab rimedju ghalihom;

“konservatur-restawratur” tfisser persuna kwalifikata professjonalment li tkun detentur ta’ *warrant* taht dan l-Att u li tkun tista’:

(a) taghmel analizi u tinterpreta *data* li tirrigwarda l-istat ta’ konservazzjoni ta’ xi artefatt, bini jew monument; u

(b) tidentifika l-ghazliet li hemm fil-kura jew l-intervent li jinghataw bil-ghan ta’ konservazzjoni, jekk ikunu mehtieġa; u

(c) tintervjeni manwalment jew taghti xi kura ohra bil-ghan ta’ konservazzjoni;

“konservazzjoni” tfisser attività mehtieġa biex kemm jista’ jkun tkabbar ir-reżistenza jew tnaqqas id-deterjorament ta’ proprjetà kulturali, u tinkludi l-eżami, ttestjar, kkurar, reġistrazzjoni u preservazzjoni ta’ kull tali proprjetà kulturali jew xi parti minnha;

“il-Kumitat” tfisser il-Kumitat ta’ Garanzija mwaqqaf bl-artikolu 14 ta’ dan l-Att;

Kap. 363.

“Kunsill Lokali” tfisser xi kunsill lokali mwaqqaf taht l-Att dwar il-Kunsilli Lokali;

“kurazija” u “att ta’ kurazija” għandu jkollhom it-tifsira rispettivament moghtija lilhom fl-artikolu 48;

“Ministru” tfisser il-Ministru responsabbli għall-patrimonju kulturali, u tinkludi, fil-limitu ta’ kull awtorità moghtija, kull min ikun speċifikament awtorizzat mill-Ministru għal xi wiehed mill-ghanijiet ta’ dan l-Att;

“mużew” tfisser stabbiliment permanenti maħsub għall-iskop ta’ konservazzjoni, preservazzjoni, studju, interpretazzjoni jew assemblagg ta’ proprjetà kulturali jew bil-ghan li tiġi esibita proprjetà kulturali lill-pubbliku;

“Ordni ta’ Konservazzjoni u Protezzjoni” għandu jkollha t-tifsira moghtija lilha fl-artikolu 47 ta’ dan l-Att;

“patrimonju kulturali” tfisser oġġetti mobbli jew immobbli ta’ importanza artistika, arkitettonika, storika, arkeoloġika, paleontoloġika u reliġjuża u tinkludi wkoll proprjetà kulturali u informazzjoni jew data relattivi għall-patrimonju kulturali;

“preskritt” tfisser preskritt taht dan l-Att;

“proprjetà kulturali” tfisser proprjetà mobbli jew immobbli ta’ valur kulturali, li tappartjeni lil Malta jew lil xi pajjiż ieħor, u tinkludi xogħol ta’ arkitettura, xogħlijiet ta’ l-arti u xogħlijiet ta’ valur storiku, f’kull każ sew reliġjuż sew sekolari kif ukoll siti arkeoloġiċi u depożiti, gruppi ta’ bini li fl-assjem tagħhom għandhom interess storiku jew artistiku, manuskritti, kollezzjonijiet xjentifiċi, kollezzjonijiet ta’ kotba, arkivji u riproduzzjonijiet ta’ xi oġġett hawn qabel imsemmi;

“pussessur” tfisser min fiżikament ikollu l-oġġett kulturali f’ismu proprju;

“sena finanzjarja” tfisser il-perjodu ta’ tnaħ-il xahar li jtemm fit-tletin jum ta’ Settembru ta’ kull sena:

Iżda l-ewwel sena finanzjarja għar-rigward ta’ xi Entità tkun tikkonsisti fil-perjodu li jibda għaddej fid-data tad-dhul fis-seħħ ta’ l-artikoli relattivi ta’ dan l-Att li jkunu jirreferu għal dik l-Entità, u li jtemm fit-tletin jum ta’ Settembru tas-sena ta’ wara;

“sid” dwar proprjetà kulturali tinkludi *directus dominus*, *sub directus dominus*, enfitewta, sub-enfitewta, min ikollu l-proprjetà nuda u użufruttwarju;

“Sovrintendenza” tfisser is-Sovrintendenza tal-Patrimonju Kulturali mwaqqaf bl-artikolu 7 u “Sovrintendent” tfisser is-Sovrintendent tal-Patrimonju Kulturali msemmi fl-istess l-artikolu;

“uffiċjal” u “impjegat” tinkludi uffiċjal pubbliku mqabbad jaqdi dmirijiet f’xi Entità, Kumitat jew korp imwaqqaf taht dan l-Att;

“uffiċjal pubbliku” għandha l-istess tifsira mogħti lilha bl-artikolu 124 tal-Kostituzzjoni;

“valur kulturali” tfisser kull haġa, ukoll jekk kontemporanja, li għandha tiġi preservata;

“warrant” tfisser *warrant* li jingħata skond Taqsima VI ta’ dan l-Att, u detentur ta’ *warrant* għandha tiftiehem skond hekk;

“żona kontigwa” ghandha t-tifsira kif mogħtija lilha bl-Att dwar l-Ibhra Territorjali u ż-Żona Kontigwa;

Kap. 226.

“żvilupp” ghandha t-tifsira mogħtija lilha fl-Att dwar l-Ippjanar ta' l-Iżvilupp.

3. (1) Id-disposizzjonijiet ta' dan l-Att għandhom japplikaw għal monumenti u għal oġġetti oħra sew mobbli sew immobbli ta' importanza artistika, arkitettonika, storika, arkeologika, ġeologika, paleontologika, reliġjuża jew ta' antikwarjat.

Oġġetti li dwarhom japplikaw id-disposizzjonijiet ta' dan l-Att.

(2) Għall-finijiet ta' dan l-Att, oġġett ma jitqiesx li jkun kiseb dik l-importanza qabel ma jkun eżista f'Malta, inklużi l-ibhra territorjali tagħha, għal hamsin sena, kemm-il darba ma jkollux x'jaqsam ma' l-arti jew l-istorja lokali.

TAQSIMA II PRINĊIPJI U DMIRJIET ĠENERALI

4. (1) Id-disposizzjonijiet tas-subartikoli li ġejjin ta' dan l-artikolu u ta' l-artikoli l-oħra ta' din it-Taqsima m'għandhomx ikunu esegwibbli f'xi qorti tal-ġustizzja, madankollu l-prinċipji li jinsabu fiha huma fundamentali għall-protezzjoni tal-patrimonju kulturali u tkun il-mira ta' l-Istat li japplikhom u li jiggwida ruhu bihom.

Prinċipji u dmirijiet.

(2) Kull ċittadin ta' Malta kif ukoll kull min ikun preżenti f'Malta għandu jkollu d-dmir li jiproteġi l-patrimonju kulturali.

(3) L-Istat Malti jkollu d-dmir jistabbilixxi u jzomm strutturi amministrattivi u regolatorji ta' sovrintendenza sabiex jiżgura li dan il-patrimonju ikun protett u konservat, kif ukoll jahseb għal dawk l-istrutturi l-oħra li jkunu meħtieġa għall-amministrazzjoni tal-kura, espożizzjoni u apprezzament ta' dan il-patrimonju.

(4) Id-dmir li li tiproteġi jinkludi d-dmir li tikkonserva, tirrestawra, tesibixxi, sakemm dan ma jkunx imprudenti li tagħmel jew mhux prattiku, li tiżgura li jsir studju u li jintgħamel aċċessibbli għall-istudju, li tagħti informazzjoni li tirrigwarda l-eżistenza u li tippromwovi l-apprezzament tal-patrimonju kulturali.

(5) Il-jedd ta' aċċess għall-patrimonju kulturali ma jappartjenix unikament għall-ġenerazzjoni ta' llum, u kull ġenerazzjoni għandu jkollha d-dmir li tiehu hsiebu u tissalvagwardjah għall-ġenerazzjonijiet t'għada u għall-umanità kollha.

Kondizzjonijiet.

5. Fit-twettiq ta' dmirijietu l-Istat jista' jiddelega kull dmir minn dawk stipulati fl-artikolu 4 lil Entitajiet li jkunu digà jeżistu, jew lil entitajiet ohra pubbliċi jew mhux statali li jistgħu jkunu mwaqqfa għal dak l-iskop, iżda l-Istat għandu:

(a) jippubblika l-kondizzjonijiet li taħthom dik id-delega tkun mogħtija;

(b) jirriserva l-proprjetà pubblika ta' dak kollu li jitqiegħed f'fedekommess b'dik id-delega;

(c) jirriserva l-jedd ta' sovrintendenza.

Priorità lill-Patrimonju Kulturali.

6. Il-protezzjoni tal-patrimonju kulturali għandha tingħata priorità għolja meta tkun qed tiġi deċiża xi tkun il-politka pubblika f'kull qasam ta' attività f'Malta.

TAQSIMA III KOSTITUZZJONI, KOMPOŻIZZJONI U FUNZJONIJIET TA' L-ENTITAJIET

Sovrintendenza.

7. (1) Ikun hemm Sovrintendenza tal-Patrimonju Kulturali, taħt ir-responsabbiltà u l-amministrazzjoni tas-Sovrintendent tal-Patrimonju Kulturali.

Personalità ġuridika u rappreżentanza legali.

(2) Is-Sovrintendenza tkun korp magħqud li jkollu personalità ġuridika distinta u li tkun tista', bla ħsara għad-disposizzjonijiet ta' dan l-Att, tagħmel kuntratti, tikseb, iżżomm u tiddisponi minn kull xorta ta' proprjetà għall-finijiet tal-funzjonijiet tagħha, jew li tħarrek jew li tiġi mharrka, u li tagħmel dawk l-affarijiet kollha u li tagħmel dawk it-transazzjonijiet kollha li huma inċidentali jew li jwasslu għall-esercizzju jew it-twettiq tal-funzjonijiet tagħha taħt dan l-Att.

(3) Ir-rappreżentanza legali u ġudizzjarja tas-Sovrintendenza tvesti fis-Sovrintendent iżda s-Sovrintendent jista' jahtar lil xi hadd, inkluż xi uffiċjal jew impjegat wiehed jew iktar tas-Sovrintendenza, biex jidher f'isimha u għaliha f'kull proċediment ġudizzjarju u fuq kull att, kuntratt, istrument jew dokument ieħor ta' liema xorta jkun.

Hatra ta' Sovrintendent.

(4) Is-Sovrintendent jinħatar mill-Ministru għal perjodu ta' mhux iżjed minn hames snin taħt dawk il-pattijiet u kondizzjonijiet li jistgħu jissemmew fl-ittra tal-hatra tiegħu. Meta jagħlqilha ż-żmien tal-kariga persuna tista' terġa tinħatar għal perjodu jew perjodi ulterjuri.

(5) Tkun il-funzjoni tas-Sovrintendenza:

(a) li tistabbilixxi, taġġorna, tamministra u, meta jidhriha xieraq, tippubblika, jew tiżgura li ssir il-kompilazzjoni ta', inventarju nazzjonali ta' dik il-proprjetà kulturali li tkun tappartjeni:

(i) lill-Istat jew istituzzjonijiet ta' l-Istat,

(ii) lill-Knisja Kattolika u lil denominazzjonijiet reliġjużi oħra,

(iii) lil Fondazzjonijiet stabbiliti f'dawn il-gzejjer,

(iv) lil persuni fiżiċi u ġuridiċi meta l-proprjetà kulturali tkun saret aċċessibbli għall-pubbliku, jew meta dawk il-persuni jkunu taw il-kunsens tagħhom għal dak l-ghan;

(b) li twettaq sorveljanza fuq il-protezzjoni, konservazzjoni, restawr, esibizzjoni, aċċessibilità u studju ta' proprjetà kulturali;

(c) li tagħmel skavi u investigazzjonijiet oħra li jistgħu jkunu meħtieġa sabiex jiġu skoperti, jingħataw attenzjoni u jkunu apprezzati oġġetti jew aspetti tal-patrimonju kulturali;

(d) li tawtorizza skavi, kif ukoll li tissorvelja l-iskavi b'hekk li tiżgura li dawk l-iskavi, id-dokumentazzjoni tagħhom u l-esibizzjoni tar-riżultati relattivi jkunu skond metodi xjentifiċi u li tintuża l-ahjar teknoloġija possibbli;

(e) li tiżgura li tinzamm u tiġi arkivjata dokumentazzjoni adegwata dwar l-iskavar, l-esplorazzjoni u t-tfittxija għall-antikitajiet, il-konservazzjoni ta' proprjetà kulturali u skoperti li jirriżultaw minn Stimi ta' l-Impatt fuq l-Ambjent;

(f) li tippromwovi l-ahjar politka, livelli u pratka għall-konservazzjoni u l-preżentazzjoni ta' artefatti, koħlezzjonijiet, mużewijiet, bini, monumenti u siti;

(g) li tikkoordina azzjoni ma' l-Awtorità ta' l-Ippjanar dwar l-ġhoti ta' permessi għall-ippjanar, għad-demolizzjoni, alterazzjoni, estensjoni, rimi, thaffir jew kull żvilupp ieħor li jaffettwa oġġetti, siti jew bini li jiffurmaw parti minn proprjetà kulturali;

(h) li taghti parir lill-Ministru dwar il-koperazzjoni ma' gvernijiet u organizzazzjonijiet internazzjonali ohra fil-qasam tal-protezzjoni tal-patrimonju kulturali;

Kap. 88.

(i) wara li tikkonsulta lill-Kumitat, li taghti parir lill-Ministru dwar il-htiega li jigu infurzati xoghlijiet urgenti ta' tiswija jew konservazzjoni skond l-artikolu 42, kif ukoll dwar il-htiega ghall-akkwist mgieghel ta' siti jew bini mill-Gvern skond l-Ordinanza dwar l-Akkwist ta' Artijiet ghal Skopijiet Pubblici, ghall-ahjar protezzjoni tal-patrimonju kulturali;

(j) b' mod generali biex taghti pariri lill-Ministru fuq kull kwistjoni ghar-rigward tal-patrimonju kulturali u l-proprjeta kulturali;

(k) biex taqdi kull funzjoni ohra bhal dawk taht din il-ligi jew kull ligi ohra kif ukoll dawk il-funzjonijiet l-ohra kollha li l-Ministru jista' minn zmien ghal zmien jassenjalha.

Agenzija Operattiva.

8. (1) Ikun hemm Agenzija Operattiva hawnhekk izjed 'il quddiem f'dan l-Att imsemmija l-Agenzija li tkun maghrufa bhala "Patrimonju Malta".

(2) L-Agenzija tkun korp maghqud li jkollu personalita guridika distinta u tkun tista', bla hsara ghad-disposizzjonijiet ta' dan l-Att, taghmel kuntratti, takkwista, izzomm u tnehi kull xorta ta' proprjeta ghall-finijiet tal-funzjonijiet taghha, jew li tharrek u tigi mharrika, u li taghmel dawk l-affarijiet kollha kif ukoll dawk it-transazzjonijiet li huma incidentalji jew li jwasslu ghall-esercizzju jew it-twettiq tal-funzjonijiet taghha taht dan l-Att.

Rappreżentanza legali u gudizzjarja.

(3) Ir-rappreżentanza legali u gudizzjarja ta' l-Agenzija tvesti fil-President, izda l-President jista' jahtar lill-Ufficjal Ewlieni Esekuttiv jew xi wiehed jew iktar mill-ufficjali jew impjegati ta' l-Agenzija, biex jidher f'isimha u ghalha f'kull procediment gudizzjarju u fuq kull att, kuntratt, istrument jew dokument iehor ta' liema xorta jkun.

Funzjonijiet ta' l-Agenzija.

(4) Tkun il-funzjoni ta' l-Agenzija:

(a) li tizgura li muzewijiet, kollezzjonijiet, siti, bini u proprjeta, mobbli jew immobbli, ta' valor kulturali, li jkunu proprjeta taghha jew inkella amministrati minnha, jkunu konservati, restawrati, amministrati, mmexxija, operati, imqeghda fis-suq, studjati u pprezentati ghall-esibizzjoni, bl-ahjar mod possibbli;

(b) li takkwista bi proprjetà jew bhala oġġetti fdati f'idejha, kollezzjonijiet ta' oġġetti, siti, bini, għall-mużewijiet, kollezzjonijiet, siti u bini;

(ċ) li twettaq, f'kull każ taht is-sorveljanza tas-Sovrintendent, jew tikkummissjona r-restawr jew konservazzjoni, ta' proprjetà kulturali li tkun proprjetà jew xort'ohra miżmuma jew amministrata minnha;

(d) li tikkoordina ma' l-Awtorità dwar it-Turiżmu ta' Malta u ma' l-Awtorità ta' l-Ippjanar, fuq it-tehid ta' kull miżura li titqies mehtieġa sabiex oġġetti, siti u bini ta' valur kulturali jiġu l-aħjar konservati, restawrati, esibiti u pprezentati;

(e) li tippromwovi konoxxenza, edukazzjoni, apprezzament u tgawdija pubblika tal-patrimonju kulturali;

(f) li tassisti lill-Kunsilli Lokali fit-twettiq ta' dmirhom li jippreservaw il-patrimonju kulturali fil-lokalità tagħhom; u

(g) li twettaq dawk il-funzjonijiet l-oħra li l-Ministru jista' minn żmien għal żmien jassenjalha.

(5) (a) Bil-għan li jiġu żgurati l-aħjar konservazzjoni, restawr, tmexxija, amministrazzjoni, tqeghid fis-suq, esibizzjoni, prezentazzjoni jew studju ta' xi qasam partikolari tal-patrimonju kulturali, l-Aġenzija tista', bl-approvazzjoni bil-miktub tal-Ministru, u f'konsultazzjoni mas-Sovrintendent, jew tiddelega l-funzjonijiet tagħha lil xi enti eżistenti jew lil xi enti li għad trid tiġi mwaqqfa, sew pubblika sew privata, jew lil xi soċjetà msiehba magħha, kif ikun mehtieġ, u f'kull każ taht dawk il-kondizzjonijiet li jistgħu jiġu stabbiliti mis-Sovrintendent u approvati u ppubblikati mill-Ministru fil-Gazzetta.

(b) L-Aġenzija tista', meta jkun adatt, twettaq ukoll il-funzjonijiet tagħha direttament permezz tar-riżorsi tagħha nnifisha.

(6) L-Aġenzija għandha tagħti lis-Sovrintendent kull informazzjoni li huwa jista' jehtieġ sabiex ikun jista' jwettaq il-funzjonijiet tiegħu taht dan l-Att.

9. (1) L-Aġenzija tkun regolata minn Bord tad-Diretturi magħmul minn mhux inqas minn hames membri u mhux iktar minn disa' membri, li wiehed minnhom ikun il-President u iehor il-Viċi President. Bord tad-Diretturi.

(2) Il-membri tal-Bord jinhatru mill-Ministru għal perjodu ta' mhux inqas minn tliet snin imma mhux iżjed minn hames snin kif jista' jkun deċiż fl-ittra tal-ħatra tagħhom. Membri tal-Bord jistgħu, meta jiskadi ż-żmien tal-kariga tagħhom, jergħu jigu mahtura.

(3) Il-funzjonijiet tal-Bord ikunu:

(a) li jiddeċiedi l-politka u l-istrateġija ta' l-Aġenzija;

(b) li jimpjega u jmexxi r-rizorsi umani mehtieġa biex jikseb il-miri ta' l-Aġenzija;

(ċ) li jiżgura l-amministrazzjoni finanzjarja xierqa ta' l-Aġenzija;

(d) li jiżgura l-kollaborazzjoni mal-korpi lokali u barranin li tkun mehtieġa sabiex jinkisbu l-miri ta' l-Aġenzija.

(4) Il-Bord għandu jahtar Uffiċjal Ewlieni Esekuttiv li jkun responsabbli lejn il-President u l-Bord.

(5) Is-seduti tal-Bord jitlaqqgħu mill-President, sew fuq inizjattiva tiegħu sew fuq talba ta' xi tnejn mill-membri l-oħra.

(6) Nofs l-ghadd ta' membri li f'dak il-waqt jikkostitwixxu l-Bord jagħmlu quorum. Id-deċiżjonijiet ikunu adottati waqt seduta li fiha jkun hemm quorum b'magġoranza sempliċi tal-membri presenti u votanti. Il-President għandu jkollu vot bħal kulhadd u, f'każ ta' voti ndaq, vot deċiżiv.

