

MALTA

ATT Nru. XXI ta' l-1984

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

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

ACT No. XXI of 1984

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

5 ta' Diċembru, 1984

ATT Nru. XXI ta' l-1984

ATT biex jipprovdi 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-sehh.

1. (1) Dan l-Att jista' jissejjaħ 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' jistabbilixxi 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 tehtiegħ xort'ohra —

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

“*chairman*” tfisser iċ-*chairman* ta' l-Organizzazzjoni maħtur mill-Ministru taħt l-artikolu 8 ta' dan l-Att;

“*chief executive*” tfisser iċ-*chief executive* ta' l-Organizzazzjoni maħtur mill-Ministru taħt l-artikolu 8 ta' dan l-Att;

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

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

“Kunsill għall-Hidma fit-Turismu” tfisser il-Kunsill b'dak l-isem u li jirrappreżenta l-Assoċjazzjoni tal-Lukandi u Ristoranti, l-Assoċjazzjoni ta' Akkomodazzjoni *Self-Catering*, il-Federazzjoni tal-

Lukandi, Pensjonijiet u Stabbilimenti li Jipprovdu Ikel, l-Assoċjazzjoni *Rent-A-Car*, l-Assoċjazzjoni ta' l-Aġenziji ta' l-Ivvjaġġar u assoċjazzjonijiet oħra minn żmien għal żmien;

“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 taht 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 oppurtuni għal kull wieħed mill-għanijiet li ġejjin:

Funzjonijiet ta'
l-Organizzazzjoni.

(a) li jidded in-numru ta' dawk li jżuru Malta minn barra u għal dan l-għan tirriklama, tippromovi u tagħti pubbliċità 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;

(ċ) 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 ncentivi għal vjaġġar ta' gruppi;

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

(e) li tistimula t-talba u ttiprovdi oġġetti u servizzi għat-turisti, u, li tippromovi l-iżvilupp ta' struttura ta' faċilitajiet u prezzijiet li tkun kompetitiva ma' postijiet oħra tat-turisti.

5. (1) L-Organizzazzjoni tkun korp magħqud b'personalità ġuridika distinta u tkun tista', bla ħsara għad-dispożizzjonijiet ta' dan l-Att, tagħmel kuntratti, takkwista, iżżomm u tneħhi kull xorta ta' proprjetà għall-għanijiet tal-funzjonijiet tagħha, tħarrek, tiġi mħarrka, u tagħmel kull haġa u tidhol f'kull negozju li jkunu incidentali jew iwasslu għall-eżerċizzju jew għall-qadi tal-funzjonijiet tagħha taht dan l-Att, magħdud li tislef jew tissettef flus.

Personalità u
rappreżentanza
ġuridika ta'
l-Organizzazzjoni

(2) Ir-rappreżentanza ġuridika ta' l-Organizzazzjoni tkun vestita fiċ-chairman:

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.

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

Bord
Eżekuttiv.

6. (1) Il-Bord Eżekuttiv ta' l-Organizzazzjoni jkun magħmul minn *chairman*, *chief executive*, segretarju, teżorier u dawk il-membri li ma jkunux inqas minn sitta u mhux iżjed minn erbatax, kif il-Ministru jidhirlu xieraq, li jinhatru mill-Ministru. Iċ-*chairman* u dawk il-membri jżommu l-kariga għal żmien li ma jkunx iktar minn sentejn u taht dawk il-kondizzjonijiet kif jista' jiġi stabbilit fl-ittra tal-hatra rispettiva tagħhom, u jistgħu jinhatru mill-gdid meta jgħaddi ż-żmien li għalih ikunu mahtura taht dan l-artikolu.

(2) L-ewwel Bord Eżekuttiv ikun magħmul miċ-*chairman*, miċ-*chief executive*, mis-segretarju u mit-teżorier, minn żewġ membri li jirrappreżentaw il-membri fondaturi tal-Kunsill għall-Ħidma fit-Turismu nominati wieħed mill-Assoċjazzjoni tal-Lukandi u l-Istabbilimenti li Jipprovdu Ikel u wieħed mill-Assoċjazzjoni ta' l-Aġenti ta' l-Ivvjaġġar, minn żewġ membri nominati mill-Kumpannija Air Malta u minn tliet membri nominati mill-Ministru.

(3) Iċ-*chairman* u ċ-*chief executive* tal-Bord Eżekuttiv mahtura mill-Ministru taht dan l-artikolu għandhom jirċievu dik ir-rimunerazzjoni li l-Ministru jista', wara konsultazzjoni mal-Bord Eżekuttiv, jistabbilixxi minn żmien għal żmien.

(4) Dik ir-rimunerazzjoni tithallas mill-fond ta' l-Organizzazzjoni.

Funzjonijiet
tal-Bord
Eżekuttiv.

7. (1) Il-Bord Eżekuttiv ikun responsabbli, permezz taċ-*chief executive*, għall-amministrazzjoni ġenerali ta' l-affarijiet u tax-xogħol ta' l-Organizzazzjoni, u jkollu wkoll il-funzjonijiet li ġejjin —

(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 għat-turisti fil-Gżejjer Maltin;

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

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

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

Chairman u
chief
executive.

