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## Nru. 72

23. 5. 2000

### MALTA

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#### KAMRA TAD-DEPUTATI

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ABBOZZ ta' Ligi mressaq mill-Onorevoli Josef Bonnici, M.P., Ministru ghas-Servizzi Ekonomiċi u moqri għall-Ewwel darba fis-Seduta tat-22 ta' Mejju, 2000.

**ATT** sabiex jipprovdi għall-inkoraġġiment, promozzjoni u regolament ta' l-artiġjanat u l-artiġjani, b'mod partikolari l-artiġjanat li jagħmel sehem mill-wirt storiku ta' Malta, għat-twaqqif ta' kunsill nazzjonali għall-artiġjanat li jkun magħruf bhala l-Kunsill Malti għall-Artiġjanat, u għal dak kollu li hu anċillari jew li għandu x'jaqsam ma' dan.

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RICHARD J. CAUCHI

*Skrivan tal-Kamra tad-Deputati*

#### HOUSE OF REPRESENTATIVES

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A BILL introduced by the Honourable Josef Bonnici, M.P., Minister for Economic Services and read the First time at the Sitting of the 22nd May, 2000.

**AN ACT** to make provision for the encouragement, promotion and regulation of crafts and craftsmen, in particular crafts forming part of Malta's historical heritage, for the setting up of a national crafts council to be called the Malta Crafts Council and for matters ancillary to or connected therewith.

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RICHARD J. CAUCHI

*Clerk of the House of Representatives*

## ABBOZZ TA' LIĠI msejjah

*ATT sabiex jipprovi għall-inkoraġġiment, promozzjoni u regolament ta' l-artiġjanat u l-artiġjani, b'mod partikolari l-artiġjanat li jagħmel sehem mill-wirt storiku ta' Malta, għat-twaqqif ta' kunsill nazzjonali għall-artiġjanat li jkun magħruf bħala l-Kunsill Malti għall-Artiġjanat, u għal dak kollu li hu ancillari jew li għandu x'jaqsam 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:-

1. Dan l-Att jista' jissejjah l-Att ta' l-2000 dwar il-Kunsill Malti għall-Artiġjanat, u għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-industrija jista', bla ħsara għad-dispożizzjonijiet ta' l-artikolu 8 tiegħu, jistabbilixxi b'avviż fil-Gazzetta u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

Titolu fil-qosor u bidu fis-sehh.

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

Tifsir.

“artiġjan” tfisser persuna li tipprattika xi artiġjanat Malti u tkun taqla' l-ghajxien tagħha jew tissupplimenta l-qliegħ tagħha b'dak l-artiġjanat Malti jew li ġgib prova li jkollha l-kapaċità li tipproduci prodotti ta' artiġjanat Malti;

“artigjanat” tfisser arti, hila jew sengha, li tiġi dikjarata mill-Ministru li tkun artigjanat għall-iskopijiet ta’ dan l-Att u li tinhadem minn persuna waħda jew iktar fil-manifattura ta’ artifatti u prodotti oħra li ġeneralment jehtieġu fil-manifattura tagħhom iktar il-hila tal-bniedem milli l-użu ta’ xi makkinarju;

“artigjanat Malti” tfisser artigjanat li ġeneralment jirrifletti t-tradizzjonijiet u l-wirt tal-gżejjer Maltin;

“impreditur” tfisser persuna, sew fiżika sew ġuridika, li kummerċjalment tinnegozja prodotti ta’ artigjanat Malti;

“il-Kunsill” tfisser il-Kunsill Malti għall-Artigjanat imwaqqaf taht l-artikolu 4 ta’ dan l-Att;

“marki” għall-fini ta’ l-artikolu 7 tinkludi mbolli u tikketti;

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

“prodotti ta’ artigjanat Malti” tfisser prodotti ta’ artigjanat Malti manifatturati f’Malta.

Il-Ministru jista’ jiddikjara lil xi arti eċċ. bhala artigjanat Malti.

3. Il-Ministru jista’ b’Ordni taht dan l-Att jiddikjara xi arti, hila, sengha jew industrija bhala artigjanat Malti għall-finijiet ta’ dan l-Att u jista’ b’Ordni simili jemenda, jirrevoka jew jissostitwixxi Ordni li jkun hekk għamel.

Kunsill Malti għall-Artigjanat.

4. (1) Għandu jkun hemm kunsill li jkun korp awtonomu li ma jagħmilx profitti u li jkun magħruf bhala l- Kunsill Malti għall-Artigjanat li jkollu l-funzjonijiet, setgħat u dmirijiet stabbiliti f’ dan l-Att.