(7) Membru li jkollu xi interess dirett jew indirett f'xi kuntratt jew f'xi azzjoni oħra magħmulin jew proposti li jsiru mill-Aġenzija, meta jkun hemm tali interess, għandu jiżvela ix-xorta ta' l-interess tiegħu fl-ewwel seduta tal-Bord wara li jkun sar jaf bil-fatti rilevanti. Dak il-kxiif għandi jitniżżel fil-minuti tas-seduta, u tali membru għandu jirtira minn seduta fil-waqt li dik il-kwistjoni tkun qegħda tiġi diskussa jew deċiża mill-Bord.

(8) Bla hsara għad-disposizzjonijiet ta' dan l-Att, il-Bord jista' jirregola l-proċeduri tiegħu nnifsu.

(9) Dokument li jġieghlek taħseb li jkun istrument magħmul jew maħruġ mill-Aġenzija u ffirmat mill-president f'isimha għandu jiġi riċevut bi prova u għandu, sakemm ma tingiebx prova kuntrarja, jitqies bħala istrument magħmul jew maħruġ mill-Aġenzija.

10. (1) Iċ-Ċentru Malti għar-Restawr imwaqqaf mill-Ministru responsabbli għall-Edukazzjoni flimkien ma' l-Università ta' Malta qiegħed b'dan jerga' jiġi mwaqqaf u rikostitwit bhala korp magħqud b'personalità ġuridika distinta li jista', bla hsara għad-disposizzjonijiet ta' dan l-Att, jagħmel kuntratti, jikseb, iżomm u jiddisponi minn kull xorta ta' proprjetà għall-finijiet tal-funzjonijiet tiegħu, li jharrek u jiġi mharrek, u li jagħmel dawk l-affarijiet kollha u li jagħmel dawk it-transazzjonijiet li jkunu inċidentali jew li jwasslu għall-eserċizzju jew it-twettiq tal-funzjonijiet tiegħu taht dan l-Att.

Ċentru Malti
għar-Restawr.

(2) Ir-rappreżentanza legali u ġuridika taċ-Ċentru tvesti fil-President, iżda l-President jista' jahtar lid-Direttur jew lil xi wieħed jew iktar mill-uffiċjali jew impjegati taċ-Ċentru, biex jidher f'isimha u għaliha f'kull proċediment ġudizzjarju u fuq kull att, kuntratt, istrument jew dokument ieħor ta' liema xorta jkun.

Rappreżentanza
legali.

(3) Iċ-Ċentru jkun regolaġ minn Bord ta' Gvernaturi (hawnhekk iżjed 'il quddiem f'dan l-artikolu msejjah il-Bord) magħmul minn mhux inqas minn tliet u mhux iktar minn disa' membri, li jkun magħmul kif ġej:

Bord ta'
Gvernaturi.

(i) President u membru wieħed ieħor li jinhatar mill-Kunsill ta' l-Università ta' Malta;

(ii) żewġ membri li jinhatru mill-Ministru;

(iii) membru li jinhatar mill-Ministru responsabbli għall-ambjent;

(iv) sa erba' membri li jintgħażlu mill-Bord minn fost l-istituzzjonijiet li jikkoperaw maċ-Ċentru.

Il-President u l-membri tal-Bord, għandhom jinhatru jew jintgħażlu, skond il-każ, għal perjodu ta' tliet snin li jiġġedded għal perjodi oħra ta' tliet snin kull wieħed.

(4) Il-funzjonijiet tal-Bord ikunu -

(a) li jiddeċiedi l-politka u l-istrategija taċ-Ċentru;

(b) li jimpjega u jmexxi ir-riżorsi umani meħtieġa biex jinkisbu l-miri taċ-Ċentru;

(ċ) li jiżgura l-amministrazzjoni finanzjarja xierqa taċ-Ċentru;

(d) li jiżgura kollaborazzjoni ma' korpi lokali u barranin, mehtieġa biex jinkisbu l-miri ta' Ċentru.

(5) Il-Bord għandu jahtar Direttur ta' Ċentru li jkun l-Uffiċjal Ewlieni Esekuttiv ta' Ċentru u li jkun responsabbli lejn il-President u l-Bord.

(6) Is-seduti tal-Bord jitlaqqgħu mill-President kemm b'inizjattiva tiegħu kemm fuq talba ta' xi tnejn mill-membri l-oħra.

(7) Tliet membri tal-Bord jagħmlu *quorum* fis-seduti tiegħu. Id-deċiżjonijiet ikunu adottati waqt seduta li fiha jkun hemm *quorum* b'maġġoranza sempliċi tal-membri presenti u votanti. Il-President, jew persuna oħra li tkun qed tippresjedi s-seduta, għandu jkollhom vot bħal kulhadd u, f'każ ta' voti ndaqs, vot deċiżiv.

(8) Membru li jkollu xi interess dirett jew indirett f'xi kuntratt jew f'xi azzjoni oħra magħmula jew proposta li ssir mi' Ċentru, għandu jiżvela x-xorta ta' l-interess tiegħu fl-ewwel seduta tal-Bord wara li jkun sar jaf bil-fatti rilevanti. Dak il-kxiif għandi jtniżżel fil-minuti tas-seduta u tali membru għandu jirtira minn seduta waqt li dak il-kuntratt ikun qiegħed jiġi diskuss jew deċiż mill-Bord.

(9) Bla hsara għad-disposizzjonijiet ta' dan l-Att u għal dawk il-proċeduri li jistgħu jiġu preskritti, il-Bord jista' jirregola l-proċeduri tiegħu nnifsu.

(10) Dokument li jġieghlek taħseb li jkun istrument magħmul jew mahruġ mi' Ċentru u ffirmat mill-President f'ismu jista' jingiebi bi prova u għandu, sakemm ma tingiebx prova kuntrarja, jitqies bħala istrument magħmul jew mahruġ mi' Ċentru.

Funzjonijiet
ta' Ċentru.

11. Il-miri u l-funzjonijiet ta' Ċentru jkunu:

(a) li jagħmilha ta' aġenzija nazzjonali għall-konsultazzjoni sew għall-pubbliku sew għal setturi privati fuq kull kwistjoni li għandha x'taqsam mal-konservazzjoni u r-restawr;

(b) li jagħti pariri lill-Gvern dwar politka ta' konservazzjoni u restawr li tkun tkopri l-gżejjer ta' Malta u jidentifika l-prijoritajiet u l-bżonnijiet speċjali;

(ċ) li jagħti pariri u jirringa għar-restawr barra minn Malta ta' dawk l-artefatti li ma jistgħux jiġu restawrati lokalment;

(d) li jidhol għal proġetti ta' konservazzjoni f'Malta u barra mill-pajjiż u jipprovdi servizzi ta' amministrazzjoni għal proġetti ta' konservazzjoni u restawr lil klijenti fis-settur kemm pubbliku kemm privat sew f'Malta sew barra l-pajjiż;

(e) li jistabbilixxi u jmantni kull sistema meħtieġa, speċjalment *databases* dwar il-konservazzjoni, meħtieġa għall-organizzazzjoni, ppjanar, koordinament, kontroll, sorveljar u b'mod ġenerali li jidhol għal proġetti ta' restawr;

(f) li jagħmel riċerka u jiżviluppa metodoloġija ta' amministrazzjoni ta' proġetti ta' restawr;

(g) li jistabbilixxi u jmantni laboratorji xjentifiċi djanjostiċi;

(h) li jistabbilixxi u jmantni dipartiment ta' dokumentazzjoni fejn tiġi fdata d-dokumentazzjoni xjentifika ta' proġetti ta' konservazzjoni;

(i) li jistabbilixxi u jmantni fàilitajiet ta' taġlim għat-taħriġ ta' studenti sa livelli professjonali rikonoxxuti internazzjonalment fl-arti u x-xjenzi tal-konservazzjoni u r-restawr;

(j) li jippromwovi u jikkoordina l-kisba ta' taħriġ interdixiplinari f'livelli professjonali, tekniċi u artigjanali livelli f'kull aspekt ta' konservazzjoni u restawr; u

(k) li jorganizza l-attivitajiet ta' taġlim u ċertifikazzjoni tiegħu fil-parametri ta' struttura nazzjonali għal edukazzjoni vokazzjonali f'Malta li tkun tippermetti għall-progrediment minn livelli vokazzjonali għal dawk professjonali.

12. (1) Il-Ministru għandu jipprepara dokument ta' politika li jkun jagħti hjiel fuq Strategija Nazzjonali għall-Patrimonju Kulturali. Fit-tnejn ta' dak id-dokument il-Ministru għandu jikkonsulta l-Entitajiet kollha mwaqqfa taħt dan l-Att u dawk l-aġenziji l-oħra, sew pubbliċi sew xort'oħra, li l-Ministru jista' jqis li għandhom jiġu kkonsultati.

Strategija
Nazzjonali dwar il-
Patrimonju
Kulturali.

(2) Il-Ministru għandu jirrevedi dik l-istrateġija kull meta jista' jkun meħtieġ, u f'kull każ iżda mhux inqas minn darba kull hames snin:

Izda l-ewwel Dokument ta' Strategija għandu jiġi abbozzat fi żmien tmax-il xahar mid-dhul fis-seħħ ta' dan l-Att.

Relazzjonijiet
mal-Ministru.

(3) Fl-esercizzju tal-funzjonijiet tagħhom taht dan l-Att, is-Sovrintendenza, l-Aġenzija u ċ-Ċentru għandhom:

(a) jagħtu effett, kemm jista' jkun malajr, lil xi ordni, li ma tkunx inkonsistenti ma' xi disposizzjoni ta' dan l-Att li l-Ministru jista' jagħti lis-Sovrintendenza, l-Aġenzija u ċ-Ċentru Malti għar-Restawr dwar il-politka li għandha tiġi segwita minnhom fit-twettiq tal-funzjonijiet, u dwar kull haġa li l-Ministru jkun jidhiru li taffettwa l-patrimonju kulturali;

(b) jipprovdu lill-Ministru faċilitajiet għall-ksib ta' informazzjoni għar-rigward tal-proprjetà u l-attivitajiet tas-Sovrintendenza, l-Aġenzija u ċ-Ċentru u għal dan l-għan is-Sovrintendenza, l-Aġenzija u ċ-Ċentru għandhom kull wieħed jgħaddi lill-Ministru prospetti, kontijiet u kull informazzjoni oħra dwar il-funzjonijiet tagħhom, u jipprovdu faċilitajiet għall-verifika ta' kull informazzjoni mogħtija, b'dak il-mod u f'dawk il-perjodi li l-Ministru jista' jehtieg.

Eżenzjoni minn xi
taxxi.

13. Is-Sovrintendenza, l-Aġenzija u ċ-Ċentru jkunu eżenti mir-responsabbiltà li jhallsu ta' kull taxxa, minbarra d-dazju tad-dwana jew tas-sisa, jew taxxa fuq l-*income* jew fuq id-dokumenti li f'dak il-waqt ikunu fis-sehh f'Malta.

Il-Kumitat ta'
Garanzija.

14. (1) Ikun hemm Kumitat ta' Garanzija, li jkun magħmul minn hdax-il membru kif ġej:

(a) President li jkun mahtur mill-Ministru;

(b) persuna mahtura mill-Ministru responsabbli għat-turismu;

(ċ) persuna mahtura mill-Ministru responsabbli għall-ambjent;

(d) is-Sovrintendent *ex officio*;

(e) il-President ta' l-Aġenzija *ex officio*;

(f) il-President ta' ċ-Ċentru *ex officio*;

(g) iċ-*Chairman* ta' l-Awtorità ta' l-Ippjanar *ex officio*;

(h) membru tal-Kummissjoni għall-Patrimonju Kulturali Kattoliku msemmija fl-artikolu 51 ta' dan l-Att li jinhatar mill-awtorità ekklesjastika lokali kompetenti;

(i) tliet persuni ohra mahtura mill-Ministru minn fost persuni li jahdmu fil-qasam tal-patrimonju kulturali u f'organizzazzjonijiet mhux governattivi ddedikati għall-patrimonju kulturali.

(2) Il-President tal-Kumitat u l-membri msemija fil-paragrafu (i) tas-subartikolu (1) jinhatru għal perjodu ta' tliet snin u jistgħu jerġgħu jiġu mahtura għal iktar perjodi kull wieħed ta' tliet snin.

(3) Il-Kumitat jiltaqa' ta' l-inqas darba kull xahrejn. Is-seduti jitlaqqgħu mill-President kemm b'inizjattiva tiegħu kemm fuq talba ta' xi tlieta mill-membri l-oħra.

(4) Hames membri jagħmlu *quorum* u d-deċiżjonijiet ikunu adottati b'maġġoranza sempliċi tal-membri kollha tal-Kumitat. Il-President għandu jkollu vot bħal kulhadd u f'każ ta' voti ndaqs, vot deċiżiv.

(5) Bla ħsara għad-disposizzjonijiet ta' dan l-Att u għal dawk il-proċeduri li jistgħu jiġu preskritti, l-Kumitat għandu jirregola l-proċeduri tiegħu nnifsu.

(6) Il-Kumitat għandu:

Funzjonijiet
tal-Kumitat.

(a) mingħajr preġudizzju għad-disposizzjonijiet ta' dan l-Att, jikkoordina l-Entitajiet imwaqqfa taht l-artikoli 7, 8 u 10 ta' dan l-Att;

(b) jagħmilha possibbli li jkun hemm, u jiffaċilita l-kollaborazzjoni bejn l-aġenziji differenti li jkollhom responsabbiltà diretta jew indiretta għall-protezzjoni u l-amministrazzjoni tas-settur tal-patrimonju kulturali;

(ċ) jagħti pariri lill-Gvern fuq l-istrategija nazzjonali għall-patrimonju kulturali;

(d) jiġbed l-attenzjoni tal-Gvern jew ta' xi organizzazzjoni jew persun dwar xi azzjoni urġenti li tista' tkun meħtieġa fil-qasam tal-patrimonju kulturali;

(e) jiltaqa' regolarment u jikkonsulta, mill-inqas, kull erba' xhur, ma' l-organizzazzjonijiet mhux governattivi li jkun qegħdin joperaw fil-qasam tal-patrimonju kulturali;

(f) jagħti pariri lill-Ministru fuq kull haġa li toriġina mid-disposizzjonijiet ta' dan l-Att u fuq kull haġa oħra li tiġi lill-riferita mill-Ministru;

(g) jisma' u jiddeċiedi appelli li jsirulu skond id-disposizzjonijiet ta' dan l-Att.

Forum nazzjonali.

15. (1) Il-Ministru ghandu, darba fis-sena jlaqqa' Forum Nazzjonali għall-Patrimonju Kulturali fejn jistieden il-partecipazzjoni fiha tas-Sovrintendenza, l-Aġenzija, iċ-Ċentru, l-Kumitat, il-Kummissjoni għall-Patrimonju Kulturali Kattoliku, l-Kummissjonijiet għall-Patrimonju Kulturali Reliġjuż, jekk ikun hemm, dipartimenti u entitajiet oħra tal-Gvern, is-Sindki ta' kull Kunsill Lokali jew organizzazzjonijiet mhux governattivi li jkunu qeghdin jirrapprezentawhom li jkunu registrati mas-Sovrintendenza bħala organizzazzjonijiet li għandhom bħala skop il-protezzjoni tal-patrimonju kulturali, l-Università ta' Malta, istituzzjonijiet edukattivi oħra, speċjalisti, konsulenti, u kull parti oħra li turi lill-Ministru bil-miktub li għandha interess.

(2) Il-President tal-Forum jinhatar mill-Ministru.

(3) Il-Forum jiddiskuti l-istat tal-patrimonju kulturali b' mod ġenerali wara li jisma rapport dwaru li jithejja mis-Sovrintendent.

(4) Il-Ministru ghandu jirregola l-proċeduri tal-Forum.

(5) Il-proċeduri tal-Forum għandhom ikunu ppubblikati u mibghuta lill-Ministru.

Fond dwar il-Patrimonju Kulturali.

16. (1) Ikun hemm Fond li jkun magħruf bħala l-Fond dwar il-Patrimonju Kulturali, li jkunu korp magħqud b'personalità ġuridika distinta, u li jirċievi u jamministra l-ammonti ta' flus kollha mogħtija taħt id-disposizzjonijiet ta' dan l-Att kif ukoll flejjes oħra li jistgħu jiġu mogħtijin b'rigal minn sorsi mhux governattivi.

(2) Il-Fond ikun amministrat mill-Kumitat ta' Garanzija.

(3) L-ammonti ta' flus fil-Fond jistgħu unikament jintużaw għal skopijiet ta' riċerka, konservazzjoni jew restawr tal-patrimonju kulturali.

(4) Għandha tiġi pprezentata lill-Ministru dikjarazzjoni annwali ta' l-amministrazzjoni tal-Fondi li titqiegħed minnu fuq il-Mejda tal-Kamra.

TAQSIMA IV
PROVVEDIMENTI AMMINISTRATIVI
U DWAR IL-PERSUNAL

17. (1) Bla hsara ghad-disposizzjonijiet tal-Kostituzzjoni u ta' Hatriet ta' persunal. kull liġi ohra inkluż dan l-Att li tapplika dwar dan, il-hatra ta' uffiċjali u ta' impjegati ohra ta' Entitajiet ghandha ssir mis-Sovrintendent fil-każ tas-Sovrintendenza, mill-President tal-Bord ta' Diretturi fil-każ ta' l-Aġenzija, mill-President tal-Bord ta' Gvernaturi fil-każ ta' Ċentru, u mill-President tal-Kumitat fil-każ tal-Kumitat jew tal-Fond. Il-pattijiet u l-kondizzjonijiet ta' l-impieg ghandhom ikunu deċiżi minn kull Entità bl-approvazzjoni tal-Ministru.

(2) Kull Entità ghandha tahtar u timpjega, b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet bhalma tista' skond subartikolu (1) ta' dan l-artikolu tiddeċiedi, lil dawk l-uffiċjali u impjegati li jistgħu minn żmien għal żmien ikunu mehtieġa għat-twertiq kif dovut u effiċjenti tal-funzjonijiet tagħha. Hatra u funzjonijiet ta' l-uffiċjali u l-impjegati.

18. (1) Il-Prim Ministru jista', fuq talba ta' xi Entità, minn żmien għal żmien jordna li uffiċjal pubbliku jiġi mqabbad jaqdi dmirijiet ma' l-Entità f'dik il-kariga u minn dik id-data li tista' tkun speċifikata fl-ordni. Trasferiment ta' uffiċjali pubbliċi.

(2) Il-perjodu li matulu ordni kif hawn aktar qabel imsemmi għandu japplika għal xi uffiċjal speċifikat fiha għandu, kemm-il darba l-uffiċjal ma jirtirax mis-servizz pubbliku, jew jekk xort'ohra jtemm milli jibqa' fil-kariga f'data li tiġi qabel, jkun dak li jista' jiġi speċifikat fl-ordni, kemm-il darba l-ordni ma tiġix revokata qabel mill-Prim Ministru.

(3) Meta xi uffiċjal jiġi mqabbad jaqdi dmirijiet ma' xi Entità skond dan l-Artikolu, dak l-uffiċjal għandu fiż-żmien li matulu dak l-ordni ikollu effett dwaru, jkun taht l-awtorità amministrattiva u l-kontroll ta' l-Entità imma għal kull skop iehor għandu jibqa' u jitqies u jkun ittrattat bhala uffiċjal pubbliku. Status ta' uffiċjali pubbliċi.

