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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Michael Refalo, M.P., Ministru tal-Gustizzja u Kultura u moqri għall-Ewwel darba fis-Seduta tat-13 ta' Mejju, 1996.

ATT biex jipprovdi minflok l-Att dwar il-Protezzjoni ta' l-Antikitajiet, għall-amministrazzjoni, konservazzjoni u investigazzjoni dwar il-Patrimonju ta' Malta u dwar hwejjeġ ancillari għal dan jew li għandhom x'jaqsmu ma' dan.

A BILL introduced by the Honourable Michael Refalo, M.P., Minister for Justice and the Arts and read the First time at the Sitting of the 13th May, 1996.

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

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI
Clerk of the House of Representatives

ATT TA' L-1996 DWAR IL-PATRIMONJU TA' MALTA

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ABBOZZ TA' LIĠI msejjah

ATT biex jipprovi minflok l-Att dwar il-Protezzjoni ta' l-Antikitajiet, għall-amministrazzjoni, konservazzjoni u investigazzjoni dwar il-Patrimonju ta' Malta u dwar hwejjeġ aċċillari 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:—

1. Dan l-Att jista' jissejjah l-Att ta' l-1996 dwar il-Patrimonju ta' Malta, u għandu jibda jsehh f'dik id-data li l-Ministru jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet jew għanijiet differenti ta' dan l-Att.

Titolu fil-qosor u bidu fis-sehh.

Taqsimi I — Preliminari

2. F'dan l-Att kemm-il darba r-rabta tal-kliem ma tehtiegħ mod iehor:—

Tifsir.

“investigazzjoni” tfisser kull attività bil-ghan li jinkiseb u jiġi registrat kull tagħrif li jkollu x'jaqsmu mal-patrimonju kulturali u tinkludi kull xogħol li jsir bil-ghan li tiġi identifikata, mikxufa, skavata, skoperta, miksuba lura u mnehhija kull haġa jew materjal iehor li jkun jinsab fi, fuq jew taht xi proprjetà kulturali;

“konservazzjoni” tfisser kull attività mehtieġa biex tittawwal kemm jista' jkun il-hajja jew tnaqqas l-iktar li tista' d-deterjorament li proprjetà kulturali tista' ġġarrab bil-mogħdija taż-żmien, bl-inqas alterazzjoni possibbli fil-proprjetà kulturali, u tinkludi l-eżami, il-prova, il-kura, ir-reġistrazzjoni u l-preservazzjoni ta' dik il-proprjetà kulturali jew ta' xi parti minnha;

Att Nru. XV
ta' l-1993.

“Kunsill Lokali” tfisser kull Kunsill Lokali mwaqqaf taht l-Att ta' l-1993 dwar Kunsilli Lokali;

“Ministru” tfisser il-Ministru responsabbli għall-kultura u tinkludi, sal-limitu ta' l-awtorità mogħtija, kull persuna li tiġi hekk speċifikament awtorizzata mill-Ministru għal xi wiehed mill-ghanijiet ta' dan l-Att li ma jkunux l-ghanijiet ta' l-artikolu 44 ta' dan l-Att;

“mużew” tfisser stabbiliment permanenti maħsub għall-konservazzjoni, preservazzjoni, studju, interpretazzjoni, immuntar u esibizzjoni ta' proprjetà kulturali għall-pubbliku;

“patrimonju arkeoloġiku” tfisser dawk il-fdalijiet u hwejjeġ kollha u kull traċċa tal-bniedem minn żminijiet il-qedem u tinkludi kull struttura, kostruzzjoni, grupp ta' bini, sit, haġa mobbli, sew jekk jinsabu fuq l-art sew taht il-baħar;

“patrimonju arkitettoniku” tinkludi dan li ġej:—

(a) monumenti li jinkludu kull binja u struttura ta' interess storiku, arkeoloġiku, artistiku, xjentifiku, soċjali jew tekniku, magħduda kull haġa mwahhla jew imqieghda magħhom;

(b) gruppi omogenji ta' bini, sew urbani sew rurali, ta' interess storiku, arkeoloġiku, artistiku, xjentifiku, soċjali jew tekniku, li jkunu hekk miġburin flimkien li johlqu unitajiet topografici definibbli; u

(ċ) kull sit li jkun issawwar bil-hidmiet tal-bniedem u n-natura flimkien, li jkun area f'xi parti minnha mibnija u li jkun distint u omogenju biż-żejjed li jkun topografikament definibbli u jkun ta' interess storiku, arkeoloġiku, artistiku, xjentifiku, soċjali jew tekniku;

“patrimonju kulturali” tfisser patrimonju arkeoloġiku, patrimonju arkitettoniku, patrimonju naturali u tinkludi proprjetà kulturali u kull tagħrif jew fatti magħrufa li jkollhom x'jaqsmu mal-patrimonju kulturali;

“patrimonju naturali” tfisser u tinkludi dan li ġej: —

(a) karatteristiċi naturali li jkunu jikkonsistu f’formazzjonijiet fiżiċi jew bioloġiċi jew gruppi ta’ formazzjonijiet bħal dawk li jkunu ta’ interess nazzjonali;

(b) formazzjonijiet ġeoloġiċi u fisiografiki u zoni delineati b’mod preċiż li jkunu jkkostitwixxu l-abitazzjoni naturali ta’ speċi ta’ annimali u pjanti ta’ interess nazzjonali mhedda;

(ċ) siti naturali jew arei naturali delineati b’mod preċiż li jkunu ta’ interess nazzjonali;

“preskritt” tfisser preskritt b’regolamenti li jsiru mill-Ministru taht dan l-Att;

“proprjetà kulturali” tfisser: —

(a) kull proprjetà inkluża fl-elenku ta’ proprjetà kulturali msemmija fil-paragrafu (d) tas-subartikolu (1) ta’ l-artikolu 4 ta’ dan l-Att; u

(b) kull haġa mobbli jew immobbli, fdalijiet tagħha, jew haġ’ohra mwahhla magħha, li jkollha importanza jew interess ġeoloġiku, storiku, paleontoloġiku, arkeoloġiku, arkitettoniku, antikwarju, etnografiku, jew artistiku, xjentifiku, soċjali jew tekniku, sew jekk ’il fuq sew jekk ’l isfel minn wiċċ l-art jew il-baħar fl-ibhra territorjali ta’ Malta;

“proprjetà skedata” għandu jkollha l-istess tifsir bħalma hu mogħti lilha bis-subartikolu (1) ta’ l-artikolu 46 ta’ l-Att ta’ l-1992 dwar l-Ippjanar ta’ l-Iżvilupp;

Att Nru. 1
ta’ l-1992.

“sid” tinkludi dwar proprjetà kulturali l-enfitewta u l-użufruttwarju;

“suprintendenza” tfisser kull attività li jkollha x’taqsam mas-sorveljanza, *monitoring*, regolamentazzjoni, investigazzjoni u reġistrazzjoni ta’ patrimonju kulturali u tinkludi kull attività ohra li jkollha x’taqsam ma’ dan b’mod li jiġi protett il-patrimonju kulturali minn kull theddid ta’ hsara jew deterjorazzjoni;

“tfigh ta’ radam” tfisser it-tfigh jew id-depożitu fuq xi art ta’ hamrija, fdal, materjal tal-bini, fdal ta’ materjal, żibel jew kull materjal jew oġġett iehor ta’ liema xorta jkun u jkun x’ikun l-ghan li għalih jintuża;

“żvilupp” ghandu jkollha l-istess tifsir bhalma hu moghti lilha bl-artikolu 30 ta’ l-Att ta’ l-1992 dwar l-Ippjanar ta’ l-Iżvilupp.

Taqsimu II — Patrimonju Malta

Twaqqif ta’
Patrimonju Malta.

3. (1) Ghandha titwaqqaf organizzazzjoni li tkun maghrufa bhala Patrimonju Malta.

(2) Il-Ministru jista’, dwar hwejjeġ li jidhrulu li jkunu jolqtu l-interess pubbliku, minn żmien għal żmien jagħti lill-organizzazzjoni direttivi ta’ xorta ġenerika, li ma jkunux inkonsistenti mad-dispożizzjonijiet ta’ dan l-Att, dwar il-*policy* li ghandha tithares fit-tweqqif tal-funzjonijiet vestiti fl-organizzazzjoni b’dan l-Att jew tahtu, u l-organizzazzjoni ghandha kemm jista’ jkun malajr tagħti sehh lil dawk id-direttivi kollha.

(3) L-organizzazzjoni ghandha tagħti lill-Ministru faċilitajiet biex huwa jikseb tagħrif dwar il-proprjetà u l-attivitajiet tagħha u biex tipprovdilu kull prospett, kont u tagħrif ieħor dwarhom, u tagħtih faċilitajiet għall-verifika tat-tagħrif mogħti, b’dak il-mod u f’dawk iż-żminijiet hekk kif huwa jista’ raġonevolment jehtieġ.

(4) Patrimonju Malta tkun magħmula minn Bord Eżekuttiv u Kumitat Konsultiv u l-organizzazzjoni titmexxa mill-Bord Eżekuttiv, hawnhekk iżjed ’il quddiem imsejjah “il-Bord”.

Funzjonijiet.

4. (1) Il-funzjonijiet ta’ Patrimonju Malta ikunu:—

(a) li tassumi r-responsabbiltà għal kull mużew u kollezzjoni nazzjonali hekk kif il-Ministru jista’ minn żmien għal żmien jiddelega;

(b) li tassumi r-responsabbiltà għall-kurazija, tmexxija, konservazzjoni, katalogar u tħaris ta’ proprjetajiet kulturali u kollezzjonijiet nazzjonali ta’ importanza arkeoloġika, artistika, storika, etnografika, paleontoloġika, biologika, zooloġika jew ġeoloġika jew kollezzjonijiet ohra ta’ valur kulturali hekk kif il-Ministru jista’ minn żmien għal żmien jiddelega;

(ċ) li twettaq kull suprintendenza meħtieġa ta’ kull proprjetà kulturali u kollezzjonijiet nazzjonali;

(d) li tikkompila u żżomm aġġornat f’kull żmien elenku ta’ proprjetà kulturali; dak l-elenku u kull emenda li ssir fih għandhom jiġu pubblikati fil-Gazzetta;

(e) li tikkompila u żżomm aġġornata f'kull żmien *data* u tagħrif iehor relattiv għall-proprjetà kulturali li jkunu jinsabu fl-elenku msemmi fil-paragrafu (d) hekk kif ikun mehtieġ għat-twettiq tad-dmir tagħha bhala kustodju nazzjonali tal-patrimonju nazzjonali kollu;

(f) li tagħti parir lill-Ministru dwar kull haġa li jkollha x'taqsam mal-patrimonju kulturali;

(g) li ġġib 'il quddiem konoxxenza pubblika u tgawdija tal-patrimonju;

(h) li ġġib 'il quddiem interess f'turizmu kulturali;

(i) li tehtieġ lil kull persuna tagħti dak it-tagħrif li jista' jkun mehtieġ sabiex il-funzjonijiet tagħha taht dan l-Att jitwettqu ahjar;

(j) li tiehu dawk il-miżuri li tista' tqis mehtieġa jew opportuni għal kull wiehed mill-ghanijiet ta' hawn fuq; u

(k) li twettaq dawk il-funzjonijiet l-oħra li l-Ministru jista' b'ordni fil-Gazzetta jordna.

(2) Fit-twettiq tal-funzjonijiet tagħha taht dan l-Att, Patrimonju Malta għandha:—

(a) tiġbor dawk il-fondi u tirċievi dawk il-kontribuzzjonijiet li jistghu minn żmien għal żmien ikunu mehtieġa għat-twettiq tal-funzjonijiet tagħha jew għall-hidmiet tagħha;

(b) issegwi dawk id-direttivi li jistghu minn żmien għal żmien jinharġu dwarha mill-Ministru. Bla hsara għal dawk id-direttivi, Patrimonju Malta tista' tistabbilixxi *policies* u proċeduri għat-twettiq ahjar tal-funzjonijiet tagħha taht dan l-Att.

5. (1) Patrimonju Malta tkun korp ġuridiku li jkollu personalità ġuridika distinta u tkun tista', bla hsara għad-dispożizzjonijiet ta' dan l-Att, tagħmel kuntratti, takkwista, tippossjedi u tiddisponi minn kull xorta ta' proprjetà għall-ghanijiet tal-funzjonijiet tagħha, li tharrek u tiġi mharrka, u li tagħmel dak kollu u tkun parti f'kull transazzjoni li tkun incidental jew li twassal għall-eżercizzju jew għat-twettiq tal-funzjonijiet tagħha taht dan l-Att, inkluż l-ghoti jew it-tehid b'self ta' flus.

Personalità
ġuridika.

(2) Kull dokument li juri li jkun strument magħmul jew mahruġ minn Patrimonju Malta għandu jintlaqa' bi prova, u għandu, kemm-il darba ma tingiebx prova xort'ohra, jitqies bhala strument magħmul jew mahruġ minn Patrimonju Malta.

Għamla tal-Bord
Eżekuttiv.

6. (1) Il-Bord ta' Patrimonju Malta jinhatar mill-Ministru. Il-Bord ikun magħmul minn: —

(a) *Chairman* li jippresjedi l-laqqhat tiegħu;

(b) sitt membrj ohra li fil-fehma tal-Ministru jkunu persuni b'tagħrif speċjalizzat dwar il-patrimonju kulturali jew li jkunu fil-fehma tal-Ministru kompetenti li jagħmluha ta' membri tal-Bord; u

(c) membru nominat mill-Kumitat Konsultattiv.

(2) Il-Ministru għandu jahtar *Chief Executive* għal Patrimonju Malta li jkun ukoll membru *ex officio* tal-Bord. Iċ-*Chief Executive* jinhatar għal żmien ta' mhux anqas minn tliet snin u mhux iżjed minn hames snin u jkun eligibbli biex jerga' jinhatar għal perijodi ohra ta' tliet snin kull wiehed.

(3) Ir-rappreżentanza ġuridika ta' Patrimonju Malta tkun fiċ-*Chief Executive*:

Iżda l-Bord jista' jahtar lil kull membru wiehed jew iktar mill-Bord sabiex jidher f'isem u biex jirrappreżenta lil Patrimonju Malta f'kull proċediment ġudizzjarju u f'kull att, kuntratt, strument jew dokument iehor li jkun.

(4) Iċ-*Chief Executive* ikun responsabbli, taħt id-direzzjoni dwar *policy* tal-Bord, għat-tmexxija ġenerali ta' l-affarijiet u x-xogħol ta' Patrimonju Malta.