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

(2) Iċ-*chief executive*, is-segretarju u t-teżorier ma jkollhomx vot lanqas ma għandhom jitqiesu bhala membri tal-Bord Eżekuttiv sabiex jiġi stabbilit il-*quorum*.

(3) Il-Ministru għandu jsemmi wieħed mill-membri tal-Bord bhala deputat *chairman*.

(4) Id-deputat *chairman* għandu jkollu s-setgħat u jaqdi l-funzjonijiet ta' *chairman* fin-nuqqas taċ-*chairman* jew sakemm jinhatar *chairman* ieħor wara r-riżenja, temm ta' hatra jew mewt taċ-*chairman*.

(5) 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.

9. Il-Bord Eżekuttiv għandu jahtar teżorier ta' l-Organizzazzjoni. Teżorier ta' l-Organizzazzjoni.
10. (1) Il-Ministru għandu jahtar segretarju tal-Bord Eżekuttiv. Segretarju tal-Bord Eżekuttiv.
 (2) Fin-nuqqas tas-segretarju l-Bord jista' jahtar 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 jzomm *record* tal-proċedimenti kollha tal-Bord Eżekuttiv u għandu jimxi fuq id-direttivi ta' dak il-Bord.
11. (1) Il-Bord Eżekuttiv għandu jiltaqa' għall-anqas darba kull xahar, u l-laqgħat tal-Bord ikunu ppreseduti miċ-*chairman*. Laqgħat u *quorum* tal-Bord Eżekuttiv.
 (2) Iċ-*chairman* u t-tliet membri li jivvotaw 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'maġġoranza sempliċi tal-membri preżenti u li jivvotaw. Fil-każ ta' voti ndaqs iċ-*chairman* għandu jeżerċita vot ieħor jew vot deċiżiv.
12. 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 iċ-*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.
13. (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 jew id-deċiżjoni 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-membri 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.
14. 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.
15. (1) Il-Bord Konsultattiv ta' l-Organizzazzjoni jkun magħmul minn *chairman*, li jkun iċ-*chairman* ta' l-Organizzazzjoni, u minn rappreżentant ta' kull waħda minn, l-Air Malta Company, il-Gozo Channel Company, l-Assoċjazzjoni tal-Lukandi u Ristoranti, l-Assoċjazzjoni ta' Akkomodazzjoni *Self-Catering*, il-Federazzjoni tal-Lukandi, Pensjonijiet u Stabbilimenti li Jipprovdu Ikel, l-Assoċjazzjoni Rent-A-Car u l-Assoċjazzjoni ta' l-Aġenziji ta' l-Ivvjaġġar, u minn membri oħra li l-Ministru jista' jahtar minn żmien għal żmien. Bord Konsultattiv.

(2) Is-segretarju tal-Bord Eżekuttiv jagħmilha wkoll bhala segretarju tal-Bord Konsultattiv, bl-istess dmirijiet u funzjonijiet stab- biliti fl-artikolu 10 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 10, 11, 12 u 14 għandhom *mutatis mutandis* japplikaw għall-Bord Konsultattiv.

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

(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-kontribuz- zjonijiet li għandhom jithallsu taħt dan l-artikolu.

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

(4) Somma ta' mhux inqas minn hamsa 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' kontribuzzjonijiet. **17.** Il-kontribuzzjonijiet għall-fond ta' l-Organizzazzjoni kif prov- dut fl-artikolu 16 ta' dan l-Att, għandhom jingabru mill-Bord Eżekuttiv.

Hlasijiet u gbid mill-fond. **18.** (1) Il-flejjes kollha li jingabru mill-Organizzazzjoni minn kull għajn tkun li tkun għandhom jithallsu f'kont tal-fond miftuh f'bank maħ- tur b'riżoluzzjoni 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-membri jew minn dawk il-membri li l-Bord Eżekuttiv jista' jahtar jew isemmi għal dak il-ghan.

(3) Ċekkijiet u gbid 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-ghan.

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 għand- hom jintużaw f'pajjiżi u lokalitajiet li huma regolarment moqdiya b'ser- vizzi ta' l-Air Malta, u s-servizzi tagħha għandhom jintwerew b'mod prominenti u linji ta' l-ajru oħra esklużi.