(4) Mingħajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi, uffiċjal pubbliku mqabbad jaqdi dmirijiet kif hawn aktar qabel imsemmi ja -

(a) m'għandux filwaqt li dak l-uffiċjal ikun hekk imqabbad jagħmel -

(i) ikun prekluz milli japplika ghal trasferiment ghal xi dipartiment tal-Gvern skond il-pattijiet u l-kondizzjonijiet ta' servizz marbuta mal-hatra mal-Gvern li dak l-ufficjal pubbliku kellu f'data meta jkun gie mqabba jaqdi dmirijiet; jew

(ii) ikun hekk impjegat li r-rimunerazzjoni u l-kondizzjonijiet ta' servizz jkunu inqas favorevoli minn dawk marbuta mal-hatra mal-Gvern li kellu dak l-ufficjal pubbliku fid-data meta jkun gie mqabba jaqdi dmirijiet kif hawn aktar qabel imsemmi jew li kienu jkunu marbuta ma' dik il-hatra, matul il-perjodu msemmi, li kieku dak l-ufficjal ma jkunx gie mqabba jaqdi dmirijiet ma' l-Entita; u

(b) ikollu jedd li jkollu s-servizz tieghu ma' l-Entita meqjus bhala servizz mal-Gvern ghall iskop ta' kull pensjoni, gratwita jew beneficcju taht l-Ordinanza dwar il-Pensjonijiet, u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u ta' kull dritt jew privilegg iehor li dak l-ufficjal pubbliku jkun intitolat ghalih, u jkun responsabbli ghal dak kollu li jkun responsabbli ghalih, hlief ghall-fatt li jkun qieghed jigi mqabba jaqdi dmirijiet ma' l-Entita.

Kap. 93.

Kap. 58.

(5) Meta ssir applikazzjoni kif hemm provdut fis-subartikolu (4) (a) (i), ghandha tinghata l-istess konsiderazzjoni ghal dan daqslikieku l-applikant ma kienx gie mqabba jaqdi dmirijiet ma' l-Entita.

(6) Kull Entita ghandha thallas lill-Gvern, fejn dan japplika, dawk il-kontribuzzjonijiet li jistghu minn zmien ghal zmien jigu decizi mill-Ministru responsabbli ghall-finanzi dwar in-nefqa tal-pensjonijiet u gratwitajiet li jinqalghu minn ufficjal imqabba jaqdi dmirijiet ma' dawk l-Entitajiet kif hawn aktar qabel imsemmija matul il-perjodu li fih dak l-ufficjal ikun hekk imqabba jaghmel.

Offerti ta' impieg permanenti lil ufficjali pubblici mqabba jaqdu dmirijiet ma' l-Entitajiet.

19. (1) Kull Entita tista', bl-approvazzjoni tal-Prim Ministru, toffri lil xi ufficjal mqabba jaqdi dmirijiet ma' dawk l-Entitajiet taht xi disposizzjoni ta' l-artikolu 18 impieg permanenti maghha b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet li ma jkunux inqas favorevoli minn dawk gawduti minn dak l-ufficjal fid-data ta' dik l-offerta.

(2) Il-pattijiet u l-kondizzjonijiet li jkun hemm f'xi offerta maghmula kif hawn aktar qabel imsemmi m'ghandhomx ikunu hekk li jitqiesu li jkunu inqas favorevoli ghaliex biss ma jkunux f'kull rigward identici ma' jew superjuri ghal dawk gawduti mill-ufficjal involut fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet, kollha

flimkien, fil-fehma tal-Prim Ministru jkunu joffru benefiċċji sostanzjalment ekwivalenti jew ikbar.

(3) Kull uffiċjal li jaċċetta impieg permanenti ma' xi Entità, taht id-disposizzjonijiet tas-subartikolu (1), ghandu għall-finijiet kollha li ma jkunx dawk ta' l-Ordinanza dwar il-Pensjonijiet, u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, jitqies li jkun temm li jkun fis-servizz tal-Gvern u li jkun dahal għas-servizz ma' l-Entità fid-data ta' dik l-aċċettazzjoni u għall-finijiet ta' l-imsemmija Ordinanza u ta' l-imsemmi Att, sakemm dawn japplikaw għal dak l-uffiċjal, servizz ma' dik l-Entità għandu jitqies li jkun servizz mal-Gvern fil-parametri tat-tifsiriet tagħhom rispettivament.

(4) Kull tali uffiċjal kif hawn aktar qabel imsemmi li minnufih qabel ma jaċċetta impieg permanenti ma' l-Entità kellu jedd li jibbenefika taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jibqa' hekk intitolat li jibbenefika kif hawn iktar qabel indikat għal kull fini bħallikieku s-servizz ma' l-Entitajiet kien servizz mal-Gvern.

(5) Kull Entità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li jistghu minn żmien għal żmien ikunu deċiżi mill-Ministru responsabbli għall-finanzi dwar in-nefqa ta' pensjonijiet u gratwitajiet li jinqalghu minn uffiċjal li jkun aċċetta impieg permanenti magħha kif hawn aktar qabel imsemmi matul il-perjodu li jibda għaddej fid-data meta dak l-uffiċjal jaċċetta.

(6) (a) Għall-finijiet ta' dan l-artikolu l-karigi u gradi ta' salarji ma' l-Entitajiet għandhom ikun kklassifikati fil-gradi li l-aktar jikkorrispondu fil-viċin u livelli inkriminali fis-servizz mal-Gvern ta' Malta b'riferenza għal *job description*, kapaċitajiet, responsabbiltajiet u fatturi oħra analogi.

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) għandha ssir mill-Bord magħmul minn president mahtur mill-Ministru responsabbli għall-finanzi u żewġ membri oħra, wiehed mahtur mill-Ministeru responsabbli ċentralment għall-politka dwar il-persunal fis-servizz pubbliku u l-iehor mahtur mill-Entità rilevanti. Il-klassifikazzjoni tkun bla hsara għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(ċ) Dik il-klassifika għandha ssir fi żmien tliet xhur minn kull aġġustament ta' salarji ta' l-impjegati fis-servizz tal-Gvern, u, jew , ta' l-impjegati ta' xi Entità.

(d) Ebda kariga m'għandha tkun ikklassifikata fi grad oġġla minn dak ta' grad 3 fis-servizz tal-Gvern jew dak il-grad iehor li l-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien b'avviż fil-Gazzetta jiddeċiedi.

(e) Mingħajr preġudizzju għad-disposizzjonijiet ta' l-artikolu 113 tal-Kostituzzjoni, hadd ma jista', minhabba fi klassifikazzjoni kif hawn aktar qabel imsemmi, jkun intitolat għal drittijiet taht l-imsemmija Ordinanza dwar il-Pensjonijiet li jkunu inqas favorevoli minn dawk li dwarhom dik il-persuna kienet tkun intitolata qabel dik il-klassifikazzjoni.

TAQSIMA V PROVVEDIMENTI FINANZJARJI

L-Entitajiet jhallu
l-infiq mid-dhul.

20. (1) Mingħajr preġudizzju għal dawn il-provvedimenti li ġejjin ta' dan l-artikolu, l-Entitajiet għandhom hekk imexxu l-affarijiet tagħhom li n-nefqa meħtieġa għat-twettiq adatt tal-funzjonijiet tagħhom għandha, skond kemm ikun prattiku, tithallas mid-dhul tagħhom.

(2) Għal dak l-ghan kull Entità għandha tiġbor dawk id-drittijiet, rati u hlasijiet oħra preskritti jew li jitqiesu li jkun preskritti minn jew taht dan l-Att jew kull liġi oħra.

(3) Kull Entità għandha wkoll tithallas mingħand il-Gvern mill-Fond Konsolidat dawk l-ammonti ta' flus li l-Parlament jista' minn żmien għal żmien jawtorizza li għandhom jiġu approprijati biex minnhom jithallu l-ispejjeż ta' xi xogħlijiet speċifikati sabiex dawn jitkomplew jew xort'oħra jsiru minnha, li jkunu xogħlijiet ta' infrastruttura jew ta' xorta kapitali simili, jew biex minnhom tithallas kull spiża li jista' jkollha u li ma tkunx tista' thallas mid-dhul tagħha.

(4) Kull eċċess ta' dhul fuq l-infiq għandu, bla hsara għal dawk id-direttivi li l-Ministru, wara li jikkonsulta lill-Ministru responsabbli għall-finanzi, jista' minn żmien għal żmien jagħti, jkun applikat minn kull Entità għal kull formazzjoni ta' fondi ta' riserva li jiġu użati għall-finijiet tagħha, u mingħajr preġudizzju għall-ġeneralità tal-poteri mogħtija lill-Ministru b'dan is-subartikolu, kull ordni mogħtija mill-Ministru kif hawn aktar qabel imsemmi tista' tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'dak il-mod kif jista' jkun speċifikat fl-ordni, ta' xi parti tad-drittijiet, rati u hlasijiet oħra miġbura skond subartikolu (2) jew xi eċċess bħal dak kif hawn aktar qabel imsemmi.

(5) Il-fondi ta' xi Entità li ma jkunux minnufih mehtiega biex minnhom issir in-nefqa jistgħu jkunu investiti b'dak il-mod li jista' minn żmien għal żmien ikun approvat mill-Ministru.

21. (1) Għall-finijiet tat-twettiq ta' xi funzjoni tagħha taht dan l-Att, Entità tista', bl-approvazzjoni bil-miktub tal-Ministru f'konsultazzjoni mal-Ministru responsabbli għall-finanzi, tissellef jew tikseb flus b'dak il-mod, mingħand dik il-persuna, korp jew awtorità, u taht dawk il-pattijiet u kondizzjonijiet li l-Ministru, wara konsultazzjoni kif hawn aktar qabel imsemmi, jista' japprova bil-miktub.

Poter ta' self
ta' kapital.

(2) Entità tista' wkoll minn żmien għal żmien tissellef, b'*overdraft* jew xort'ohra, dawk l-ammonti li tista' tehtieg għat-twettiq tal-funzjonijiet tagħha taht dan l-Att:

Izda għal kull ammont li jeċċedi l-hamsin elf lira, tenhtieg l-approvazzjoni tal-Ministru bil-miktub.

22. Il-Ministru responsabbli għall-finanzi jista', wara li jikkonsulta lill-Ministru, jgħaddi flus bil-quddiem lil xi Entità ta' dawk l-ammonti li l-Ministru responsabbli għall-finanzi jista' jaqbel li jkunu mehtiega minn dik l-Entità għat-twettiq ta' xi funzjoni tagħha taht dan l-Att, u jista' jgħaddi dawk il-flus bil-quddiem b'dawk il-pattijiet u kondizzjonijiet li l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni kif hawn aktar qabel imsemmi, jidhirli li jkun xieraq. Kull flus hekk mgħoddija bil-quddiem jistgħu jiġu ordnati mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u mingħajr ebda approprjazzjoni ulterjuri hlief għal dan l-Att, b'*warrant*, li jawtorizza lill-*Accountant General* li jgħaddi dawk il-flus bil-quddiem.

Flus li jingħataw
bil-quddiem
mill-Gvern.

23. (1) Il-Ministru responsabbli għall-finanzi jista', għal kull htiega ta' xorta kapitali ta' xi Entità tikkuntratta jew tagħmel flus disponibbli, jew tidhol f'passiv, għal dawk il-perjodi u b'dawk il-pattijiet u kondizzjonijiet li l-Ministru responsabbli għall-finanzi jista' jqis li jkunu xierqa; u kull ammont dovut dwar jew f'konnessjoni ma' xi tali self jew passività jkun nefqa fuq il-Fond Konsolidat.

Tisliif mingħand
il-Gvern.

(2) Avviż dwar kull self, passività jew flus li jingħataw bil-quddiem, li jsiru jew jiġu magħmulin taht id-disposizzjonijiet tas-subartikolu (1) għandhom jiġu mogħtija mill-Ministru lill-Kamra kemm jista' jkun malajr.

(3) Sakemm isir disponibbli xi self bħal dak imsemmi fis-subartikolu (1), jew bil-ghan li Entità tiġi pprovduta b'kapital attiv, il-Ministru responsabbli għall-finanzi jista', b'ordni, u mingħajr ebda approprjazzjoni ulterjuri hlief għal dan l-Att, jawtorizza lill-*Accountant*

General li jghaddilha flus bil-quddiem mit-Treasury Clearance Fund taht dawk il-pattijiet li jistghu jkunu speċifikati mill-Ministru malli dan isir.

(4) Ir-rikavat ta' xi self li jsir disponibbli għall-finijiet li jinghataw flus bil-quddiem lil xi Entità u kull ammont ta' flus ieħor li jkun se jinghadda lil xi Entità taht dan l-artikolu, għandu jithallas lil dak il-Fond.

(5) Ammonti ta' flus li l-*Accountant General* jirċievi minghand xi Entità dwar flus li jinghatawliha bil-quddiem taht subartikolu (3) għandhom jithallsu, dwar xi ammonti li jiġu riċevuti bhala hlas lura fit- Treasury Clearance Fund u, dwar ammonti li jiġu riċevuti bhala mgħax fil-Fond Konsolidat.

Estimi ta'
l-Entitajiet.

24. (1) Kull Entità għandha tara li tiġi mhejjija f'kull sena finanzjarja, u m'għandhiex iktar tard minn tmien gimgħat qabel tmiem kull sena finanzjarja tadotta, estimi tad-dhul u nfieq tagħha għas-sena finanzjarja li tiġi minnufih wara:

Izda l-estimi ta' xi Entità għall-ewwel sena finanzjarja tagħha għandu jithejja u jiġi adottat f'dak iż-żmien li l-Ministru jista' b'avviz bil-miktub jispeċifika lill-Entità.

(2) Fit-thejjija ta' dawk l-estimi, Entità għandha tqis kull fond u flus oħra li jistghu jkunu dovuti li jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, jew bis-saħħa ta' dan l-Att jew ta' Att ta' approprjazzjoni jew ta' kull liġi oħra; u għandha hekk thejji dawl l-estimi b'mod li tiżgura li kull dhul totali tagħha jkun mill-inqas suffiċjenti biex minnu jinħarġu l-ammonti ta' flus kollha li għandhom jithallsu kif dovut fil-kont tad-dhul tagħha inklużi, imma mingħajr preġudizzju għall-generalità ta' dik il-frazi, id-deprezzament.

(3) L-estimi għandhom isiru f'dawk is-suriet u jkun fihom dik l-informazzjoni u dawk il-paraguni ma' l-estimi ta' qabel hekk kif il-Ministru jista' jordna.

(4) Kopja ta' l-estimi għandha, meta dawn jiġu adottati minn Entità, jintbagħtu minnufih mill-Entità lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru għandu, ma' l-ewwel opportunità li jkollu u mhux iktar tard minn sitt gimgħat wara li jkun irċieva kopja ta' l-estimi ta' l-Entitajiet, jew, jekk jiġri li l-Kamra ma tkunx qegħda f'sessjoni, fi żmien sitt gimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, jara li dawk l-estimi li jkun qiegħed quddiem il-Kamra flimkien ma' mozzjoni

li l-Kamra tapprova dawk l-estimi. M'għandhiex tinghata iktar minn seduta waħda biex isir dibattitu fil-Kamra dwar dik il-mozzjoni u sew il-mozzjoni sew l-approvazzjoni tal-estimi mill-Kamra jista' jkun fihom jew ma jkunx fihom emendi għall-estimi.

25. (1) M'għandha ssir jew tiġġarrab ebda nefqa minn Entità kemm-il darba din ma tkunx giet approvata mill-Kamra kif provdut fl-artikolu 24. In-nefqa skond l-estimi approvati.

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

(a) sa l-iskadenza ta' sitt xhur mill-bidu ta' xi sena finanzjarja, jew sakemm issir l-approvazzjoni ta' l-estimi għal dik is-sena mill-Kamra, skond liema data tiġi l-ewwel, Entità tista' tagħmel jew iġġarrab in-nefqa għat-twettiq tal-funzjonijiet tagħha taht dan l-Att f'ammont li b'kollox ikun ta' mhux iżjed minn nofs l-ammont approvat għas-sena finanzjarja li tiġi minnufih qabel;

(b) in-nefqa approvata għar-rigward ta' xi kap jew sotto-kap ta' l-estimi tista', bl-approvazzjoni tal-Ministru, tiġġarrab dwar xi kap jew sotto-kap iehor ta' l-estimi;

(c) dwar l-ewwel sena finanzjarja, Entità tista' tagħmel jew iġġarrab in-nefqa sakemm l-approvazzjoni ta' l-estimi għal dik is-sena mill-Kamra f'dak li ammont li b'kollox ma ikun ta' mhux iżjed minn kemm il-Ministru responsabbli għall-finanzi jista', wara li jikkonsulta lilil-Ministru, jippermetti;

(d) jekk dwar xi sena finanzjarja jinsab li l-ammont approvat mill-Kamra ma jkunx suffiċjenti, jew jekk tqum neċessità li ssir nefqa għal xi għand li ma jkunx hemm provdut dwarha fl-estimi, Entità tista' tadotta estimi supplementari għall-approvazzjoni tal-Kamra u sakemm tinghata dik l-approvazzjoni, dik l-Entità tista' f'ċirkostanzi speċjali u bl-approvazzjoni tal-Ministru, iġġarrab in-nefqa relattiva jew parti minnha kif dak il-Ministru jista' hekk japprova, u f'kull każ bħal dak id-disposizzjonijiet ta' dan l-Att li japplikaw għall-estimi għandhom, skond kemm ikun Prattiku, japplikaw għall-estimi supplementari.

26. Kull estimi u estimi supplementari approvati mill-Kamra għandhom, kemm jista' jkun malajr, jiġu ppubblikati fil-Gazzetta. Pubblikazzjoni ta' l-estimi approvati.

27. (1) Kull Entità għandha tara li jinżammu kotba ta' kontijiet u reġistrazzjonijiet oħra kif imiss dwar l-operazzjonijiet tagħh u għandu jara li tithejja dikjarazzjoni ta' kontijiet dwar kull sena finanzjarja. Kontijiet u verifika.

(2) Il-kontijiet ta' kull Entità ghandhom ikun verifikati minn awditur jew awdituri li jinhatru minnha u li jkunu approvati mill-Ministru:

Izda l-Ministru responsabbli għall-finanzi jista' jeħtieġ li l-kotba u registrazzjonijiet ohra ta' xi Entità jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għal dan l-ghan ikollu poter li jagħmel diki il-verifika fiżika u kull verifika ohra, u jista' jkun jeħtieġ dik l-informazzjoni, hekk kif l-Awditur Ġenerali jista' jqis li tkun meħtieġa.

(3) Wara tmiem kull sena finanzjarja, fl-istess hin li kopja ta' l-estimju ta' xi Entità tintbagħat lill-Ministru taħt l-artikolu 24, l-Entità għandha tara li kopja tad-dikjarazzjoni ta' kontijiet verifikata kif imiss tkun mibghuta lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien mal-kopja ta' kull rapport magħmul mill-awditur jew awdituri dwar dik id-dikjarazzjoni jew dwar il-kontijiet ta' l-Entità.

(4) Il-Ministru għandu jara li kopja ta' kull dikjarazzjoni u rapport bħal dawk jitqiegħdu quddiem il-Kamra flimkien mal-mozzjoni li titqiegħed quddiem il-Kamra taħt l-artikolu 24(5).

Depożitu ta' kull
dhul u hlas mill-
Entitajiet.

28. (1) Il-flejjes kollha ta' xi Entità għandhom jitqiegħdu f'bank jew banek li jinhatru bankiera minnha. Dawk il-flejjes għandhom, skond kemm ikun prattiku, jitqiegħdu fil-banek minn jum għall-iehor, hlief għal dak l-ammont li l-Entità tista' teħtieġ li żzomm biex thallas minnha nefqiet zghar u ta' minnufih.

(2) Il-hlasijiet kollha li jsiru mill-fondi ta' kull Entità, hlief għal nefqiet zghar ta' mhux iżjed minn dak l-ammont li jista' jkun iffissat minn kull Entità rispettiva bl-approvazzjoni tal-Ministru, għandhom isiru minn dak l-uffiċjal jew uffiċjali ta' dik l-Entità li jistgħu jiġu mahtura jew imsemmija għal dak l-iskop.

(3) Ċekkijiet li jirrigwardaw u ritrat ta' flejjes minn xi kont tal-bank ta' xi Entità għandhom ikunu ffirmati minn dak l-uffiċjal ta' dik l-Entità li jista' jiġi mahtur jew imsemmi minn dik l-Entità għal dak l-ghan u għandu jgħib il-kontrofirma tal-membru jew uffiċjal awtorizzat ta' dik l-Entità kif jista' jkun awtorizzat minn dik l-Entità għal dak l-ghan.