(2) Il-Kunsill ikun magħmul minn -

(a) id-Direttur ta’ l-Industrija *ex officio* li jkun President;

(b) Viċi President li jinhatar mill-Ministru;

(ċ) uffiċjal li jkun iservi fil-Ministeru responsabbli għall-edukazzjoni jew fid-dipartimenti li jaqgħu taht ir-responsabbiltà ta’ dak il-Ministeru, li jinhatar mill-Ministru bi ftehim mal-Ministru responsabbli għall-edukazzjoni;

(d) uffiċjal li jkun iservi fil-Ministeru responsabbli għal Ghawdex jew fid-dipartimenti, jew sezzjonijiet tad-dipartimenti, li jaqgħu taht ir-responsabbiltà ta’ dak il-Ministeru, li jinhatar mill-Ministru bi ftehim mal-Ministru responsabbli għal Ghawdex;

(e) uffiċjal li jkun iservi fil-Ministeru responsabbli għall-industrija jew fid-dipartimenti li jaqghu taht dak il-Ministeru, jew uffiċjal jew impjegat li jkollu impieg ma' xi korporazzjoni pubblika jew korp magħqud iehor stabbilit bil-liġi li jkun jaqa' taht ir-responsabbiltà ta' dak il-Ministeru u li jinhatar mill-Ministru bi ftehim mal-Ministru responsabbli għas-servizzi ekonomiċi;

(f) uffiċjal li jkun iservi fil-Ministeru responsabbli għat-turiżmu jew fid-dipartimenti li jaqghu taht ir-responsabbiltà ta' dak il-Ministeru, li jinhatar mill-Ministru bi ftehim mal-Ministru responsabbli għat-turiżmu;

(g) tliet rappreżentanti li jiġu eletti minn, u minn fost, artigjani li jkunu reġistrati mal-Kunsill; u

(h) żewġ rappreżentanti li jiġu eletti minn, u minn fost, imprendituri reġistrati mal-Kunsill.

(3) Il-Ministru għandu jahtar uffiċjal li ma jkollux grad inqas minn dak ta' *Senior Principal*, jew dak il-grad iehor li l-Ministru jista' jippreskrivi, u li jkun iservi f' dipartiment li jkun jaqa' taht il-Ministeru tiegħu, biex jagħmilha ta' Segretarju tal-Kunsill.

(4) (a) Il-kariga tal-membri tal-Kunsill għandha tkun wahda onorarja u, hlief għall-membri eletti, ż-żmien tal-hatra għandu jkun dak il-perjodu li jissemma fl-ittra tal-hatra ta' dawk il-membri jew sa dak iż-żmien meta l-Ministru jahtar lil xi persuna oħra biex tidhol minflokhom.

(b) Il-membri eletti tal-Kunsill għandhom ikunu hekk eletti u għandhom hekk jibqgħu fil-kariga kif provdut fl-Iskeda li tinsab ma' dan l-Att.

(5) Persuna ma tkunx eligibbli li tkun membru tal-kunsill jekk hija -

(a) tkun membru tal-Kamra tar-Rappreżentanti; jew

(b) tkun instabet hatja ta' xi delitt kontra l-proprjetà u s-sigurtà pubblika, xi delitt kontra l-fiduċja pubblika, xi delitt kontra l-kummerċ pubbliku jew xi delitt taht l-Att dwar id-Deskrizzjonijiet Kummercjali. Kap 313.

(6) Persuna ttemm milli tkun membru tal-Kunsill jekk -

(a) ma tibqax iktar eligibbli li tinhatar jew li tigi eletta bhala membru; jew

(b) fil-każ ta' persuna mahtura mill-Ministru, jekk tinhatar persuna ohra minflokha; jew

(c) fil-każ ta' membru elett, jekk jirriżenja mill-kariga bil-miktub ghand il-Ministru; jew

(d) f'kull każ iehor kif provdut f'dan l-Att jew fl-Iskeda li tinsab mieghu.

(7) Il-Kunsill jista' jaġixxi minkejja kull vakanza fl-ghamla tieghu.

(8) Il-President, u fin-nuqqas tieghu l-Viċi President, ghandu jippresjedi l-laqgħat tal-Kunsill; fin-nuqqas ta' kemm il-President kemm il-Viċi-President, il-membri preżenti ghandhom jeleggu wiehed mill-membri mahturin sabiex ikun hu li jippresjedi l-laqgħa.