(5) Il-membri tal-Bord, inkluż iċ-*Chairman*, għandhom jinhatru għal żmien li jiġi stabbilit mill-Ministru minn żmien għal żmien. Skond il-kondizzjonijiet li jiġu stabbiliti fl-ittri tal-hatra rispettivi tagħhom, iċ-*Chairman* u l-membri l-ohra jkunu eligibbli biex jergħu jinhatru wara li jghaddi ż-żmien tal-hatra tagħhom.

(6) Il-Bord għandu jahtar Segretarju u Kontrollur Finanzjarju skond dawk il-kondizzjonijiet li jista' jqis li jkunu xierqa. Il-Bord jista' wkoll jahtar uffiċjali u impjegati ohra hekk kif jista' jqis li jkunu mehtieġa skond dawk il-pattijiet u kondizzjonijiet li jista' jqis li jkunu xierqa.

(7) Persuna ma tkunx kwalifikata li tokkupa l-kariga ta' membru tal-Bord jekk:—

(a) tkun membru tal-Kamra tad-Deputati; jew

(b) ikollha xi interess finanzjarju jew iehor li x'aktarx jolqot it-twettiq ta' dmirjietha bhala membru tal-Bord:

Izda l-iskwalifika ta' persuna taht dan is-subartikolu tista' titwarrab mill-Ministru jekk dak l-interess jiġi dikjarat u dik id-dikjarazzjoni tiġi pubblikata fil-Gazzetta.

7. Il-Bord ghandu jahtar lil wiehed mill-membri tieghu biex jippresjedi l-laqghat tieghu fin-nuqqas ta' *Chairman*. Hatra ta' *Vici-Chairman*.

8. (1) Hames membri jaghmlu *quorum* tal-Bord. Quorum.

(2) Dejjem sakemm ikun hemm *quorum*, il-Bord jista' jagixxi minkejja kull vakanza fost il-membri tieghu.

(3) Id-deciżjonijiet tal-Bord jittiehdu b' magġoranza sempliċi tal-membri preżenti u li jivvotaw. Iċ-*Chairman* ghandu jkollu, fil-każ ta' voti ndaq, vot iehor jew vot deciżiv.

9. (1) Il-Bord jiltaqa' mill-anqas darba fix-xahar. Laqghat.

(2) Is-Segretarju tal-Bord ghandu jsejjah il-laqghat tal-Bord hekk kif jiġi ordnat miċ-*Chairman* u ghandu jzomm *record* tal-proċedimenti kollha tal-Bord.

(3) Dawk il-laqghat tal-Bord ghandhom jiġu avzati bil-miktub lill-membri kollha u laqgha m'ghandha f'ebda każ issir qabel tlett ijiem mid-data li jinghata dak l-avviż:

Izda iċ-*Chairman* jista' jsejjah laqgha urgenti tal-Bord kull meta huwa jqis li jkun hekk mehtieg, u f'dak il-każ huwa ghandu jiehu dawk il-miżuri kollha li jista' jqis li jkunu raġonevoli fiċ-ċirkostanzi sabiex jinnotifika lill-membri tal-Bord b'dan. Ebda haġ'ohra m'ghandha tiġi diskussa f'laqgha urgenti tal-Bord hlief dik li tkun tlaqqgħet dwarha.

10. (1) Membru tal-Bord li b'xi mod, dirett jew indirett, ikollu xi interess f'xi kuntratt magħmul jew propost li jkun magħmul mill-Bord, jew f'xi haġ'ohra li tkun qiegħda tiġi kkunsidrata mill-Bord, jew li dwarha jkun qed jintalab il-parir jew id-deciżjoni tal-Bord, ghandu, kemm jista' jkun malajr hekk kif isir jaf biċ-ċirkostanzi rilevanti, jikxef bil-miktub ix-xorta ta' l-interess tieghu liċ-*Chairman* tal-Bord. Dikjarazzjoni ta' interess.

(2) Kull kxif li jsir skond kif provdut fis-subartikolu (1) ta' dan l-artikolu, ghandu jiġi rappurtat liċ-*Chairman* fl-ewwel laqgħa tal-Bord li jkun imiss. Dik id-dikjarazzjoni ghandha tiġi registrata fil-minuti ta' dik il-laqgħa.

(3) Dak il-membri li jagħmel dak il-kxif m'għandux jivvota dwar dik il-ħaġa li jkun qal li għandu interess fiha.

Proċeduri tal-Bord.

11. Salv kif provdut f'dan l-Att, il-Bord jista' jagħmel ir-regoli tiegħu stess u xort'ohra jirregola l-proċedura tiegħu stess.

Hatra ta' Kumitat Konsultattiv.

12. (1) Il-Kumitat Konsultattiv jinhatar mill-Ministru u jkun magħmul minn:—

(a) iċ-*Chief Executive* jew id-delegat tiegħu li jaġixxi ta' *chairman*;

(b) membru wiehed li jiġi nominat mill-Ministru responsabbli għall-gvern lokali;

(c) membru wiehed li jiġi nominat mill-Ministru responsabbli għall-edukazzjoni;

(d) membru wiehed li jiġi nominat mill-Ministru responsabbli għall-ambjent;

(e) membru wiehed li jiġi nominat mill-Ministru responsabbli għal Ghawdex; u

(f) żewġ membri li jiġu nominati mill-Awtorità ta' l-Ippjanar.

Il-Ministru għandu wkoll jistieden membru wiehed li jiġi nominat mill-kap tal-Knisja Appostolika Kattolika Rumana f'Malta, membru ieħor mill-Kamra tal-Periti, sa tliet membri oħra minn fost individwi li jiġu nominati minn organizzazzjonijiet volontarji dwar il-patrimonju nazzjonali li jkunu magħrufin bhala tali mill-Ministru, u dawk il-membri l-oħra li jkunu jirrapprezentaw dawk l-interessi l-oħra li l-Ministru jista' minn żmien għal żmien jistabbilixxi.

(2) Tkun il-funzjoni tal-Kumitat Konsultattiv li jagħti parir, jagħmel proposti u jirrapporta lill-Bord dwar kull kwestjoni jew ħaġa li jkollha meħtieġa jew spjeganti għat-tweġiq tal-funzjonijiet ta' Patrimonju Malta taht dan l-Att. Il-Kumitat jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

(3) Is-Segretarju tal-Bord ghandu wkoll jaġixxi bhala Segretarju tal-Kumitat Konsultattiv.

(4) Is-Segretarju ghandu jsejjah il-laqghat tal-Kumitat hekk kif jiġi ordnat jagħmel miċ-*Chief Executive*, mill-anqas darba fix-xahar, u ghandu jzomm *record* tal-proċedimenti kollha.

(5) Il-*quorum* tal-Kumitat ikun ta' sitt membri u d-deċiżjonijiet tal-Kumitat jittiehdu b' maġġoranza sempliċi tal-membri preżenti. Fil-każ ta' voti ndaqx iċ-*Chairman* ikollu vot iehor jew vot deċiżiv.

(6) Id-dispożizzjonijiet tas-subartikolu (3) ta' l-artikolu 8, tas-subartikolu (3) ta' l-artikolu 9 u ta' l-artikolu 11 ghandhom, *mutatis mutandis*, japplikaw għall-Kumitat Konsultattiv.

13. Il-flejjes ta' Patrimonju Malta ghandhom jiġu amministrati mill-Bord u jkunu jikkonsistu fi:—

Amministrazzjoni ta' flejjes.

(a) il-kontribuzzjonijiet li jsiru minn żmien għal żmien mill-Gvern ta' Malta permezz tal-Ministeru responsabbli għall-kultura;

(b) kull kontribuzzjoni li ssir jew kull flejjes ohra li jakkumulaw favur Patrimonju Malta minn kull għajn ohra li tkun.

14. Kull infieq jew spejjeż li jagħmel il-Bord ikunu addebitu fuq il-flejjes ta' Patrimonju Malta.

Addebitu ta' flejjes.

15. (1) Kull flejjes li jidhlu favur Patrimonju Malta minn xi għajn li tkun ghandhom jiġu akkreditati f'kont li jinfetħ f'bank lokali li jintgħażel b' rizzoluzzjoni tal-Bord, u ghandhom, skond kemm dan ikun prattiku, jithallsu f'dak il-kont minn gurnata għall-ohra.

Kont tal-bank.

(2) Il-Bord jista' jawtorizza li ċertu ammont ta' flus ikun jista' jiġi żbankat u jinżamm biex minnu jsiru nfieq żgħir.

(3) *Cheques* li jinharġu mill-kont ta' Patrimonju Malta, jew kull żbank iehor li jsir, ghandhom jiġu ffirmati mill-Kontrollur Finanzjarju u miċ-*Chief Executive* jew kull membru iehor tal-Bord skond ma jista' jiġi awtorizzat mill-Bord għal dak l-ghan.

16. (1) Il-Bord ghandu jzomm *records* sew tal-kontijiet kif ukoll ta' kull tagħrif iehor li jkollu x'jaqsam mal-hidma ta' Patrimonju Malta, u ghandu jara li jithejjew dikjarazzjonijiet finanzjarji dwar kull sena. Dawk il-kontijiet ghandhom jiġu verifikati minn awditur li jinhatar minn Patrimonju Malta iżda l-Ministru jkollu l-jedd jehtieg il-kontijiet

Kotba tal-kontijiet xierqa.

ta' Patrimonju Malta jigu verifikati jew eżaminati mid-Direttur tal-Verifika li jkollu s-setgħa għal dan il-ghan li jwettaq dawk il-verifiki fiżiċi flimkien ma' verifiki oħra li jkunu meħtieġa.

(2) Is-sena finanzjarja ta' Patrimonju Malta tintemm fil-31 ta' Diċembru ta' kull sena.

(3) Kemm jista' jkun malajr fi tmiem kull sena finanzjarja, u f'ebda każ iktar tard minn sitt xhur wara tmiem kull sena finanzjarja, il-Kontrollur Finanzjarju għandu jibgħat il-kontijiet verifikati ta' Patrimonju Malta flimkien mar-rapport annwali ta' l-attivitajiet ta' Patrimonju Malta, lill-Ministru li kemm jista' jkun malajr għandu jqieghdhom fuq il-Mejda tal-Kamra tad-Deputati.

Eżenzjoni minn
taxxa u dazju.
Kap. 123.
Att Nru. XVII
ta' l-1993.

17. Patrimonju Malta tkun eżenti mid-dispożizzjonijiet ta' l-Att dwar it-Taxxa fuq l-*Income* u ta' l-Att ta' l-1993 dwar it-Taxxa fuq Dokumenti u Trasferimenti.

Taqsimha III — Esportazzjoni u Akkwist

Esportazzjoni ta'
proprjetà kulturali.

18. (1) Ebda persuna ma tista' tesporta xi proprjetà kulturali kemm-il darba ma jkollhiex permess bil-miktub tal-Ministru li jaġixxi wara li jikkonsulta l-Bord.

(2) Kull persuna li tesporta jew tipprova tesporta proprjetà kulturali bi ksur tas-subartikolu (1) ta' dan l-artikolu tkun hatja ta' reat u tehel, meta tinsab hatja, multa li tkun tiswa daqs darbtejn il-valur ta' dik il-proprjetà jew Lm100 skond liema jkun l-oghla, flimkien ma' somma li tkun tiswa daqs id-dazju ta' esportazzjoni li jithallas fuqha. Dik il-multa għandha tingabar mill-Avukat Ġenerali f'isem il-Gvern bhala dejn ċivili.

(3) Il-Qorti għandha wkoll tordna l-konfiska tal-proprjetà kulturali favur il-Gvern u meta dik il-proprjetà kulturali tkun giet esportata u ma tkunx tista' tingieb lura, il-Gvern ikollu jedd ta' azzjoni kontra l-persuna li tinsab hatja għall-ġbir ta' somma li tkun tiswa daqs il-valur tagħha. Dak il-jedd ta' azzjoni jiġi preskritt wara li jgħaddu għaxar snin mis-sentenza li tinghata fil-proċeduri kriminali li permezz tagħhom dik il-persuna tkun instabet hatja.

(4) Bla hsara għad-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, jista' jinghata permess bil-miktub mill-Ministru għall-

esportazzjoni temporanja ta' proprjetà kulturali bil-kondizzjoni li dik il-proprjetà titregga' lura Malta u skond kull kondizzjoni ohra, inkluża l-ghotja ta' garanzija xierqa, li l-Ministru jista' jqis li tkun mehtieġa, meta: —

(a) dik il-proprjetà tkun qieghda tiġi esportata minn Patrimonju Malta;

(b) dik il-proprjetà tkun qieghda tiġi esportata minn persuna sabiex din tintuża dwar xi attivitajiet kulturali pubbliċi; jew

(ċ) f'kull ċirkostanza ohra hekk kif il-Ministru jista' jqis li tkun xierqa.

(5) Jenhtieġ ukoll il-permess tal-Ministru meta dik il-proprjetà kulturali tkun qieghda tiġi esportata mill-ġdid wara li tkun ġiet importata temporanjament.

(6) Patrimonju Malta għandha tiġbor u żżomm elenku tal-proprjetà kulturali kollha li dwarha jkun inghata permess mill-Ministru għall-esportazzjoni temporanja. Għal dak l-ghan il-Ministru għandu jipprovdi kull tagħrif mehtieġ lil Patrimonju Malta.

(7) Ma' l-esportazzjoni ta' kull proprjetà kulturali bhal dik għandu jithallas dazju ta' l-esportazzjoni, kif stabbilit fl-Ewwel Skeda li tinsab ma' dan l-Att, skond il-valur ta' l-imsemmija proprjetà:

Iżda ma għandu jithallas ebda dazju ta' esportazzjoni għal proprjetà kulturali li tkun qieghda tiġi esportata temporanjament skond id-dispożizzjonijiet tas-subartikolu (4) ta' dan l-artikolu.

(8) Il-hlas ta' dak id-dazju ta' esportazzjoni jista' jsir, bil-kunsens tal-Ministru, permezz tat-trasferiment lill-Ministru ta' kull proprjetà kulturali li dwarha jintlahaq ftehim bejn l-esportatur u l-Ministru bil-parir tal-Bord.

(9) Id-dispożizzjonijiet ta' l-artikolu 1355 tal-Kodiċi Ċivili Kap. 16. għandhom ikunu japplikaw għall-istima msemmija f'dan l-artikolu.

(10) Il-Ministru jkollu l-jedd jakkwista kull proprjetà kulturali kif imsemmi qabel, b'dak il-prezz li jista' jiġi stabbilit bil-mod imsemmi f'dan l-artikolu.