(4) Kull Entità għandha wkoll tipprovdi dwar -

(a) il-mod li bih u l-uffiċjal jew uffiċjali li għandhom jawtorizzaw jew japprovaw il-hlasijiet;

(b) it-titolu ta' xi kont li jinżamm fil-bank jew banek fejn ghandhom jithallsu l-flejjes taghha, u t-trasferiment ta' fondi minn kont għall-iehor;

(ċ) il-metodu li ghandu jigi adottat biex isiru hlasijiet mill-fond taghha; u

(d) b'mod ġenerali għar-rigward ta' kull haġa li hija rilevanti għaż-żamma kif imiss u l-kontroll tal-kontijiet, kotba u *records* ohra u l-kontroll tal-finanzi taghha.

29. Entità m'għandhix tidhol f'xi kuntratt għall-provvista ta' oġġetti jew materjal jew għall-esekuzzjoni ta' xogħol jew għall-ghoti ta' servizzi lil jew għall-benefiċċju ta' l-Entità, li hija tistma li jkun jinvolvi nefqa ta' iżjed minn tliet elef lira, hlief wara li tagħti avviz dwar l-intenzjoni li jkollha li tagħmel dak il-kuntratt ikun gie ppubblikat u jkunu nħargu sejhiet għal offerti kompetittivi.

Kuntratti ta' provvista u ta' xogħlijiet.

30. Kull Entità għandha, mhux iktar tard minn sitt ġimgħat wara tmiem kull sena finanzjarja, tagħmel u tghaddi lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport li jkun jittratta b'mod ġenerali dwar l-attivitajiet taghha matul dik is-sena finanzjarja u li jkua fih dik l-informazzjoni għar-rigward tal-proċedimenti u l-politka taghha bekk kif xi wiehed mill-imsemmija Ministri jista' minn żmien għal żmien jehtieg. Il-Ministru għandu jara li kopja ta' rapport bhal dak jitqiegħed fuq il-Mejda tal-Kamra flimkien ma' l-estimi kif provduti dwar dan fl-artikolu 24.

Rapport annwali.

TAQSIMA VI PROFESSIONISTI FIL-KONSERVAZZJONI

31. (1) Hadd ma għandu jeserċita l-professjoni ta' konservatur-restawratur kemm-il darba ma jkunx id-detentur ta' *warrant* taht l-artikolu 33 ta' dan l-Att.

Kwalifiki għall-*warrant*.

(2) Persuna ma tikkwalifikax għall-ghoti ta' *warrant* kemm-il darba -

(a) ma tkunx ċittadin ta' Malta jew xort'ohra jkollha permess li tahdem f'Malta taht xi ligi ohra;

(b) ma jkollhiex kondotta tajba;

(ċ) ma jkollhiex kapacià legali shiħa; u

(d) ma tissodisfax lill-Bord li -

(i) tkun iggradwat bhala Baċċillier fl-Istudji tal-Konservazzjoni u r-Restawr mill-Università ta' Malta jew li jkollu f'idejh kwalifiki akkademiċi li jkun kiseb wara li jkun temm b'suċċess xi kors ta' studju li jtul mill-inqas tliet snin *full-time*, jew li jtul għal żmien ekwivalenti *part-time*, f'dik l-università jew istituzzjoni akkademika ohra li tista' tkun rikonoxxuta mill-Bord imsemmi fl-artikolu 34 f'konsultazzjoni maċ-Ċentru, li jkun kors li jkun fih dawk is-sugġetti prinċipali fil-qasam tal-konservazzjoni u restawr li l-Ministru jista', wara li jikkonsulta liċ-Ċentru, jippreskrivi;

(ii) għal perjodu ta' mhux inqas minn sentejn wara li tikseb il-kwalifiki akkademiċi msemmija fis-subparagrafu (i) ta' dan il-paragrafu, ikun tharreg f'Malta taht is-supervizjoni ta' xi detentur ta' *warrant* prattikanti, skond dawk il-linji direttivi li l-Ministru jista', wara li jikkonsulta liċ-Ċentru, jippreskrivi;

Iżda meta l-kwalifiki akkademiċi imsemmija fil-paragrafu (i) ta' dan il-paragrafu jinkisbu wara korsijiet akkademiċi *full-time* fil-konservazzjoni matul dak iż-żmien full-time li b'kollox jammonta għal mill-inqas sitt snin u li jkun fihom tali livell ta' taħriġ prattiku skond ma jiġi approvat miċ-Ċentru, il-kondizzjoni għal taħriġ taht supervizjoni għandha titqies bhala li tkun giet imwettqa:

Iżda wkoll, bl-approvazzjoni tal-imsemmi Bord dak it-taħriġ jista', għal perjodu ta' mhux iżjed minn sena, fl-imsemmi perjodu ta' sentejn, isir f'xi Stat barra minn Malta ma' xi professjonist f'dixxiplini relatati li jkun kwalifikat kif imiss biex jeserċita f'dak l-Istat;

(iii) tkun giet eżaminata u approvata kif imiss mill-Bord f'eżami jew eżamijiet għal dak l-iskop, hekk kif il-Ministru jista', wara li jikkonsulta liċ-Ċentru, jippreskrivi:

Iżda l-Bord jista' jeżenta lil xi persuna li tkun kisbet il-kwalifiki akkademiċi mill-Università ta' Malta jew minn xi Università jew istituzzjoni akkademika ohra bhal dik approvata mill-imsemmi Bord f'konsultazzjoni maċ-Ċentru, sew mill-eżami kollu jew l-eżamijiet kollha sew minn xi parti minnu jew minnhom.

Ċirkostanzi speċjali.

32. Minkejja d-disposizzjonijiet ta' l-artikolu 31, persuna tista' tinghata *warrant* jekk ikollha:

(1) il-kwalifiki elenkati fil-paragrafi (a), (b) u (ċ) tas-subartikolu (2) ta' l-artikolu 31 u tkun, qabel l-ewwel ta' Jannar, 2000, pprattikat ta' konservatur f' Malta jew barra minn Malta għal perjodu ta' mhux inqas minn hmistax-il sena, u jkollha fil-fehma tal-Bord imsemmi fl-artikolu 34 il-kompetenza u l-abbiltà akkademika meħtieġa; jew

(2) il-kwalifiki elenkati fil-paragrafi (a), (b) u (ċ) ta' subartikolu (2) ta' l-artikolu 31, u fis-subparagrafi (i) u (ii) tal-paragrafu (d) ta' dak is-subartikolu, imma li jkollha kwalifiki akkademici li jinkludu grad akkademiku fit-teknika tal-konservazzjoni applikata miksib b'suċċess minn xi università jew istituzzjoni akkademika ekwivalenti imma liema grad kien jinvolvi kors ta' studji iqsar minn perjodu ta' erba' snin jew li ma kienx fih dawk is-sugġetti minimi fil-qasam tal-konservazzjoni u restawr kif jiġu preskritti mill-Ministru skond is-subparagrafu (i) tal-paragrafu (d) tas-subartikolu (2) ta' l-artikolu 31 imma jkun għamel taħriġ prattiku għal perjodu ta' mhux inqas minn sentejn taħt is-superviżjoni ta' xi detentur ta' *warrant* prattikanti u jkun għadda b'suċċess minn dawk il-provi li dak il-Bord jista' jqis li jkunu meħtieġa minn każ għall-iehor.

33. (1) Il-*warrant* biex persuna tipprattika l-professjoni ta' konservatur-restawratur jingħata mill-Ministru bir-rakkomandazzjoni tal-Bord imsemmi fl-artikolu 34 lil kull min jissodisfa l-htigiet ta' l-artikoli 31 jew 32 ta' dan l-Att.

*Warrant ta' prattika
bħala
konservatur
professjonali.*

(2) Detentur ta' *warrant* jista' juża t-titolu Restawratur flimkien ma' ismu.

34. (1) Ikun hemm Bord, li jkun magħruf bħala Bord tal-*Warrant* tar-Restawraturi (hawnhekk iżjed 'il quddiem f'dan l-artikolu imsemmi l-Bord) li jkun magħmul minn:

*Bord tal-Warrant
Tar-Restawraturi.*

(a) President li jkun maħtur mill-Ministru minn fost persuni li jkunu jew kienu kwalifikati li jkunu maħtura mħallfin f' Malta;

(b) membru wiehed li jinhatar mill-Ministru minn fost detenturi ta' *warrant*, li jkollhom mill-inqas tmien snin esperjenza;

(ċ) membru wiehed li jinhatar miċ-Ċentru minn fost detenturi ta' *warrant* li jkollhom mill-inqas tmien snin esperjenza;

(d) żewġ membri li jkunu eletti għal żmien sentejn b'vot sigriet minn fost id-detenturi ta' *warrant* nfushom.

(2) Il-President jiġi mahtur għal żmien tliet snin u taht dawk il-kondizzjonijiet li jistgħu jiġu stipulati fl-ittra tal-hatra tiegħu.

(3) Il-membri l-mahtura l-oħra tal-Bord għandhom jibqgħu fil-kariga għal żmien sentejn, u taht dawk il-kondizzjonijiet li jistgħu jiġu stipulati fl-ittra tal-hatra tagħhom.

(4) Meta jkun hemm xi vakanza fil-Bord, il-Ministru għandu kemm jista' jkun malajr, fil-każ tal-president, jew membru mahtur minnu, jahtar lil xi persuna oħra biex timla dik il-vakanza; fil-każ ta' membru mahtur miċ-Ċentru, jitlob liċ-Ċentru jahtar lil xi persuna oħra biex timla dik il-vakanza u fil-każ ta' xi membru elett jara li ssir elezzjoni sabiex tkun tista' timtela dik il-vakanza.

(5) L-ghadd ta' membri meħtieġa biex jagħmlu *quorum* ikun ta' tlieta, imma, sakemm ikun hemm *quorum*, il-Bord jista' jagixxi minkejja kull vakanza fost il-membri tiegħu.

(6) Il-Ministru jista' wkoll jiddelega uffiċjal pubbliku biex jagħmilha ta' segretarju tal-Bord, u dak is-segretarju ma jkollux vot.

(7) Hlief kif hawn aktar qabel imsemmi, il-Bord jista' jagħmel ir-regoli tiegħu nnifsu u xort' oħra jirregola l-proċedura tiegħu nnifsu.

(8) Minkejja d-disposizzjonijiet ta' dan l-artikolu, għal perjodu ta' sena mid-data tad-dhul fis-seħh ta' din it-Taqsima ta' dan l-Att, l-ewwel Bord li jkun mahtur ikun magħmul minn:

(a) President li jkun mahtur mill-Ministru minn fost persuni li jkunu jew li kienu kwalifikati li jkunu mahtura mħallfin f' Malta; u

(b) żewġ persuni oħra, mahtura mill-Ministru u li ma jkunux huma nfushom persuni li għad japplikaw għal *warrant*, u li fil-fehma tiegħu ikollhom il-kompetenza li jifflu l-ewwel applikanti għall-*warrant*.

Funzjonijiet tal-Bord.

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

(a) jikkonsidra applikazzjonijiet għall-hruġ ta' *warrant*, u li jagħmel ir-rakkomandazzjonijiet tiegħu dwar dan lill-Ministru;

(b) jorganizza u jirregola, u jiddeċiedi talbiet għal eżenzjonijiet mill-eżami għal *warrant* professjonali skond l-artikoli 31 u 32 ta' dan l-Att;

(c) jirregola l-kondizzjonijiet ta' tahrig Prattiku barra mill-pajjiż skond id-disposizzjonijiet ta' l-artikolu 31 ta' dan l-Att;

(d) japprova universitajiet jew istituzzjonijiet akkademiċi skond l-artikolu 31 ta' dan l-Att;

(e) jorganizza u jirregola kull prova li tidhirli xierqa u l-perjodi ta' tahrig Prattiku, kif provdut dwarhom fl-artikolu 32 ta' dan l-Att; u

(f) jaghti parir lill-Ministru f'dak li għandu x'jaqsam ma' kull haġa għar-rigward tal-professjoni ta' konservatur-restawratur.

(2) Fl-esercizzju tal-funzjonijiet tiegħu l-Bord jista' wkoll jikkonsulta lil dawk il-persuni li jistgħu jitqiesu xierqa u jista' wkoll jahtar kumitati, li l-president tagħhom ikun membru tal-Bord, għat-tweqqif ta' dawk id-dmirijiet jew xogħol iehor li l-Bord jista' jassenjalhom.

(3) Il-Bord għandu jzomm registru ta' detenturi ta' *warrant* u għandu, mhux aktar tard minn tliet xhur wara tmiem kull year, jippubblika fil-Gazzetta lista ta' persuni li, fil-31 ta' Diċembru ta' dik is-sena, kienu registrati bħala detenturi ta' *warrant* mahruġ taht dan l-Att.

36. (1) Il-Ministru jista', b'ordni bil-miktub, jissospendi, jirrevoka jew iħassar *warrant* jekk id-detentur ta' *warrant*:

Sospensjoni jew revoka ta' *warrant*.

(a) ikun instab hati, wara inkjesta mill-Bord imsemmi fl-artikolu 34 ta' dawn l-atti jew ommissjonijiet li ġejjin:

(i) dizonestà, mgieba hażina jew negligenza gravi fl-esercizzju tal-professjoni tiegħu;

(ii) mgieba li ma tixraqx il-professjoni tiegħu;

(iii) nuqqas milli jhares ir-regolamenti dwar il-livelli jew il-prattika professjonali; jew

(iv) nuqqas milli jhares xi kondizzjoni marbuta ma' *warrant* mahruġ taht id-disposizzjonijiet ta' l-artikolu 38 ta' dan l-Att, jew

(b) ikun instab hati minn qorti kompetenti ta' reat taht id-disposizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin tahtu; jew

(c) ikun instab hati minn qorti kompetenti ta' xi reat li jolqot il-fiduċja pubblika jew frodi jew li jkun xjentement irċieva proprjetà miksuba minn serq jew frodi.

Kap. 12.

(2) Deciżjoni tal-Bord taht paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu jkun jista' jsir appell minnha quddiem il-Qorti ta' l-Appell magħmul kif provdut fis-subartikolu (6) ta' l-artikolu 41 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(3) Il-Ministru responsabbli għall-Gustizzja jista' jagħmel regolamenti li jippreskrivu d-drittijiet li għandhom jithallsu fir-registru tal-qorti f'dak li għandu x'jaqsam ma' l-appelli taht dan l-artikolu:

Izda sakemm iż-żmien li jiġu hekk preskritti d-drittijiet mill-Ministru, d-drittijiet li jithallsu dwar xi appell lil dik il-qorti jkunu dawk li japplikaw għall-Qorti tal-Maġistrati (Malta).

(4) Il-Bord imwaqqaf taht l-artikolu 29 tal- Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandu jagħmel regoli li jkunu jistabbilixxu kif għandhom ikunu dawk l-appelli, t-terminu li fih għandhom jiġu ppreżentati u b' mod ġenerali kull haġa ohra għar-rigward ta' dawk l-appelli.

Effetti ta' revoka
jew
sospensjoni ta'
warrant.

37. Meta *warrant* taht dan l-Att jiġi irtirat, sospiż jew revokat, il-persuna li lilha jkun inħareġ dak il-*warrant* m'għandhiex tibqa' detentur ta' dak il-*warrant*, jew tkun sospiża mill-esercizzju tal-professjoni tagħha skond il-każ u għandha ttemm milli tibqa' tuża t-titolu Restawratur.

Il-Ministru jista'
johroġ
warrant ġdid.

38. Il-Ministru, li jaġixxi bir-rakkomandazzjoni tal-Bord, imsemmi fl-artikolu 34 jista', wara li tghaddi sena mid-data tar-revoka jew tneħħija ta' *warrant*, johroġ *warrant* ġdid bla ħsara għal dawk il-kondizzjonijiet li l-Ministru bir-rakkomandazzjoni tal-Bord jista' jqis li jkunu meħtieġa.

Assistenti mal-
konservatur-
restawratur.

39. Għall-finijiet ta' dan l-Att -

(a) persuna m'għandhiex titqies li tipprattika l-professjoni ta' konservatur restawratur jekk hija tagħmilha ta' impjegat ta', jew assistent ma', u taht is-superviżjoni ta' detentur ta' *warrant* u ma jipprezenta ebda ċertifikazzjoni ta' xorta li turi li jkun konservatur-restawratur;

(b) sa dak il-limitu li jista' jiġi preskritt, hadd m'għandu jitqies li jesercita l-professjoni ta' detentur ta' *warrant* jekk ikun

f'tali impieg jew ikollu jew jagixxi f' dik il-kariga jew iwettaq biss dak ix-xoghol, servizzi, atti jew funzjonijiet li jistghu jigu preskritti;

(ċ) konservatur-restawratur ghandu madankollu jagħmel mill-aħjar biex jiżgura li kull assistent impjegat mieghu jew imqabbad minnu ghandu jkun temm b'suċċess tahrig sa dawk il-livelli li huma jew jistghu jkunu preskritti mill-Kunsill Malti għall-Kwalifiki Vokazzjonali u Professjonali.

TAQSIMA VII POTERI SPECJALI TA' L-ISTAT

40. (1) Fil-każ ta' bejgh, esportazzjoni, skambju, konċessjoni emfitewtika jew self ta' xi oġġett ta' proprjetà kulturali s-Sovrintendent ghandu jkollu l-jedd, bl-approvazzjoni tal-Ministru f'konsultazzjoni mal-Kumitat li jakkwista dawk l-istess oġġetti, bi preferenza fuq l-oħrajn kollha u b'kondizzjonijiet indaqs inkluż il-hlas ta' korrispettiv bhal dak li soltu jsir bejn il-partijiet:

Dritt ta' preferenza.

Izda fil-każ ta' l-esportazzjoni ta' xi oġġett ta' proprjetà kulturali il-Gvern ghandu jakkwista dawk l-oġġetti b'titolu ta' bejgh.

(2) Dan id-dritt ta' preferenza jista' jkun eserċitat mhux iktar tard minn xahrejn minn meta jiġi riċevut l-avviż ta' tali bejgh, esportazzjoni, skambju, trasferiment jew self minn kull parti involuta, jew mid-data meta s-Sovrintendent isir jaf b'tali bejgh, esportazzjoni, skambju, trasferiment jew self, skond liema jiġi l-ewwel.

(3) Fl-eserċizzju tal-jedd ta' preferenza, meta l-korrispettiv tat-trasferiment ma jkunx jista' jiġi xort'oħra stabbilit il-valur tal-proprjetà kulturali inkwistjoni ghandu jkun stabbilit skond id-disposizzjonijiet ta' l-artikolu 40 ta' dan l-Att.

41. (1) Hadd ma jista' jesporta jew jerga' jesporta proprjetà kulturali minghajr il-permess bil-miktub tas-Sovrintendent.

Kontroll ta' l-esportazzjoni u ri-esportazzjoni.

(2) L-esportazzjoni u esportazzjoni mill-ġdid, meta permessi għandhom ikunu bla hsara għall-hlas tad-dazju *ad valorem* kif stipulat fl-Iskeda li tinsab ma' dan l-Att u għandha tkun bla hsara għal dawk il-kondizzjonijiet l-oħra li jistghu jkunu imposti mis-Sovrintendent.

(3) Permess għall-esportazzjoni u esportazzjoni mill-ġdid tista' tinghata għal żmien limitat u minghajr il-hlas tad-dazju msemmi

fis-subartikolu (2) għal skop ta' restawr, esibizzjoni jew studju. Is-Sovrintendent jista', meta jkun qed jagħti tali permess jimponi garanziji għar-ritorn tal-proprjetà kulturali li tiġi hekk esportata jew esportata mill-ġdid f'dak l-ammont li jiġi stabbilit mis-Sovrintendent.

(4) Il-valur ta' l-oġġetti għall-finijiet tal-ħlas tad-dazju msemmi fis-subartikolu (2) jiġi stabbilit minn espert wiehed jew iktar mahtura bi qbil bejn il-Ministru u l-esportatur jew, fin-nuqqas ta' qbil, mill-Qorti ta' l-Appell fuq it-talba ta' l-esportatur, li ssir b'rikors. In-nefqa tal-valutazzjoni għandha tithallas mill-esportatur.