(9) (a) Il-*quorum* fil-laqgħat tal-Kunsill ghandu jkun ta' sitt membri; jekk ma jkunx hemm *quorum* preżenti fil-waqt meta titlaqqa' l-laqgħa, l-laqgħa ghandha tibda wara tletin minuta, iżda ebda deċiżjoni tal-Kunsill ma tkun valida kemm-il darba din ma jkollhiex l-appoġġ ta' mill-inqas erba' membri tal-Kunsill, li wiehed minnhom ikun membru mahtur mill-Ministru.

(b) Il-President jew il-membri li jkun jippresjedi l-laqgħa ghandu jkollu vot oriġinali, u fil-każ li l-voti jiġu ndaqs, *casting vote*.

(c) Il-Kunsill jista' jsaqsi lil kull persuna li jqis li tkun adatta sabiex tattendi l-laqgħat tal-Kunsill biex tagħti l-parir tagħha dwar xi kwistjoni li tkun qed tigi trattata mill-Kunsill, u dawk il-persuni ma jkollhomx jedd li jivvotaw f'dawk il-laqgħat.

(d) Xort'ohra, l-Kunsill ghandu jirregola l-proċeduri tieghu nnifsu.

(10) Il-President ghandu jinforza d-deċiżjonijiet tal-Kunsill permezz ta' l-aġenzija tad-dipartiment tieghu, jew ta' dipartimenti ohra tal-Gvern jew permezz ta' korpi, aġenziji jew persuni ohra.

(11) Is-Segretarju ghandu jzomm il-minuti tal-laqgħat u jibgħat avvizi li bihom jitlaqqa' l-Kunsill.

(12) Il-Kunsill ghandu jiltaqa' mill-inqas darba fix-xahar u ghandu jitlaqqa' f' dik id-data u f' dak il-hin hekk kif jista' jigi ornat mill-President jew kif jista' jintalab minn sitt membri tieghu li jkunu.

(13) Ir-rappreżentanza ġuridika tal-Kunsill ghandha tvesti fil-President jew f' dak il-membri l-iehor li l-Kunsill jahtar għal għanijiet speċifiċi. Kull hatra bħal dik ghandha tiġi avzata fil-Gazzetta.

5. (1) Il-Ministru ghandu jipprovdi lill-Kunsill dawk il-faċilitajiet li fil-fehma tieghu jistghu jkunu mehtieġa għat-twettiq sew tal-funzjonijiet tieghu.

Il-Ministru ghandu jipprovdi faċilitajiet lill-Kunsill.

(2) Id-deċiżjonijiet tal-Kunsill għandhom jitwasslu mis-Segretarju lill-Ministru.

6. (1) Il-Kunsill ghandu jkollu dawn il-funzjonijiet li ġejjin:

Funzjonijiet tal-Kunsill.

(a) li jirreġistra lill-artiġjani u lill-imprendituri skond dawk ir-regoli li jistghu jiġu preskritti;

(b) li jġib 'il quddiem interess, apprezzament, promozzjoni u regolament kostanti ta' l-artiġjanat Malti b' mod partikolari u fl-artiġjanat Malti b' mod generali fost is-setturi kollha tal-komunita' sew residenti sew barranija;

(ċ) li jappoġġa u jhares l-interessi ta' l-artiġjani billi jġib 'il quddiem studji sabiex jiġu identifikati l-materja prima, id-disinn, riċerka dwar is-suq u programmi dwar il-bejgh;

(d) li jġib 'il quddiem il-qawmien mill-ġdid ta' l-artiġjanat Malti tradizzjonali;

(e) li jġib 'il quddiem il-holqien ta' opportunitajiet għall-produzzjoni ta' prodotti ta' artiġjanat Malti;

(f) li jistabbilixxi sistema ta' ċertifikazzjoni li biha tiġi garantita l-ġenwinità ta' prodotti ta' artiġjanat Malti u biex jirregola u jissorvelja dik is-sistema;

(g) li jagħti parir lill-Ministru dwar kull aspett ta' l-artiġjanat Malti, b' mod generali u partikolari fil-formulazzjoni ta' politika nazzjonali dwar l-artiġjanat Malti, u fl-ghemil ta' regolamenti taħt dan l-Att;

(h) li jagħti pariri dwar l-implimentazzjoni ta' politika nazzjonali dwar l-artiġjanat Malti, u li jissorveljaha;

(i) li jistabbilixxi kuntatti internazzjonali bil-ghan li jkabbar il-valur ta' l-artiġjanat Malti;

(j) li jwettaq kull funzjoni ohra li tista' tiġi assenjata lilu taht din il-liġi jew xi liġi ohra.

