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MALTA**KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Grima, M.P., Ministru tat-Turismu u moqri għall-Ewwel darba fis-Seduta tat-8 ta' Ottubru, 1984.

A BILL introduced by the Honourable Joseph Grima, M.P., Minister of Tourism and read the First time at the Sitting of the 8th October, 1984.

ATT biex jipprovdi għat-twaqqif ta' Organizzazzjoni Nazzjonali tat-Turismu u għal hwejjeg li għandhom x'jaqsmu ma' dan jew konnessi miegħu.

AN ACT to provide for the setting up of a National Tourist Organisation and for matters connected therewith or ancillary thereto.

C. MIFSUD

Skriwan tal-Kamra tad-Deputati

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Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex jipprovdì għat-twaqqif ta' Organizzazzjoni Nazzjonali tat-Turismu u għal hwejjeġ li għandhom x'jaqsmu ma' dan jew konnessi miegħu.

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:—

Titolu fil-qosor
u bidu fis-sehħ.

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1984 dwar l-Organizzazzjoni Nazzjonali tat-Turismu.

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għat-turismu jista' jstabbilixxi b'avviż fil-Gazzetta u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

Tifsir.

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

“avviż bil-posta” tfisser l-impustar, bil-posta ordinarja, ta' kull avviż jew korrisondenza fl-aħħar indirizz magħruf ta' l-indirizzat;

“*chairman*” tfisser *ic-chairman* ta' l-Organizzazzjoni maħtur mill-Ministru taht l-artikolu 7 ta' dan l-Att;

“*chief executive*” tfisser *ic-chief executive* ta' l-Organizzazzjoni maħtur mill-Ministru taht l-artikolu 7 ta' dan l-Att;

“fond” tfisser il-fond ta' l-Organizzazzjoni;

“iżżur” tfisser persuna li iżzur Malta meta mhijiex residenti ta' Malta;

“Ministru” tfisser il-Ministru responsabbli għat-turismu u, sal-limitu ta' xi funzjonijiet delegati, tinkludi kull persuna li taġixxi taht l-awtorità tal-Ministru;

“Organizzazzjoni” tfisser l-Organizzazzjoni Nazzjonali tat-Turismu mwaqqfa bl-artikolu 3 ta’ dan l-Att;

“persuna” tinkludi għaqda jew korp ieħor ta’ persuni, sew jekk dik l-għaqda jew dak il-korp ikunu persuna ġuridika sew jekk le.

3. (1) Għandu jkun hemm organizzazzjoni li tkun magħrufa bħala l-Organizzazzjoni Nazzjonali tat-Turismu magħmula minn Bord Eżekuttiv u minn Bord Konsultattiv. Organizzazzjoni
Nazzjonali
tat-Turismu.

(2) L-Organizzazzjoni tkun taħt it-tmexxija tal-Ministru f’isem il-Gvern ta’ Malta.

4. Il-funzjonijiet ta’ l-Organizzazzjoni mwaqqfa bl-artikolu 3 ta’ dan l-Att huma li tiegħu dawk il-miżuri li jidhrilha meħtieġa jew opportuni għal kull wieħed mill-għanijiet li ġejjin: Funzjonijiet ta’
l-Organizzazzjoni.

(a) li jiżdied in-numru ta’ dawk li jżuru Malta minn barra u għal dan l-għan tirriklama, tippromovi u tagħti pubblicità lil Malta bħala post għal dawn iż-żgħajr;

(b) li tibni mill-ġdid id-dhul tat-traffiku tat-turisti fil-Gżejjer Maltin u wkoll li ttejjeb iż-żieda fil-qliegħ f’Malta u biex ikun hemm l-akbar qliegħ ta’ flus barranin;

(c) li tiġbed aktar traffiku barra mill-istaġun waqt ix-xhur tax-xitwa meta t-traffiku jkun baxx, kif ukoll biex tiġbed iktar xogħol ta’ konferenzi u konvenzjonijiet, u biex jinholqu nteressi speċjali u inċentivi għal vjaġġar ta’ gruppi;

(d) li tippromovi t-titjib kontinwu ta’ faċilitajiet u servizzi fl-industrja tat-turisti fil-Gżejjer Maltin;

(e) li tistimula t-talba għal oġġetti u servizzi tat-turisti, u, li tippromovi l-iżvilupp ta’ struttura ta’ faċilitajiet u prezzijiet li tkun kompetittiva ma’ postijiet oħra tat-turisti fil-Mediterran.