(5) Minflok il-ħlas ta' dazju, l-esportatur jista', bil-kunsens tas-Sovrintendent, jagħti lill-Gvern bhala *datio in solutum*, xi oġġett wiehed jew aktar ta' valur ekwivalenti għad-dazju dovut.

(6) Il-Gvern jista' jakkwista kull oġġett li jkun propost li jiġi esportat, b'dak il-prezz li jista' jiġi stabbilit bil-mod stipulat f'dan l-artikolu fi żmien xahrejn minn meta ssir il-valutazzjoni msemmija f'dan l-artikolu u wara li jingħata avviż ta' l-esportazzjoni intiża lis-Sovrintendent. L-ispejjeż kollha li għandhom x'jaqsmu mal-valutazzjoni għandhom, f'dawk il-każijiet, jithallsu mill-Gvern.

(7) Kull min ikun aggravat bir-rifjut ta' l-ghoti ta' permess mis-Sovrintendent jew bl-impożizzjoni ta' xi kondizzjoni marbuta ma' xi permess bħal dak, jew b'xi deċiżjoni oħra tas-Sovrintendent taħt dan l-artikolu jista' fi żmien gimgħatejn mill-komunikazzjoni li ssirli dwar tali rifjut, kondizzjoni jew deċiżjoni, jirreferi l-każ lill-Kumitat li wara li jagħti lil dik il-persuna u lis-Sovrintendent l-opportunità li jipprezentaw il-każ tagħhom, finalment jiddeċiedi l-kwistjoni.

Tiswija u restawr mill-Gvern.

42. Is-Sovrintendent jista', wara li jikkonsulta lill-Kumitat, b'avviż jgħarraf lil kull min ikun is-sid, detentur jew pussessur ta' proprjetà kulturali li dik il-proprjetà kulturali, tkun tehtieg tiswija jew restawr urgenti u għandu f'dak l-avviż jistabbilixxi terminu li fih għandhom isiru tali tiswija jew restawr, u fin-nuqqas li jsir dan, is-Sovrintendent, jista' jagħmel dawk ix-xogħlijiet bi spejjeż ta' dik il-persuna:

Iżda ebda tali tiswija jew restawr ma jistgħu jsiru mis-Sovrintendent f'xi knisja jew post ta' qima mingħajr il-permess tal-Isqof djoċesan fil-każ ta' postijiet ta' qima Kattoliċi u tal-kap lokali ta' l-organizzazzjoni reliġjuża relattiva fil-każ ta' reliġjonijiet oħra.

Dritt esklużiv għall-iskavar.

43. (1) Skavi arkeoloġiċi jew paleontoloġiċi fuq l-art u esplorazzjonijiet arkeoloġiċi fl-ibhra territorjali jew fiż-żona kontigwa

ta' Malta jistgħu isiru biss bil-permess bil-miktub tas-Sovrintendent u skond kull kondizzjoni annessa miegħu.

(2) Kull min, ukoll jekk aċċidentalment, jiskopri xi oġġett, sit jew bini li dwarhom japplika dan l-Att skond ma hemm fl-artikolu 3, għandu minnufih jgħarraf lis-Sovrintendent, jzomm l-oġġett misjub in situ, u m'għandux għal perjodu ta' sitt ijiem wara li jgħarraf lis-Sovrintendent ikompli għaddej b'xogħol fuq il-post fejn ikun gie skopert l-oġġett ta' proprjetà kulturali.

(3) Is-Sovrintendent għandu jispezzjona l-post fejn tkun saret l-iskoperta matul dawk is-sitt ijiem u jista' jordna lil min ikun responsabbli li ma jagħmilx iktar xogħol fuq il-post jew f'xi parti minnu billi jagħtih avviż biex jieqaf mix-xogħol.

(4) Kull min wara li jingħata avviż biex jieqaf mix-xogħol isofri danni minhabba fil-waqfien tax-xogħlijiet għandu jkollu d-dritt li jiġi kkumpensat għal dawk id-danni mis-Sovrintendent.

(5) Fi żmien tliet xhur minn xi avviż biex jitwaqqfu x-xogħlijiet il-Gvern għandu jibda proċeduri biex jikseb is-sit skond l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, jew inkella s-Sovrintendent għandu jillibera s-sit. Malli jinbdew il-proċedimenti li jakkwista s-sit kif hawn aktar qabel imsemmi ma jkun dovut ebda kumpens ieħor skond is-subartikolu (4) ta' dan l-artikolu. Kap. 88.

(6) Kull oġġett ta' valur kulturali, sew mobbli sew immobbli li jiġi skopert x'imkien f'Malta, fl-ibhra territorjali tagħha, u fiż-żona kontigwa sew jekk jinsab fi skavi awtorizzati jew illegali jew waqt esplorazzjoni jew aċċidentalment filwaqt li jkun qed isir xi xogħol sew b'kull mod ieħor ikun jappartjenti lill-Istat.

(7) Kull *record* oriġinali jew kopja shiha dwar il-progress ta' l-iskavar jew l-esplorazzjoni, jekk dawn isiru skond dan l-artikolu jew xort'ohra, għandu jingħata lis-Sovrintendent minn min ikun responsabbli għal dak l-iskavar jew dik l-esplorazzjoni.

44. (1) Is-Sovrintendent jista' jirrikmanda għal skedar lill-Awtorità ta' l-Ippjanar tali siti u bini li jkun iqis li għandhom ikunu skedati fl-ambitu tat-tifsira ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp. Permessi għal iżvilupp u proprjetà kulturali. Kap. 356.

(2) Is-Sovrintendent għandu jagħmel użu mil-lista tal-proprjetà skedata għall-fini ta' l-inventarju taht l-artikolu 7(5).

45. (1) Kull ufficjal jew impjegat tas-Sovrintendenza awtorizzat bil-miktub kif imiss mis-Sovrintendent jista' jidhol f'xi area, proprjetà, Setgħa ta' dhul u ta' spezzjon.

sit taht investigazzjoni jew bini jekk is-Sovrintendent iqis li jkun mehtieg li jsir dan fit-twettiq ta' xi funzjoni taht dan l-Att jew jekk ikun iqis li jkun hemm ragunijiet validi biex jissuspetta li jkun sar jew se jsir xi reat kontra dan l-Att jew kontra xi regolament, kondizzjoni ta' licenza jew kondizzjonijiet maghmula tahtom.

(2) Meta d-dhul isir ghall-fini ta' spezzjon jew dokumentazzjoni, s-Sovrintendent ghandu jinnotifika avviz bil-miktub lill-okkupant ta' proprjeta kulturali li huwa jkun bi fsiebu jidhol, u malli dan l-ufficjal jew impjegat awtorizzat kif hawn aktar qabel imsemmi ghandu jithalla jidhol f'dik il-proprjeta kulturali fejn ikunu qed isiru tali konservazzjoni, restawr jew zvilupp.

(3) Is-Sovrintendent ghandu jara li ssir spezzjoni f'kazijiet meta jsiru rapporti ta' skoperti ta' proprjeta kulturali sabiex tigi stabbilita il-ftiega ta' preservazzjoni jew xoghlijiet ta' skavar.

(4) Is-Sovrintendent ghandu jkollu l-jedd jidhol u jokkupa proprjeta kulturali sabiex hemm jaghmel skavi arkeologici izda:

(a) ghandu jigi notifikat avviz bil-miktub lill-okkupant jew lis-sid tal-proprjeta kulturali inkwistjoni mill-inqas tliet ijiem qabel ma jinbdew dawk l-iskavi;

(b) iz-zmien ghal kemm iddum l-okkupazzjoni ghandu jigi dikjarat fl-avviz, u ghandu jinghata avviz iehor ta' mill-inqas tliet ijiem ta' kull estensjoni taz-zmien ta' l-okkupazzjoni;

(c) is-sidien jew l-okkupant ta' proprjeta kulturali okkupata skond dan l-artikolu ghandu jkollhom jedd ghal kumpens ghal kull telf ta' profitt, danni mharrba matul l-iskavi arkeologici jew it-tqeghid ta' arei skavati lura ghal li kienu.

(5) Dawk l-iskoperti li jsiru matul zmien ta' okkupazzjoni mis-Sovrintendent ikunu proprjeta tal-Gvern.

(6) Bil-ghan li jesercita kull dritt li ghandu taht dan l-artikolu is-Sovrintendent jista' jitlob l-ghajnuna tal-Pulizija.

Avvizi ta' /
sospensjoni.

46. (1) Meta jkun qed isir xi zvilupp jew xoghol iehor dwar proprjeta kulturali bi ksur ta' xi disposizzjoni ta' dan l-Att, jew persuna li jkollha licenza biex taghmel skavi arkeologici taht dan l-Att ma tkunx konformi ma' xi kondizzjoni marbuta ma' dik il-licenza, is-Sovrintendent jista' jinnotifika Avviz ta' Sospensjoni lis-sid, il-pussessur jew id-detentur tal-proprjeta kulturali jew lil kull persuna ohra li tkun qed twettaq ix-xoghlijiet ta' zvilupp jew skavar u malli dan, il-persuna

notifikata bl-ordni ghandha tissospendi kull attività f'dak li ghandu x'jaqsam max-xoghol ta' żvilupp jew l-iskavar.

(2) Is-Sovrintendent jista' jirrevoka kull tali Avviż ta' Sospensjoni sew b'mod assolut sew kif soġġett ghal dawk il-kondizzjonijiet li s-Sovrintendent iqis li jkun xierqa.

(3) -Kull min iħoss ruħu aggravat bil-ħruġ ta' xi Avviż ta' Sospensjoni jew b'xi kondizzjoni imposta mis-Sovrintendent taht subartikolu (2) ta' dan l-artikolu jista' fi żmien ġimghatejn minn meta jiġi notifikat b'xi avviż bhal dak jew mill-imposizzjoni ta' dawk il-kondizzjonijiet, jirreferi l-każ lill-Kumitat u d-disposizzjonijiet tas-subartikolu (7) ta' l-artikolu 41 ghandhom ikunu japplikaw *mutatis mutandis*.

(4) Appell lill-Kumitat taht subartikolu (3) ta' dan l-artikolu m'ghandux jissospendi l-effett ta' l-Avviż ta' Sospensjoni jew tal-kondizzjoni li minnha jkun qed isir l-appell.

47. (1) Is-Sovrintendent jista' fil-każ ta' xi ksur ta' xi disposizzjoni ta' dan l-Att jew ta' regolamenti magħmulin tahtu jinnotifika Ordni ta' Konservazzjoni u Protezzjoni lis-sid jew okkupant jew pussessur ta' proprjetà kulturali, li tkun teħtieġ tali azzjoni bħalma tista' tkun speċifikata fl-avviż, inkluż li ma jitkompliex isir dak li jkun qed isir jew jitwettag, li ghandha tittiehed f'dak iż-żmien li jista' jkun speċifikat fl-ordni.

Ordni ta'
Konservazzjoni u
Protezzjoni.

(2) Meta azzjoni meħtieġa li tittiehed minn Ordni ta' Konservazzjoni u Protezzjoni ma tkun ittiehdet fiż-żmien speċifikat fl-Ordni, s-Sovrintendent ghandu jkollu l-jedd jidhol ġol-proprjetà kulturali u jista' ghal dak l-ghan jitlob l-ghan jkun tal-Korp tal-Pulizija u jieħu l-azzjoni meħtieġa hu nnifsu, fejn dan japplika għas-spejjeż tas-sid jew ta' l-okkupant jew tal-pussessur.

(3) Salvi d-disposizzjonijiet ta' l-artikolu 46 tal-Kostituzzjoni jew ta' l-artikolu 4 ta' l-Att dwar il-Konvenzjoni Ewropea, ebda ordni kawtelatorja jew *warrant* ma tista' tinħareġ minn xi qorti li tkun iżżomm lis-Sovrintendent milli johroġ Ordni taht dan l-artikolu jew milli jagħmel xi haġa li jkun awtorizzat jagħmel b'dan l-artikolu.

Kap. 319.

48. (1) Is-Sovrintendent jista' bl-awtorità tal-Ministru jagħmel permezz ta' att pubbliku, att ta' kurazija ma' kunsill lokali jew ma' organizzazzjoni mhux governattiva li bih il-kustodja u l-amministrazzjoni ta' proprjetà kulturali immobbli tiġi mghoddija għal għand il-Kunsill Lokali jew organizzazzjoni mhux governattiva, skond il-każ u skond id-disposizzjonijiet ta' dan l-Att u ta' tali regolamenti li

Kurazija.

jistghu jigu preskritti u skond dawk il-kondizzjonijiet li ma jkunux inkonsistenti magħhom kif jista' jkun hemm f'dak l-att. Fl-att ta' kurazija għandu jiġi dikjarat għal kemm żmien dan ikun qiegħed isir, liema perjodu ma jkunx t'izjed minn tliet snin u li jista' jiġgedded għal iktar perjodi ta' mhux iżjed minn għaxar snin kull wieħed.

Kap.268.

(2) Id-disposizzjonijiet ta' l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern, m'għandhomx japplikaw għall-att ta' kurazija. Il-Ministru għandu, madankollu, fi żmien erba' gimghat wara l-pubblikazzjoni ta' l-att, jew inkella jekk il-Kamra ma tkunx qegħda f'sessjoni, fi żmien erba' gimghat mid-data meta l-Kamra terġa' tiltaqa', jqiegħed kopja ta' l-att fuq il-Mejda tal-Kamra, u l-att ta' kurazija jkun soġġett għall-kondizzjoni li jekk fuq mozzjoni intavolata mhux iktar tard minn tmienja u għoxrin għurnata wara t-tqegħid fuq il-Mejda tal-Kamra ta' kopja ta' l-att ta' kurazija, il-Kamra tirrisolvi li l-att ta' kurazija għandu jkun rexiss, l-att għandu jkun awtomatikament rexiss malli tghaddi r-risoluzzjoni.

(3) Qabel ma jawtorizza lis-Sovrintendent jagħmel att ta' kurazija l-Ministeru għandu jara xi tkun il-fehma tal-Kumitat dwar il-kondizzjonijiet li għandhom ikunu inklużi fl-att ta' kurazija; dawk il-kondizzjonijiet għandhom b'mod partikolari jittrattaw dan li ġej:

(a) il-miżuri protettivi li għandhom jittiehdu sabiex tiġi mħarsa l-proprjetà kulturali soġġetta għall-att ta' kurazija; u

(b) il-pjan ta' konservazzjoni u amministrazzjoni li għandu x'jaqsam mal-proprjetà kulturali, u l-arranġamenti organizzattivi, operattivi u finanzjarji konnessi ma' dan, u r-rizorsi organizzattivi, operattivi u finanzjarji li jkunu mogħtijin għaldaqstant.

(4) Att ta' kurazija m'għandu ikun ta' preġudizzju għall-poteri ta' xi Entità taht dan l-Att għar-rigward tal-proprjetà kulturali soġġetta għall-att ta' kurazija.

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

(6) Il-Ministru jista', wara li jikkonsulta lis-Sovrintendent u lill-Kumitat, f'kull waqt b'Ordni fil-Gazzetta jirrexxindi att ta' kurazija jekk xi kondizzjoni stipulata fih jew xi d-disposizzjoni ta' dan l-Att jew ta' regolamenti magħmulin tahtu ma jkunux imħarsa mill-parti l-oħra.

(7) Mhux iktar tard minn sitt gimghat wara kull anniversarju ta' xi att ta' kurazija, il-parti li fil-kustodja tagħha titqiegħed il-proprjetà kulturali għandha tibghat lill-Ministru, lis-Sovrintendent u lill-Kumitat

rapport ta' l-attivitajiet tagħha dwar il-proprjetà kulturali u dwar kif tkun esegwiet l-att ta' kurazija matul is-sena ta' qabel. Il-kopja ta' dak ir-rapport għandu jitqiegħed fuq il-Mejda tal-Kamra mill-Ministru.

(8) Il-Ministru jista' jagħmel regolamenti li jkunu b'mod generali jippreskrivu regoli dwar il-kurazija.

49. Il-poteri u d-dmirijiet taht dan l-Att għandhom ikunu esercitati b'mod konformi ma' kull Konvenzjoni, trattat, qbil jew instrument internazzjonali li jirrigwardaw l-użu u l-konservazzjoni kif imiss ta' proprjetà kulturali nazzjonali jew tad-dinja li Malta tista' tkun parti fihom.

Konvenzjonijiet internazzjonali eċċ.

50. (1) Il-Gvern qiegħed b'dan jiġi awtorizzat jirratifika u jsir parti fil-Unidroit Convention on Stolen or Illegally Exported Cultural Objects (Rome, June 1995).

Treġġiġh lura ta' proprjetà kulturali misruqa u esportata kontra l-liġi.

(2) Il-Ministru jista', wara li jikkonsulta lill-Kumitat, b'regolamenti jippreskrivi regoli li jagħtu seħħ għal xi jew kull disposizzjoni tal-Konvenzjoni msemmija u d-disposizzjonijiet ta' regolamenti bħal dawk għandu jkollhom seħħ minkejja l-provvedimenti ta' kull liġi oħra li tkun tghid il-kuntrarju.

TAQSIMA VIII PATRIMONJU KULTURALI RELIĠJUŻ

51. (1) Proprjetà kulturali li tkun tappartjeni lill-Knisja Kattolika u intiża jew użata għal finijiet reliġjużi għandha tkun taqa' taht ir-regolament u s-sovrintendenza tal-Kummissjoni għall-Patrimonju Kulturali Kattoliku li jkun mahtur kull sentejn mill-Arċisqof ta' Malta, u jkun magħmul minn mhux inqas minn ħames esperti approvati mill-Ministru.

Provvedimenti dwar il-Patrimonju Kulturali Reliġjuż.

(2) Il-proprjetà kulturali reliġjużi li ma tkunx il-proprjetà kulturali msemmija fis-subartikolu (1) ta' dan l-artikolu jistgħu jitqiegħdu mill-awtorità reliġjuża rilevanti u kompetenti taht ir-regolament u s-sovrintendenza ta' kummissjoni għall-patrimonju kulturali reliġjuż. Kull tali kummissjoni għall-patrimonju kulturali reliġjuż għandha tinhatar għal perjodu ta' sentejn mill-awtorità reliġjuża rilevanti u kompetenti u tkun tikkonsisti fi tliet esperti approvati mill-Ministru.

(3) Il-Kummissjoni msemmija fis-subartikolu (1) u (2) ta' dan l-artikolu għandu jkollha l-istess poteri għar-rigward tal-proprjetà

kulturali taht is-sovrintendenza tagħhom daqs kemm ikollu s-Sovrintendent, u meta tali kummissjoni ma tkunx giet hekk mahtura r-regolament u s-sovrintendenza tal-proprjeta li taqa' taht il-kompetenza tagħhom tkun tvesti fis-Sovrintendent.

(4) Il-Kummissjoni msemmija fis-subartikolu (1) ghandha wkoll tkun responsabbli għar-regolament u s-sovrintendenza ta' proprjeta kulturali li tkun tappartjeni lil to Ordnijiet Reliġjużi Kattoliċi.

TAQSIMA IX REATI

Hsara volontarja
jew qerda ta'
ċertu proprjeta.

52. (1) Kull min:

(a) xjentement, jew b'negligenza, nuqqas ta' hila jew ta' osservanza ta' regolamenti jikkaguna dannu lil jew jeqred proprjeta kulturali sew jekk tali proprjeta kulturali tkun sew jekk ma tkunx registrata f'xi inventarju skond dan l-Att, u kemm jekk is-sid ta' tali proprjeta ta' patrimonju kulturali jkun il-persuna li tkun ikkagunat il-hsara jew il-qerda, kemm dik il-persuna tkun qegħda tamministraba b'mod legittimu;

(b) jagħmel xi attività jew inkella jagixxi bi ksur tad-disposizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin tahtu jew tal-kondizzjonijiet ta' licenza jew permess mahruġ taht dan l-Att jew jonqos milli jagħmel xi haġa li jkun mehtieg li jagħmel taht dan l-Att, regolament jew licenza; jew

(c) jagħmilha ta' konservatur-restawratur meta ma jkollux *warrant* taht Taqsima VI ta' dan l-Att; jew

(d) jonqos milli jimxi skond xi Avviż ta' Sospensjoni mahruġ skond l-artikolu 46 ta' dan l-Att jew skond Ordni ta' Konservazzjoni jew Protezzjoni magħmul skond l-artikolu 47 ta' dan l-Att; jew

(e) jirċievi jew jiddetjeni proprjetà kulturali filwaqt li jkun jaf li din tkun tnehhiet f'Malta jew li tkun giet illegalment esportata minn xi pajjiż ieħor; jew

(f) jimpedixxi, jostakola, jimmoletja jew jindaħal lil, jew jittanta jimpedixxi, jostakola, jimmoletja jew jindaħal lil xi uffiċjal jew impjegat tas-Sovrintendenza, jew ta' l-Aġenzija, jew taċ-Ċentru, jew tal-Kumitat jew lil xi uffiċjal tal-pulizija, fl-eskuzzjoni tad-dmirijiet li hemm provdut dwarhom f'dan l-Att, jew jonqos milli jħares xi ordni legittima minn xi tali uffiċjal jew impjegat jew uffiċjal tal-pulizija kif hawn aktar qabel imsemmija, jew xjentement jagħti lil dak l-uffiċjali jew impjegat informazzjoni qarrieqa jew jittraskura jew jiċhad milli jagħti informazzjoni meħtieġa minn jew taħt dan l-Att; jew

(g) jagħmel dikjarazzjoni għal kull fini ta' dan l-Att li tkun falza, qarrieqa jew mhux korretta f'xi aspekk materjali,

ikun hati ta' reat kontra dan l-Att u jehel, meta jinsab hati, multa ta' mhux anqas minn 500 lira u ta' mhux iżjed minn 50,000 liri, jew prigunerija għal żmien mhux iżjed minn sitt snin, jew dik il-multa u prigunerija flimkien:

Iżda, bla ħsara għall-ogħla multa hawn aktar qabel imsemmija, l-inqas multa li hati jista' jehel taħt dan l-artikolu m'għandhiex tkun inqas mill-valur ta' xi xogħol meħtieġ biex jirrimedja l-effetti tar-reat.

(2) Ir-responsabbiltà ta' hati taħt subartikolu (1) ta' dan l-artikolu għandha tkunu mingħajr preġudizzju għar-responsabbiltà tal-hati li jhallas lis-Sovrintendent kull nefqa li ssir għar-reintegrazzjoni, jew ir-restawr tal-proprjetà kulturali minhabba fl-għemil tar-reat, jew li jhallas għol-Fond il-valur tal-proprjetà kulturali meqruda jew danneġgata meta dik il-proprjetà ma tkun tista' la tiġi reintegrata u lanqas restawrata. Dak il-ħlas jista' jingabar permezz ta' kawża ċivili li ssir mis-Sovrintendent kontra l-hati jew l-eredi tiegħu.

(3) Il-Qorti għandha, minbarra li tagħti l-piena msemmija f'dan l-artikolu, tordna lill-persuni misjubin hatja li jnehhu dak kollu li jkun qed jikkaguna r-reat u li jreġġgħu lura għal li kienet kull haġa li tkun saret mingħajr ebda permess meħtieġ taħt dan l-Att jew biex iħares il-kondizzjonijiet imposti f'tali permess, skond il-każ, fi żmien suffiċjenti għal dak l-iskop u f'kull każ ta' mhux iżjed minn tliet xhur mid-data tas-sentenza u, jekk il-hati jonqos milli jħares xi ordni bħal dik f'dak iż-żmien li jiġi hekk stabbilit, jista' jehel ukoll multa ta' mhux inqas minn hamsa u għoxrin lira u mhux iżjed minn hamsin lira, kif il-qorti tista'

tistabilixxi, ghal kull ġurnata li jkompli n-nuqqas wara li jiskadi ż-żmien imsemmi.

Poteri ta' prosekuzzjoni u ta' assistenza lill-Pulizija u lil uffiċjali oħra.

53. (1) Fi prosekuzzjonijiet għal reati kontra dan l-Att jew kontra regolamenti taht dan l-Att, uffiċjali tas-Sovrintendenza għandu jkollhom il-jedd jassistu lill-pulizija, u li jagħmluha ta' prosekuturi fil-Qorti tal-Magistrati.

(2) Uffiċjali tas-Sovrintendenza jistgħu jassistu lill-Pulizija, lid-Dwana jew kull korp ieħor tal-Gvern, meta dawn ikunu qeghdin jesercitaw poteri mogħtija taht kull liġi oħra, fl-esercizzju ta' kull poter biex jipprevjenu l-kummissjoni ta' reat kontra dan l-Att jew biex ikollhom disponibbli provi li jirrigwardaw xi reat bħal dak.

TAQSIMA X REGOLAMENTI

Poteri li jsiru regolamenti.

54. Il-Ministru jista' jagħmel regolamenti biex jagħti seħħ lil kull disposizzjoni ta' dan l-Att, jew biex jirregola jew xort' oħra jipprovdi dwar kull haġa għar-rigward ta' l-attivitajiet li jaffettwaw il-proprjetà kulturali, u tista' b'mod partikolari, imma mingħajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi, jagħmel regolamenti għal kull għan minn dawn li ġejjin:

(a) biex jiġi stabbilit kull dritt u hlas li jistgħu ikollhom jingabru minn jew taht, jew għas-servizzi mogħtija konformi mad-disposizzjonijiet ta' dan l-Att;

(b) biex jiġi żgurat l-aħjar twettiq tal-funzjonijiet ta' l-Entitajiet;

(c) biex tiġi regolata l-hatra ta' uffiċjali u impjegati ma' kull Entità ;

(d) biex jiġi regolat kull skavar u esplorazzjoni;

(e) biex jiġu stabbiliti linji direttivi għall-aħjar pratka ta' konservazzjoni u ta' restawr;

(f) biex jiġi pprovdut dwar kull formola jew proċedura li jistgħu jkunu meħtieġa jew spedjenti u li dwarhom ma jkun hemm ebda proċedura speċifika li tinsab f'dan l-Att;

(g) biex jiġi regolat l-bejgħ ta', u l-kummerċ fi proprjetà kulturali;

(h) biex jigi regolat ċ-ċaqlieq ta' proprjetà kulturali;

(i) biex jiġu preskritti regoli li jagħtu seħħ lil kull Konvenzjoni internazzjonali li ttrigwarda l-protezzjoni tal-patrimonju kulturali, ratifikata mill-Gvern ta' Malta; jew biex ikun hemm konformità ma' kull obbligi internazzjonali li fiha jidhol il-Gvern ta' Malta dwar il-patrimonju;

(j) meta ma jkunx xort'ohra pprovdut f'dan l-Att, biex jiġu preskritti regoli li jirregolaw is-setgħat u d-dmirijiet ta', u l-proċeduri li għandhom jiġu segwiti minn, dawk l-entitajiet u komunitajiet imwaqqfa b'dan l-Att jew taħtu;

(k) biex tigi preskritta kull haġa oħra li tista' jew li għandha tkun preskritta taħt dan l-Att.

TAQSIMA XI MIXXELLANJI

55. (1) Bla hsara għad-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu, l-Att dwar il-Protezzjoni ta' l-Antikitajiet, (hawnhekk iżjed 'il quddiem imsejjah l-Att) qiegħed b'dan jigi mħassar. Thassir u riserva. Kap. 54.

(2) Minkejja t-thassir ta' l-Att, ir-regolamenti kollha magħmulin taħt l-Att għandhom jibqgħu isehħu u jkollhom effett bħallikieku magħmulin taħt dan l-Att, u jistgħu jiġu emendati jew imħassra skond hekk, u d-disposizzjonijiet ta' dan l-Att għandhom japplikaw għal kull ksur ta' dawk ir-regolamenti bħallikieku jkunu saru taħt dan l-Att.

56. L-artikolu 5 ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp għandu jiġi emendat kif ġej: Emenda għall-Att dwar l-Ippjanar ta' l-Iżvilupp, Kap. 356.

(a) subartikolu (8) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (9); u

(b) minnufih wara s-subartikolu (7) tiegħu għandu jizjed dan is-subartikolu ġdid li ġej:

“(8) (a) Mingħajr preġudizzju għas-subartikolu (7) ta' dan l-artikolu, għandu jkun hemm kumitat, li jissejjah il-

Kumitat ta' Konsulenza dwar il-Patrimonju, li jkollu żewġ taqsimiet u li jkollu l-funzjonijiet stabbiliti f'dan is-subartikolu.

(b) Taqsima minnhom tkun tittratta dwar il-Patrimonju Kulturali u tissejjah it-Taqsima dwar il-Patrimonju Kulturali, u tkun maghmula kif ġej:

(i) president u tliet membri oħra li jinhatru mill-Ministru responsabbli għall-kultura, u

(ii) tliet membri oħra li jinhatru mill-Ministru wara li jikkonsulta lill-Awtorità.

(c) Taqsima oħra tkun tittratta dwar il-Patrimonju Naturali u tissejjah it-Taqsima dwar il-Patrimonju Naturali, u tkun maghmula kif ġej:

(i) president u tliet membri oħra li jinhatru mill-Ministru responsabbli għall-ambjent, u

(ii) tliet membri oħra li jinhatru mill-Ministru wara li jikkonsulta lill-Awtorità.

(d) Erba' membri ta' taqsima jkunu jagħmlu *quorum* waqt is-seduti ta' taqsima u tmien membri jkunu jagħmlu *quorum* waqt seduta kongunta taż-żewġ taqsimiet. Il-president ta' seduta jkollu vot originali u, fil-każ ta' voti ndaqs, vot deċiziv.

(e) Tkun il-funzjoni tat-taqsima, kull waħda fil-qasam ittrattat minnha, li tagħti pariri professjonali u esperti lill-Awtorità fuq dak kollu li għandu x'jaqsam mal-konservazzjoni tal-patrimonju kulturali u naturali fi proċess integrat. Kull taqsima għandha wkoll tagħti pariri fuq il-proċess ta' applikazzjonijiet partikolarment dwar il-konservazzjoni tal-proprjetà jew arei li jistgħu jkunu affettwati b'applikazzjoni għal permess ta' żvilupp.

(f) Kull taqsima għandha tagħmel disponibbli għal spezzjon pubbliku kull rakkomandazzjoni li hija tagħmel lill-Awtorità u għandha regolarment tirrapporta ta' kull sitt xhur lill-Awtorità u

lill-Kumitat ta' Garanzija mwaqqaf taht l-Att ta' l-2001 dwar il-Patrimonju Kulturali.

(g) Kull taqsima tista' titlob lil kull min trid biex jaghtiha parir espert jew professjonali dwar kull haġa li t-taqsima tkun qed tittratta.

(h) Sew il-president wiehed jew l-iehor għandu jlaqqa' seduta kongunta taż-żewġ taqsimiet meta jinqalgħu kwistjonijiet li jolqtu kemm il-patrimonju kulturali u dak naturali, u f'dak il-każ is-seduta kongunta taż-żewġ taqsimiet għandha tkun presjeduta mill-president tat-taqsima li jlaqqa' s-seduta. Id-disposizzjonijiet tal-paragrafu (h) għandhom ikunu japplikaw ukoll għal dawk is-seduti.

(i) Kull taqsima tista' ggħib għall-attenzjoni tal-Ministru li jahtar il-membri tagħha kull haġa li tkun qed tittratta, u li tkun tidhrilha xieraq.

(j) Bla ħsara għad-disposizzjonijiet ta' qabel ta' dan is-subartikolu, u għal kull regola li tista' tiġi preskritta mill-Ministru responsabbli għall-patrimonju kulturali u l-Ministru responsabbli għall-ambjent, sew il-kumitat sew it-taqsimiet jistgħu jirregolaw il-proċeduri tagħhom.”.

SKEDA

(Artikolu 41)

RATA TA' DAZJU TA' ESPORTAZZJONI

<i>Valur ta' l-oġġett</i>	<i>Dazju ta' Esportazzjoni</i>
Fuq l-ewwel Lm 100 jew parti minnhom	10 fil-mija.
Fuq it-tieni Lm 100 jew parti minnhom	20 fil-mija.
Fuq it-tielet Lm 100 jew parti minnhom	30 fil-mija.
Fuq ir-raba' Lm 100 jew parti minnhom	40 fil-mija.
Fuq kull valur ieħor	50 fil-mija.

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz hu sabiex jagħmel provvedimenti godda minflok l-Att dwar il-Protezzjoni ta' l-Antikitajiet. Dawn id-disposizzjonijiet għandhom l-iskop li jiġu promossi amministrazzjoni, konservazzjoni u ristawr mtejjba tal-patrimonju kulturali nazzjonali kif ukoll li jiġu garantiti aċċessibilità u apprezzament ikbar tat-teżori kulturali ta' Malta. Dan ikun jiżgura li l-generazzjonijiet preżenti u futuri jkunu jistgħu jiksbu benefiċċju kulturali u edukattiv ikbar mill-patrimonju ta' Malta.

L-Abbozz iktar minn hekk, jipprevedi l-holqien ta' istituzzjonijiet pubbliċi godda u funzjonijiet regolatorji li permezz tagħhom tista' tinkiseb armonizzazzjoni akbar fis-settur tal-patrimonju kulturali ta' Malta.

CULTURAL HERITAGE ACT, 2001

Arrangement of Articles

Article

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2. Interpretation.
3. Objects to which provisions of this Act apply.

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5. Conditions.
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9. Board of Directors.
10. Malta Centre for Restoration.
11. Functions of Centre.
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28. Deposit of revenues and payment by the entities.
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33. Warrant to practise as a conservation professional.
34. Bord tal-Warrant tar-Restawraturi.
35. Functions of the Board.
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46. Suspension Notices.
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PART VIII - RELIGIOUS CULTURAL HERITAGE

51. Provision regarding Religious Cultural Heritage.

PART IX - OFFENCES

52. Wilful damage or destruction of certain property.
53. Powers to prosecute and to assist the Police and other officers.

PART X - REGULATIONS

54. Powers to make regulations.

PART XI - MISCELLANEOUS

55. Repeal and saving.
56. Amendment of the Development Planning Act, Cap. 356.

SCHEDULE - RATE OF EXPORT DUTY

**A BILL
entitled**

AN ACT to make provision in place of the Antiquities (Protection) Act, Cap. 54 for the superintendence, conservation and management of cultural heritage in Malta and for matters ancillary thereto or connected therewith.

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

**PART I
PRELIMINARY**

1. (1) The short title of this Act is the Cultural Heritage Act, 2001. Short title and commencement.

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

(3) A notice under subarticle (2) of this article may make such transitory provisions as appear to the said Minister to be necessary or expedient in connection with the provisions thereby brought into force.

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

“Agency” means the Operating Agency set up under article 8 of this Act;

“Centre” means the Malta Centre for Restoration referred to in article 10 of this Act;

“co-ordinate” means exchanging views orally or in writing, before a decision or action is taken, with a view to avoiding conflicts, waste and errors or of putting a remedy thereto;

“Committee” means the Committee of Guarantee established by article 14 of this Act;

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

“conservator-restorer” means a professionally qualified person holding a warrant under this Act and capable of:

(a) analysis and interpretation of data concerning the state of conservation of an artefact, building or monument; and

(b) identifying the options for conservation treatment or intervention if required; and

(c) manual intervention or other conservation treatment;

“Conservation and Protection Order” shall have the meaning assigned to it in article 47 of this Act;

“contiguous zone” has the meaning as is assigned to it by the Territorial Waters and Contiguous Zone Act;

“cultural heritage” means movable or immovable objects of artistic, architectural, historical, archaeological, palaeontological, geological and religious importance and includes also cultural property and any information or data relative to cultural heritage;

“cultural property” means movable or immovable property of cultural value, pertaining to Malta or to any other country, and includes work of architecture, works of art and works of a historical

value, in all cases both religious and lay as well as archaeological sites and deposits, groups of buildings that taken together have a historical or artistic interest, manuscripts, scientific collections, collections of books, archives and reproductions of any of the preceding;

“cultural value” means any thing, even if contemporary, that is worth preserving;

“development” has the meaning assigned to it in the Development Planning Act;

“Entities” means the Superintendence, the Agency, the Centre, the Committee and the Fund, and Entity shall be construed accordingly;

“financial year” means the period of twelve months ending on the thirtieth day of September in any year:

Provided that the first financial year with respect to an Entity shall consist of the period commencing on the date of the coming into force of the relative articles of this Act referring to such Entity, and ending on the thirtieth day of September of the following year;

“Forum” means the National Forum for Cultural Heritage established in article 15 of this Act;

“function” includes responsibilities, power and duty;

“Fund” means the Cultural Heritage Fund established by article 16 of this Act;

“guardianship” and “guardianship deed” shall have the meaning respectively assigned to them in article 48;

“investigation” means any activity for the purpose of obtaining and recording any information relating to cultural heritage and includes any works for the purposes of identifying, discovering, excavating, revealing, recovering and removing any object or material situated in, on or under any cultural property;

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

“Local Council” means a local council established under the Local Councils Act;

“Minister” means the Minister responsible for cultural heritage, and includes, to the extent of any authority given, any person specifically authorised by the Minister for any of the purposes of this Act;

“museum” means a permanent establishment intended for the purpose of conserving, preserving, studying, interpreting or assembling cultural property or for the purpose of exhibiting cultural property to the public;

“owner” in relation to any cultural property includes the *directus dominus*, the *sub directus dominus*, the emphyteuta, the sub emphyteuta, the bare owner and the usufructuary;

“officer” and “employee” includes a public officer detailed for duty in any of the entities, committees or bodies established under this Act; .

Cap. 356.

“Planning Authority” means the Authority established under the Development Planning Act;

“possessor” means the person physically holding the cultural object in his own name;

“prescribed” means prescribed under this Act;

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

“right of preference” means the right granted to the Superintendent by and in accordance with article 40 of this Act;

“Superintendence” means the Superintendence of Cultural Heritage established by article 7 and “Superintendent” means the Superintendent of Cultural Heritage referred to in the same article;

“Suspension Notice” has the meaning assigned to it in article 46 of this Act;

Cap. 226.

“territorial waters” has the meaning assigned to it in the Territorial Waters and Contiguous Zone Act, and includes any waters enclosed between the baselines therein mentioned and the coast;

“warrant” means the warrant granted in accordance with Part VI of this Act, and warrant holder shall be construed accordingly.

3. (1) The provisions of this Act shall apply to monuments and other objects whether movable or immovable having artistic, architectural, historical, archaeological, geological, palaeontological, antiquarian or religious importance.

Objects to which provisions of this Act apply.

(2) For the purposes of this Act, an object shall not be deemed to have acquired such importance before it has existed in Malta, inclusive of the territorial waters, for fifty years, unless it relates to local art or history.

PART II PRINCIPLES AND GENERAL DUTIES

4. (1) The provisions of the following subarticles of this article and of the other articles of this Part shall not be enforceable in any court of law, however the principles therein contained are fundamental to the protection of the cultural heritage and it shall be the aim of the State to apply the same and to be guided thereby.

Principles and duties.

(2) Every citizen of Malta as well as every person present in Malta shall have the duty of protecting the cultural heritage.

(3) The State in Malta shall have the duty of establishing and maintaining administrative and regulatory structures of superintendence so as to ensure that this heritage is protected and conserved, as well as such other structures as are required for the management of the care, exposition and appreciation of this heritage.

(4) The duty to protect includes the duty to conserve, to restore, to exhibit, unless this is imprudent or impracticable, to ensure the study and render accessible for study, to give information concerning the existence and to promote the appreciation of the cultural heritage.

(5) The right of access to the cultural heritage does not belong merely to the present generation, and every generation shall have the duty to take care of and to keep it in custody for future generations and for all mankind.

5. In performing its duty the State may delegate any of the duties set out in article 4 to entities already in existence, or to other public or

Conditions.

non-statal entities which may be established for the purpose, provided that the State shall:

- (a) publish the conditions under which such delegation is given;
- (b) reserve the public ownership of all that is put in trust by such delegation;
- (c) reserve the right of superintendence.

