

MALTA

ATT Nru. IV ta' l-1990

ACT No. IV of 1990

ATT maħruġ b'liġi mill-Parlament ta' Malta.

AN ACT enacted by the Parliament of Malta.

ATT biex jirregola l-Arkivji Nazzjonali.

AN ACT to regulate the National Archives.

Naghti l-kunsens tieghi.

(L.S.)

ĊENSU TABONE
President

30 ta' Jannar, 1990

ATT Nru. IV ta' l-1990

ATT biex jirregola l-Arkivji Nazzjonali

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

1. Dan l-Att għandu jissejjaħ l-Att ta' l-1990 dwar l-Arkivji Nazzjonali, u għandu jidhol fis-seħħ f'dik id-data li l-Ministru responsabbli għall-Edukazzjoni jista' b'avviż fil-Gazzetta jistabilixxi.

Titolu u bidu
fis-seħħ.

2. Ikun id-dmir tal-Ministru responsabbli għall-Edukazzjoni illi jassigura li jinżammu konservati sewwa u raġjonevolment aċċessibbli għall-pubbliku għall-iskop ta' studju, id-dokumenti kollha ta' natura pubblika, li ma jkunux għadhom fl-użu għall-iskop ta' l-amministrazzjoni.

Dmirijiet
tal-Ministru.

3. Il-Ministru responsabbli għall-Edukazzjoni għandu jistabilixxi post jew postijiet biex iservu bhala Arkivju Nazzjonali fejn id-dokumenti u l-oġġetti kollha msemmin fl-artikoli 4 u 5 ta' dan l-Att jigu konservati u fejn il-pubbliku jista' jaċċedi għalihom. Il-Bibljotekarju mahtur skond l-Ordinanza tal-Libreriji Pubbliċi għandu jkun ex-ufficio Kuratur ta' l-Arkivji Nazzjonali. Il-Ministru responsabbli għall-Edukazzjoni jista' jahtar Kumitat Konsultattiv biex jagħtih parir rigward l-aħjar tmexxija ta' l-Arkivju Nazzjonali.

Arkivju
Nazzjonali.

Kap. 92.

4. (1) Id-dokumenti ta' natura pubblika li għandhom jinżammu fl-Arkivju Nazzjonali a tenur ta' l-artikolu 2 ta' dan l-Att jinkludu:

Dokumenti
li għandhom
jigu arkivjati.

(a) it-test awtentiku tal-Kostituzzjonijiet kollha li għal xi żmien kienu fis-seħħ f'dawn il-Gżejjer;

(b) id-dokumenti kollha relattivi għad-dibattiti, minuti, karti mqieghda fuq il-mejda, dikjarazzjonijiet u rapporti tal-

Kunsilli tal-Gvern, l-Assemblea Legislattiva, s-Senat, il-Kunsill Eżekuttiv, il-Kamra tad-Deputati, il-Kummissjonijiet Irjali, Kumitati Magħżula, kif ukoll ta' l-Assemblea Nazzjonali, u tal-korpi l-oħra kollha li b'xi mod skond il-liġi kellhom x'jaqsmu mal-gvern ta' dawn il-Gżejjer;

(ċ) it-test awtentiku tal-liġijiet, proklami, ordinanzi jew strumenti oħra leġislattivi;

(d) it-test awtentiku ta' trattati, konvenzjonijiet, u kull xorta ta' ftehim pubbliku kuntrattat mill-Gvern ta' Malta ma' Gvernijiet barranin; jew ma' Istituzzjonijiet jew Korpi Internazzjonali;

(e) id-dokumenti amministrattivi u dipartimentali tal-Gvern ta' Malta, inklużi d-dokumenti kollha tal-Ministeri, Kummissjonijiet, Awtoritajiet jew Bordijiet tal-Gvern, wara tletin sena mill-eghluq tagħhom;

(f) id-dokumenti ta' l-Università ta' l-Istudji, kif ukoll tal-Korporazzjonijiet u Enti Pubbliċi oħra;