5. (1) Il-Bord Eżekuttiv ta’ l-Organizzazzjoni jkun magħmul minn *chairman, chief executive*, sekretarju u dawk il-membri li ma jkunux inqas minn sitta u mhux iżjed minn erbatax, kif il-Ministru jidhirlu xieraq, li jiġu maħtura mill-Ministru u jzommu l-kariga għal dak iż-żmien li ma jkunx iżjed minn sentejn u taħt dawk il-kondizzjonijiet kif jista’ jiġi stabbilit fl-ittra tal-ħatra rispettiva tagħhom: Bord
Eżekuttiv.

Iżda meta jagħlaq iż-żmien tal-ħatra tagħha persuna maħtura taħt dan l-artikolu tkun tista’ tinħatar mill-ġdid.

(2) Iċ-*chairman*, iċ-*chief executive* u l-membri tal-Bord Eżekuttiv maħtura taħt dan l-artikolu għandhom jirċievu dik ir-rimunerazzjoni li l-Ministru jista’, wara li jikkonsulta mal-Bord Eżekuttiv, jistabbilixxi minn żmien għal żmien.

(3) Dik ir-rimunerazzjoni tithallas mill-fond ta’ l-Organizzazzjoni.

6. (1) Il-funzjonijiet tal-Bord Eżekuttiv huma —

(a) li jagħti pariri lill-Ministru fuq l-iżvilupp tat-turismu f’Malta kif ukoll fuq it-titjib ta’ akkomodazzjoni tat-turisti u fil-lukandi, provvista ta’ ikel u trasport għat-turisti u amenitajiet u faċilitajiet oħra fil-Gżejjer Maltin li għandhom x’jaqsmu ma’ l-industrja tat-turismu; Funzjonijiet
tal-Bord
Eżekuttiv.

(b) li jiġbor, iħaddem u jamministra fondi li jkunu għad-dispożizzjoni ta’ l-Organizzazzjoni sabiex tkun tista’ taqdi l-funzjonijiet tagħha murija fl-artikolu 4;

(c) li jagħmel kull kuntratt, ftehim jew arrangament ma' kull persuna, korp, kumpannija jew korporazzjoni f'Malta li fil-fehma ta' dak il-Bord jista' jwassal għal mixi 'l quddiem ta' l-għanijiet ta' l-Organizzazzjoni jew ta' xi wieħed minnhom u skond id-direttivi tal-Ministru;

(d) dawk il-funzjonijiet l-oħra li jistgħu jinqalghu minn dan l-Att jew minn xi liġi oħra jew kif jista' jkun delegat lil mill-Ministru taht dan l-Att.

(2) Il-Bord Eżekuttiv jista' jaħtar lil kull wieħed mill-membri tiegħu għal xi għan speċifiku dwar il-funzjonijiet ta' l-Organizzazzjoni.

Chairman u
chief
executive.

7. (1) Iċ-chairman u iċ-chief executive ta' l-Organizzazzjoni jinħatru mill-Ministru minn fost persuni li fil-fehma tiegħu kellhom esperjenza u jkunu wrew hila kif jittrattaw problemi li għandhom x'jaqsmu mat-turismu:

Izda persuna ma tkunx tista' tinħatar jew isservi bħala *chairman* jew *chief executive* sakemm tkun membru jew kandidat tal-Kamra tad-Deputati.

(2) Il-membri tal-Bord Eżekuttiv għandhom fl-ewwel laqgħa tal-Bord jeleġġu deputat *chairman* minn fosthom li jkollu s-setgħat u li jaqdi l-funzjonijiet ta' *chairman* fin-nuqqas taċ-*chairman* jew sakemm jinħatar *chairman* ieħor wara r-riżenja, temm ta' hatra jew mewt taċ-*chairman*, u f'dan il-każ id-deputat *chairman* iżomm il-vot tiegħu izda ma jkollux vot deċiżiv.