Priority of Cultural Heritage.

6. The protection of the cultural heritage should be given high priority in deciding public policy in all fields of activity in Malta.

PART III CONSTITUTION, COMPOSITION AND FUNCTIONS OF ENTITIES

Superintendence.

7. (1) There shall be a Superintendence of Cultural Heritage, under the responsibility and management of the Superintendent of Cultural Heritage.

Legal personality and judicial representation.

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

(3) The legal and judicial representation of the Superintendence shall vest in the Superintendent provided that the Superintendent may appoint any person, including any one or more of the officers or employees of the Superintendence, to appear in its name and on its behalf in any judicial proceedings and on any act, contract, instrument or other document whatsoever.

Appointment of Superintendent.

(4) The Superintendent shall be appointed by the Minister for a period of not more than five years under such terms and conditions as may be stated in his letter of appointment. On the expiry of his term a person may be reappointed for a further term or terms.

Functions and duties of the Superintendence.

(5) It shall be the function of the Superintendence:

(a) to establish, update, manage and, where appropriate, publish, or to ensure the compilation of, a national inventory of cultural property belonging:

(i) to the State or State institutions,

(ii) to the Catholic Church and to other religious denominations,

(iii) to Foundations established in these islands,

(iv) to physical and juridical persons when the cultural property has been made accessible to the public, or when such persons have given their consent for such a purpose;

(b) to exercise surveillance over the protection, conservation, restoration, exhibition, accessibility and study of cultural property;

(c) to conduct excavations and other investigations which may be required so that objects or aspects of cultural heritage be discovered, cared for and appreciated;

(d) to authorise excavations, as well as to monitor excavations ensuring that such excavations, their documentation and the exhibition of the results thereof follow scientific methods and employ the best technology possible;

(e) to ensure that adequate documentation is kept and archived in relation to excavation, exploration and search for antiquities, the conservation of cultural property and discoveries resulting from Environment Impact Assessments;

(f) to promote the best policies, standards and practices in the conservation and presentation of artefacts, collections, museums, buildings, monuments and sites;

(g) to co-ordinate with the Planning Authority action with regard to the grant of planning permission for the demolition, alteration, extension, tipping, digging up or any other operation affecting objects, sites or buildings which form part of cultural property;

(h) to advise the Minister with regard to cooperation with other governments and international organizations in the field of the protection of the cultural heritage;

Cap. 88.

(i) after consulting the Committee, to advise the Minister on the need of enforcing urgent repair or conservation works in accordance with article 42, as well as to the need for the compulsory acquisition of sites or buildings by the Government in accordance with the Land Acquisition (Public Purposes) Ordinance for the better protection of the cultural heritage;

(j) generally to advise the Minister on all matters relating to the cultural heritage and cultural property;

(k) 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.

Operating Agency.

8. (1) There shall be an Operating Agency hereinafter in this Act referred to as the Agency to be called "Heritage Malta".

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

Legal and Judicial Representation.

(3) The legal and judicial representation of the Agency shall vest in the Chairperson, provided that the Chairperson may appoint the Chief Executive Officer or any one or more of the officers or employees of the Agency, to appear in its name and on its behalf in any judicial proceedings and on any act, contract, instrument or other document whatsoever.

Functions of Agency.

(4) It shall be the function of the Agency:

(a) to ensure that museums, collections, sites, buildings and property, movable or immovable, of cultural value, owned or administered by it, are conserved, restored, administered, managed, operated, marketed, studied and presented for exhibition, in the best way possible;

(b) to acquire in property or in trust objects, collections of objects, sites, buildings, for the Museums, collections, sites and buildings;

(c) to perform or commission, in each case under the surveillance of the Superintendent, the restoration or conservation

of cultural property owned or otherwise held or administered by it;

(d) to co-ordinate with the Malta Tourism Authority and with the Planning Authority, the taking of all measures which are deemed necessary so that objects, sites and buildings of cultural value be best conserved, restored, exhibited and presented;

(e) to promote public knowledge, education, appreciation and enjoyment of the cultural heritage;

(f) to assist Local Councils in the performance of their duty to preserve the cultural heritage in their locality; and

(g) to perform such other functions which the Minister may from time to time assign to it.

(5) (a) For the purpose of ensuring the better conservation, restoration, management, administration, marketing, exhibition, presentation or study of any particular part of the cultural heritage, the Agency may, with the written approval of the Minister, acting in consultation with the Superintendent, either delegate any of its functions to any existing entity or to any entity to be established, whether public or private, or a partnership thereof, as may be necessary, and in every case under such conditions as may be established by the Superintendent and approved and published by the Minister in the Gazette.

(b) The Agency may, where appropriate, also fulfil its functions directly through its own resources.

(6) The Agency shall give the Superintendent all information that he may require in order to enable him to perform his functions under this Act.

9. (1) The Agency shall be governed by a Board of Directors consisting of not less than five and not more than nine members, one of whom shall be the Chairperson and an other the Deputy Chairperson. Board of Directors.

(2) The members of the Board shall be appointed by the Minister for a period of not less than three years but not more than five years as may be determined in their letter of appointment. Members of the Board may, on the expiration of their term of office, be reappointed.

(3) The functions of the Board shall be:

(a) to determine the policy and strategy of the Agency;

(b) to employ and manage the human resources required to achieve the aims of the Agency;

(c) to ensure the proper financial administration of the Agency;

(d) to ensure the collaboration with other local and foreign bodies necessary for achieving the aims of the Agency.

(4) The Board shall appoint a Chief Executive Officer who shall be responsible to the Chairperson and the Board.

(5) The meetings of the Board shall be called by the Chairperson, either on his own initiative or at the request of any two of the other members.

(6) Half the number of members for the time being constituting the Board shall form a quorum. Decisions shall be adopted at a meeting at which a quorum is present by a simple majority of the members present and voting. The Chairperson shall have an initial vote and, in the event of an equality of votes, a casting vote.

(7) Any member who has a direct or indirect interest in any contract or other action made or proposed to be made by the Agency, where such interest exists, shall disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the meeting, and such member shall withdraw from any meeting while such matter is discussed or decided by the Board.

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

(9) Any document purporting to be an instrument made or issued by the Agency and signed by the Chairperson on its behalf shall be received in evidence and shall, unless the contrary is proved, be deemed to be an instrument made or issued by the Agency.

10. (1) The Malta Centre for Restoration established by the Minister responsible for education together with the University of Malta is hereby re-established and reconstituted as a body corporate having a distinct legal personality capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any

kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

(2) The legal and judicial representation of the Centre shall vest in the Chairperson, provided that the Chairperson may appoint the Director or any one or more of the officers or employees of the Centre, to appear in its name and on its behalf in any judicial proceedings and on any act, contract, instrument or other document whatsoever. Legal representation.

(3) The Centre shall be governed by a Board of Governors (hereinafter in this article referred to as the Board) consisting of not less than five and not more than nine members, which shall be composed as follows: Board of Governors.

(i) a Chairperson and one other member appointed by the Council of the University of Malta;

(ii) two members appointed by the Minister;

(iii) a member appointed by the Minister responsible for the environment;

(iv) up to four members co-opted by the Board from among the institutions co-operating with the Centre.

The Chairperson and members of the Board, shall be appointed or co-opted, as the case may be, for a period of three years renewable for further periods of three years each.

(4) The functions of the Board shall be -

(a) to determine the policy and strategy of the Centre;

(b) to employ and manage the human resources required to achieve the aims of the Centre;

(c) to ensure the proper financial administration of the Centre;

(d) to ensure collaboration with local and foreign bodies, necessary for achieving the aims of the Centre.

(5) The Board shall appoint a Director of the Centre who shall be the Chief Executive Officer of the Centre and who shall be responsible to the Chairperson and the Board.

(6) The meetings of the Board shall be called by the Chairperson either on his own initiative or at the request of any two of the other members.

(7) Three members of the Board shall form a quorum at its meetings. Decisions shall be adopted at a meeting at which a quorum is present by a simple majority of the members present and voting. The Chairperson, or other person chairing the meeting, shall have an initial vote and, in the event of an equality of votes, a casting vote.

(8) Any member who has a direct or indirect interest in any contract or other action made or proposed to be made by the Centre, shall disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his knowledge. Such disclosure shall be recorded in the minutes of the meeting and such member shall withdraw from any meeting while such contract is discussed or decided by the Board.

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

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

Functions
of Centre.

11. The aims and functions of the Centre shall be:

(a) to act as a national consulting agency for both the public and private sectors on all matters related to conservation and restoration;

(b) to advise the Government on a policy of conservation and restoration which will cover the Maltese islands and identify priority areas and special needs;

(c) to advise on and arrange for the restoration outside Malta of such artefacts which cannot be restored locally;

(d) to undertake conservation projects in Malta and abroad and to provide conservation restoration project management services to public and private sector clients in Malta and abroad;

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

(f) to research and develop restoration project management methodology;

(g) to set up and maintain diagnostic science and conservation laboratories;

(h) to set up and maintain a documentation department charged with the scientific documentation of conservation projects;

(i) to set up and maintain teaching facilities for training students to internationally recognised, professional standards in the arts and sciences of conservation and restoration;

(j) to promote and co-ordinate the pursuit of interdisciplinary training at professional, technical and craftsman levels in all aspects of conservation and restoration; and

(k) to organise its teaching and certification activities within a national framework for vocational education in Malta allowing for progression from vocational to professional levels.

12. (1) The Minister shall prepare a policy document outlining the National Strategy for Cultural Heritage. In preparing such document the Minister shall consult with all the Entities set up under this Act and those other agencies, whether public or otherwise, as the Minister may deem proper.

National Strategy
for Cultural
Heritage.

(2) The Minister shall review the said strategy as often as may be necessary, and in any case not less than once every five years:

Provided that the first Strategy Document shall be drawn up within twelve months from the coming into force of this Act.

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

Relations with
the Minister.

(a) give effect, as soon as practicable, to any direction, not inconsistent with any provision of this Act which the Minister

may give to the Superintendence, the Agency and the Malta Centre for Restoration 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, the Agency and the Centre and for this purpose the Superintendence, the Agency and the Centre 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.

Exemption from certain taxes.

13. The Superintendence, the Agency and the Centre shall be exempt from any liability for payment of any tax, other than customs or excise duties, or tax on income or duty on documents for the time being in force in Malta.

Committee of Guarantee.

14. (1) There shall be a Committee of Guarantee, which shall be composed of eleven members 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 the environment;
- (d) the Superintendent *ex officio*;
- (e) the Chairperson of the Agency *ex officio*;
- (f) the Chairperson of the Centre *ex officio*;
- (g) the Chairperson of the Planning Authority *ex officio*;

(h) a member of the Catholic Cultural Heritage Commission referred to in article 51 of this Act appointed by the competent local ecclesiastical authority;

(i) 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.

(2) The Chairperson of the Committee and the members referred to in paragraph (i) of subarticle (1) shall be appointed for a period of three years and may be reappointed for further periods each of three years.

(3) The Committee shall meet at least once every two months. Its meetings shall be called by the Chairperson either on his own initiative or at the request of any three of the other members.

(4) Five members shall form a quorum and decisions shall be adopted by a simple majority of all the members of the Committee. The Chairperson shall have an initial vote and in the event of an equality of votes, a casting vote.

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

(6) The Committee shall:

Functions of
the Committee.

(a) without prejudice to the provisions of this Act, co-ordinate the Entities established under articles 7, 8 and 10 of this Act;

(b) enable and facilitate the collaboration between the different agencies with direct or indirect responsibility for the protection and management of the cultural heritage sector;

(c) advise the Government on the national strategy for cultural heritage;

(d) draw the attention of the Government or of any organisation or person to any urgent action that may be required in the field of cultural heritage;

(e) meet regularly and consult, at least, every four months, with non-Governmental Organisations working in the field of cultural heritage;

(f) advise the Minister on any matter arising from the provisions of this Act and on any other matter referred to it by the Minister;

(g) hear and determine appeals made to it in accordance with any of the provisions of this Act.

National Forum.

15. (1) The Minister shall, once a year convene a National Forum for Cultural Heritage inviting the participation therein of the Superintendence, the Agency, the Centre, the Committee, the Catholic Cultural Heritage Commission, the Religious Cultural Heritage Commissions, if any, other Government departments and entities, the Mayors of each Local Council or their representative non-Governmental organizations registered with the Superintendence as organizations aiming at the protection of the cultural heritage, the University of Malta, other educational institutions, specialists, consultants, and any other parties registering their interest in writing with the Minister.

(2) The President of the Forum shall be appointed by the Minister.

(3) The Forum shall discuss the state of cultural heritage in general after hearing a report thereon prepared by the Superintendent.

(4) The Minister shall regulate the proceedings of the Forum.

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

Cultural
Heritage
Fund.

16. (1) There shall be a Fund to be known as the Cultural Heritage Fund, which shall be a body corporate with a separate legal personality, and which shall receive and manage all monies paid to it under the provisions of this Act as well as other monies which may be donated to it by non-governmental sources.

(2) The fund shall be administered by the Committee of Guarantee.

(3) The monies in the Fund may be used solely for the purpose of research, conservation or restoration of the cultural heritage.

(4) A yearly account of the administration of the Funds shall be submitted to the Minister and laid by him on the Table of the House.

PART IV ADMINISTRATIVE AND PERSONNEL PROVISIONS

Staff appointments.

17. (1) Subject to the provisions of the Constitution and of any other law including this Act applicable thereto, the appointment of officers and other employees of Entities shall be made by Superintendent in the case of the Superintendence, by the Chairperson of the Board of

Directors in the case of the Agency, by the Chairperson of the Board of Governors in the case of the Centre, and by the Chairperson of the Committee in the case of Committee or the Fund. The terms and conditions of employment shall be determined by each Entity with the approval of the Minister.

(2) Each Entity shall appoint and employ, at such remuneration and upon such terms and conditions as it may in accordance with subarticle (1) hereof determine, such officers and employees as may from time to time be necessary for the due and efficient discharge of its functions.

Appointment and functions of officers and employees.

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

Detailing of public officers.

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

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

Status of public officers.

(4) Without prejudice to the generality of the foregoing, a public officer detailed for duty as aforesaid -

(a) shall not during the time while such officer is so detailed -

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

(ii) be so employed that the remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by that public officer at the date he was detailed for duty as

aforesaid or which would have become attached to such appointment, during the said period, has such officer not been detailed for duty with the Entity; and

Cap. 93.
Cap. 58.

(b) shall be entitled to have the service with the Entity considered as service with the Government for the purpose of any pension, gratuity or benefit under the Pensions Ordinance, and the Widows' and Orphans' Pension, and of any other right or privilege to which that public officer would be entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Entity.

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

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

Offers of permanent employment to public officers detailed for duty with the Entities.

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

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

(3) Every officer who accepts permanent employment with an Entity, under the provisions of subarticle (1), shall for all purposes other than those of the Pensions Ordinance, and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Entity on the date of such acceptance and for the purposes of the said Ordinance and of the said Act, so far as applicable to that officer, service with such Entity shall be deemed to be service with the Government within the meanings thereof respectively.

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

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

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

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

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

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

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

**PART V
FINANCIAL PROVISIONS**

Entities to meet expenditure out of revenue.

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

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

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

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by each Entity to the formation of reserve funds to be used for its purposes, and without prejudice to the generality of the powers given to the Minister by this subarticle, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with subarticle (2) or any such excess as aforesaid.

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

Power to borrow capital.

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

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

Provided that for any amount in excess of fifty thousand liri, there shall be required the approval of the Minister in writing.

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

Advances from
Government.

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

Borrowing from
Government.

(2) Notice of any loans, liabilities or advances made or incurred under the provisions of subarticle (1) shall be given by the Minister to the House as soon as practicable.

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

(4) The proceeds of any loan raised for the purposes of making advances to an Entity and any other moneys to be advanced to an Entity under this article, shall be paid into the Fund.

(5) Sums received by the Accountant General from an Entity in respect of advances made to it under subarticle (3) shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects of amounts received by way of interest into the Consolidated Fund.

24. (1) Each Entity shall cause to be prepared in every financial year, and shall not later than eight weeks before the end of each financial

Estimates of
the entities.

year adopt, estimates of its income and expenditure for the next following financial year:

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

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

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

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

(5) The Minister shall, at the earliest opportunity and not later than six weeks after he has received a copy of the estimates of the Entities, or, if at any time the House is not in session, within six weeks from the beginning of the next following session, cause such estimates to be laid before the House together with a motion that the House approves the said estimates. Not more than one sitting shall be allotted for the debate in the House on such motion and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

Expenditure
according to the
approved estimates.

25. (1) No expenditure shall be made or incurred by an Entity unless it has been approved by the House as provided in article 24.

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

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

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

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

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

26. All estimates and supplementary estimates approved by the House shall, as soon as practicable, be published in the Gazette. Publication of approved estimates.

27. (1) Each Entity shall cause to be kept proper books of account and other records in respect of its operations and shall cause to be prepared a statement of accounts in respect of each financial year. Accounts and audit.

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

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

(3) After the end of each financial year, at the same time as a copy of the estimates of an Entity is forwarded to the Minister under article 24, the Entity shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditor or auditors on that statement or on the accounts of the Entity.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House together with the motion laid before the House under article 24(5).

Deposit of
revenues
and payment
by the entities.

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

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

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

(4) Each Entity shall also make provision with respect to -

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

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

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

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

Contracts of
supply and
of works.

29. An Entity shall not enter into any contract for the supply of goods or materials or for the execution of work or for the rendering of services, to or for the benefit of the Entity, which is estimated by it to involve an expenditure exceeding three thousand liri, except after notice of its intention to enter into such contract has been published and competitive tenders have been issued.

Annual report.

30. Each Entity shall, not later than six 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 24.

PART VI CONSERVATION PROFESSIONALS

31. (1) No person shall exercise the profession of conservator-restorer unless he is the holder of a warrant under article 33 of this Act. Qualifications
for warrant.

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

(a) he is a citizen of Malta or is otherwise permitted to work in Malta under any law;

(b) he is of good conduct;

(c) he is of full legal capacity; and

(d) he satisfies the Board that -

(i) he has graduated as a Bachelor of Conservation and Restoration Studies from the University of Malta or is in possession of academic qualifications obtained after successful completion of a course of study of at least three years full-time duration, or the equivalent part-time duration, at such other university or academic institution as may be recognised by the Board referred to in article 34 in consultation with the Centre, being a course which contains those minimum core subjects in the field of conservation and restoration as the Minister may, after consulting the Centre, prescribe;

(ii) for a period of not less than two years after obtaining the academic qualifications referred to in subparagraph (i) of this paragraph, he has trained in Malta under the supervision of a practising warrant holder, in accordance with such guidelines as the Minister may, after consulting the Centre, prescribe;

Provided that where the academic qualifications referred to in paragraph (i) of this paragraph are obtained after full-time academic courses in conservation with a full-time duration which in the aggregate of at least six years and which contain such level of practical training as approved by the

Centre, the condition for supervised training shall be deemed to have been fulfilled:

Provided further that with the approval of the said Board such training may, for a period not exceeding one year, in the said period of two years, be undergone in a State outside Malta with a professional in related disciplines duly qualified to practise in such State;

(iii) he has been duly examined and approved by the Board in an examination or examinations for the purpose, as the Minister may, after consulting the Centre, prescribe:

Provided that the Board may exempt a person who obtained the academic qualifications from the University of Malta or from such other University or academic institution approved by the said Board in consultation with the Centre, from all or part of such examination or examinations.

Special
circumstances.

32. Notwithstanding the provisions of article 31, a person may be granted a warrant if he possesses:

(1) the qualifications listed in paragraphs (a), (b) and (c) of subarticle (2) of article 31 and has, prior to the first of January 2000, practised as a conservator in Malta or outside Malta for a period of not less than fifteen years, and is in the opinion of the Board referred to in article 34 of the required competence and academic ability; or

(2) the qualifications listed in paragraphs (a), (b) and (c) of sub-article (2) of article 31, and in subparagraphs (ii) and (iii) of paragraph (d) of the said sub-article, but whose academic qualifications include an academic degree in applied conservation techniques successfully completed at a university or equivalent academic institution but which degree entailed a course of studies shorter than four years duration or did not contain those minimum subjects in the field of conservation and restoration as are prescribed by the Minister in accordance with sub-paragraph (i) of paragraph (d) of sub-article (2) of article 31 but has undergone practical training for a period of not less than two years under the supervision of a practising warrant holder and has successfully undergone such tests as the said Board may deem necessary from case to case.