(2) Ghat-twettiq tal-funzjonijiet tiegħu taht dan l-Att il-Kunsill jista' bi ftehim mal-Ministru jutilizza dawk il-fondi li jistgħu jiġu lilu assenjati mill-Gvern minn żmien għal żmien u li jistgħu jingħataw b'donazzjoni jew jithallew b'dispożizzjoni testamentarja lill-Kunsill minn persuni ohra.

(3) Il-Kunsill ikun eżenti mill-hlas ta' taxxa fuq l-*income* jew tat-taxxa fuq id-dokumenti jew trasferimenti.

Setgħa tal-Ministru  
li jagħmel  
regolamenti.

7. Il-Ministru jista', bi ftehim mal-Kunsill, jagħmel regolamenti għall-aħjar twettiq tal-provvedimenti ta' dan l-Att u jista' b'mod partikolari b'dawk ir-regolamenti:

(a) jirregola r-registrazzjoni ta' artiġjani u imprendituri;

(b) jipprovdi dwar sistema taht is-sorveljanza tal-Kunsill sabiex tiġi ċertifikata l-ġenwinità ta' prodotti ta' artiġjanat Malti u tal-materjal li jiġi użat fil-produzzjoni tagħhom;

(ċ) jistabbilixxi l-kwalifiki li għandu jkollhom l-artiġjani li jipproduċu prodotti ta' artiġjanat Malti;

(d) jipprovdi dwar iċ-ċertifikazzjoni ta' l-artiġjani li jipproduċu prodotti ta' artiġjanat Malti;

(e) jistabbilixxi dawk il-marki li jindikaw il-ġenwinità ta' prodotti ta' artiġjanat Malti;

(f) jemenda jew jissostitwixxi l-Iskeda li tinsab ma' dan l-Att;

(g) b'mod ġenerali li jirregola l-attivitajiet ta' artiġjani u ta' imprendituri; u

(h) jippreskrivi kull haġa li skond dan l-Att għandha tiġi preskritta.

Perjodu transitorju.

8. Id-dispożizzjonijiet tal-paragrafi (g) u (h) tas-subartikolu (2) ta' l-artikolu 4 ma għandhomx jidhlu fis-seħħ qabel l-iskadenza ta' dak il-perjodu, li ma jkunx ta' inqas minn sitt xhur, wara l-ghemil ta' regolamenti taht il-paragrafu (a) ta' l-artikolu 7 ta' dan l-Att, u matul dak il-perjodu sew l-artiġjani sew l-imprendituri jistgħu jirregistraw għall-finijiet ta' dan l-Att.

## SKEDA

## (Artikolu 4)

1. Il-membri eletti tal-Kunsill ghandhom, bla hsara ghad-dispożizzjonijiet ta' din l-Iskeda, jigu eletti ghal perjodu ta' sentejn.

2. Bla hsara ghad-dispożizzjonijiet ta' din l-Iskeda, l-elezzjonijiet ghandhom isiru tliet xhur qabel ma l-membri li jkun hemm itemmu ż-żmien tal-kariga taghhom.

3. Ikunu eligibbli jivvotaw ghall-membri tal-Kunsill imsemmija fil-paragrafu (g) tas-subartikolu (2) ta' l-artikolu 4 artigjani registrati biss.

4. Ikunu eligibbli jivvotaw ghall-membri tal-Kunsill imsemmija fil-paragrafu (h) tas-subartikolu (2) ta' l-artikolu 4 l-imprendituri registrati biss.

5. L-elezzjonijiet ghandhom isiru taht is-sorveljanza tas-Segretarju li ghandu jipubblika sejha ghan-nomini xahar qabel ma ssir il-votazzjoni.

6. In-nomini, li ghandhom ikunu ffirmati minn żewġ persuni eligibbli li jivvotaw fl-elezzjoni u li jkunu aċċettati permezz tal-firma tal-kandidat, ghandhom jigu riċevuti mis-Segretarju sa gimghatejn qabel id-data tal-votazzjoni.

7. Id-data u l-post tal-votazzjoni ghandhom jigu ppubblikati fil-Gazzetta mis-Segretarju mill-inqas hmistax il-ġurnata qabel id-data tal-votazzjoni.

8. Il-lista tal-kandidati ghandha titwahhal fil-post tal-votazzjoni ghal mill-inqas erbat ijiem qabel il-ġurnata tal-votazzjoni sa u inkluża l-ġurnata tal-votazzjoni nnifisha.