(3) Jekk iċ-*chief executive* ikun temporanjament nieqes minn Malta jew xort'oħra ma jkunx jista' temporanjament jaqdi l-funzjonijiet tal-kariga tiegħu, il-Ministru għandu jsemmi persuna biex tagħmilha ta' *chief executive* matul dak iż-żmien ta' nuqqas jew inabbiltà.

Teżorier ta'
l-Organizzazzjoni.

8. Il-Bord Eżekuttiv għandu jaħtar teżorier ta' l-Organizzazzjoni izda t-teżorier ma jitqiesx li hu membru tal-Bord kemm-il darba ma jkunx magħżul minn fost il-membri tal-Bord.

Segretarju
tal-Bord
Eżekuttiv.

9. (1) Il-Ministru għandu jaħtar segretarju tal-Bord Eżekuttiv, izda s-segretarju ma jkollux vot lanqas ma jitqies li hu membru tal-Bord sabiex jiġi stabbilit *quorum*.

(2) Fin-nuqqas tas-segretarju l-Bord jista' jaħtar segretarju *ad interim* minn fost il-membri tiegħu stess, u l-membri hekk maħtur iżomm il-jedd tal-vot u jingħadd sabiex jiġi stabbilit *quorum*.

(3) Is-segretarju tal-Bord Eżekuttiv għandu jsejjaħ il-laqgħat tal-Bord Eżekuttiv kif ordnat miċ-*chairman*, għandu iżomm *record* tal-proċedimenti kollha tal-Bord Eżekuttiv u għandu jimxi fuq id-direttivi ta' dak il-Bord.

Laqgħat u
quorum
tal-Bord
Eżekuttiv.

10. (1) Il-Bord Eżekuttiv għandu jiltaqa' għall-anqas darba kull xahar, u l-laqgħat tal-Bord ikunu ppreseduti miċ-*chairman*.

(2) Iċ-*chairman*, iċ-*chief executive* u sitt membri jagħmlu *quorum* tal-Bord Eżekuttiv.

(3) Sakemm ikun hemm *quorum*, il-Bord jista' jaġixxi minkejja xi vakanza fost il-membri tiegħu.

(4) Bla ħsara għad-dispożizzjonijiet ta' l-artikolu 16 ta' dan l-Att, kwistjonijiet quddiem il-Bord Eżekuttiv ikunu deċiżi b'magħgoranza sempliċi tal-membri preżenti u li jivvotaw. Fil-każ ta' voti ndaqs iċ-*chairman* għandu jeżerċita vot deċiżiv.

11. Il-laqgħat tal-Bord Eżekuttiv ikunu avżati bil-posta lill-membri kollha ta' dak il-Bord, u dawk il-laqgħat m'għandhom f'ebda każ isiru qabel tliet ijiem minn dak l-avviż, iżda *ċ-chairman* jista' jsejjaħ laqgħa urgenti ta' dak il-Bord kull meta jidhirlu meħtieġ, u f'dak il-każ għandu jieħu dawk il-passi kollha li jidhirlu xierqa fiċ-ċirkostanzi biex javża b'dan lill-membri ta' dak il-Bord.

Avviż ta' laqgħat.

12. (1) Kull membru tal-Bord Eżekuttiv li b'xi mod, direttament jew indirettament, ikollu nteress f'xi kuntratt magħmul jew li jkun propost li jsir mill-Bord Eżekuttiv, jew ikun qed jiġi kunsidrat minn dak il-Bord jew li dwaru jkun qed jintalab il-parir tal-Bord Eżekuttiv, għandu, malajr kemm jista' jkun wara li jkun sar jaf biċ-ċirkostanzi rilevanti, jiddikjara x-xorta ta' l-interess tiegħu fl-ewwel laqgħa tal-Bord Eżekuttiv.