(11) L-ispejjeż kollha li jkollhom x'jaqsmu ma' l-istima li ssir għall-ghanijiet tas-subartikolu (10) ta' dan l-artikolu għandhom fil-każijiet kollha jithallsu mill-Ministru.

(12) L-akkwist ghandu jsir fi żmien xahrejn mid-data ta' l-istima.

(13) Kull persuna li tikser id-dispożizzjonijiet tas-subartikolu (4) ta' dan l-artikolu jew ta' kull kondizzjoni maghmula mill-Ministru skond dak is-subartikolu, tkun hatja ta' reat u tehel, meta tinsab hatja, dawk l-istess pieni li hemm fis-subartikoli (2) u (3) ta' dan l-artikolu.

Importazzjoni
temporanja ta'
proprjetà kulturali.

19. (1) Minkejja d-dispożizzjonijiet ta' kull ligi ohra, ma ghandu jithallas ebda dazju jew taxxa fuq l-importazzjoni temporanja ta' proprjetà kulturali meta: —

(a) dik il-proprjetà tigi importata minn Patrimonju Malta u tkun se terġa' tigi esportata;

(b) dik il-proprjetà tigi importata temporanjament minn persuna għal xi użu jew għan, inkluż dak li għandu x'jaqsam ma' attivitajiet kulturali pubbliċi, u tkun se terġa' tigi esportata,

u jkun inkiseb permess bil-miktub minghand il-Ministru għall-importazzjoni temporanja tagħha bla hsara għal kull kondizzjoni li huwa jista' jqis xierqa.

(2) Bla hsara għad-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ma għandhom isiru ebda depożitu jew garanzija taht il-paragrafu (ċ) tas-subartikolu (2) ta' l-artikolu 17 ta' l-Att dwar id-Dazji ta' Importazzjoni fuq l-importazzjoni temporanja ta' proprjetà kulturali kif imsemmi fis-subartikolu (1) ta' dan l-artikolu.

Kap. 337.

Akkwist ta'
proprjetà kulturali.

20. (1) Il-Ministru jkollu s-setgħa li bi ftehim jakkwista, kemm b'xiri, kiri kemm xort'ohra, jew li jaċċetta bhala donazzjoni, kull proprjetà kulturali.

(2) Il-Ministru jista' jagħmel dawk l-arranġamenti li jista' jqis xierqa dwar it-tmexxija jew il-kustodja ta' kull proprjetà kulturali miksuba jew aċċettata minnu skond dan l-artikolu, u dwar l-użu tagħha.

(3) Hlief f'każijiet ta' urgenza immedjata, il-Ministru m'għandux jaġixxi bis-saħħa ta' dan l-artikolu mingħajr ma qabel ikun ikkonsulta lill-Bord.

Jedd tal-Ministru
li jakkwista bi
preferenza.

21. (1) Fil-każ ta' bejgħ ta' proprjetà kulturali, il-Ministru jkollu l-jedd ta' l-akkwist tagħha bi preferenza ta' kull persuna ohra, taht l-istess kondizzjonijiet.

(2) Dan il-jedd ta' preferenza ghandu jigi eżerċitat fi żmien xahrejn minn dakinhar li l-bejjiegh jew ix-xerrej jaghti avviz lill-Ministru tal-bejgh li sejjer isir; jew, jekk ma jigix moghti dan l-avviz, minn dakinhar li l-Ministru jsir jaf bil-bejgh li sejjer isir jew bil-bejgh li jkun sar.

22. (1) F'kull każ imsemmi fl-artikoli 18 u 21, jekk tqum xi kwistjoni mis-sid jew mill-esportatur dwar il-valur jew ix-xorta ta' xi proprjetà kulturali msemmija f'dawk l-artikoli, id-deċiżjoni dwar dik il-kwistjoni ghandha tigi riferita lil xi espert jew esperti li jew jinhatar jew jinhatru bi ftehim bejn il-Ministru u s-sid jew l-esportatur, skond il-każ, jew fin-nuqqas ta' ftehim bhal dak, mill-Qorti ta' l-Appell fuq it-talba tal-Ministru, tas-sid jew ta' l-esportatur, skond il-każ, wara li jsir rikors ghal dan.

Stima ta' proprjetà kulturali.

(2) L-ispejjeż li jkollhom x'jaqsmu ma' dik ir-referenza ghandhom f'kull każ jinqasmu ndaq bejn il-partijiet.

Taqsimha IV — Kumitat għall-Patrimonju

23. (1) Ghandu jitwaqqaf kumitat li jkun magħruf bhala l-Kumitat għall-Patrimonju, hawn iktar 'il quddiem imsejjah "il-Kumitat", li jkun magħmul minn *Chairman* u minn tliet membri li jigu nominati minn Patrimonju Malta u minn tliet membri ohra li jigu nominati mill-Awtorità ta' l-Ippjanar.

Twaqqif ta' Kumitat għall-Patrimonju.

(2) Il-Kumitat jinhatar mill-Ministru u jibqa' fil-kariga sakemm tiskadi sena minn dik il-hatra jew sakemm jinhatar il-kumitat il-gdid, skond liema jigi l-iktar tard.

(3) Id-deċiżjonijiet tal-Kumitat ghandhom jittiehdu b'magħgoranza tal-voti tal-membri preżenti. Iċ-*Chairman* jivvota biss fil-każ li jinghataw voti ndaq.

(4) M'ghandha tittiehed ebda deċiżjoni mill-Kumitat kemm-il darba ma jkunx hemm *quorum* preżenti ta' erba' membri.

(5) Fin-nuqqas taċ-*Chairman*, il-membri preżenti fil-laqgħa tal-Kumitat ghandhom jahtru wiehed minn fosthom biex jagħmilha ta' *Chairman*:

Iżda dak il-membri ma jkollux vot deċiżiv iżda jibqa' biss bil-vot oriġinali tiegħu.

(6) Bla hsara ghad-dispożizzjonijiet tas-subartikolu (4) ta' dan l-artikolu, il-Kumitat jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

Dmirijiet
tal-Kumitat
ghall-Patrimonju.

24. (1) Il-Kumitat ikollu d-dmir: —

(a) li jikkonsidra kull applikazzjoni li ssir biex jinghata permess għal żvilupp ta' proprjetà skedata skond id-dispożizzjonijiet ta' l-Att ta' l-1992 dwar l-Ippjanar ta' l-Iżvilupp, sabiex jiġi stabbilit jekk dak l-iżvilupp ikunx konformi mad-dispożizzjonijiet ta' dan l-Att u ma' kull direttiva mogħtija jew *policies* mahruġa taht id-dispożizzjonijiet ta' dan l-Att;

(b) li jidentifika proprjetà kulturali immobbli u jirrakkomanda lill-Awtorità ta' l-Ippjanar li tinkludi dik il-proprjetà fl-elenku ta' proprjetà skedata;

(ċ) li jagħti dawk il-pariri u jagħmel dawk ir-rakkomandazzjonijiet lill-Ministru, lill-Patrimonju Malta u lill-Awtorità ta' l-Ippjanar hekk kif jista' minn żmien għal żmien iqis li jkun meħtieġ jew spedjenti dwar kull haġa li jkollha x'taqsam ma' jew li tkun toqot, il-patrimonju kulturali ta' Malta, u dan jew b'inizjattiva tiegħu nnifsu jew meta l-Kumitat hekk ikun meħtieġ li jagħmel mill-Ministru, minn Patrimonju Malta jew mill-Awtorità ta' l-Ippjanar.

(2) L-Awtorità ta' l-Ippjanar għandha tghaddi lill-Kumitat l-applikazzjonijiet kollha li jsirulha dwar proprjetà skedata fi żmien sebat ijiem minn meta taslilha applikazzjoni bhal dik u l-Kumitat għandu jikkomunika d-deċiżjoni tiegħu lill-Awtorità ta' l-Ippjanar u lill-applikant mhux iktar tard minn 21 jum minn meta tasallu dik l-applikazzjoni minghand l-Awtorità ta' l-Ippjanar.

(3) L-Awtorità ta' l-Ippjanar m'għandhiex tagħti permess li jsir żvilupp ta' proprjetà skedata kemm-il darba l-Kumitat ma javżax lill-Awtorità li ma jkollu ebda oġġezzjoni għall-approvazzjoni ta' l-applikazzjoni rilevanti. Qabel ma jagħti d-deċiżjoni tiegħu, il-Kumitat jista' jirrakkomanda li applikant ikollu jintrabat li jagħti iktar tagħrif kif meħtieġ sabiex il-Kumitat ikun jista' jqis l-applikazzjoni proposta. F'dak il-każ, iż-żmien stabbilit bis-subartikolu (2) ta' dan l-artikolu għandu jitwaqqaf sakemm it-tagħrif meħtieġ jasal għand il-Kumitat.

(4) Meta l-Kumitat jindika li ma jkollu ebda oġġezzjoni għal xi applikazzjoni, il-Kumitat jista' jorbot mad-deċiżjoni tiegħu kull kundizzjoni li jqis meħtieġa fiċ-ċirkostanzi.

Jekk il-Kumitat joġġezzjona għal applikazzjoni jew jimponi kondizzjonijiet li l-Awtorità ta' l-Ippjanar tikkunsidra li mhumiex xierqa, l-Awtorità ta' l-Ippjanar tista' tirreferi l-każ lura lill-Kumitat biex jerga' jikkunsidrah fejn tagħti r-raġunijiet għaliex irriferietu lura.

(6) Il-Kumitat għandu jerga' jikkonsidra l-każ fid-dawl tas-sottomissjonijiet magħmula mill-Awtorità ta' l-Ippjanar.

(7) Meta l-Kumitat joġġezzjona għal applikazzjoni jew jimponi kondizzjonijiet magħha, wara li jsiru s-sottomissjonijiet skond is-subartikolu (6) ta' dan l-artikolu, l-Awtorità ta' l-Ippjanar tista', jekk tibqa' tikkunsidra li l-oġġezzjoni jew il-kondizzjonijiet mhumiex xierqa, tissottometti l-każ lill-Kabinett fejn tagħti r-raġunijiet tagħha u l-oġġezzjonijiet mill-Kumitat, kif ukoll l-interess tagħha li d-deċiżjoni tinbidel.

(8) Id-deċiżjoni tal-Kabinett tkun finali u konkluziva u l-Awtorità ta' l-Ippjanar għandha taġixxi skond dik id-deċiżjoni.

(9) Ma jista' jsir ebda appell min-naha ta' l-applikant jew mill-Awtorità ta' l-Ippjanar mid-deċiżjoni tal-Kabinett meta l-każ ikun intbagħat lilu kif imsemmi qabel jew mid-deċiżjoni tal-Kumitat.

Taqsim V — Restrizzjoni ta' Xoghlijiet

25. (1) Minkejja d-dispożizzjonijiet li jinsabu f'kull liġi oħra, kull xogħol ta' demolizzjoni, alterazzjoni, estensjoni, tfigħ ta' radam, skavar jew kull xogħol iehor ta' liema xorta jkun li jsir fuq proprjetà inkluża fl-elenku ta' proprjetà kulturali, huwa projbit kemm-il darba ma tkunx inkisbet bil-quddiem l-approvazzjoni tal-Kumitat bil-miktub.

Restrizzjoni ta' xoghlijiet.

(2) Kull thassir, kancellazzjoni, qirda jew indhil ta' liema xorta jkun dwar xi taġhrif jew *data* li jkollha x'taqsam ma' xi proprjetà li tkun inkluża fl-elenku ta' proprjetà kulturali huma projbiti kemm-il darba ma tkunx inkisbet bil-quddiem l-approvazzjoni tal-Kumitat bil-miktub.

(3) Qabel ma l-Kumitat jagħti dik l-approvazzjoni, il-Kumitat jista' jehtieg lill-applikant jagħtih kull taġhrif u dokumentazzjoni li l-Kumitat jista' jqis li jkunu mehtieġa, u kull approvazzjoni mogħtija taht dan l-artikolu tista' tkun suġġetta għal dawk il-kondizzjonijiet u restrizzjonijiet li l-Kumitat jista' jqis li jkunu xierqa u spedjenti.

(4) Kull approvazzjoni tal-Kumitat bil-miktub għandha tkun bla hsara għat-tharis ta' xi htieġa taht xi liġi oħra.

(5) Minkejja kull dispożizzjoni li tinsab f'kull liġi oħra jew kull permess mahruġ taht dik il-liġi, kull persuna li filwaqt li tkun qed tagħmel żvilupp tiskopri xi proprjetà li tista' taqa' taht it-tifsira ta' proprjetà kulturali, għandha minnufih tagħti avviż ta' dak li skopriet lil Patrimonju Malta.

(6) Meta filwaqt li persuna tkun qed tagħmel żvilupp, tiskopri xi proprjetà bhal ma hemm imsemmi fis-subartikolu (5) ta' dan l-artikolu, din għandha minnufih tiegħ mill-kompli b'dak l-iżvilupp u, sakemm issir spezzjoni minn Patrimonju Malta, dik il-persuna tkun obbligata li ttiprovdi għall-preservazzjoni ta' l-oġġett hekk skopert, u li żżommu mhux mimsus u fil-post fejn kien. Dik l-ispezzjoni għandha ssir mingħajr dewmien u f'ebda każ iktar tard minn sitt ijiem mid-data meta jinġhata l-avviż kif imsemmi qabel.

(7) Mhux iktar tard minn għaxart ijiem tax-xogħol mid-data ta' dik l-ispezzjoni, Patrimonju Malta għandha tikkomunika lill-Kumitat ir-riżultat ta' dik l-ispezzjoni u l-Kumitat għandu jgħarraf lil dik il-persuna jekk ikunx sejjer jaġixxi jew le skond id-dispożizzjonijiet tal-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 24. Jekk il-Kumitat jiddeciedi li ma jaġixx skond dawk id-dispożizzjonijiet, dik il-persuna tista' tkompli b'dak l-iżvilupp.

Taqsim VI — Ordni ta' Sospensjoni b'Emerġenza

Ordni ta'
Sospensjoni
b'Emerġenza.

26. (1) Jekk ikun hemm xi proprjetà kulturali, li Patrimonju Malta jahseb li tista' tkun daqstant importanti jew ikollha daqstant valur li għandha tiġi inkluża fl-elenku ta' proprjetà kulturali, li x'aktarx isirulha demolizzjoni, alterazzjoni, estensjoni, tfigħ ta' radam, skavi, qirda, hsara jew kull xogħol iehor ta' liema xorta jkun, Patrimonju Malta tista' tohroġ ordni ta' sospensjoni b'emergenza u tista' tiehu kull azzjoni kawtelatorja li tista' tqis li tkun mehtieġa għall-harsien immedjat ta' dik il-proprjetà.