(g) kull publikazzjoni uffiċjali tal-Gvern, ta' l-Università ta' l-Istudji, u ta' l-Awtoritajiet, Korporazzjonijiet u Enti Pubbliċi oħra;

(h) mapep, disinj, fotografiji, negattivi ta' fotografiji u lastri tagħhom, pellikoli ċinematografiċi, reġistrazzjonijiet kemm tal-hoss kif ukoll ta' l-immaġini, ta' kwalunkwe tip, jew materjal iehor u kull tip ta' dokumentazzjoni miżmum mill-Gvern;

(i) dak kollu li b'xi mod jew iehor jiġi akkwistat minn barra l-amministrazzjoni u li jkun ta' l-istess tip bħal dak li hu elenkat fuq.

(2) Id-dokumenti msemmija fis-subartikolu (1) ta' dan l-artikolu barra minn dawk elenkati fil-paragrafi (a), (ċ), (d) u (g) għandhom jiġu miżmuma skond dan l-Att, meta l-istess ma jkunux għadhom fl-użu għall-iskop ta' l-amministrazzjoni, u minkejja kull żmien msemmi fis-subartikolu (1) ta' dan l-artikolu, dokument m'għandux jinżamm skond dan l-Att jekk ikun għadu fl-użu għall-iskop ta' l-amministrazzjoni kif jista' jiġi ċertifikat mill-awtorità li tkun fil-pussess ta' dak id-dokument.

Arkivji
eżistenti.

5. Dawk l-arkivji eżistenti li huma rregolati b'xi liġi partikolari għandhom jibqgħu jiġu konservati u regolati kif maħsub skond il-liġijiet fis-sehh.

Iżda il-Ministru responsabbli għall-Edukazzjoni jista' bi ftehim mal-Ministru li jkun responsabbli għal arkivju partikolari, jordna t-trasferiment ta' xi dokumenti miżmuma f'xi arkivji bħal dawk lill-Arkivju Nazzjonali meta dawn ma jkunux aktar utili għas-servizz lill-pubbliku apparti mill-istudju, u dana taht dawk il-kundizzjonijiet li jistgħu jsiru mill-Ministru responsabbli għall-Edukazzjoni bi ftehim mal-Ministru responsabbli għall-arkivju fejn qabel ikun kustodit id-dokument; u meta xi dokument bħal dak jiġi trasferit lill-Arkivju

Nazzjonali dana ghandu ghal kull fini tal-ligi li kienet tirregola iż-żamma ta' dak id-dokument fl-arkivju eżistenti, jitqies li għadu miżmum sewwa skond dik il-ligi u kull responsabbiltà relattiva għal dak id-dokument inkluż il-hruġ ta' kopji jew estratti tiegħu, kif ukoll l-awtentikazzjoni ta' l-istess, għandha mat-trasferiment tad-dokument tghaddi lill-Kuratur ta' l-Arkivji Nazzjonali.

6. L-ebda dokument jew oġġett miżmum għall-konservazzjoni fl-Arkivju Nazzjonali ma jista' mingħajr il-permess bil-miktub tal-Ministru responsabbli għall-Edukazzjoni jiġi fiżikament mahruġ mill-edifiċċju stabbilit għal dan l-iskop mill-istess Ministru. Kopja ta' kull permess mogħti mill-Ministru għandha tiġi ppriservata fl-Arkivji Nazzjonali, esposta għall-pubbliku u kopja oħra għandha tinżamm fl-uffiċċju tal-Ministru:

Dokumenti ma jistgħux jinħarġu mill-Arkivju Nazzjonali.

Iżda fejn xi dokument jiġi trasferit fl-Arkivju Nazzjonali skond id-dispożizzjonijiet ta' l-Artikolu 5 ta' dan l-Att, u skond xi ligi dak id-dokument jinhtieg li jiġi eżebit fil-Qorti, jew b'xi mod ieħor użat fl-original, il-Kuratur ta' l-Arkivju Nazzjonali għandu jesebixxi jew juża l-original wara li jkun għamel kopja tiegħu għal preżervazzjoni fl-arkivju.