Dikjarazzjoni ta' nteress f'kuntratt.

(2) Kull dikjarazzjoni magħmula kif provdut fis-subartikolu (1) ta' dan l-artikolu għandha tiġi reġistrata fil-minuti tal-Bord Eżekuttiv.

(3) Il-membru li jagħmel dik id-dikjarazzjoni m'għandux jieħu sehem f'xi laqgħa tal-Bord Eżekuttiv fil-waqt li jkun qed jiddiskuti jew jiddeċiedi fuq dak il-kuntratt.

13. Hlief kif provdut f'dan l-Att, il-Bord Eżekuttiv jista' jagħmel ir-regoli tiegħu stess u xort'oħra jirregola l-proċeduri tiegħu.

Proċedura tal-Bord Eżekuttiv.

14. (1) Ir-rappreżentanza ġuridika ta' l-Organizzazzjoni tkun vestita fiċ-*chairman*:

Rappreżentanza ġuridika ta' l-Organizzazzjoni.

Iżda l-Bord Eżekuttiv jista' jsemmi membru ieħor jew membri oħra ta' dak il-Bord biex jidhru f'isem jew għal dik l-Organizzazzjoni f'kull proċedimenti ġudizzjarji u f'kull att, kuntratt, kitba jew dokument ieħor ikun li jkun.

(2) Kull dokument li jidher li jkun kitba magħmula jew maħruġa mill-Organizzazzjoni jkun aċċettat bħala prova, u għandu, sakemm ma jkunx ippruvat kuntrarju, jitqies li hu kitba magħmula jew maħruġa mill-Organizzazzjoni.

15. (1) Il-Bord Konsultattiv ta' l-Organizzazzjoni jkun magħmul minn *chairman*, li jkun iċ-*chairman* ta' l-Organizzazzjoni, u minn rappreżentant wieħed mill-Air Malta, wieħed mill-Gozo Channel Company, u rappreżentant minn kull settur li għandu x'jaqsam ma' l-industrja tat-turismu f'Malta magħduda s-settur tat-trasport, tal-lukandi, tal-*guest houses*, ta' l-aġenziji ta' l-ivvjaġġar, ta' l-akkomodazzjonijiet *self-catering* u ta' stabbilimenti li jipprovdu ikel, kif il-Ministru jista' f'kull żmien jidhirlu xieraq.

Bord Konsultattiv.

(2) Is-segretarju tal-Bord Eżekuttiv jagħmilha wkoll bħala segretarju tal-Bord Konsultattiv, bl-istess dmirijiet u funzjonijiet stabbiliti fl-artikolu 9 ta' dan l-Att.

(3) Tkun il-funzjoni tal-Bord Konsultattiv li jagħti pariri, jagħmel proposti u jagħti rapporti lill-Bord Eżekuttiv fuq kull kwistjoni jew haġa li jidhirlu meħtieġa jew spedjenti għall-promozzjoni, żvilupp u mixi l-quddiem tat-turismu f'Malta, jew li tintbagħat lilu mill-Bord Eżekuttiv jew kif ikun meħtieġ mill-Ministru.

(4) L-artikoli 9, 10, 11 u 13 għandhom *mutatis mutandis* japplikaw għall-Bord Konsultattiv.

16. (1) Il-fond ta' l-Organizzazzjoni jkun amministrat mill-Bord Eżekuttiv u jkun magħmul minn —

Il-fond ta' l-Organizzazzjoni.

(a) il-kontribuzzjonijiet mogħtija minn żmien għal żmien mill-Gvern ta' Malta permezz tal-Ministeru tat-Turismu;

(b) il-kontribuzzjonijiet miġbura mis-setturi u mill-persuni kollha li jkunu mdaħħlin fil-kummerċ tat-turismu f'Malta;

(c) il-kontribuzzjonijiet mogħtija minn żmien għal żmien mill-Air Malta u mill-Gozo Channel Company; u

(d) kull flejjes oħra li jingabru mill-Organizzazzjoni minn xi għajn oħra tkun li tkun.

(2) Il-Ministru jista' b'regolamenti jippreskrivi l-kontribuzzjonijiet li għandhom jithallsu taht dan l-artikolu.

(3) L-allokazzjoni u l-infiq ta' fondi ta' aktar minn hamest elef lira Maltija jkunu approvati b'hamsa u sebgħin fil-mija tal-voti tal-membri kollha li jivvotaw tal-Bord Eżekuttiv.

(4) Somma ta' mhux inqas minn għaxra fil-mija tal-budget totali għandha tkun allokata u minfuqa mill-Bord Eżekuttiv għall-iżvilupp pubbliku ta' prodotti għat-turisti f'Malta u Ghawdex.

Gbir ta' 17. Il-kontribuzzjonijiet għall-fond ta' l-Organizzazzjoni kif prov-
kontribuzzjonijiet. dut fl-artikolu 16 ta' dan l-Att, għandhom jingabru mill-Bord Eżekuttiv.

Hlasijiet
u għid
mill-fond.

18. (1) Il-flejjes kollha li jingabru mill-Organizzazzjoni minn kull għajn tkun li tkun għandhom jithallsu f'kont tal-fond miftuħ f'bank maħtur b'rizoluzzjoni tal-Bord Eżekuttiv, u għandhom, kemm jista' jkun, jithallsu f'dak il-bank minn jum għall-ieħor, hlief dik is-somma li l-Bord Eżekuttiv jista' jawtorizza li tinżamm għal spejjeż żgħar u hlasijiet ta' malajr.

(2) Il-hlasijiet kollha mill-fond hlief infieq żgħir li ma jkunx iżjed minn somma li tiġi stabbilita mill-Bord Eżekuttiv, għandhom isiru minn dak il-membru jew minn dawk il-membri li l-Bord Eżekuttiv jista' jaħtar jew isemmi għal dak il-għan.

(3) Ċekkijiet u għid mill-kont tal-fond ta' l-Organizzazzjoni għandhom ikunu ffirmati mit-teżorier u minn żewġ membri oħra tal-Bord Eżekuttiv li jistgħu jkunu awtorizzati minnu għal dan il-għan.

Fond għal
reklamar.

19. Il-Bord Eżekuttiv għandu jalloka fondi għal reklamar b'mezzi barranin; minn dawn, għall-anqas tliet mitt elf lira Maltija fis-sena għandhom jintużaw f'pajjiżi u lokalitajiet li huma regolarment moqdija b'servizzi ta' l-Air Malta, u s-servizzi tagħha għandhom jintwerew b'mod prominenti u linji ta' l-ajru oħra esklużivi.

Kontijiet ta'
l-Organizzazzjoni.

20. Il-Bord Eżekuttiv għandu jiehu hsieb li jinżammu kontijiet u records oħra xierqa dwar ix-xogħol ta' l-Organizzazzjoni, u għandu jieħu hsieb it-tnejn ta' prospett ta' kontijiet dwar kull sena. Dawk il-kontijiet għandhom ikunu verifikati minn uditur jew udituri li jkunu maħtura mill-Organizzazzjoni iżda l-Ministru jkollu jedd li jeħtieġ li l-kotba u l-kontijiet ta' l-Organizzazzjoni jkunu verifikati jew eżaminati mid-Direttur tal-Verifika li għal dan il-għan ikollu s-setgħa li jagħmel dak l-istħarrig fiżiku u verifiki oħra li jidhirlu meħtieġa.

Infieq ta'
l-Organizzazzjoni.

21. L-infiq kollu u l-ispejjeż kollha li jsiru mill-Bord Eżekuttiv ikunu għall-karigu tal-fond ta' l-Organizzazzjoni.

22. (1) Kull persuna li bi qliegħ għaliha jew bi qliegħ għal persuna oħra, tagħmel użu minn jew tikseb xi tagħrif li tkun saret taf bih waqt il-qadi tad-dmirijiet jew tal-funzjonijiet tagħha taħt xi waħda mid-dispożizzjonijiet ta' dan l-Att tkun hatja ta' reat u meta tinsab hatja tehel għal kull reat multa ta' elf lira Maltija jew prigunerija għal żmien ta' mhux inqas minn xahar iżda mhux iżjed minn tliet xhur, jew dik il-multa u prigunerija flimkien. Reati u pieni.