9. L-elezzjonijiet ghandhom isiru b'vot sigriet, il-votanti ghall-membri msemija fil-paragrafu (g) tas-subartikolu (2) ta' l-artikolu 4 ghandhom jivvotaw ghal tliet kandidati u ghandhom juru l-preferenza taghhom billi jqeghdu X quddiem l-isem tal-kandidati preferuti.

10. Il-votanti ghall-membri msemija fil-paragrafu (h) tas-subartikolu (2) ta' l-artikolu 4 ghandhom jivvotaw ghal żewġ kandidati u d-dispożizzjonijiet l-ohra tal-paragrafu 9 ta' din l-Iskeda ghandhom *mutatis mutandis* japplikaw.

11. Il-membri eletti ma ghandhomx jibqghu fil-kariga ghal iktar minn tliet perjodi konsekuttivi u ma jkunux eligibbli li jkunu kandidati ghar-raba' perjodu li jigi minnufih wara.

12. Il-kandidati bl-oghla għadd ta' voti ghandhom jigu ddikjarati eletti. Il-voti jingħaddu mis-Segretarju u minn żewġ kummissjunarji elettorali li jigu eletti ghal dak l-ghan minn fost dawk preżenti ghal dik il-laqgħa.

13. Ir-riżultat ta' l-elezzjoni għandu jiġi ppubblikat fil-Gazzetta.

14. Jekk membru elett jirriżenja, postu jimtela mill-kandidat mhux elett li jikseb l-oghla għadd ta' voti li jiġi minnufih wara. Dak il-membru għandu jservi għall-perjodu li jifdal taż-żmien ta' kariga tal-membru li jkun irriżenja.

15. Jekk il-membri eletti kollha taht il-paragrafu (g) jew (h) tas-subartikolu (2) ta' l-artikolu 4 jirriżenjaw ilkoll flimkien, għandha ssir elezzjoni ġdida għall-membri taht l-imsemmi paragrafu (g) jew (h) skond il-każ fi żmien tliet xhur mid-data tarriżenja. Il-membri eletti taht dik l-elezzjoni għandhom iservu għal żmien shih ta' sentejn.

16. Meta ma jiġux nominati kandidati biż-żejjed, il-vakanza għandha timtela mill-Ministru li jaġixxi fuq il-parir tal-membri li jifdal tal-Kunsill.

17. Il-votazzjoni għandha ssir mill-persuna nnifisha u hadd ma jista' jibgħat lil xi hadd ieħor jivvota minflok.

18. Għandha tinzamm f'Jannar ta' kull sena laqgħa ġenerali annwali ta' l-artiġjani reġistrati kollha u laqgħa ġenerali annwali ta' l-imprendituri reġistrati kollha.

19. Għandhom jinżammu laqgħat ġenerali straordinarji meta ssir sejha għalihom bil-miktub li tiġi ffirmata minn mill-inqas għoxrin fil-mija ta' l-artiġjani reġistrati kollha, jew għoxrin fil-mija ta' l-imprendituri reġistrati kollha, skond il-każ; il-President għandu jsejjah dik il-laqgħa ġenerali straordinarja fi żmien erba' ġimgħat minn meta ssirli dik it-talba.

20. Il-*quorum* fil-laqgħat ġenerali ikun ta' tletin membru li jkunu eligibbli li jattendu u jivvotaw fihom.

21. Jekk ma jkunx hemm *quorum* fil-waqt li fih ikollha tibda l-laqgħa, il-laqgħa għandha tibda tletin minuta wara l-hin stabbilit u min imbagħad ikun preżenti dak il-hin ikun jagħmel il-*quorum*.

22. Il-President għandu jippresjedi l-laqgħat ġenerali. L-avviż dwar il-laqgħat ġenerali għandu jiġi ppubblikat mis-Segretarju fil-Gazzetta mhux iktar tard minn ġimgħa qabel id-data tal-laqgħa.

23. Matul il-laqgħat ġenerali l-President għandu jagħmel rapport ta' l-attivitajiet tal-Kunsill matul is-sena kalendarja ta' qabel.

24. Waqt il-laqgħat ġenerali il-persuni preżenti jistgħu jitolbu r-riżenja tal-membri eletti li dwarhom tkun tirreferi dik il-laqgħa, u jekk dik is-sejha tkun appoġġata bil-maġġoranza tal-membri preżenti, il-membri eletti għandhom jitqiesu bħallikieku jkunu irriżenjaw:

Iżda ebda sejha bhal dik ma tkun valida sakemm din ma jkollhiex l-appoġġ ta' mill-inqas tletin persuna li jkollhom il-jedd jivvotaw f'elezzjoni ta' dawk il-membri. Inkella, deċiżjoni ta' laqgħa ġenerali tkun biss valida jekk ikollha l-appoġġ tal-maġġoranza tal-persuni preżenti.

25. Il-laqgħat ġenerali jistgħu, fuq mozzjoni, jagħmlu suggerimenti għal attivitajiet u azzjoni mill-Kunsill.

26. Il-Kunsill jista', minhabba f'raġunijiet dixxiplinari li jiġi pprovdut dwarhom fir-regolamenti, jissospendi d-drittijiet ta' xi artiġjan jew imprenditur, skond il-każ, milli jattendi u jivvota waqt il-laqgħat ġenerali jew fl-elezzjonijiet. Id-deċiżjoni tal-Kunsill f'dawk il-kwistjonijiet tkun wahda finali.

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### **Għanijiet u Raġunijiet**

L-għan ewlieni ta' l-Abbozz hu sabiex iwaqqaf Kunsill Malti għall-Artiġjanat b'funzjonijiet, fost l-oħrajn, li jgħib 'il quddiem l-artiġjanat Malti u ċ-ċertifikazzjoni tal-ġenwinità ta' prodotti ta' artiġjanat Malti. L-Abbozz jipprovdi wkoll għar-registrazzjoni ta' artiġjani u imprendituri u r-regolament tagħhom.

**A BILL  
entitled**

*AN ACT to make provision for the encouragement, promotion and regulation of crafts and craftsmen, in particular crafts forming part of Malta's historical heritage, for the setting up of a national crafts council to be called the Malta Crafts Council and for matters ancillary to 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:-

Short title and commencement.

1. This Act may be cited as the Malta Crafts Council Act, 2000, and shall come into force on such date as the Minister responsible for industry may, subject to the provisions of section 8 thereof, by notice in the Gazette establish and different dates may be so established for different provisions and different purposes of this Act.

Interpretation.

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

“the Council” means the Malta Crafts Council set up under section 4 of this Act;

“craft” means an art, skill or trade, declared by the Minister to be a craft for the purposes of this Act and practised by a person or persons in the manufacture of artefacts and other products and generally requiring in their manufacturing a greater input of human skill than of machinery;

“craftsman” means a person who practises a Maltese craft and earns his living by or supplements his income by that Maltese craft or who proves that he possesses the ability to produce Maltese craft products;

“entrepreneur” means a person, whether an individual or a juridical person, who by way of trade deals in Maltese craft products;

“Maltese craft” means a craft generally reflecting the traditions and heritage of the Maltese islands;

“Maltese craft products” means products of Maltese crafts manufactured in Malta;

“marks” for the purpose of section 7 includes hallmarks and labels;

“the Minister” means the Minister responsible for industry.

3. The Minister may by Order under this Act declare an art, skill, trade or industry to be a Maltese craft for the purposes of this Act and may by like Order amend, revoke or substitute an Order so made.

Minister may declare an art etc. to be a Maltese craft.

4. (1) There shall be a council which shall be an autonomous non-profit making body to be known as the Malta Crafts Council which shall have the functions, powers and duties set out in this Act.

Malta Crafts Council.

(2) The Council shall consist of -

(a) the Director of Industry *ex officio* who shall be Chairman;

(b) a Deputy Chairman appointed by the Minister;

(c) an officer serving in the Ministry responsible for education or the departments falling under the responsibility of that Ministry, appointed by the Minister with the concurrence of the Minister responsible for education;

(d) an officer serving in the Ministry responsible for Gozo or the departments, or sections of departments, falling under the responsibility of that Ministry appointed by the Minister with the concurrence of the Minister responsible for Gozo;

(e) an officer serving in the Ministry responsible for industry or the departments falling under that Ministry, or an officer or employee employed with any public corporation or similar body corporate established by law falling under the responsibility of that Ministry and appointed by the Minister with the concurrence of the Minister responsible for economic services;

(f) an officer serving in the Ministry responsible for tourism or the departments falling under the responsibility of that Ministry, appointed by the Minister with the concurrence of the Minister responsible for tourism;

(g) three representatives to be elected by and from among craftsmen registered with the Council; and

(h) two representatives to be elected by and from among entrepreneurs registered with the Council.