7. Il-Kuratur ta' l-Arkivji Nazzjonali għandu jippreserva u fejn hemm meħtieġ jirrestawra, jikkataloga u jagħmel l-indiċi tad-dokumenti u l-oġġetti kollha fdati lilu fl-Arkivju Nazzjonali kif ukoll, jistabilixxi il-mod kif il-pubbliku jista' jistudja direttament dawk id-dokumenti u l-oġġetti, u jieħu kopji jew riproduzzjonijiet tagħhom.

Obbligi tal-Kuratur.

8. Il-Ministru responsabbli għall-Edukazzjoni jista' jirriżerva l-aċċess tal-pubbliku għal dokumenti w oġġetti meta jkun jidhirlu:

Riżerva ta' aċċess għad-dokumenti.

(a) li fihom materjal li ġie f'idejn xi awtorità pubblika taħt l-obbligu tas-segretezza jew tal-kunfidenzjalità; jew

(b) li l-kontenut tagħhom huwa oxxen jew pornografiku; jew

(ċ) li s-sigurtà ta' l-Istat, jew l-inkolumità personali ta' xi individwu hekk jitolbu.

9. Bla ħsara għad-dispożizzjonijiet ta' l-artikolu 6 ta' dan l-Att, kull kopja ta' dokument li tiġi rilaxxjata bhala kopja vera bis-sigill ta' l-Arkivji Nazzjonali u ffirmata mill-Kuratur ta' l-Arkivji Nazzjonali għandha għall-finijiet ta' kull ligi tiġi meqjusa bhala kopja awtentika, u tingħadd, għal skop ta' prova, bhala ekwivalenti għall-original.

Kopji Awtentici.

10. Il-Ministru responsabbli għall-Edukazzjoni jista' minn żmien għal ieħor jagħmel regolamenti b'mod generali sabiex jitmexxew u jitqegħdu fis-seħħ id-dispożizzjonijiet ta' dan l-Att u jista' b'mod speċjali b'dawk ir-regolamenti jippreskrivi:

Setgħa biex isiru regolamenti.

(a) il-mod ta' l-aċċess tal-pubbliku għad-dokumenti u oġġetti fl-Arkivju Nazzjonali;

(b) il-mod kif jittiehdu l-kopji u riproduzzjonijiet ohra ta' dokumenti u ta' l-oġġetti fl-Arkivju Nazzjonali; u

(ċ) id-dritt li ghandu jithallas ghal kull servizz li jista' jinghata fl-Arkivju Nazzjonali.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 336 tat-23 ta' Jannar, 1990.

LAWRENCE GONZI
Speaker

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

CENSU TABONE
President

30th January, 1990

ACT No. IV of 1990

AN ACT to regulate the National Archives.

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 National Archives Act, 1990, and shall come into force on such date as the Minister responsible for Education may by notice in the Gazette establish. Short title and coming into force.
2. It shall be the duty of the Minister responsible for Education to ensure that all documents of a public nature which are no longer in use for the purpose of administration, shall be properly preserved and reasonably accessible to the public for the purpose of study. Duties of the Minister.
3. The Minister responsible for Education shall determine the place or places which are to serve as National Archives where all documents and objects mentioned in sections 4 and 5 of this Act shall be preserved, and where the public shall have access thereto. The Librarian appointed under the Public Libraries Ordinance shall be *ex officio* Curator of the National Archives. The Minister responsible for education may appoint an Advisory Committee to advise him on the best methods of running the National Archives. National Archives.
Cap. 92.
4. (1) Documents of a public nature which are, in accordance with section 2 of this Act, to be preserved in the National Archives include: Documents to be deposited in the Archives.
 - (a) The authentic text of all the Constitutions that at anytime were in force in these Islands;

(b) All documents relative to the debates, minutes, papers laid, declarations and reports of the Councils of Government, the Legislative Assembly, the Senate, the Executive Council, the House of Representatives, Royal Commissions, Select Committees as well as the National Assembly and all other bodies which in any manner according to law were involved in the government of these Islands;