(2) Ebda haġa f'dan l-artikolu ma tolqot it-tħaddim tal-Kodiċi Kriminali jew ta' xi liġi oħra, dwar xi għemil li jikkostitwixxi reat taħt dawk il-liġijiet li għalih hemm piena oġħla minn dik stabbilita f'dan l-Att jew dwar xi reat li mhux provdut speċifikament għalih f'dan l-Att. Kap. 13

(3) Id-dispożizzjonijiet ta' l-Att ta' l-1957 dwar il-*Probation* ta' Ħatjin, u ta' l-artikolu 23A tal-Kodiċi Kriminali, ma japplikawx għal reati taħt dan l-Att. Att XII ta' l-1957

Għanijiet u Raġunijiet

Il-Għan ta' dan l-Abbozz huwa li jwaqqaf Organizzazzjoni Nazzjonali tat-Turismu li l-funzjonijiet ewlenija tagħha jkunu li jinġiebu iktar turisti minn barra b'reklamar, promozzjoni u pubbliċità ta' Malta bħala post turistiku, fl-istess hin jinbena mill-ġdid id-dhul tat-traffiku turistiku, jittejjbu l-facilitajiet u s-servizzi, jogħlew il-livelli u jinżammu prezzijiet kompetittivi tas-servizzi kollha li Malta toffri fl-industrja turistika.

A BILL
entitled

AN ACT to provide for the setting up of a National Tourist Organisation and for matters connected therewith or ancillary thereto.

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

Short title and commencement.

1. (1) This Act may be cited as the National Tourist Organisation Act, 1984.

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

Interpretation.

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

“chairman” means the chairman of the Organisation appointed by the Minister under section 7 of this Act;

“chief executive” means the chief executive of the Organisation appointed by the Minister under section 7 of this Act;

“fund” means the fund of the Organisation;

“Minister” means the Minister responsible for tourism and, to the extent of any functions delegated, includes any person acting under the authority of the Minister;

“notify by post” means the mailing, by ordinary post, of any notice or correspondence at the last known address of the addressee;

“Organisation” means the National Tourist Organisation established by section 3 of this Act;

“person” includes a body or other association of persons, whether such body or association is corporate or unincorporate;

"visitor" means a person visiting Malta and who is not a resident in Malta.

3. (1) There shall be an organisation to be known as the National Tourist Organisation made up of an Executive Board and an Advisory Board. National Tourist Organisation.

(2) The Organisation shall be under the direction of the Minister on behalf of the Government of Malta.

4. The functions of the Organisation established by section 3 of this Act are to adopt such measures as it shall deem necessary or opportune for any of the following purposes — Functions of the Organisation.

(a) to increase the number of visitors to Malta from overseas and for this purpose to advertise, promote and publicise Malta as a visitor destination;

(b) to restructure the inflow of tourist traffic to the Maltese Islands, as also to improve added value and maximise foreign exchange earnings;

(c) to attract more off season traffic during the low and shoulder winter months, as well as conference and convention business, and special interest and incentive group travel;

(d) to promote the constant upgrading of facilities and services in the tourist industry in the Maltese Islands;

(e) to stimulate the demand for tourist goods and services, and to promote the development of a competitive structure of facilities and prices in relation to other Mediterranean tourist resorts.

5. (1) The Executive Board of the Organisation shall consist of a chairman, a chief executive, a secretary and such members being not less than six and not more than fourteen in number, as the Minister deems appropriate, who shall be appointed by the Minister and shall hold office for such term not exceeding two years and under such conditions as may be set out in their respective letters of appointment: Executive Board.

Provided that on the expiration of the term for which a person is appointed under this section, he shall be eligible for re-appointment.

(2) The chairman, the chief executive and the members of the Executive Board appointed under this section shall receive such remuneration as the Minister may, after consulting the Executive Board, establish from time to time.