(3) The Minister shall designate an officer not below the rank of Senior Principal, or such other rank as the Minister may prescribe, and serving in a department falling under his Ministry, to act as Secretary to the Council.

(4) (a) The members of the Council shall hold office in an honorary capacity and, save for the elected members, shall hold office for such term as may be stated in their appointment or until such time as the Minister shall appoint another person to replace them.

(b) The elected members of the Council shall be so elected and shall so hold office as provided in the Schedule to this Act.

(5) A person shall not be eligible to be a member of the Council if he -

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

(b) has been convicted of any crime against property and public safety, of any crime against public trust, of any crime against public trade or of any offence under the Trade Descriptions Act.

(6) A person shall cease to be a member of the Council if -

(a) he is no longer eligible to be appointed or elected as a member; or

(b) in the case of a person appointed by the Minister, if another member is appointed in his stead; or

(c) in the case of an elected member, if he resigns his office in writing to the Minister; or

(d) in any other case as provided in this Act or the Schedule thereto.

(7) The Council may act notwithstanding any vacancy in its composition.

(8) The Chairman shall, and in his absence the Deputy Chairman shall, preside over the meetings of the Council; in the absence of both the Chairman and the Deputy Chairman, the members present shall elect one of the appointed members to preside over the meeting.

(9) (a) The quorum at the meetings of the Council shall be of six members; if no quorum is present at the time for which a meeting is convened, the meeting shall commence after thirty minutes, provided that no decision of the Council shall be valid unless it is supported by at least four members of the Council, one of whom being a member appointed by the Minister.

(b) The Chairman or the member presiding at a meeting shall have an original, and in the case of an equality of votes, a second or casting vote.

(c) The Council may ask any person as it may deem fit to attend meetings of the Council to advise it on any matter before the Council, and such persons shall not be entitled to vote at such meetings.

(d) Otherwise, the Council shall regulate its own procedures.

(10) The Chairman shall enforce the decisions of the Council through the agency of his department, or of other departments of Government or through other bodies, agencies or persons.

(11) The Secretary shall keep minutes of meetings and send notices convening meetings of the Council.

(12) The Council shall meet at least once a month and shall be convened on such date and time as may be directed by the Chairman or as may be requested by any six of its members.

(13) The judicial representation of the Council shall vest in the Chairman or such other member as the Council shall appoint for particular purposes. Any such appointment shall be notified in the Gazette.

Minister to supply Council with facilities.

5. (1) The Minister shall provide the Council with such facilities as in his opinion may be required for the proper performance of its functions.

(2) The decisions of the Council shall be communicated by the Secretary to the Minister.

Functions of the Council.

6. (1) The Council shall have the following functions:

(a) to register craftsmen and entrepreneurs in accordance with such rules as may be prescribed;

(b) to promote a steady interest, appreciation, promotion and regulation of Maltese crafts in particular and in Maltese crafts in general among all sectors of the community both resident and foreign;

(c) to support and safeguard the interests of craftsmen through the promotion of studies for the identification of raw materials, design, market research and sales programmes;

(d) to promote the revival of traditional Maltese crafts;

(e) to promote the creation of opportunities for the production of Maltese craft products;

(f) to establish a certification system whereby the genuineness of Maltese craft products is guaranteed and to regulate and supervise such system;

(g) to advise the Minister on all aspects of Maltese crafts, generally and in particular in the formulation of a national policy on Maltese crafts, and in the making of regulations under this Act;

(h) to advise on the implementation of, and to monitor, the national policy on Maltese crafts;

(i) to establish international contacts with the aim of enhancing Maltese crafts;

(j) to perform any other function as may be assigned to it under this or any other law.

(2) For the performance of its functions under this Act the Council may with the concurrence of the Minister utilise such funds as may be assigned to it by the Government from time to time and as may be donated or bequeathed to the Council by other persons.

(3) The Council shall be exempt from the payment of income tax or of duty on documents or transfers.

7. The Minister may with the concurrence of the Council make regulations for the better carrying out of the provisions of this Act and may in particular by such regulations: Power of Minister to make regulations.

- (a) regulate the registration of craftsmen and entrepreneurs;
- (b) provide for a system under the supervision of the Council for the certification of the genuineness of Maltese craft products and the materials used in their production;
- (c) establish the qualifications that craftsmen producing Maltese craft products are to possess;
- (d) provide for the certification of craftsmen producing Maltese craft products;
- (e) establish such marks that indicate the genuineness of Maltese craft products;
- (f) amend or substitute the Schedule to this Act;
- (g) generally to regulate the activities of craftsmen and entrepreneurs; and
- (h) prescribe any matter that in accordance with this Act is to be prescribed.