(2) Kull ordni ta' sospensjoni b'emergenza li Patrimonju Malta johroġ għandu jibda jsehh minnufih u għandu jiġi notifikat mingħajr dewmien, u f'ebda każ iktar tard minn erbgħa u ghoxrin siegħa, lil xi wiehed mis-sidien magħrufa:

Iżda meta għal xi raġuni dak l-avviż ma jkunx jista' jiġi notifikat kif provdut f'dan is-subartikolu, ikun biżżejjed għall-ghanijiet ta' dan is-subartikolu li ssir notifika lil kull min ikun responsabbli għax-xogħlijiet li jkunu qegħdin isiru fuq jew f'dik il-proprjetà, jew lil xi impjegat tiegħu, jew lil xi persuna li jkollha pussess jew tkun qed tokkupa dik il-proprjetà.

(3) Kull ordni ta' sospensjoni b'emergenza magħmul skond is-subartikolu (2) ta' dan l-artikolu għandu jiġi minnufih pubblikat fil-Gazzetta.

(4) Kull ordni ta' sospensjoni b'emergenza ikun validu għal żmien sitt xhur minn meta dan jiġi pubblikat fil-Gazzetta kemm-il darba ma jkunx ġie rtirat mill-Kumitat.

27. (1) Kull persuna li tikser id-dispożizzjonijiet tat-Taqsima V u tat-Taqsima VI ta' dan l-Att jew ta' kull kondizzjoni mahruġa taħthom, tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux anqas minn Lm500 u mhux iżjed minn Lm50,000, jew prigunerija għal żmien ta' mhux inqas minn tliet xhur u mhux iżjed minn sentejn, jew dik il-multa u prigunerija flimkien.

Pieni għal min jikser Ordni ta' Sospensjoni b'Emergenza.

(2) Il-Qorti għandha wkoll tordna lil dik il-persuna thallas kumpens lil Patrimonju Malta li jiġi kalkolat fuq il-bażi ta' x'ikun l-ogħla minn dan li ġej:

- (a) id-doppju tal-valur tal-proprjetà kulturali meqruda; jew
- (b) in-nefqa li ssir għar-restawr jew tiswija tal-proprjetà kulturali.

(3) Dak il-kumpens għandu jingabar minn Patrimonju Malta bhala dejn ċivili.

Taqsim VII — Setgha ta' Dhul

28. (1) Kull persuna hekk awtorizzata bil-miktub minn Patrimonju Malta tista' f'kull hin raġonevoli tidhol fi proprjetà bil-ghan li tispezzjoni kull proprjetà kulturali u sabiex tiżgura:—

Setgha ta' dhul.

(a) jekk ikunux qeghdin isiru xi xoghlijiet li jolqtu dik il-proprjetà bi ksur tad-dispożizzjonijiet ta' dan l-Att;

(b) jekk din tkunx ġarrbet jew x'aktarx iġġarrab xi hsara għal xi raġuni li tkun;

(c) jekk ikunux qeghdin jitharsu l-kondizzjonijiet ta' xi applikazzjoni għal xoghlijiet li jolqtu dik il-proprjetà; jew

(d) jekk ix-xoghlijiet mibdija jkunux intemmu skond l-applikazzoni ghal xoghlijiet li jolqtu dik il-proprjetà.

(2) Kull persuna debitament awtorizzata bil-miktub minn Patrimonju Malta tista' f'kull hin raġonevoli tidhol fi proprjetà li fuqha jew fiha jkunu qeghdin isiru xi xoghlijiet bil-ghan illi:—

(a) tispezzjona dik il-proprjetà sabiex tirreġistra kull haġa li tkun ta' interess bhala patrimonju kulturali; u

(b) tosserva t-tweqqi ta' dawk ix-xoghlijiet bil-ghan li teżamina u tirreġistra kull haġa li tkun ta' interess bhala patrimonju kulturali li tkun skoperta waqt li jkunu qed isiru dawk ix-xoghlijiet.

(3) Kull persuna awtorizzata minn Patrimonju Malta tista' tidhol f'kull proprjetà bil-ghan li ttella' jew iżżomm hemm kull *notice board* jew tabella hekk kif jista' jkun mehtieg sabiex il-proprjetà kulturali tithares minn kull hsara:

Iżda jkun ukoll mehtieg il-kunsens ta' kull sid maghruf u okkupant tal-proprjetà sabiex ikun jista' jsir dak id-dhul.

Taqsim VIII — Preservazzjoni, Konservazzjoni u Protezzjoni

Preservazzjoni,
konservazzjoni u
protezzjoni.

29. (1) Kull persuna li tkun is-sid ta' proprjetà kulturali ghandha f'kull żmien tippreserva, tikkonserva u tipprotegi dik il-proprjetà minn kull tahsir jew hsara.

(2) Il-Ministru ghandu jehtieg, permezz ta' ordni bil-miktub, lil dik il-persuna li taghmel dawk ix-xoghlijiet jew li thares dawk il-kondizzjonijiet li jiġu indikati f'dak l-ordni, hekk kif ikun mehtieg għall-preservazzjoni, konservazzjoni u protezzjoni ta' kull proprjetà kulturali, fiż-żmien stipulat f'dak l-ordni.

(3) Il-Ministru jista' jordna, meta dak l-ordni ma jitharix fiż-żmien li jkun hemm fih stipulat, li dawk ix-xoghlijiet li jkunu ġew indikati jsiru bi spejjeż għas-sid u kull nefqa li hekk issir mill-Ministru ghandha titqies bhala dejn ċivili favur il-Gvern:

Iżda f'każijiet speċifiċi l-Ministru jista', jekk iqis li jkun hekk xieraq li jsir, jaghmel ix-xoghlijiet mehtieġa kollha jew f'parti minnhom bi spejjeż għall-Gvern:

Iżda wkoll is-sid jista' jitlob lill-Ministru li, minflok ma jhares dak l-ordni, jakkwista l-proprjetà kulturali skond id-dispożizzjonijiet tas-subartikoli (4) sa (9) ta' dan l-artikolu.

(4) Bla hsara ghad-dispożizzjonijiet tas-subartikolu (5) ta' dan l-artikolu, il-Ministru jista' jiehu l-passi mehtieġa għall-akkwist obligatorju ta' dik il-proprjetà kulturali.

(5) Qabel ma jmexxi skond is-subartikolu (4) ta' dan l-artikolu, il-Ministru għandu jinnotifika lis-sid b'avviż bil-miktub dwar l-intenzjoni tiegħu li jmexxi skond dak il-paragrafu.

(6) Kull sid bhal dak jista', fi żmien 28 jum minn meta jasallu dak l-avviż, jagħmel is-sottomissjonijiet tiegħu lill-Ministru bil-miktub fejn isemmi għaliex dik il-proprjetà kulturali m'għandhiex tiġi akkwistata b'obbligu.

(7) Meta l-Ministru jkun qed jiddeċiedi jekk għandux jibqa' għaddej biex jagħmel l-akkwist b'obbligu, il-Ministru għandu jikkonsidra kull sottomissjoni li ssir skond is-subartikolu (4) ta' dan l-artikolu.

(8) Id-dispożizzjonijiet ta' l-Ordinanza dwar l-Akkwist ta' Kap. 88. Artijiet għal Skopijiet Pubbliċi (hawnhekk iżjed 'il quddiem imsejha l-Ordinanza) għandhom japplikaw għall-akkwist ta' kull proprjetà kulturali immobbli.

(9) Fil-każ ta' proprjetà kulturali mobbli, il-Ministru għandu jindika, fl-avviż imsemmi fis-subartikolu (5) ta' dan l-artikolu, il-valur ta' dik il-proprjetà kif jiġi stabbilit minn Patrimonju Malta. F'każ ta' nuqqas ta' ftehim, il-valur jiġi stabbilit bil-mod provdut fl-artikolu 22 ta' dan l-Att.

Taqsimha IX — Kustodja

30. (1) Kull min ikun is-sid ta' proprjetà kulturali jista', Kustodja. permezz ta' att pubbliku li jagħmel mal-Ministru hawn iżjed 'il quddiem f'dan l-Att imsemmi "att ta' kustodja", jikkostitwixxi lill-Ministru bhala kustodju ta' dik il-proprjetà:

Iżda jekk dik il-proprjetà tkun okkupata b'jedd minn terzi, jew tkun suġġetta għal xi dritt favur terzi, min ikun qed jokkupa dik il-proprjetà jew it-terzi involuti għandhom jiġu avżati bil-hsieb li jkun hemm il-pubblikazzjoni ta' l-att, u bil-kondizzjonijiet ta' l-att, u dawn jistgħu jekk hekk jagħzlu jidhlu bhala parti f'dak l-att.

(2) Kull min ikollu dritt għal proprjetà jew sit kulturali minghand, permezz ta', jew taht persuna li tkun parti f'att ta' kustodja,

ikun marbut b'dak l-att ta' kustodja kemm-il darba ma jkunx persuna li *in bona fede* tkun akkwistat dak id-dritt bis-sahha ta' xi dispożizzjoni maghmula mill-persuna li tkun parti fl-att ta' kustodja qabel id-data ta' l-att li minnu jinkiseb dak id-dritt.

Ghall-ghanijiet ta' dan is-subartikolu l-espressjoni "persuna li tkun parti" tinkludi kull persuna li minghandha jinkiseb id-dritt.

(3) Meta l-proprjetà kulturali tintuża minn persuna bhala r-residenza ordinarja taghha, dik il-persuna jkollha l-jedd, bil-kunsens speċifiku tal-Ministru, li taghzel li tinhatar gwardjan ta' dik il-proprjetà b'dawk il-pattijiet u kondizzjonijiet li l-Ministru jista' minn żmien ghal żmien jiddeċiedi dwarhom u dik il-hatra ghandha tiġi registrata fl-att ta' kustodja.

(4) Dawk li jkollhom il-jedd ta' suċċessjoni ta' persuna mahtura bhala gwardjan, ghandhom jiddikjaraw fi żmien erba' xhur mid-data meta l-jedd jghaddi ghal ghandhom jekk ikollhomx hsieb li jwettqu l-ghażla msemmija fis-subartikolu (3) ta' dan l-artikolu, bla hsara ghall-kunsens speċifiku tal-Ministru.

(5) Id-dispożizzjonijiet kollha ta' att ta' kustodja jibqgħu validi irrispettivament jekk issirx jew le l-hatra ta' gwardjan jew jekk dik il-hatra għal xi raġuni ma tibqax issehħ.

X'jigri minn
proprjetà kulturali
li tkun taht
kustodja.

31. (1) Il-Ministru jkollu kull kontroll u tmexxija ta' kull proprjetà kulturali li tkun taht il-kustodja tiegħu skond id-dispożizzjonijiet ta' dan l-Att u għal dak l-ghan ikollu d-dmir li jagħmel manutenzjoni fuq, suprintendenza ta', jippreserva u jikkonserva dik il-proprjetà.

(2) Il-Ministru jkollu s-setgħa li jagħmel dak kollu li jkun mehtieġ biex iwettaq dmiru skond is-subartikolu (1) ta' dan l-artikolu.

(3) Bla hsara ghall-generalità tad-dispożizzjonijiet ta' qabel ta' dan l-artikolu u tad-dispożizzjonijiet li jkunu jinsabu f'xi att ta' kustodja, il-Ministru jista':-

(a) jinvestiga kull proprjetà kulturali li tkun tinsab taht il-kustodja tiegħu;

(b) jagħmel dak kollu li jista' jkun mehtieġ għas-suprintendenza jew konservazzjoni ta' dik il-proprjetà.

(4) Il-Ministru, jew kull persuna oħra minnu debitament awtorizzata li tagħmilha minflok, jistgħu f'kull hin raġonevoli jidhlu

f'dik il-proprjetà li tkun taht il-kustodja tal-Ministru bil-ghan li jwettqu xi dmir jew jeżerċitaw xi setgha vestita fil-Ministru bis-sahha ta' dan l-artikolu dwar dik il-proprjetà.

32. Bla hsara ghad-dispożizzjonijiet li ġejjin ta' dan l-artikolu, meta l-Ministru jkun sar il-kustodju ta' proprjetà kulturali, huwa jista' bi ftehim mal-persuna jew persuni li jikkostitwixxu l-att ta' kustodja originali jew mas-suċċessuri tagħhom fil-jedd:–

Rinunzja eċċ.
ta' l-att ta' kustodja.

(a) jeskludi kull parti minn dik il-proprjetà mill-kustodja; jew

(b) jirrinunzja għall-kustodja tal-proprjetà:

Iżda l-Ministru għandu jkun sodisfatt li jkunu saru arrangamenti biżżejjed sabiex jiġu żgurati s-suprintendenza u l-konservazzjoni ta' dik il-proprjetà jew ta' kull parti minnha.

33. (1) Bla hsara għas-subartikolu (2) ta' dan l-artikolu, il-Ministru jista', bi ftehim mal-Ministru responsabbli għall-gvern lokali, dwar kull proprjetà kulturali li tkun jew proprjetà tal-Gvern jew proprjetà li l-Ministru jkun ġie kostitwit kustodju tagħha, jagħmel kuntratt ta' kustodja ma' xi Kunsill Lokali kif provdut fl-artikolu 34 ta' dan l-Att.

Il-Ministru jista'
jagħmel l-att ta'
kustodja ma'
Kunsill Lokali.

(2) Meta l-Ministru jkun ġie kostitwit kustodju ta' proprjetà kulturali, huwa ma jista' jagħmel ebda att ta' kustodja iehor skond dan l-artikolu dwar dik il-proprjetà kemm il-darba ma jkollux is-setgha biex hekk jagħmel dak l-att ta' kustodja iehor:–

(a) skond id-dispożizzjonijiet ta' l-att ta' kustodja originali; jew

(b) bil-kunsens bil-quddiem mogħti bil-miktub mill-partijiet li jikkostitwixxu l-att ta' kustodja originali jew mis-suċċessuri tagħhom fil-jedd.

34. Id-dispożizzjonijiet ta' l-artikoli 30, 31 u 32 għandhom japplikaw *mutatis mutandis* għal kull Kunsill Lokali u r-riferenza li hemm fihom għall-Ministru għandha tiftiehem bhala riferenza għal dak il-Kunsill Lokali. Fil-każijiet imsemmija taht dawn l-artikoli, f'kull ftehim li jsir skond dawk id-dispożizzjonijiet ikun meħtieġ il-kunsens speċifiku tal-Ministru u tal-Ministru responsabbli għall-gvern lokali; fil-każ ta' proprjetà li tkun qieghda Ghawdex, ikun meħtieġ ukoll il-kunsens tal-Ministru responsabbli għal Ghawdex.