(3) Such remuneration shall be a charge on the fund of the Organisation.

6. (1) The functions of the Executive Board are — Functions of the Executive Board.

(a) to advise the Minister on the development of tourism in Malta as well as on the improvement of tourist and hotel accommodation, catering, transportation and other amenities and facilities within the Maltese Islands related to the tourist industry;

(b) to collect, manage and administer funds available to the Organisation in order to carry out its functions as set out in section 4;

(c) to enter into any contract, agreement or arrangement with any person, body, company or corporation in Malta that may appear to that Board to be conducive to the furtherance of the Organisation's objects or any one of them and in accordance with the directions of the Minister;

(d) such other functions as arise from this Act or any other law or as may be delegated to it by the Minister under this Act.

(2) The Executive Board may appoint any of its members for any specific purpose in connection with the functions of the Organisation.

Chairman and chief executive.

7. (1) The chairman and the chief executive of the Organisation shall be appointed by the Minister from among persons who have had experience of and have shown ability in dealing with the problems associated with tourism:

Provided that a person shall be disqualified from being appointed or serving as chairman or chief executive so long as he is a member of or a candidate for the House of Representatives.

(2) The members of the Executive Board shall at the first sitting of the Board elect from among themselves a deputy chairman who shall have the powers and perform the functions of the chairman during the chairman's absence or until a new chairman is appointed following the resignation, termination of appointment, or death of the chairman, and in such event the deputy chairman shall retain his vote but shall not have a casting vote.

(3) If the chief executive is temporarily absent from Malta or is otherwise temporarily unable to perform the functions of his office, the Minister shall designate a person to act as chief executive during such period of absence or inability.

Treasurer of the Organisation.

8. The Executive Board shall appoint a treasurer of the Organisation, but the treasurer shall not be deemed to be a member of the Board unless he is selected from among the members of the Board.

Secretary of the Executive Board.

9. (1) The Minister shall appoint a secretary to the Executive Board, but the secretary shall not have a vote nor shall he be deemed to be a member of the Board for the purpose of establishing a quorum.

(2) In the absence of the secretary the Board may appoint a secretary *ad interim* from among its own members, and the member so appointed shall retain the right to vote and his presence shall be taken into account for the purpose of establishing a quorum.

(3) The secretary of the Executive Board shall convene the meetings of the Executive Board as directed by the chairman, shall keep a record of all Executive Board proceedings and shall follow the directives of that Board.

Meetings and quorum of the Executive Board.

10. (1) The Executive Board shall meet at least once every month, and the meetings of the Board shall be presided by the chairman.

(2) The chairman, the chief executive and six members shall form a quorum of the Executive Board.

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

(4) Saving the provisions of section 16 of this Act, matters before the Executive Board shall be settled by simple majority of the members present and voting. The chairman shall, in the case of an equality of votes, exercise a casting vote.

Notification of meetings.

11. Meetings of the Executive Board shall be notified by post to all the members of that Board, and such meetings shall in no case be held prior to three days from such notification, but the chairman may

convene an urgent sitting of that 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 that Board accordingly.

12. (1) Any member of the Executive Board who is in any way, directly or indirectly, interested in any contract made or proposed to be made by the Executive Board, or under consideration of that Board or in respect of which the advice of the Executive Board is sought, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at the first meeting of the Executive Board.

Disclosure of interest in contract.

(2) Any disclosure made as provided in subsection (1) of this section shall be recorded in the minutes of the Executive Board.

(3) The member making such disclosure shall not take part in any Executive Board meeting while it is deliberating or deciding on that contract.

13. Save as provided in this Act, the Executive Board may make its own rules and otherwise regulate its own procedure.

Procedure of the Executive Board.

14. (1) The legal representation of the Organisation shall vest in the chairman:

Legal representation of the Organisation.

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

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

15. (1) The Advisory Board of the Organisation shall consist of a chairman, who shall be the chairman of the Organisation, and one representative from Air Malta, one from Gozo Channel Company, and one from each of the sectors connected with the tourist industry in Malta including the transport, hotels, guest houses, travel agencies, self-catering accommodation and catering establishments, as the Minister may at any time deem appropriate.