8. The provisions of paragraphs (g) and (h) of subsection (2) of section 4 shall not come into force before the lapse of such period, being of not less than six months, after the making of regulations under paragraph (a) of section 7 of this Act, during which period craftsmen and entrepreneurs may register for the purposes of this Act. Transitory period.

## SCHEDULE

### (Section 4)

1. The elected members of the Council shall, subject to the provisions of this Schedule, be elected for a period of two years.

2. Subject to the provisions of this Schedule, elections shall be held three months before the expiry of the term of office of the then current members.

3. Only registered craftsmen shall be eligible to vote for the members of the Council referred to in paragraph (g) of subsection (2) of section 4.

4. Only registered entrepreneurs shall be eligible to vote for the members of the Council referred to in paragraph (h) of subsection (2) of section 4.

5. Elections shall be held under the supervision of the Secretary who shall publish a call for nominations one month before the date of the poll.

6. Nominations, to be signed by two persons eligible to vote in the election and accepted by the signature of the candidate, shall be received by the Secretary up to two weeks before the date of the poll.

7. The date and place of the poll shall be published in the Gazette by the Secretary at least fifteen days before the date of the poll.

8. The list of candidates shall be posted at the place of the poll for at least four days before the day of the poll up to and including the day of the poll itself.

9. Elections are to be by secret ballot, voters for the members referred to in paragraph (g) of subsection (2) of section 4 shall vote for three candidates and shall show their preference by placing an X in front of the name of the candidates preferred.

10. Voters for the members referred to in paragraph (h) of subsection (2) of section 4 shall vote for two candidates and the other provisions of paragraph 9 of this Schedule shall *mutatis mutandis* apply.

11. Elected members may not serve for more than three consecutive terms of office and shall not be eligible to be candidates for a fourth consecutive term.

12. The candidates with the highest number of votes shall be declared elected. The votes shall be counted by the Secretary and two election commissioners elected for that purpose from amongst those present during the same meeting.

13. The result of the election shall be published in the Gazette.

14. If an elected member resigns, his place shall be filled by the non-elected candidate obtaining the next highest number of votes. Such member shall serve for the remaining period of the term of office of the resigning member.

15. If all the elected members under paragraph (g) or (h) of subsection (2) of section 4 resign en bloc, a fresh election shall be held for members under the said paragraph (g) or (h) as the case may be within three months from the date of resignation. The members elected under such an election shall serve for a full term of two years.

16. Where not enough candidates are nominated, the vacancy shall be filled by the Minister who shall act on the advice of the remaining members of the Council.

17. Voting shall be in person and no person may appoint a proxy to vote in his stead.

18. An annual general meeting of all registered craftsmen and an annual general meeting of all registered entrepreneurs shall be held in January of each year.

19. Extraordinary general meetings shall be held when a call therefor is made in writing and signed by at least twenty percent of all registered craftsmen, or twenty per cent of all registered entrepreneurs, as the case may be; the Chairman shall convene such extraordinary general meeting within four weeks of such a request being made.

20. The quorum at general meetings shall be thirty members eligible to attend and vote thereat.

21. If a quorum is not present at the time at which the meeting is to commence, the meeting shall commence thirty minutes after that time and the persons present at that time shall constitute a quorum.

22. The Chairman shall preside at general meetings. Notice of general meetings shall be published by the Secretary in the Gazette not later than one week before the date of the meeting.

23. At annual general meetings the Chairman shall give a report of the activities of the Council during the previous calendar year.

24. At general meetings the persons present may call for the resignation of the elected members to which the meeting refers, and if such a call is supported by the majority of members present, the elected members shall be considered as having resigned:

Provided that no such call shall be valid unless it is supported by at least thirty persons entitled to vote for the election of such members. Otherwise, a decision of a general meeting is valid if supported by a majority of persons present.

25. General meetings may on a motion make suggestions for activities and action by the Council.

26. The Council may, for disciplinary reasons to be provided for in regulations, suspend the rights of a craftsman or an entrepreneur, as the case may be, from attending and voting at general meetings or at elections. The decision of the Council in such matters shall be final.

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### **Objects and Reasons**

The main object of the Bill is to set up a Malta Crafts Council with functions *inter alia* of promoting Maltese crafts and the certification of the genuineness of Maltese craft products. The Bill also provides for the registration of craftsmen and entrepreneurs and for the regulation thereof.