Applikabilità
ta' l-artikoli
30, 31 u 32 għal
Kunsilli Lokali.

35. (1) Bla hsara għas-subartikolu (2) ta' dan l-artikolu, Kunsill Lokali jista' jagħmel, dwar proprjetà kulturali li jkun ġie kostitwit kustodju tagħha, att ta' kustodja mal-Ministru jew ma' kull Kunsill Lokali iehor.

Kunsill Lokali
jista' jagħmel
att ta' kustodja
mal-Ministru.

(2) Il-Kunsill Lokali ma jistax jidhol f'att ta' kustodja bhal dak skond dan l-artikolu dwar dik il-proprjetà kulturali kemm-il darba ma jkollux dik is-setgha li jaghmel dak l-att ta' kustodja iehor:–

(a) skond id-dispożizzjonijiet ta' l-att ta' kustodja originali; jew

(b) bil-kunsens bil-quddiem moghti bil-miktub mill-partijiet li jikkostitwixxu l-att ta' kustodja originali jew mis-suċċessuri tagħhom fil-jedd.

Limitu ta' proprjetà kulturali.

36. Għall-ghanijiet ta' din it-Taqsima, “proprjetà kulturali” tinkludi kull mobbli u aċċessorji li jaghmlu parti minn, jew li jinsabu għewwa, dik il-proprjetà.

Taqsima X — Investigazzjoni

Skoperta ta' oġġetti, eċċ.

37. (1) Kull min, ukoll jekk b'kumbinazzjoni, isir jaf jew jiskopri xi oġġett li jista' jaqa' taht it-tifsira ta' proprjetà kulturali jew xi tagħrif li jkollu x'jaqsam miegħu, għandu minnufih javża lil Patrimonju Malta b'dak l-oġġett.

(2) Kull min, ukoll jekk b'kumbinazzjoni, jiskopri jew jikseb xi tagħrif li jkollu x'jaqsam mal-patrimonju kulturali, għandu minnufih javża lil Patrimonju Malta b'dak it-tagħrif.

Setgha ta' investigazzjoni.

38. Ma tista' ssir ebda investigazzjoni hlief minn jew taht l-awtorità ta' Patrimonju Malta u skond id-dispożizzjonijiet ta' dawk ir-regolamenti li jkun preskritti mill-Ministru għal dak l-ghan.

Avviż dwar investigazzjoni.

39. (1) Għandha tiġi notifikata kopja ta' l-awtorizzazzjoni relattiva lil kull sid u l-okkupant tal-proprjetà fejn jew li dwarha jkun qiegħed jiġi propost li ssir l-investigazzjoni, mill-inqas sitt ijiem qabel ma tinbeda dik l-investigazzjoni.

(2) Is-sid magħruf u l-okkupant ta' proprjetà fejn jew li dwarha ssir investigazzjoni, ikollhom jedd għal kumpens għal kull telf ta' qliegh u għal kull danni li jistghu jgarrbu.

(3) Fin-nuqqas li jintlahaq ftehim dwar kemm għandu jkun dak il-kumpens, id-deċiżjoni dwar dik il-kwistjoni għandha tiġi riferita lil xi espert jew esperti li jinhatar jew jinhatru bi ftehim bejn Patrimonju Malta u s-sid jew l-okkupant, skond il-każ, jew fin-nuqqas ta' ftehim bhal dak, mill-Qorti ta' l-Appell fuq talba ta' Patrimonju Malta, tas-sid jew ta' l-okkupant, skond il-każ, wara li jsir rikors għal dan.

(4) L-ispejjeż li jsiru għal dawk ir-rikorsi għandhom f'kull każ jiġu sopportati b'mod indaqs bejn il-partijiet.

Taqsimha XI — Aċċess Pubbliku

40. (1) Bla hsara ghad-dispożizzjonijiet li ġejjin ta' dan l-artikolu, il-pubbliku jkollu aċċess ghal kull proprjetà kulturali li tkun taht il-kustodja tal-Ministru jew ta' xi Kunsill Lokali bis-sahha ta' dan l-Att.

Aċċess pubbliku
ghal proprjetà
kulturali.

(2) Il-Ministru u kull Kunsill Lokali jistgħu madankollu jistabbilixxu l-hinijiet meta l-pubbliku jkun jista' jżur proprjetà kulturali li tkun taht il-kustodja tagħhom jew li jkunu sidien tagħha meta din tkun miftuha għall-aċċess pubbliku, skond il-każ, bis-sahha ta' dan l-Att u jistgħu wkoll, jekk iqisu li dan ikun mehtieġ jew spedjenti fl-interess tas-sigurtà jew għas-suprintendenza, manutenzjoni jew konservazzjoni ta' dik il-proprjetà, jeskludu għal kollox lill-pubbliku milli jkollu aċċess għal kull proprjetà bhal dik jew għal xi parti minnha, għal dak iż-żmien li jistgħu jqisu li jkun xieraq:

Iżda s-setgħa ta' Kunsill Lokali skond dan is-subartikolu li jeskludi għal kollox lill-pubbliku milli jkollu aċċess għal xi proprjetà kulturali bil-ghan li din tiġi konservata għandha biss titwettaq bil-kunsens tal-Ministru.

(3) Il-Ministru jista' jagħmel regolamenti u Kunsill Lokali jista' jagħmel *bye-laws* taht l-Att ta' l-1993 dwar Kunsilli Lokali biex jipprovdu kif jinhtieġ għal:-

(a) konservazzjoni ta' kull proprjetà kulturali;

(b) projbizzjoni jew regolamentazzjoni ta' kull haġa li x'aktarx tagħmel hsara jew tisfigura xi proprjetà kulturali jew li tfixkel lill-pubbliku fit-tgawdija ta' dik il-proprjetà; u

(ċ) jippreskrivu d-drittijiet tad-dhul għall-pubbliku ġewwa proprjetà kulturali jew għall-użu ta' xi faċilità jew servizz li jista' jiġi provdut skond l-artikolu 41 ta' dan l-Att.

(4) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, kull min jiġi awtorizzat għaldaqstant mill-Ministru jew minn xi Kunsill Lokali jista' jiċhad id-dhul ġewwa xi proprjetà kulturali fil-każ ta' persuna li dwarha jkollu suspett raġonevoli li tkun ser tagħmel xi haġa li x'aktarx tagħmel hsara jew tisfigura dik il-proprjetà jew l-amenitajiet tagħha jew li ser tfixkel lill-pubbliku fit-tgawdija ta' dik il-proprjetà.

(5) Kull min jikser jew jonqos milli jhares xi dispożizzjoni ta' dawk ir-regolamenti jew *bye-laws* ikun hati ta' reat kontra dan l-artikolu u jehel, meta jinsab hati, ammenda.

(6) Qabel ma Kunsill Lokali jagħmel dawk il-*bye-laws*, dan għandu jikseb l-approvazzjoni tal-Ministru.

(7) Meta proprjetà kulturali tkun taht il-kustodja tal-Ministru jew ta' Kunsill Lokali, is-subartikolu (1) ta' dan l-artikolu jkun bla hsara ta' xi dispożizzjoni ta' l-att ta' kustodja.

Facilitajiet
konnessi ma'
aċċess.

41. Il-Ministru u kull Kunsill Lokali jistghu jipprovdu dawk il-facilitajiet u dak it-tagħrif jew servizzi ohra lill-pubbliku għal jew f'konnessjoni ma' l-aċċess tal-pubbliku ġewwa kull proprjetà kulturali, hekk kif jista' jkun mehtieg jew mixtieq.

Taqsimha XII — Aċċettazzjoni

Aċċettazzjoni.

42. (1) Meta min ikun is-sid ta' proprjetà kulturali jkun responsabbli għall-hlas ta' taxxa dwar trasferiment *causa mortis* ta' proprjetà immobbli skond l-Att ta' l-1993 dwar it-Taxxa fuq Dokumenti u Trasferimenti (hawnhekk iżjed 'il quddiem magħruf "kontribwent"), dak il-kontribwent jista' jhallas dik it-taxxa hekk dovuta jew parti minnha billi jittrasferixxi dik il-proprjetà kulturali lill-Ministru bi prezz li jkun jikkorrispondi għal hamsa u sebghin fil-mija tal-valur miftiehem ta' dik il-proprjetà kulturali (hawnhekk iżjed 'il quddiem imsejjah "prezz speċjali").

(2) Kontribwent li jagħzel li japplika s-subartikolu (1) ta' dan l-artikolu għandu jagħmel offerta bil-miktub lill-Ministru li fiha joffri li jhallas it-taxxa b'dan il-mod. Għandha tintbagħat kopja ta' l-ittra lill-Kummissarju tat-Taxxi Interni. Dik l-offerta għandu jkun fiha tagħrif dettaljat biżżejjed u kull ritratt fotografiku li jista' jkun mehtieg sabiex tiġi identifikata l-proprjetà kulturali kif ukoll stima tagħha.

(3) Fi żmien xahar mid-data ta' l-offerta, il-Ministru għandu jindika bil-miktub, fuq rakkomandazzjoni ta' Patrimonju Malta u wara li jikkonsulta lill-Kummissarju tat-Taxxi Interni, id-deċiżjoni tiegħu li jikkonsidra jew jiċhad l-offerta.

(4) Jekk il-Ministru jikkomunika ċ-ċaħda tiegħu li jikkonsidra dik l-offerta, dak il-kontribwent għandu jhallas kull taxxa pendenti skond id-dispożizzjonijiet ta' l-Att ta' l-1993 dwar it-Taxxa

fuq Dokumenti u Trasferimenti. Iż-żmien għall-hlas tat-taxxa li hemm provdut dwaru f'dak l-Att għandhom jiġu sospizi għal dak iż-żmien sakemm il-Ministru jikkomunika ċ-ċahda tiegħu biex jikkonsidra l-offerta.

(5) Meta l-Ministru jiddeċiedi li jikkonsidra l-offerta, huwa għandu fi żmien 30 jum:–

(a) jikkomunika lill-kontribwent il-fatt li kien qed jaċċetta l-offerta tiegħu u l-prezz li kien lest jaċċetta li jirċievi;

(b) jippubblika b'avviż fil-Gazzetta li jkun qiegħed jaċċetta dik l-offerta flimkien ma' kull tagħrif rilevanti, inkluż il-prezz.

Dak il-prezz għandu jkun jirreferi għal stima tal-proprjetà kulturali li ssir minn Patrimonju Malta.

(6) Meta l-kontribwent ma jaqbilx mal-prezz offrut mill-Ministru, huwa jista' fi żmien hmistax-il jum minn meta jirċievi l-avviż jagħzel li jirtira l-offerta tiegħu.

(7) Meta l-kontribwent jaċċetta l-prezz offrut mill-Ministru, għandu jsir l-att pubbliku meħtieġ għat-trasferiment ta' dik il-proprjetà kulturali lill-Gvern, u dan fi żmien xahar mill-pubblikazzjoni ta' l-avviż fil-Gazzetta skond ma hemm imsemmi fil-paragrafu (b) tas-subartikolu (5) ta' dan l-artikolu, min-Nutar tal-Gvern u fih ikun hemm bħala partijiet il-Ministru u l-kontribwent.

(8) Il-prezz tat-trasferiment ikun il-prezz speċjali msemmi fis-subartikolu (1) ta' dan l-artikolu.

(9) Il-kontribwent ma jhallas ebda taxxa meta jsir it-trasferiment.

(10) It-taxxa li tkun dovuta mill-kontribwent għandha minnufih, sa mid-data ta' l-att pubbliku, titnaqqas bil-prezz speċjali u d-dispożizzjonijiet tas-subartikolu (3) ta' l-artikolu 35 ta' l-Att ta' l-1993 dwar it-Taxxa fuq Dokumenti u Trasferimenti għandhom japplikaw għall-bilanċ tat-taxxa dovuta u mhux imhallsa.

(11) Kull imghax li jithallas fuq dak id-dazju skond l-imsemmi subartikolu (3) ta' l-artikolu 35 għandu jibda għaddej fuq l-ammont shih dovut sad-data ta' l-offerta. L-imghax jerga' jibda għaddej mill-ġdid fuq kull bilanċ pendenti dovut mill-kontribwent sa mid-data tal-kuntratt imsemmi fis-subartikolu (10) ta' dan l-artikolu.

(12) Meta l-ammont ta' taxxa li l-kontribwent ikollu jaghti ikun inqas mill-prezz speċjali, il-prezz li jifdal ghandu jitħallas lil dak il-kontribwent meta jiġi pubblikat il-kuntratt.

(13) Il-Ministru responsabbli għall-finanzi jista' b'Ordni jestendi d-dispożizzjonijiet ta' dan l-artikolu għal kull taxxa li jkollha tithallas skond id-dispożizzjonijiet ta' xi liġi oħra b'dak it-tibdil u modifiki li jkunu meħtieġa.

Taqsimha XIII — Reati u Pieni

Reati u peni.

43. (1) Bla ħsara għal xi dispożizzjoni oħra ta' dan l-Att, kull persuna li tonqos li thares xi dispożizzjoni ta' dan l-Att tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux anqas minn Lm100 u mhux iżjed minn Lm1,000, jew prigunerija għal żmien ta' mhux iżjed minn tliet xhur, jew dik il-multa u prigunerija flimkien.

(2) Meta reat ikun jikkonsisti fi ħsara lil jew distruzzjoni ta' proprjetà kulturali, il-qorti għandha, meta ssib lill-akkużat hati tar-reat, b'żieda ma' kull piena li hemm fis-subartikolu (1) ta' dan l-artikolu, tordnalu li jirrestitwixxi dik il-proprjetà għas-spejjeż tiegħu u kemm jista' jkun fl-istat u l-kondizzjoni li kienet qabel ma garrbet il-ħsara jew qabel ma tkun giet distrutta, skond il-każ. Dik ir-restituzzjoni għandha titwettag taht is-sorveljanza ta' Patrimonju Malta.

Setgħa ta' tiftix eċċ.

44. (1) Kull uffiċjal tal-Pulizija jew uffiċjal tad-Dwana jista' jwaqqaf, ifittex u jeżamina, sew qabel sew wara l-imbark, lil kull persuna li tkun sejra titlaq minn Malta, kif ukoll il-bagolli u l-oġġetti ta' dik il-persuna, jew kull pakkett, pakk, kaxxa jew valigġa li tkun bi ħsiebha tiegħu magħha jew xort'oħra tesporta, u jista' wkoll jeżamina l-oġġetti, merkanzija u kull haġ'oħra li xi persuna tkun bi ħsiebha tesporta minn Malta, meta jkun hemm raġuni biżżejjed biex wiehed jissuspetta li fuq jew ma' dik il-persuna jew fil-bagolli, oġġetti, pakketti, pakki, kaxxi, valigġi jew merkanzija, jista' jkun hemm xi oġġett li jaqa' taht it-tifsira ta' proprjetà kulturali.