Advisory Board.

(2) The secretary of the Executive Board shall also act as secretary of the Advisory Board, with the same duties and functions laid down in section 9 of this Act.

(3) It shall be the function of the Advisory Board to advise, make proposals to and report to the Executive Board on any question or matter which it considers necessary or expedient for the promotion, development and advancement of tourism in Malta, or which is referred to it by the Executive Board or as may be required by the Minister.

(4) Sections 9, 10, 11 and 13 shall *mutatis mutandis* apply to the Advisory Board.

16. (1) The fund of the Organisation shall be administered by the Executive Board and shall be made up of —

The fund of the Organisation.

(a) the contributions made from time to time by the Government of Malta through the Ministry of Tourism;

(b) the contributions raised from all sectors and persons involved in the tourist trade in Malta;

(c) the contributions made from time to time by Air Malta and the Gozo Channel Company; and

(d) any other monies accruing to the Organisation from any other source whatsoever.

(2) The Minister may by regulations prescribe the contributions payable under this section.

(3) The allocation and expenditure of funds exceeding five thousand Maltese liri shall be approved by seventy-five per cent of all the voting members of the Executive Board.

(4) A sum of not less than ten per cent of the total budget shall be allocated and spent by the Executive Board for public tourist product development in Malta and Gozo.

Collection of contributions.

17. The contributions towards the fund of the Organisation as provided for in section 16 of this Act, shall be collected by the Executive Board.

Payments and withdrawals from fund.

18. (1) All monies accruing to the Organisation from any source whatsoever shall be paid into the fund account opened with a bank appointed by resolution of the Executive Board, and shall, as far as practicable, be paid into that bank from day to day, except such sum as the Executive Board may authorise to be retained to meet petty disbursements and immediate payments.

(2) All payments from the fund except petty disbursements not exceeding a sum to be fixed by the Executive Board, shall be made by such member or members as the Executive Board shall appoint or designate for that purpose.

(3) Cheques against or withdrawals from the fund account of the Organisation shall be signed by the treasurer and any two other members of the Executive Board as may be authorised by it for that purpose.

Fund for advertising.

19. The Executive Board shall allocate funds for advertising in the media overseas; of these, at least three hundred thousand Maltese liri annually shall be used in countries and localities which are regularly served by Air Malta, and its services shall be prominently featured and other airlines excluded.

Accounts of the Organisation.

20. The Executive Board shall cause to be kept proper accounts and other records in respect of the operations of the Organisation, and shall cause to be prepared a statement of accounts in respect of each year. Such accounts shall be audited by an auditor or auditors to be appointed by the Organisation but the Minister shall have the right to require the books and accounts of the Organisation 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 he may deem necessary.

Disbursements of Organisation.

21. All disbursements or expenses incurred by the Executive Board shall be a charge on the fund of the Organisation.

22. (1) Any person who for his own gain or for the gain of another person, makes use of or discloses any information which has come to his knowledge in the performance of his duties or functions under any of the provisions of this Act shall be guilty of an offence and shall on conviction be liable, for each offence, to a fine (*multa*) of one thousand Maltese liri or to imprisonment for a term of not less than one month but not exceeding three months, or to both such fine and imprisonment.

Offences and penalties.

(2) Nothing in this section shall affect the operation of the Criminal Code or of any other law, in respect of any act constituting an offence under such laws liable to a punishment higher than that laid down in this Act or in respect of any offence not specifically provided for in this Act.

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(3) The provisions of the Probation of Offenders Act, 1957, and of section 23A of the Criminal Code, shall not apply to offences under this Act.

Act XII of 1957

Objects and Reasons

The Object of this Bill is to establish a National Tourist Organisation whose main functions will be to attract an increased tourism from overseas through advertising, promotion and publicity of Malta as a tourist destination, at the same time restructuring the inflow of tourist traffic, upgrading facilities and services, raising standards and maintaining competitive price structures of all services offered by Malta's tourist industry.