Warrant to practise
as a conservation
professional.

33. (1) The warrant to practise the profession of conservator-restorer shall be granted by the Minister on the recommendation of the

Board referred to in article 34 to any person who satisfies the requirements of articles 31 or 32 of this Act.

(2) A warrant holder may use the designation Restawratur with his name.

34. (1) There shall be a Board, to be known as Bord tal-Warrant tar-Restawraturi (hereinafter in this article referred to as the Board) which shall consist of:

Bord tal-Warrant tar-Restawraturi.

(a) a Chairperson to be appointed by the Minister from among persons who are or have been qualified to be appointed judges in Malta;

(b) one member appointed by the Minister from among warrant holders, who have at least eight years experience;

(c) one member appointed by the Centre from among warrant holders who have at least eight years experience;

(d) two members who shall be elected for a term of two years by secret ballot by warrant holders from among themselves.

(2) The Chairperson shall be appointed for a term of three years and under such conditions as may be set out in his letter of appointment.

(3) The other appointed members of the Board shall hold office for a term of two years, and under such conditions as may be set out in their letter of appointment.

(4) Where any vacancy in the Board occurs, the Minister shall as soon as practicable, in the case of the Chairperson, or a member appointed by him, appoint another person to fill the vacancy; in the case of a member appointed by the Centre, request the Centre to appoint another person to fill the vacancy and in the case of any elected member cause an election to be held to fill the vacancy.

(5) 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.

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

(7) Save as aforesaid the Board may make its own rules and otherwise regulate its own procedure.

(8) Notwithstanding the provisions of this article, for a period of one year from the date of coming into force of this part of this Act, the first Board to be appointed shall consist of:

(a) a Chairperson to be appointed by the Minister from among persons who are or have been qualified to be appointed judges in Malta; and

(b) two other persons, appointed by the Minister not being themselves persons who will apply for a warrant, and who in his opinion possess the competence to assess the first applicants for the warrant.

Functions of
the Board.

35. (1) The functions of the Board are to -

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

(b) organise and regulate, and determine requests for exemptions from the professional warrant examination in accordance with articles 31 and 32 of this Act;

(c) regulate the conditions of practical training abroad in accordance with the provisions of article 31 of this Act;

(d) approve universities or academic institutions in accordance with article 31 of this Act;

(e) organise and regulate the appropriate tests and periods of practical training, as provided for in article 32 of this Act; and

(f) advise the Minister in connection with any matter relating to the profession of conservator-restorer.

(2) In the exercise of its functions the Board may also consult with such persons as it may deem appropriate and may also appoint committees, of which the Chairperson shall be a member of the Board, 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 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.

36. (1) The Minister may, by order in writing, suspend, revoke or cancel a warrant if the warrant holder:

Suspension or
revocation of
warrant.

(a) has been found guilty, after an inquiry by the Board referred to in article 34 of the following acts or omissions:

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

(ii) conduct discreditable to his profession;

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

(iv) failure to comply with any condition attached to a warrant issued under the provisions of article 38 of this Act; or

(b) has been found guilty by a competent court of an offence under the provisions of this Act or of any regulations made thereunder; or

(c) has been found guilty by a competent court of a crime affecting public trust or of fraud or of knowingly receiving property obtained by theft or fraud.

(2) A decision of the Board under paragraph (a) of subarticle (1) of this article shall be subject to appeal before the Court of Appeal constituted as provided in subarticle (6) of article 41 of the Code of Organization and Civil Procedure.

Cap. 12.

(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, the fees payable with respect to appeals to that Court shall be the fees applicable to the Court of Magistrates (Malta).

(4) The Board established under article 29 of the Code of Organisation and Civil Procedure shall make rules establishing the form of such appeals, the time within which they are to be filed and generally any other matter relating to such appeals.

Effects of revocation or suspension of warrant.

37. Where a warrant under this Act is withdrawn, suspended or revoked, the person to whom the warrant was issued shall cease to be a holder of such warrant, or shall be suspended from the exercise of his profession as the case may be and he shall cease to use the designation Restawratur.

Minister may issue fresh warrant.

38. The Minister, acting on the recommendation of the Board, referred to in article 34 may, after the expiration of one year from the date of the revocation or withdrawal of a warrant, issue a fresh warrant subject to such conditions as the Minister on the recommendation of the Board may deem necessary.

Assistants to the conservator-restorer.

39. For the purposes of this Act -

(a) a person shall not be deemed to practise the profession of conservator restorer if he acts as an employee of, or assistant to, and under the supervision of a warrant holder and does not issue any certification of a conservation-restoration nature under his name;

(b) to such extent as may be prescribed, a person shall not be deemed to exercise the profession of a warrant holder if he is in such employment or holds or acts in such office or performs only such work, services, acts or functions as may be prescribed;

(c) a conservator-restorer shall however endeavour to ensure that all assistants employed or engaged by him shall have successfully completed training to such levels as are or may be prescribed by the Malta Vocational and Professional Qualifications Council.

PART VII SPECIAL POWERS OF THE STATE

Right of preference.

40. (1) In the case of sale, export, 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 in the case of the export of an object of cultural property the 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, 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, exchange, transfer or lease, which ever 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 40 of this Act.

41. (1) No person may export or re-export any cultural property without the written permission of the Superintendent.

Control of
exportation and
re-exportation.

(2) The export and re-export, when permitted shall be subject to the payment of the *ad valorem* duty as set out in the Schedule to this Act and shall be subject to such other conditions as may be imposed by the Superintendent.

(3) Permission for export and re-export may be granted for a limited period and without the payment of the duty referred to in subarticle (2) for the purpose of restoration, exhibition or study. The Superintendent may, in granting such permission impose guarantees for the return of the cultural property so exported or reexported at such amount as shall be fixed by the Superintendent.

(4) The value of the objects for the purpose of the payment of the duty referred to in subarticle (2) 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 Court of Appeal on the demand of the exporter, to be made by an application. The cost of the evaluation shall be borne by the exporter.

(5) In lieu of the payment of duty, the exporter may, with consent of the Superintendent, give to the Government by way of *datio in solutum*, one or more objects of a value equivalent to the duty due.

(6) It shall be competent to the Government to acquire any object proposed to be exported, at such price as may be fixed in the manner laid down in this article within two months from the making of the valuation referred to in this article after notice of the intended export is given to the Superintendent. All expenses in connection with the valuation shall, in such cases, be at the charge of the Government.

(7) Any person aggrieved by the refusal of the grant of a permission by the Superintendent or by the imposition of any condition attached to any such permission, or by any other decision of the Superintendent under this article may within two weeks from the communication to him of such refusal, condition or decision, refer the

matter to the Committee which after giving such person and the Superintendent the opportunity to state their case, finally decide the matter.

Repair and restoration by Government.

42. The Superintendent may after consulting the Committee by notice inform any person being the owner, holder or possessor of cultural property that such cultural property, is in urgent need of repair or restoration and shall in such notice fix a time limit in which such repair or restoration shall be effected, failing which, the Superintendent, may effect the said works at the expenses of such person:

Provided that no such repair or restoration may be effected by the Superintendent in a church or place of worship without the permission of the diocesan Bishop in the case of Catholic places of worship and of the local head of the relative religious organization in the case of other religions.

Exclusive right to excavate.

43. (1) Archaeological or palaeontological excavations on land and archaeological explorations in the territorial waters or in the contiguous zone of Malta can only be made with the written permission of the Superintendent and in accordance with any condition attached thereto.

(2) Any person who, even accidentally, discovers any object, site or building to which this Act applies in accordance with article 3, shall immediately inform the Superintendent, keep the object found in situ, and shall not for a period of six days after informing the Superintendent proceed with any work on the site where the object of cultural property is discovered.

(3) The Superintendent shall inspect the site of discovery within the said six 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 stop work.

(4) Any person who following a notice to stop work suffers any damage because of the interruption of the works shall have a right to be compensated for such damages by the Superintendent.

Cap. 88.

(5) Within three months of a notice to stop the works the Government shall institute procedures to acquire the site in accordance with the Land Acquisition (Public Purposes) Ordinance, or the Superintendent shall release the site. Upon the institution of proceedings to acquire the site as aforesaid no further compensation shall be due in accordance with subarticle (4) hereof.

(6) Every object of cultural value, whether movable or immovable discovered in any location within Malta, its territorial waters, and its contiguous zone whether found in authorised or illegal excavations or exploration or accidentally in the course of any work or any other manner shall belong to the State.

(7) The original or a full copy of the records of the progress of any excavation or exploration, whether carried out in accordance with this article or otherwise, shall be given by the person responsible for such excavation or exploration to the Superintendent.

44. (1) The Superintendent may commend for scheduling to the Planning Authority such sites and buildings which he deems should be scheduled within the meaning of the Development Planning Act.

Development permissions and cultural property. Cap. 356.

(2) The Superintendent shall make use of the list of scheduled property for the purpose of the inventory under article 7(5).

45. (1) Any officer or employee of the Superintendence duly authorised in writing by the Superintendent may enter any area, property, site under investigation 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.

Power of Entry and Inspection.

(2) Where entry is for the purpose of inspection or documentation purposes, the Superintendent shall serve a written notice to the occupier of cultural property of the intended entry, and thereupon the officer or employee 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, and at least three days notice is further given of any extension of the duration of the occupation;

(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.

(5) Discoveries made during a 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.

Suspension
Notices.

46. (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, the Superintendent may serve a Suspension notice on the owner, possessor or holder of the cultural property or any other person carrying out the development works or excavation 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.

(3) Any person aggrieved with the issue of a suspension notice or with any condition imposed by the Superintendent under subarticle (2) of this article may within two weeks of the service on him of any such notice or the imposition of such conditions refer the matter to the Committee and the provisions of subarticle (7) of article 40 shall mutatis mutandis apply.

(4) Any appeal to the Committee under subarticle (3) hereof shall not suspend the effect of the suspension notice or of the condition appealed.

Conservation and
Protection Order.

47. (1) The Superintendent may in the case of any infringement of any of the provisions of this Act or of any regulations made thereunder 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, 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 Police Force and take the required action himself, where applicable at the expense of the owner or the occupier or the possessor. Cap. 268.

(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. Cap. 319.

48. (1) The Superintendent may with the authority of the Minister enter by public deed, into a guardianship contract 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 to such conditions not inconsistent there with as may be contained in the deed. The guardianship deed shall state the term for which it is entered being a term of not more than three years which may be renewed for further periods each of not more than ten years. Guardianship.

(2) The provisions of the Disposal of Government Land Act shall not apply to a guardianship deed. 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.

(3) Before authorising the Superintendent to enter into a guardianship deed the Ministry 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 organisational, operational and financial

arrangements in connection therewith, and the organisational, operational and financial resources to be dedicated therefore.

(4) A guardianship deed shall not prejudice any powers of any Entity 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) Not later than six weeks after each anniversary of a guardianship deed 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 Minister may make regulations generally prescribing rules in relation to guardianship.

International
Conventions etc.

49. The powers and duties under this Act shall be exercised in conformity with any international Convention, treaty, agreement or instrument concerning the proper use and conservation of national or world cultural property to which Malta may be a party.

Return of stolen
and illegally
exported cultural
property.

50. (1) The Government is hereby authorised to ratify and become a party to the Unidroit Convention on Stolen or Illegally Exported Cultural Objects (Rome, June 1995).

(2) The Minister may, after consulting the Committee, by regulations prescribe rules to give effect to any of the provisions of the said Convention and the provisions of any such regulations shall have effect notwithstanding the provisions of any other law to the contrary.

PART VIII RELIGIOUS CULTURAL HERITAGE

51. (1) Cultural property belonging to the Catholic Church and destined or used for religious purposes shall fall under the regulation and superintendence of the Catholic Cultural Heritage Commission to be appointed every two years by the Archbishop of Malta, and to consist of not less than five experts approved by the Minister.

Provision regarding
Religious Cultural
Heritage.

(2) Religious cultural property not being cultural property referred to in subarticle (1) of this article may be placed by the competent relevant religious authority under the regulation and superintendence of a religious cultural heritage commission. Each such religious cultural heritage commission shall be appointed for a period of two years by the competent relevant religious authority and shall consist of three experts approved by the Minister.

(3) The Commission referred to in subarticles (1) and (2) of this article shall have the same powers with regard to the cultural property under their superintendence as the Superintendent, and where any such commission is not so appointed the regulation and superintendence of the property falling under its competence will vest in the Superintendent.

(4) The Commission referred to in subarticle (1) shall also be responsible for the regulation and superintendence of cultural property belonging to Catholic Religious Orders.

PART IX OFFENCES

52. (1) Any person who:

Wilful damage or
destruction of
certain property.

(a) wilfully, or through negligence, unskillfulness or non-observance of regulations causes damage to or destroys any cultural property whether or not such cultural property has been registered in any inventory in accordance with this Act, and even if such cultural heritage property is owned by the person who has caused the damage or destruction, or is lawfully administered by such a person;

(b) carries out any activity or does any act in contravention of the provisions of this Act or of any regulation made thereunder or of the conditions of any licence or permit issued under this Act or fails to do anything which he is required to do under this Act, regulation or licence; or

(c) acts as a conservator-restorer when he is not in possession of a warrant under Part VI of this Act; or

(d) fails to abide with any Suspension Notice issued in accordance with article 46 of this Act or with a Conservation or Protection Order made in accordance with article 47 of this Act; or

(e) receives or retains any cultural property knowing that it has been illegally removed in Malta or illegally exported from any other country; or

(f) hinders, obstructs, molests or interferes with, or attempts to hinder, obstruct, molest or interfere with, any officer or employee of the Superintendence, or of the Agency, or of the Centre, or of the Committee or any police officer, in the execution of duties provided for under this Act, or fails to comply with any lawful order by any such officer or employee or police officer as aforesaid, or knowingly furnishes such officers or employees with false information or neglects or refuses to give any information required by or under this Act; or

(g) makes a declaration for any of the purposes of this Act which is false, misleading or incorrect in any material respect,

shall be guilty of an offence against this Act and shall be liable, on conviction, to a fine (*multa*) of not less than 500 liri and not exceeding 50,000 liri, or to imprisonment for a term not exceeding six years, or to both such fine and imprisonment:

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

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

(3) The Court, besides awarding the punishment referred to in this article, shall order the convicted offenders to remove the causes of the offence and to undo anything which was done without any permit

required under this Act or to comply with the conditions imposed in such a permit, as the case may be, within a time sufficient for the purpose and in any case not exceeding three months from the date of the judgement and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a further fine (*multa*) of not less than twenty-five liri and not more than fifty liri, as the court may fix, for every day the default continues after the expiration of the said time.

53. (1) In prosecutions for offences against this Act or against regulations under this Act, officials of the Superintendence shall have the right to assist the police, and to plead the case before the Courts of Magistrates.

Powers to prosecute and to assist the Police and other officers.

(2) Officers of the Superintendence may assist the Police, Customs or any other Government body, when the same are exercising powers conferred under any other laws, in the exercise of any of their powers to prevent the commission of an offence against this Act or to secure evidence concerning any such offence.

PART X REGULATIONS

54. The Minister may make regulations to give effect to any of the foregoing provisions of this Act, or to regulate or otherwise provide for any matter relating to activities affecting cultural property, and may in particular, but without prejudice to the generality of the foregoing, make regulations for any of the following purposes:

Powers to make regulations.

- (a) to establish any fees and dues which may be payable by or under, or for services rendered pursuant to, the provisions of this Act;
- (b) to ensure the better fulfilment of the functions of the Entities;
- (c) to regulate the appointment of officers and employees with any of the Entities;
- (d) to regulate any excavation and exploration;
- (e) to establish guidelines for best conservation and restoration practice;
- (f) to provide for any forms or procedures which may be necessary or expedient and for which no express procedure is contained in this Act;

(g) to regulate trade and commerce in cultural property;

(h) to regulate movement of cultural property;

(i) to prescribe rules to give effect to the provisions of any international Convention concerning the protection of the cultural heritage, ratified by the Government of Malta; or for the compliance with international obligations contracted by the Government of Malta regarding heritage;

(j) where not otherwise provided in this Act, to prescribe rules regulating the powers and duties of, and the procedures to be followed by, the entities and communities established by or under this Act;

(k) to prescribe anything else which may or is to be prescribed under this Act.

PART XI MISCELLANEOUS

Repeal and
saving.
Cap. 54.

55. (1) Subject to the provisions of subarticle (2) of this Article the Antiquities (Protection) Act, (hereinafter referred to as the Act) is hereby repealed.

(2) Notwithstanding the repeal of the Act, any regulations made under the Act shall continue in force and have effect as if made under this Act, and may be amended or repealed accordingly, and the provisions of this Act shall apply to any contravention of such regulations as if they were made under this Act.

Amendment to the
Development
Planning
Act, Cap. 356.

56. Article 5 of the Development Planning Act shall be amended as follows:

(a) subarticle (8) thereof shall be renumbered as subarticle (9); and

(b) immediately after subarticle (7) thereof there shall be added the following subarticle:

“(8) (a) Without prejudice to the provisions of subarticle (7) hereof, there shall be a committee to be styled the Heritage Advisory Committee, which shall consist of two panels and which shall have the functions as set out in this subarticle.

(b) One panel shall deal with Cultural Heritage and shall be known as the Cultural Heritage Panel, and shall be constituted as follows:

(i) a chairman and three other members appointed by the Minister responsible for culture, and

(ii) three other members appointed by the Minister after consulting the Authority.

(c) One panel shall deal with Natural Heritage and shall be known as the Natural Heritage Panel, and shall be constituted as follows:

(i) a chairman and three other members appointed by the Minister responsible for the environment, and

(ii) three other members appointed by the Minister after consulting the Authority.

(d) Four members of a panel shall constitute the quorum at the meetings of a panel and eight members shall constitute a quorum at a joint meeting of the two panels. The chairman at a meeting shall have an original vote and, in the case of equality of votes, a casting vote.

(e) It shall be the function of the panel, each in the field dealt by it, to provide professional and expert advice to the Authority on matters relating to the conservation of the cultural and natural heritage in an integrated process. Each panel shall also provide advice on the application process in particular with regard to the conservation of property or areas that may be affected by an application for a development permission.

(f) Each panel shall make available for public inspection any recommendation made by it to the Authority and shall regularly every six months report to the Authority and to the Committee of Guarantee set up under the Cultural Heritage Act, 2001.

(g) Each panel may call upon any person to give it expert or professional advice on any matter being dealt by it.

(h) Either chairman shall convene a joint meeting of both panels when matters affecting both the cultural and the

natural heritage are involved, and in such case the joint meeting of the two panels shall be chaired by the chairman of the panel convening the meeting. The provisions of paragraph (g) shall apply also to such meetings.

(i) Each panel may bring to the attention of the Minister appointing its members any matter being dealt by it, which it considers fit.

(j) Subject to the foregoing provisions of this subarticle and to any rules prescribed by the Minister with the concurrence of the Minister responsible for cultural heritage and the Minister responsible for the environment, the committee and the panels may regulate their own procedure.”

SCHEDULE

(Article 41)

RATE OF EXPORT DUTY

<i>Value of object</i>	<i>Export Duty</i>
On the first Lm 100 or part thereof	10 per cent.
On the second Lm 100 or part thereof	20 per cent.
On the third Lm 100 or part thereof	30 per cent.
On the fourth Lm 100 or part thereof	40 per cent.
On any further value	50 per cent.

Objects and Reasons

The object of this Bill is to make new provisions to replace the Antiquities Protection Act. These provisions are aimed at promoting improved management, conservation and restoration of the national cultural heritage, as well as guaranteeing greater public accessibility and appreciation of Malta's cultural treasures. This will ensure that present and future generations will be able to derive greater cultural and educational benefit from Malta's heritage.

This Bill envisages the creation of new public institutions and regulatory functions through which a greater harmonization of Malta's cultural heritage sector can be achieved.