(2) Is-setgħat mogħtija lill-uffiċjali tad-Dwana taht l-Ordinanza tad-Dwana għandhom ikunu japplikaw *mutatis mutandis* għad-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu.

Kap. 37.

Taqsimha XIV — Regolamenti

Setgħa ta' għemil ta' regolamenti.

45. Il-Ministru jista' jagħmel regolamenti biex isehħu d-dispożizzjonijiet ta' dan l-Att u jista', mingħajr preġudizzju għall-ġeneralità ta' dak kollu msemmi qabel, b'dawk ir-regolamenti jippreskrivi:

(a) dawk il-pattijiet u kundizzjonijiet li jista' jqis li jkunu mehtieġa fl-ghoti ta' xi awtorità bis-sahha ta' dan l-Att;

(b) dwar kull haġa li jkollha x'taqsam ma' jew li tkun ancillari ma' xi wahda mill-funzjonijiet ta' Patrimonju Malta;

(c) kull formola jew proċedura li jistgħu jkunu mehtieġa jew spedjenti u li dwarhom ma jkun hemm ebda proċedura espressa f'dan l-Att;

(d) id-drittijiet jew hlasijiet kollha li jkunu dovuti minn jew skond, jew għal servizzi mogħtija bis-sahha ta', id-dispożizzjonijiet ta' dan l-Att; u

(e) kull haġa li tista' jew li għandha tiġi preskritta skond dan l-Att.

Taqsimu XV — Thassir

46. (1) B'seħħ mill-bidu fis-seħħ ta' dan l-Att, il-ligijiet murijin taħt il-Kolonna 1 tat-Tieni Skeda li tinsab ma' dan l-Att għandhom jithassru jew jiġu emendati kif muri fil-Kolonna 2 ta' l-istess Skeda. Thassir u riserva.

(2) Minkejja t-thassir ta' kull ligi bħal dik, ir-regolamenti kollha magħmulin bis-sahha tagħha għandhom jibqgħu jseħħu u jistgħu jiġu emendati bl-istess mod daqslikieku dawk ir-regolamenti kienu saru skond dan l-Att.

L-EWWEL SKEDA

(Artikolu 18)

Valur ta' l-oġġett	Dazju ta' l-esportazzjoni
Fuq l-ewwel Lm1000 jew parti ta' Lm1000	10 fil-mija
Fuq it-tieni Lm1000 jew parti ta' Lm1000	20 fil-mija
Fuq it-tielet Lm1000 jew parti ta' Lm1000	30 fil-mija
Fuq ir-raba' Lm1000 jew parti ta' Lm1000	40 fil-mija
Fuq kull valur 'l fuq minn dan	50 fil-mija

IT-TIENI SKEDA

(Artikolu 46)

Kolonna 1 Ligi	Kolonna 2 Kem ghandha tinbidel jew tithassar
Att dwar Mużewijiet u Monumenti Nazzjonali (Biljetti ta' Dhul Komplessivi), Kap. 298	Jithassar l-Att kollu
Att dwar il-Protezzjoni ta' l-Antikitajiet, Kap. 54	Jithassar l-Att kollu
Att ta' l-1991 biex Ihares l-Ambjent (Att Nru. V ta' l-1991)	L-intestatura "Is-Seba' Parti, Il-Wirt Storiku" u l-artikoli 35 sa 38 inklużi ghandhom jithassru Il-partita "Att XI ta' l-1925 dwar Protezzjoni ta' l-Antikitajiet (Kapitolu 54)" li hemm fl-Iskeda li tinsab ma' l-Att ghandha tithassar.

Ghanijiet u Ragunijiet

L-ghan ta' dan l-Abbozz hu sabiex jipprovdi, minflok l-Att dwar il-Protezzjoni ta' l-Antikitajiet, legislazzjoni ġdida, bażata fuq livelli Ewropej u konvenzjonijiet internazzjonali li Malta hi firmatarja ghalihom, għall-konservazzjoni, preservazzjoni, amministrazzjoni u investigazzjoni ta' patrimonju kulturali f'Malta.

L-Abbozz jipprovdi wkoll għat-twaqqif ta' Patrimonju Malta, li se tkun organizzazzjoni li tiegħu fuqha dawk ir-responsabbiltajiet li l-Ministru responsabbli għall-kultura jista' minn żmien għal żmien jiddelegalha.

HERITAGE ACT, 1996**Arrangement of sections**

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29. Preservation, Conservation and Protection

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FIRST SCHEDULE

SECOND SCHEDULE

**A BILL
entitled**

AN ACT to make provision in place of the Antiquities (Protection) Act for the management, conservation and investigation of 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:-

1. This Act may be cited as the Heritage Act, 1996 and shall come into force on such date as the Minister may by notice in the Gazette appoint, and different dates may be so appointed for different purposes or for different provisions of this Act.

Short title and commencement.

Part I – Preliminary

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

Interpretation.

“archaeological heritage” means all remains and objects and any other traces of mankind from past epochs and includes any structure, construction, group of buildings, site, movable object, whether situated on land or under water;

“architectural heritage” includes the following:—

(a) monuments comprising all buildings and structures of historical, archaeological, artistic, scientific, social or technical interest, including any fixtures or fittings thereto;

(b) homogeneous groups of buildings, whether urban or rural, of a historical, archaeological, artistic, scientific, social or technical interest which are sufficiently coherent to form topographical definable units; and

(c) sites being the combined works of man and nature, being any area which is partially built upon and sufficiently distinctive and homogeneous to be topographically definable and is of a historical, archaeological, artistic, scientific, social or technical interest;

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

“cultural heritage” means archaeological heritage, architectural heritage, natural heritage and includes cultural property and any information or data relative to cultural heritage;

“cultural property” means:—

(a) any property comprised in the list of cultural property referred to in paragraph (d) of subsection (1) of section 4 of this Act; and

(b) any movable or immovable object, remains thereof or attachment thereto, having a geological, historical, palaeontological, archaeological, architectural, antiquarian, ethnographic, or artistic, scientific, social or technical importance or interest, whether above or below the surface of the land or sea within the territorial waters of Malta;

Act No. I of 1992.

“development” shall have the same meaning assigned to it by section 30 of the Development Planning Act, 1992;

“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 other material situated in, on or under any cultural property;

Act No. XV of 1993.

“Local Council” means any Local Council established under the Local Councils Act, 1993;

“Minister” means the Minister responsible for culture and includes, to the extent of any authority given, any person so specifically authorised by the Minister for any of the purposes of this Act other than for the purposes of section 44 of this Act;

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

“natural heritage” means and includes the following:—

(a) natural features consisting of physical or biological formations or groups of such formations which are of national interest;

(b) geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of national interest;

(c) natural sites or precisely delineated natural areas of national interest;

“owner” in relation to any cultural property includes the emphyteuta and the usufructuary;

“prescribed” means prescribed by regulations made by the Minister under this Act;

“scheduled property” shall have the same meaning as that assigned to it by subsection (1) of section 46 of the Development Planning Act, 1992;

“superintendence” means any activity related to the surveillance, monitoring, regulation, investigation and recording of cultural heritage and includes any other activity in relation thereto so as to protect the cultural heritage from any threat of damage or deterioration;

“tipping operations” means the tipping or depositing on any land of soil, spoil, building material, waste material, refuse or other material or matter of whatever nature and for whatever purpose.

Part II – Heritage Malta

3. (1) There shall be an organisation to be known as Heritage Malta.

Establishment of
Heritage Malta.

(2) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the organisation directions of a general character, not inconsistent with the provisions

of this Act, on the policy to be followed in the carrying out of the functions vested in the organisation by or under this Act, and the organisation shall as soon as practicable give effect to all such directions.

(3) The organisation shall afford to the Minister facilities for obtaining information with respect to its property and activities and furnish him with returns, accounts and other information with respect thereto, and afford to him facilities for the verification of information furnished, in such manner and at such times as he may reasonably require.

(4) Heritage Malta shall be composed of an Executive Board and an Advisory Committee and the organisation shall be administered by the Executive Board, hereinafter referred to as "the Board".

Functions.

4. (1) The functions of Heritage Malta shall be:—

(a) to assume the responsibility for any museum and national collection as the Minister may from time to time delegate;

(b) to assume the responsibility for the curatorship, management, conservation, cataloguing and safekeeping of cultural properties and national collections of archaeological, artistic, historical, ethnographic, palaeontological, biological, zoological or geological importance or other collections of cultural value as the Minister may from time to time delegate;

(c) to carry out the necessary superintendence of all cultural property and national collections;

(d) to compile and maintain updated at all times a list of cultural property; such list and any amendments thereto shall be published in the Gazette;

(e) to compile and maintain updated at all times data and other information relative to the cultural property contained in the list referred to in paragraph (d) as may be necessary to perform its duty as national custodian of all cultural heritage;

(f) to advise the Minister on all matters relating to cultural heritage;

(g) to promote public awareness and enjoyment of heritage;

(h) to promote an interest in cultural tourism;

(i) to require any person to provide such information as may be necessary for the better carrying out of any of its functions under this Act;

(j) to adopt such measures as it may deem necessary or opportune for any of the above purposes; and

(k) to perform such other functions as the Minister may by order in the Gazette direct.

(2) In the exercise of its functions under this Act, Heritage Malta shall:—

(a) raise such funds and receive such contributions which may from time to time be necessary for the carrying out of any of its functions or for its operations;

(b) follow such directives as may from time to time be issued in relation thereto by the Minister. Subject to such directives, Heritage Malta may establish policies and procedures for the better carrying out of its functions under this Act.

5. (1) Heritage Malta 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, 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, including the lending or borrowing of money. Legal personality.

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

6. (1) The Board of Heritage Malta shall be appointed by the Minister. The Board shall be composed of:— Composition of Executive Board.

(a) a Chairman who shall preside at its meetings;

(b) six other members who in the opinion of the Minister are persons who have specialised knowledge of cultural heritage or who are in the opinion of the Minister competent to act as members of the Board; and

(c) one member nominated by the Advisory Committee.

(2) The Minister shall appoint a Chief Executive for Heritage Malta who shall also be an *ex officio* member of the Board. The Chief Executive shall be appointed for a period of not less than three years and not exceeding five years and shall be eligible for re-appointment for further periods of three years each.

(3) The legal representation of Heritage Malta shall vest in the Chief Executive:

Provided that the Board may designate any one or more of the members of that Board to appear in the name and on behalf of Heritage Malta in any judicial proceedings and in any act, contract, instrument or other document whatsoever.

(4) The Chief Executive shall be responsible, under the policy direction of the Board, for the general administration of the affairs and business of Heritage Malta.

(5) The members of the Board, including the Chairman, shall be appointed for a term to be determined by the Minister from time to time. Under the conditions set out in their respective letters of appointment the Chairman and other members shall be eligible for re-appointment after the expiration of every term for which they are so appointed.

(6) The Board shall appoint a Secretary and Financial Controller under such conditions as it may consider appropriate. The Board may also appoint other officers and employees as it may deem necessary under such terms and conditions as it may deem appropriate.

(7) A person shall not be qualified to hold office as a member of the Board if he:—

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

(b) has a financial or other interest which is likely to affect the discharge of his duties as a member of the Board:

Provided that the disqualification of a person under this subsection may be waived by the Minister if the interest is declared and the declaration is published in the Gazette.

7. The Board shall designate one of its members to preside over its meetings in the absence of the Chairman.

8. (1) Five members shall form a quorum of the Board. Quorum.

(2) Subject to the presence of a quorum, the Board may act notwithstanding any vacancy among its members.

(3) Matters before the Board shall be settled by a simple majority of the members present and voting. The Chairman shall, in the case of an equality of votes, exercise a second or casting vote.

9. (1) The Board shall meet at least once every month. Meetings.

(2) The Secretary of the Board shall convene the meetings of the Board as directed by the Chairman and shall keep a record of all Board proceedings.

(3) Such meetings of the Board shall be notified in writing to all the members and a meeting shall in no case be held prior to three days from the date of such notification:

Provided that the Chairman may convene an urgent sitting of the Board whenever he deems necessary, and in such case he shall take all such steps as he shall deem reasonable in the circumstances to notify the members of the Board accordingly. No matter shall be discussed at an urgent meeting of the Board except that for which it has been convened.

10. (1) Any member of the Board who in any way, directly or indirectly, has any interest in any contract made or proposed to be made by, or in any other matter under consideration of the Board or in respect of which the advice of or decision by the Board is being sought, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose in writing the nature of his interest to the Chairman of the Board. Declaration of interest.

(2) Any disclosure made as provided in subsection (1) of this section shall be reported by the Chairman in the next Board meeting. Such declaration shall be recorded in the minutes of that meeting.

(3) The member making such disclosure shall not vote on any matter on which he has declared to have an interest.

11. Save as provided in this Act, the Board may make its own rules and otherwise regulate its own procedure. Procedures of the Board.

12. (1) The Advisory Committee shall be appointed by the Minister and shall consist of:— Appointment of Advisory Committee.

- (a) the Chief Executive or his delegate who shall act as chairman;
- (b) one member nominated by the Minister responsible for local government;
- (c) one member nominated by the Minister responsible for education;
- (d) one member nominated by the Minister responsible for the environment;
- (e) one member nominated by the Minister responsible for Gozo; and
- (f) two members nominated by the Planning Authority.

The Minister shall also invite one member to be nominated by the head of the Roman Catholic Apostolic Church in Malta, one member by the Chamber of Architects, up to three members from amongst individuals nominated by national volunteer heritage organisations recognised as such by the Minister and such other members representing such other interests as the Minister may from time to time determine.

(2) It shall be the function of the Advisory Committee to advise, make proposals to and report to the Board on any question or matter which it considers necessary or expedient for the execution of the functions of Heritage Malta under this Act. The Committee may act notwithstanding any vacancy in its membership.

(3) The Secretary of the Board shall also act as Secretary to the Advisory Committee.

(4) The Secretary shall convene the meetings of the Committee as directed by the Chief Executive, at least once every month, and shall keep a record of all the proceedings.

(5) The quorum of the Committee shall be of six members and the decisions by the Committee shall be settled by a simple majority of the members present. The chairman shall, in the case of an equality of votes, exercise a second or casting vote.

(6) The provisions of subsection (3) of section 8, subsection (3) of section 9 and section 11 shall *mutatis mutandis* apply to the Advisory Committee.

13. The funds of Heritage Malta shall be administered by the Board and shall be made up of:— Administration of funds.

(a) the contributions made from time to time by the Government of Malta through the Ministry having the responsibility for culture;

(b) any contributions made or any other moneys accruing to Heritage Malta from any other source whatsoever.

14. All disbursements or expenses incurred by the Board shall be a charge on the funds of Heritage Malta. Charge on funds.

15. (1) All moneys accruing to Heritage Malta from any source whatsoever shall be paid into an account opened with a local bank appointed by resolution of the Board, and shall, as far as practicable, be paid into that account from day to day. Bank account.

(2) The Board may authorise that an amount may be withdrawn and retained to meet petty disbursements and payments.

(3) Cheques against or withdrawals from the account of Heritage Malta shall be signed by the Financial Controller and the Chief Executive or any other member of the Board as may be authorised by it for that purpose.

16. (1) The Board shall keep proper accounting records and other information in respect of the operations of Heritage Malta, and shall cause to be prepared financial statements in respect of each year. The accounts shall be audited by an auditor to be appointed by Heritage Malta but the Minister shall have the right to require the accounts of Heritage Malta to be audited or examined by the Director of Audit who shall for this purpose have power to carry out such physical checking and other verifications as may be deemed necessary. Proper books of account.

(2) The financial year of Heritage Malta shall end on the 31st December of each year.

(3) As soon as may be after the end of each financial year, and in no case later than six months after the end of each financial year, the Financial Controller shall deliver the audited accounts of Heritage Malta, together with an annual report of the activities of Heritage Malta, to the Minister who shall as soon as may be lay the same on the Table of the House of Representatives.

Exemption from
tax and duty.
Cap. 123.
Act No. XVII of
1993.

17. Heritage Malta shall be exempt from the provisions of the Income Tax Act and of the Duty on Documents and Transfers Act, 1993.

Part III – Exportation and Acquisition

Exportation of
cultural property.

18. (1) It shall not be lawful for any person to export any cultural property, without the written permission of the Minister who shall act after consulting the Board.

(2) Any person who exports or attempts to export cultural property in contravention of subsection (1) hereof shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) equivalent to twice the value of the said property or Lm100 whichever is the higher, together with a sum equivalent to the export duty payable thereon. The said fine shall be recoverable by the Attorney General on behalf of the Government as a civil debt.

(3) The Court shall moreover order the forfeiture of the cultural property in favour of the Government and where such cultural property has been exported and cannot be recovered, the Government shall have a right of action against the person found guilty for the recovery of a sum equivalent to the value thereof. Such right of action shall be bound by the lapse of ten years from the judgement in the criminal procedure in which the person was found guilty.

(4) Without prejudice to the provisions of subsection (1) of this section, written permission for temporary exportation may be granted by the Minister subject to the requirement of returning such cultural property to Malta and subject to such other conditions including the provision of sufficient security, which the Minister may deem necessary, where:—

- (a) such property is exported by Heritage Malta;
- (b) such property is exported by any person for use in connection with public cultural activities; or
- (c) in such other circumstances as the Minister may deem proper.

(5) The Minister's permission is also required when such cultural property is being re-exported after it has been temporarily imported.

(6) Heritage Malta shall draw up and maintain a list of all cultural property for which permission for temporary exportation has been granted by the Minister. For such purpose the Minister shall provide all necessary information to Heritage Malta.

(7) The exportation of any such cultural property shall be subject to an export duty, as set forth in the First Schedule hereto, according to the value of the said property:

Provided that no export duty shall be payable for any cultural property which is temporarily exported in accordance with the provisions of subsection (4) of this section.

(8) The payment of such export duty may, with the consent of the Minister, take place by the transfer to the Minister of any cultural property to be agreed upon by the exporter and the Minister on the advice of the Board.

(9) The provisions of section 1355 of the Civil Code shall apply to the valuation referred to in this section. Cap. 16.

(10) The Minister shall have the right to acquire any cultural property as aforesaid, at such price as may be fixed in the manner laid down in this section.

(11) All expenses in connection with the valuation made for the purposes of subsection (10) hereof shall, in all cases, be at the charge of the Minister.

(12) The acquisition shall be effected within two months from the date of the valuation.

(13) Any person who acts in breach of the provisions of subsection (4) of this section or any condition imposed by the Minister in accordance with that subsection, shall be guilty of an offence and shall, on conviction, be liable to the same penalties provided in subsections (2) and (3) of this section.

19. (1) Notwithstanding the provisions of any other law, no duty or any tax shall be payable upon the temporary importation of any cultural property where:- Temporary importation of cultural property.

(a) such property is imported by Heritage Malta and is to be re-exported;

(b) such property is temporarily imported by any person for any use or purpose, including in connection with public cultural activities, and which is to be re-exported,

and permission in writing for its temporary importation has been obtained from the Minister subject to any condition which he may deem fit.

(2) Without prejudice to the provisions of subsection (1) of this section, no deposit or guarantee under paragraph (c) of subsection (2) of section 17 of the Import Duties Act shall be made on the temporary importation of any cultural property as is referred to in subsection (1) hereof.

Cap. 337.

Acquisition of cultural property.

20. (1) The Minister shall have power to acquire by agreement, whether by purchase, lease or otherwise, or to accept by way of donation, any cultural property.

(2) The Minister may make such arrangements as he may think fit as to the management or custody of any cultural property acquired or accepted by him under this section, and as to the use thereof.

(3) Except in cases of immediate urgency, the Minister shall not act under this section without prior consultation with the Board.

Minister's right of pre-emption for acquisition.

21. (1) In case of sale of any cultural property, the Minister shall have the right to acquire the same, in preference to all others, on equal conditions.

(2) Such right of preference shall be exercised within two months from the date on which notice of the proposed sale is given to the Minister by the vendor or the purchaser; or, if no such notice is given, from the date on which it shall come to the knowledge of the Minister that a sale is proposed or has been effected.

Valuation of cultural property.

22. (1) In any of the cases referred to in sections 18 and 21, if any question is raised by the owner or exporter as to the value or character of any of the cultural property referred to in those sections, the decision of such question shall be referred to one or more experts either appointed by agreement between the Minister and the owner or exporter, as the case may be or in default of such agreement by the Court of Appeal on the demand of the Minister, owner or exporter, as the case may be, on application.

(2) The expenses in connection with such reference shall in all cases be borne equally by the parties.

Part IV — Heritage Committee

23. (1) There shall be a committee to be known as the Heritage Committee hereinafter referred to as “the Committee” which shall be composed of a Chairman and three members nominated by Heritage Malta and three other members nominated by the Planning Authority.

Establishment of
Heritage
Committee.

(2) The Committee shall be appointed by the Minister and shall hold office until the expiration of one year from this appointment or until such time as the new committee is appointed, whichever is the later.

(3) Decisions of the Committee shall be taken by a majority of votes of the members present. The Chairman shall only exercise his vote in the case of an equality of votes.

(4) No decision of the Committee shall be taken unless a quorum consisting of four members is present.

(5) In the absence of the Chairman the members present at the Committee meeting shall appoint one of their number to act as Chairman:

Provided that such member shall not have a casting vote but shall retain his original vote.

(6) Subject to the provisions of subsection (4) of this section the Committee may act notwithstanding any vacancy amongst its members.

24. (1) The Committee shall have the duty:—

Duties of Heritage
Committee.

(a) to consider any application for any permission of any development of scheduled property in accordance with the provisions of the Development Planning Act, 1992, for the purpose of establishing whether such development is in compliance with the provisions of this Act and with any directives given or policies issued under the provisions of this Act;

(b) to identify immovable cultural property and to recommend to the Planning Authority the inclusion of the said property within the list of scheduled property;

(c) to tender such advice and make such recommendations to the Minister, Heritage Malta and the Planning Authority as it may from time to time consider necessary or expedient on any

matter connected with or related to cultural heritage in Malta and this either of its own motion or when so required to do by the Minister, Heritage Malta or the Planning Authority.

(2) The Planning Authority shall transmit to the Committee all applications in relation to scheduled property within seven days of receipt of such application and the Committee shall communicate its decision to the Planning Authority and to the applicant by not later than 21 days of receipt of such application from the Planning Authority.

(3) The Planning Authority shall not grant permission for the development of scheduled property unless the Committee notifies it that it has no objection to the approval of the relevant application. Before giving its decision, the Committee may recommend that an applicant will undertake to provide such further information as to enable it to be in a position to evaluate the proposed application. In such an event, the period established in subsection (2) of this section shall be suspended until the necessary information is in the possession of the Committee.

(4) In indicating that it has no objection to an application, the Committee may subject its decision to any condition that it considers necessary in the circumstances.

(5) If the Committee objects to an application or imposes conditions which the Planning Authority considers unreasonable, the Planning Authority may refer the matter back to the Committee for its reconsideration giving reasons for the reference back.

(6) The Committee shall reconsider the application in the light of the submissions made by the Planning Authority.

(7) Where the Committee objects to an application or imposes conditions thereto, after submissions in terms of subsection (6) of this section, the Planning Authority may if it still considers the objection or conditions imposed as being unreasonable, submit the matter to Cabinet stating its reasons and the objections by the Committee, as well as its interest to have the decision reversed.

(8) The decision of the Cabinet shall be final and conclusive and the Planning Authority shall act in accordance therewith.

(9) No appeal shall lie on the part of the applicant or the Planning Authority from the decision of the Cabinet where the matter has been referred to it as aforesaid or from the decision of the Committee.

Part V – Restriction of Works

25. (1) Notwithstanding the provisions contained in any other law, any demolition, alteration, extension, tipping operation, excavation

or any other work of whatever nature carried out on any property included in the list of cultural property is prohibited unless the prior written approval of the Committee has been obtained.

(2) Any obliteration, cancellation, destruction or interference of any nature with information or data related to any property included in the list of cultural property is prohibited unless the prior written approval of the Committee has been obtained.

(3) Before granting such approval, the Committee may require the applicant to furnish it with such information and documentation as it may consider necessary, and any approval granted under this section may be subject to such conditions and restrictions as the Committee may deem proper and expedient.

(4) Any written approval of the Committee shall be without prejudice to compliance with any requirements under any other law.

(5) Notwithstanding any provision contained in any other law or any permit issued thereunder, any person who in the course of a development discovers any property which may fall under the definition of cultural property, shall immediately give notice of such discovery to Heritage Malta.

(6) Where a person who is carrying out any development, discovers any property as referred to in subsection (5) hereof, he shall immediately refrain from continuing such development and, pending an inspection thereof by Heritage Malta, shall be bound to provide for the preservation of the object so discovered and keep the same intact and *in situ*. Such inspection shall be carried out without delay and in no case later than six days from the date when notice is given as aforesaid.

(7) Not later than ten working days from the date of such inspection, Heritage Malta shall communicate to the Committee the result of such inspection and the Committee shall inform such person whether it will act or not in accordance with the provisions of paragraph (b) of subsection (1) of section 24. If the Committee decides not to act in accordance with such provisions, the person may continue with the said development.

Part VI – Emergency Suspension Order

26. (1) If any cultural property which Heritage Malta believes could have such an importance or value sufficient to have it included in the list of cultural property, is at risk of being subjected to any demolition, alteration, extension, tipping operations, excavations, destruction, damage or any other work of whatever nature, Heritage Malta may make an emergency suspension order and may take such precautionary action as it may deem necessary for the immediate protection of such property.

Emergency
Suspension Order.

(2) Any emergency suspension order made by Heritage Malta shall have immediate effect and shall be notified without delay and in no case later than twenty-four hours, to any one of the known owners:

Provided that where for any reason the notification cannot be effected as provided for in this subsection, a notice delivered to any person who is responsible for any works being undertaken on or in such property, or to any employee of such person, or to any person in possession of or in occupation of such property, shall be sufficient for the purposes of this subsection.

(3) Any emergency suspension order made in accordance with subsection (2) of this section shall immediately be published in the Gazette.

(4) Any emergency suspension order shall be valued for a period of six months from its publication in the Gazette unless withdrawn by the Committee.

Penalties for
contravening
Emergency
Suspension Order.

27. (1) Any person acting in contravention of the provisions of Part V and Part VI of this Act or any condition issued thereunder shall be guilty of an offence and shall be liable on conviction to a fine (*multa*) of not less than Lm500 and not exceeding Lm50,000 or to imprisonment for a term of not less than three months and not exceeding two years, or to both such fine and imprisonment.

(2) The Court shall moreover order such person to pay compensation to Heritage Malta calculated on the basis of whichever is the highest of the following:

- (a) twice the value of the cultural property destroyed; or
- (b) the cost of restoration or repair of the cultural property.

(3) Such compensation shall be recoverable by Heritage Malta as a civil debt.

Part VII – Powers of Entry

Powers of entry.

28. (1) Any person duly authorised in writing by Heritage Malta may at any reasonable time enter any property for the purpose of inspecting any cultural property to ascertain:—

- (a) whether any works affecting such property are being carried out in contravention of the provisions of this Act;

(b) whether it has suffered or is likely to suffer any damage by any reason whatsoever;

(c) compliance with the conditions of any application for works affecting such property; or

(d) that works undertaken have been completed in accordance with any application for works affecting such property.

(2) Any person duly authorised in writing by Heritage Malta may at any reasonable time enter any property on or in which any works are being undertaken for the purpose of:—

(a) inspecting such property so as to record any matter of cultural heritage interest; and

(b) observing the execution of such works with a view to examine and record any matter of cultural heritage interest discovered during the course of such works.

(3) Any person authorised in writing by Heritage Malta may enter any property for the purpose of erecting or maintaining thereon such notice boards and marker posts as may be desirable to preserve the cultural property from any damage:

Provided that the consent of any known owner and occupier of the property shall also be required for such entry.

Part VIII – Preservation, Conservation and Protection

29. (1) Any person being the owner of any cultural property shall, at all times preserve, conserve and protect such property from any decay or injury.

Preservation,
conservation and
protection.

(2) The Minister shall, by order in writing, require such person to undertake such works or comply with any conditions indicated in such order, as may be required for the preservation, conservation and protection of any such cultural property, within a time stipulated in the order.

(3) The Minister may, where such order is not complied with within the time therein stipulated, order that the works indicated be executed at the expense of the owner and any expense so incurred by the Minister shall constitute a civil debt in favour of the Government:

Provided that in specific cases the Minister may, if he deems it so appropriate to do, undertake the necessary works, totally or partially, at the expense of the Government:

Provided further that the owner may, in lieu of complying with any such order, request the Minister to acquire the cultural property in accordance with the provisions of subsections (4) to (9) of this section.

(4) Subject to the provisions of subsection (5) of this section, the Minister may take the necessary steps for the compulsory acquisition of any such cultural property.

(5) Before proceeding in accordance with subsection (4) of this section, the Minister shall notify the owner in writing of his intention to proceed in accordance with the said paragraph.

(6) Any such owner may, within 28 days from the receipt of such notice, make written submissions to the Minister stating his reasons why such cultural property should not be compulsorily acquired.

(7) In determining whether he shall proceed with the compulsory acquisition, the Minister shall take into consideration any submissions made in accordance with subsection (4) of this section.

Cap. 88.

(8) The provisions of the Land Acquisition (Public Purposes) Ordinance (hereinafter referred to as "the Ordinance") shall apply to the acquisition of any immovable cultural property.

(9) In the case of movable cultural property, the Minister shall, in the notification referred to in subsection (5) of this section, indicate the value of such property as established by Heritage Malta. In case of disagreement, the value shall be established in the manner provided for in section 22 of this Act.

Part IX – Guardianship

Guardianship.

30. (1) Any person being an owner of cultural property may, by public deed entered into with the Minister, hereinafter in this Act referred to as "guardianship deed", constitute the Minister guardian of such property:

Provided that if such property is occupied under any title by, or is subject to any right in favour of third parties, the occupier thereof or the third party in question shall be notified of the intention to publish the deed and the terms of the deed, and may, if he so elects, become a party to such deed.

(2) Any person having any title to any cultural property or site from, through or under any person who is a party to a guardianship deed, shall be bound by the guardianship deed unless he is a person who in good faith acquired any such title by virtue of any disposition made by the person who is a party to the guardianship deed before the date of the deed from which such title is derived.

For the purposes of this subsection the phrase “person who is a party” includes any person from whom the former acquires title.

(3) Where the cultural property is used by any person as an ordinary residence, such person shall have the right, with the specific consent of the Minister, to elect to be appointed as caretaker of such property under such terms and conditions as the Minister may from time to time decide and such appointment is to be registered in the guardianship deed.

(4) The successors in title of a person appointed as a caretaker shall declare within four months from the date on which title vests in them whether they intend to exercise the option mentioned in subsection (3) of this section, subject to the specific consent of the Minister.

(5) All the provisions of the guardianship deed shall remain valid irrespective of the appointment or otherwise of a caretaker or should such appointment for any reason cease to be effective.

31. (1) The Minister shall have full control and management of any cultural property under his guardianship in accordance with the provisions of this Act and for such purpose he shall have the duty to maintain, superintend, preserve and conserve any such property.

Movement of cultural property under guardianship.

(2) The Minister shall have the power to do all such things as may be necessary to fulfil his duty under subsection (1) of this section.

(3) Without prejudice to the generality of the preceding provisions of this section and of the provisions contained in any guardianship deed, the Minister may:—

(a) make any investigation of cultural property which is under his guardianship;

(b) do any such thing as may be necessary for the superintendence or conservation of such property.

(4) The Minister, or any other person duly authorised by him to act on his behalf, may at any reasonable time enter the property under his guardianship for the purpose of performing any duty or exercising any power vested in the Minister under this section in relation to such property.

32. Subject to the following provisions of this section, where the Minister has become the guardian of any cultural property, he may by agreement with the person or persons constituting the original guardianship deed or their successors in title:—

Renunciation etc., of guardianship deed.

- (a) exclude any part of such property from the guardianship;
- or
- (b) renounce guardianship of the property:

Provided that the Minister is satisfied that adequate arrangements have been made for ensuring the superintendence and conservation of such property or any part thereof.

Minister may enter into guardianship deed with Local Council.

33. (1) Subject to subsection (2) hereof, the Minister may with the concurrence of the Minister responsible for local government, in respect of any cultural property which is either a property owned by Government or which is a property of which he has been constituted guardian, enter into a guardianship deed with any Local Council as provided in section 34 of this Act.

(2) Where the Minister has been constituted guardian of any such cultural property, he may not enter into any other guardianship deed under this section with respect to that property unless he is so empowered to enter into such other guardianship deed:—

- (a) by the provisions of the original guardianship deed; or
- (b) with the prior written consent of the parties constituting the original guardianship deed or their successors in title.

Applicability of sections 30, 31 and 32 to Local Councils.

34. The provisions of sections 30, 31 and 32 shall apply *mutatis mutandis* to any Local Council and the reference therein to the Minister shall be construed as a reference to such Local Council. In the cases referred to under these sections, the specific consent of the Minister and the Minister responsible for local government shall be required for any agreement under such provisions; in the case of property situated in Gozo, the consent of the Minister responsible for Gozo shall also be required.

Local Council may enter into guardianship deed with Minister.

35. (1) Subject to subsection (2) hereof, any Local Council may, in respect of any cultural property of which it has been constituted guardian, enter into a guardianship deed with the Minister or any other Local Council.

(2) The Local Council may not enter into any such guardianship deed under this section with respect to that cultural property unless it is so empowered to enter into such other guardianship deed:—

- (a) by the provisions of the original guardianship deed; or
- (b) by the prior written consent of the parties constituting the original guardianship deed or their successors in title.

Extent of cultural property.

36. For the purposes of this Part, “cultural property” shall include all chattels or attachments which form part of, or are contained within, the said property.

Part X – Investigation

Discovery of objects etc.

37. (1) Any person who even by chance, becomes aware of, or discovers any object which may fall under the definition of cultural

property or any information relating thereto, shall immediately give notice of such object to Heritage Malta.

(2) Any person who, even by chance, discovers or obtains any information relating to cultural heritage, shall immediately give notice thereof to Heritage Malta.

38. No investigation may be carried out except by or under the authority of Heritage Malta and in accordance with the provisions of any regulations prescribed by the Minister for such purpose. Power of investigation.

39. (1) A copy of the relative authorisation shall be served on any known owner and occupier of the property in or on which it is proposed to carry out the investigation, at least six days before the commencement of such investigation. Notice of investigation.

(2) The known owner and occupier of any property in or on which an investigation is carried out, shall be entitled to compensation for any loss of income and for any damages sustained.

(3) In default of agreement as to the amount of such compensation, the decision on the matter shall be referred to an expert or experts appointed by agreement between Heritage Malta and the owner or occupier, as the case may be, or in default of such agreement, by the Court of Appeal on the demand of Heritage Malta, the owner or occupier, as the case may be, on application.

(4) The expenses in connection with such reference shall in all cases be borne equally between the parties.

Part XI – Public Access

40. (1) Subject to the following provisions of this section, the public shall have access to any cultural property under the guardianship of the Minister or of any Local Council by virtue of this Act. Public access to cultural property.

(2) The Minister and any Local Council may nevertheless establish the times when the public may visit any cultural property under their guardianship or under their ownership when these are open to public access, as the case may be, by virtue of this Act and may also, if they consider it necessary or expedient to do so in the interests of safety or for the superintendence, maintenance or conservation of the said property, entirely exclude the public from access to any such property or to any part of it, for such period as they may deem fit:

Provided that the power of a Local Council under this subsection entirely to exclude the public from access to any cultural

property with a view to its conservation shall only be exercisable with the consent of the Minister.

(3) The Minister may make regulations and a Local Council may make bye-laws under the Local Councils Act, 1993 to make provisions as may be necessary for: —

(a) the conservation of any cultural property;

(b) prohibiting or regulating any thing which would tend to injure or disfigure any cultural property or to disturb the public in their enjoyment of it; and

(c) to prescribe charges for the admission of the public to any cultural property or for the use of any facility or service as may be provided in accordance with section 40 of this Act.

(4) Notwithstanding the provisions of subsection (1) of this section, any person authorised to that effect by the Minister or by any Local Council may refuse admission to any cultural property to any person who it is reasonably believed is likely to do anything which would tend to injure or disfigure such property or its amenities or to disturb the public in their enjoyment of it.

(5) Any person who contravenes or fails to comply with any provision of any such regulations or bye-laws, shall be guilty of an offence against this section and shall, on conviction, be liable to a fine (*ammenda*).

(6) Prior to the making of such bye-laws, a Local Council shall obtain the approval of the Minister.

(7) Where any cultural property is under the guardianship of the Minister or any Local Council, subsection (1) above shall be subject to any provision of the guardianship deed.

41. The Minister and any Local Council may provide such facilities and information or other services to the public for or in connection with public access to any cultural property, as may be necessary or desirable.

Provision of facilities in connection with access.

Part XII – Acceptance In Lieu

Acceptance in lieu.

42. (1) Where any person who is an owner of cultural property becomes liable to the payment of duty in respect of a transfer *causa mortis* of any immovable property in accordance with the Duty on

Documents and Transfers Act, 1993 (hereinafter known as the “taxpayer”), such taxpayer may settle the duty so due or any part thereof, by transferring any of the said cultural property to the Minister for a price which corresponds to seventy-five per cent of the agreed value of such cultural property (hereinafter referred to as “special price”).

(2) Any taxpayer who elects to avail himself of subsection (1) of this section, shall make an offer in writing to the Minister, offering to settle the duty accordingly. A copy of the letter shall be forwarded to the Commissioner of Inland Revenue. Such offer shall contain sufficiently detailed information and any photographs as may be required to identify the cultural property as well as a valuation thereof.

(3) Within one month from the date of the offer, the Minister shall, on the recommendation of Heritage Malta and in consultation with the Commissioner of Inland Revenue, indicate in writing his decision to consider or refuse the offer.

(4) If the Minister communicates his refusal to consider the offer, such taxpayer shall settle any outstanding duty in accordance with the provisions of the Duty on Documents and Transfers Act, 1993. The time limits provided for in the said Act for the settlement of duty shall be suspended for such time until the Minister communicates his refusal to consider the offer.

(5) Where the Minister decides to consider the offer he shall, within 30 days —

(a) communicate to the taxpayer his acceptance of the offer and the price for which he is prepared to settle;

(b) publish by notice in the Gazette his acceptance of such offer together with all relevant information, including the price.

Such price shall refer to a valuation of the cultural property as shall be drawn up by Heritage Malta.

(6) Where the taxpayer does not agree with the price offered by the Minister, he may within fifteen days of the notice elect to withdraw his offer.

(7) Where the taxpayer accepts the price offered by the Minister, the necessary public deed for the transfer of such cultural property to the Government shall be drawn up, within one month from the publication of the notice in the Gazette as is referred to in paragraph (b) of subsection (5) of this section, by the Notary to Government and entered into by the Minister and the taxpayer.

(8) The price of the transfer shall be the special price referred to in subsection (1) of this section.

(9) No duty shall be payable by the taxpayer on the transfer.

(10) The duty payable by the taxpayer shall immediately, as from the date of the public deed, be reduced by the special price and the provisions of subsection (3) of section 35 of the Duty on Documents and Transfers Act, 1993 shall apply in respect of any remaining outstanding duty payable.

(11) Any interest payable on such duty in terms of the said subsection (3) of section 35 shall run on the full amount due up to the date of the offer. Interest shall commence to run afresh on any outstanding balance due by the taxpayer as from the date of the contract referred to in subsection (10) of this section.

(12) Where the duty liability of the taxpayer is less than the special price, the remaining price shall be paid to such taxpayer at the time of publication of the deed.

(13) The Minister responsible for finance may by Order extend the provisions of this section to any tax liability under the provisions of any other law with such adaptations and modifications as may be necessary.

Part XIII – Offences and Penalties

Offences and penalties.

43. (1) Without prejudice to any other provision of this Act, any person who fails to comply with any of the provisions of this Act shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than Lm100 and not more than Lm1,000, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(2) Where the offence consists in the damage to or destruction of any cultural property, the court shall, on finding the accused guilty of the offence, in addition to any penalty under subsection (1) of this section, order him to reinstate the property in question at his own expense as far as possible in the state and condition in which it was before its damage or destruction, as the case may be. Such reinstatement shall be carried out under the supervision of Heritage Malta.

44. (1) Any Police officer or Customs officer may stop, search and examine, either before or after embarkation, any person leaving Malta, as well as the baggage and effects belonging to such person, or any packet, parcel, case or bag which he intends carrying with him or otherwise exporting, and may also examine the effects, merchandise and any other thing which any person intends to export from Malta, when there are reasonable grounds to suspect that on or about such person or in such baggage, effects, packets, parcels, cases, bags or merchandise there may be any object falling under the definition of cultural property. Power to search etc.

(2) The powers vested in the officers of Customs under the Customs Ordinance shall apply *mutatis mutandis* to the provisions of subsection (1) of this section. Cap. 37.

Part XIV – Regulations

45. The Minister may make regulations for carrying into effect the provisions of this Act and may, without prejudice to the generality of the foregoing, by such regulations, prescribe: Power to make regulations.

(a) such terms and conditions as he may deem necessary in granting any authority by virtue of this Act;

(b) for any matter connected with or ancillary to any of the functions of Heritage Malta;

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

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

(e) anything that may or is to be prescribed under this Act.

Part XV – Repeal

46. (1) With effect from the coming into force of this Act, the enactments shown under Column 1 of the Second Schedule to this Act shall be repealed or amended to the extent shown under Column 2 of the said Schedule. Revocation and saving.

(2) Notwithstanding the repeal of any such enactment any regulations issued thereunder shall continue in force and may be amended in the same manner as if such regulations were made under this Act.

FIRST SCHEDULE**(Section 18)**

Value of object	Export Duty
On the first Lm1000 or part thereof	10 per cent
On the second Lm1000 or part thereof	20 per cent
On the third Lm1000 or part thereof	30 per cent
On the fourth Lm1000 or part thereof	40 per cent
On any further value	50 per cent

SECOND SCHEDULE**(Section 46)**

Column 1 Enactment	Column 2 Extent of amendment or repeal
The National Museums and Monuments (Comprehensive Admission Tickets) Act, Cap. 298	Repeal of the whole Act
The Antiquities (Protection) Act, Cap. 54	Repeal of the whole Act
Environment Protection Act, 1991 (Act V of 1991)	The heading "Part Seven, The Historical Heritage" and sections 35 to 38 inclusive shall be deleted. The item "Act XI of 1925 for the Antiquities Act (Chapter 54)" contained in the Schedule thereto shall be deleted.

Objects and Reasons

The object of this Bill is to provide, in place of the Antiquities (Protection) Act, new legislation, based on European standards and international conventions to which Malta is a signatory, for the conservation, preservation, management and investigation of cultural heritage in Malta.

The Bill also provides for the setting up of Heritage Malta, an organisation which will assume such responsibilities as the Minister responsible for culture may from time to time delegate.