(c) the authentic text of laws, proclamations, Ordinances, or other legislative instruments;

(d) the authentic text of treaties, conventions and any other public agreement entered by the Government of Malta with foreign Governments or with international institutions or bodies;

(e) administrative and departmental documents of the Government of Malta, including all documents of Ministries, Government Commissions, Authorities or Boards, after the lapse of thirty years from their being put away;

(f) the documents of the University, as well as of other Public Corporations or Bodies;

(g) all official publications, of the Government, the University, and of other Public Authorities, Corporations or Bodies;

(h) maps, designs, photographs, negatives of photographs and plates thereof, cinematographic films, registration of whatever type or material whether audio as well as visual, as well as all types of documentation kept by Government;

(i) whatsoever is acquired from outside the administration, being of the same nature as that listed above.

(2) The documents referred to in subsection (1) of this section, other than those listed in paragraphs (a), (c), (d) and (g) thereof, shall be kept in accordance with this Act, when the same are no longer in use for the purpose of administration, and notwithstanding any period of time mentioned in subsection (1) of this section, a document shall not be kept in accordance with this Act, if it is still in use for the purpose of administration as may be certified by the authority in possession of that document.

Existing
Archives.

5. Existing Archives which are regulated by a particular law, shall continue to be kept and regulated in accordance with existing legislations:

Provided that the Minister responsible for Education may in concurrence with the Minister responsible for a particular archive, order the transfer of documents kept in such archives to the National Archives, when the same are no longer of use to the public except for their study, and this under such conditions that may be imposed by the Minister responsible for Education in concurrence with the Minister re-

responsible for the Archives wherein the document was previously kept; and where any such document is transferred to the National Archives, for the purpose of any law regulating the deposit of that document in the existing archives, such document shall be deemed to be properly deposited in accordance with such law, and all responsibility relative to such document, including the issue of copies and extracts therefrom, as well as the authentication thereof, shall upon the transfer of such documents vest in the Curator of the National Archives.

6. No document or object preserved in the National Archives may without the written permission of the Minister responsible for Education be physically taken out from the premises appointed for the purpose by the Minister. A copy of every permission granted by the Minister shall be preserved in the National Archives, and publicly shown and another copy shall be kept at the office of the Minister:

Documents may not be taken out of the National Archives.

Provided that where a document is transferred to the National Archives in accordance with the provisions of section 5 of this Act, and in accordance with any law, such document is to be exhibited in Court, or otherwise used in the original, the Curator of the National Archives shall exhibit or otherwise use the original after making a copy thereof for preservation in the archives.

7. The Curator of the National Archives shall preserve, and where necessary restore, catalogue and index all the documents and objects entrusted to him in the National Archives, as well as establish the manner in which the public may directly study those documents and objects, and take copies and reproductions thereof.

Duties of the Curator.

8. The Minister responsible for Education may limit access by the Public to documents and objects where in his discretion:—

Limitation of access to documents.

(a) they contain information which has been obtained by a public authority under an obligation of secrecy or confidentiality; or

(b) their content is obscene or pornographic; or

(c) the security of the State or the personal safety of any individual so require.

9. Without prejudice to the provisions of section 6 of this Act, every copy of a document, issued as a true copy duly sealed with the seal of the National Archives and signed by the Curator of the National Archives, shall for the purposes of any law, be deemed an authentic copy and for the purpose of evidence be deemed equivalent to the original.

Authentic Copies.

10. The Minister responsible for Education may from time to time make regulations in general for the better putting into effect the provisions of this Act, and may in particular by such regulations prescribe:

Power to make regulations.

(a) the manner in which the public may have access to the documents and objects in the National Archives;

(b) the manner in which copies and other reproductions of documents and objects in the National Archives, may be made; and

(c) the fees that are to be paid for any service that may be given in the National Archives.

Passed by the House of Representatives at Sitting No. 336 of the 23rd January, 1990.

LAWRENCE GONZI
Speaker

P. MUSCAT TERRIBILE
Clerk to the House of Representatives