20. Il-Bord Eżekuttiv għandu jiehu hsieb li jinżammu kontijiet u *records* oħra xierqa dwar ix-xogħol ta' l-Organizzazzjoni, u għandu jiehu hsieb it-tnejn ta' prospett ta' kontijiet dwar kull sena. Dawk il-kontijiet għandhom ikunu verifikati minn uditur jew udituri li jkunu maftura mill-Organizzazzjoni iżda l-Ministru jkollu jedd li jehtieg li l-kotba u l-kontijiet ta' l-Organizzazzjoni jkunu verifikati jew eżaminati mid-Direttur ta' Verifika li għal dan il-ghan ikollu s-setgħa li jagħmel dak l-istharrig fiżiku u verifiki oħra li jidhirlu meħtieġa. Kontijiet ta' l-Organizzazzjoni.
21. L-infieq kollu u l-ispejjeż kollha li jsiru mill-Bord Eżekuttiv ikunu għall-karigu tal-fond ta' l-Organizzazzjoni. Infieq ta' l-Organizzazzjoni.
22. Minkejja kull haġa li tinsab fl-Att ta' l-1948 dwar it-Taxxa fuq l-*Income*, jew f'xi leġislazzjoni oħra li tissostitwixxi dak l-Att, id-dhul ta' l-Organizzazzjoni jkun eżentat mit-taxxa taht dak l-Att. Eżenzjoni mit-taxxa fuq l-income
23. (1) Kull persuna li bi qliegħ għaliha jew bi qliegħ għal persuna oħra, tagħmel użu minn xi tagħrif li tkun saret taf bih waqt il-qadi tad-dmirijiet jew tal-funzjonijiet tagħha taht xi waħda mid-dispożizzjonijiet ta' dan l-Att, jew tikxef xi tagħrif bħal dak barra lil persuna li tkun awtorizzata li twasslu lilha, 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-multu u prigunerija flimkien. Reati u pjeni.
- (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 taht dawk il-liġijiet li għalih hemm piena oghla 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' Hatjin, u ta' l-artikolu 23A tal-Kodiċi Kriminali, ma japplikawx għal reati taht dan l-Att. Att XII ta' l-1957

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 213 ta' l-4 ta' Diċembru, 1984.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

5th December, 1984

ACT No. XXI of 1984

AN ACT to provide for the setting up of a National Tourism 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 Tourism 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 —

“Action Council for Tourism” means the Council by that name and representing the Hotels and Restaurants Association, the Association of Self-Catering Accommodation, the Federation of Hotels, Pensions and Catering Establishments, the Rent-A-Car Association, the Association of Travel Agents and other associations from time to time;

“chairman” means the chairman of the Organisation appointed by the Minister under section 8 of this Act;

“chief executive” means the chief executive of the Organisation appointed by the Minister under section 8 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 Tourism 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 Tourism Organisation made up of an Executive Board and an Advisory Board. National
Tourism
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 tourist facilities and services in the Maltese Islands;

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

5. (1) The Organisation 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
and
representation
of the
Organisation.

(2) The legal representation of the Organisation shall vest in the chairman:

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.

(3) 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.

Executive Board.

6. (1) The Executive Board of the Organisation shall consist of a chairman, a chief executive, a secretary, a treasurer 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. The chairman and such members shall hold office for a term not exceeding two years and under the conditions set out in their respective letters of appointment, and shall be eligible for re-appointment on the expiration of the term for which they are appointed under this section.

(2) The first Executive Board shall be made up of the chairman, the chief executive, the secretary and the treasurer, two members representing the founder-members of the Action Council for Tourism nominated one by the Hotels and Restaurants Association and one by the Association of Travel Agents, two members nominated by the Air Malta Company and three members nominated by the Minister.

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

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

Functions of the Executive Board.

7. (1) The Executive Board shall be responsible, through the chief executive, for the general administration of the affairs and business of the Organisation, and shall also have the following functions —

(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 tourist amenities and facilities within the Maltese Islands;

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

(c) 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.

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

(2) The chief executive, the secretary and the treasurer shall not have a vote nor shall they be deemed to be members of the Executive Board for the purpose of establishing a quorum.

(3) The Minister shall designate one of the members of the Board as deputy chairman.

(4) The deputy chairman 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.

(5) 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.

9. The Executive Board shall appoint a treasurer of the Organisation. Treasurer of the Organisation.

10. (1) The Minister shall appoint a secretary to the Executive Board. Secretary of the Executive Board.

(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.

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

(2) The chairman and three voting 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 second or casting vote.

12. 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. Notification of meetings.

13. (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 or decision by 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.

14. 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.

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 each of the Air Malta Company, the Gozo Channel Company, the Hotels and Restaurants Association, the Association of Self-Catering Accommodation, the Federation of Hotels, Pensions and Advisory Board.

Catering Establishments, the Rent-A-Car Association and the Association of Travel Agents, and any other members as the Minister may appoint from time to time.

(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 10 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 10, 11, 12 and 14 shall *mutatis mutandis* apply to the Advisory Board.

The fund of the Organisation.

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

(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 five 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.

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. Fund for advertising.
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. Accounts of the Organisation.
21. All disbursements or expenses incurred by the Executive Board shall be a charge on the fund of the Organisation. Disbursements of Organisation.
22. Notwithstanding anything contained in the Income Tax Act, 1948, or in any enactment replacing that Act, the income of the Organisation shall be exempt from tax under that Act. Exemption from income tax.
23. (1) Any person who for his own gain or for the gain of another person, makes use of any information which has come to his knowledge in the performance of his duties or functions under any of the provisions of this Act, or discloses any such information other than to a person whom he is authorised to communicate it, 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. Cap. 13
- (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

Passed by the House of Representatives at Sitting No. 213 of the 4th December, 1984.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives