

ABBOZZ TA' LIĠI msejjaħ

ATT biex jirregola organizzazzjonijiet volontarji u l-amministrazzjoni tagħhom

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:-

TAQSIMA I

PRELIMINARI

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att ta' l-2006 dwar l-Organizzazzjonijiet Volontarji. Titolu fil-qosor u bidu fis-seħh.

(2) Dan l-Att għandu jibda' jseħh f' dik id-data li l-Ministru responsabbli għall-politika soċjali jista' b'avviż fil-Gazzetta jstabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx Tifsiriet. titlob xort'ohra:

“amministratur” tfisser persuna mahtura biex tikkontrolla, tissorvelja jew tamministra organizzazzjoni, u tinkludi gvernatur, direttur, *trustee*, jew membru ta' kumitat jew kull persuna oħra li twettaq funzjonijiet bħal dawk ukoll jekk tkun magħrufa taht isem iehor, iżda ma tkunx tinkludi *manager* jew xi uffiċjal eżekuttiv

waqt li jkun qiegħed iwettaq funzjonijiet taht kuntratt bi hlas hlief sakemm huwa jkun amministratur u dan biss għar-rigward tal-funzjonijiet tiegħu bħala amministratur;

“Bord ta’ l-Appell” tfisser il-bord stabbilit skond l-artikolu 23 jew kull bord jew tribunal amministrattiv iehor li l-Ministru jista’ minn żmien għal żmien jinnomina biex iwettaq il-funzjonijiet kollha jew xi wahda minnhom imsemmija f’dan l-Att;

“filantropiku” tfisser it-taffija tal-faqar, uġiħ u tbatija, kif ukoll htigiet umanitarji ohra;

“Fond għal Organizzazzjonijiet Volontarji” tfisser il-fondazzjoni mwaqqfa bl-artikolu 37;

Kap. 16.

“fondazzjoni pija” għandu jkollha t-tifsira mogħtija lilha bl-artikolu 6 tat-Tieni Skeda li tinsab mal-Kodiċi Ċivili;

Kap. 279.

“għabra pubblika” għandu jkollha t-tifsira mogħtija lilha fl-Att dwar il-Ġbir Pubbliku:

Iżda għall-finijiet ta’ dan l-Att, il-frazi “pubbliku”, fil-kuntest ta’ għbir, ma għandhiex tinkludi lill-fundaturi, membri jew donaturi eżistenti ta’ organizzazzjoni volontarja, ukoll jekk dawn ikunu numerużi, lanqas m’għandha tinkludi grupp ta’ anqas minn hamsin persuna li jingħaddu xi darba jew ohra;

“kontrollat mill-Gvern” tfisser li l-Gvern ta’ Malta jkollu s-setgħa, kemm diretta kemm indiretta, li jahtar, jibdel jew inehhi l-maġġoranza ta’ l-amministraturi ta’ xi organizzazzjoni;

“il-Kummissarju” tfisser il-persuna maħtura bis-sahha ta’ l-artikolu 5;

“il-Kunsill” tfisser il-Kunsill għas-Settur tal-Volontarjat imwaqqaf bl-artikolu 35;

“li ma tagħmilx profitt” tintuza fir-rigward ta’ organizzazzjoni meta:

(a) l-istatut ta’ l-organizzazzjoni jkun fih esklużjoni speċifika ta’ l-iskop li jsiru profitti; u

(b) ikun hemm disposizzjoni espressa fl-istatut li tiddefinixxi l-iskopijiet ta’ l-organizzazzjoni li ma jinkludux

il-promozzjoni ta' interessi privati, minbarra xi interess privat li jkun skop soċjali; u

(ċ) ebda parti mid-dhul, kapital jew proprjetà ma tkun disponibbli kemm direttament kemm indirettament għal xi promotur, fundatur, membru, amministratur, donatur jew xi interess privat iehor:

Iżda jekk promotur, fundatur, membru, amministratur jew donatur ikun organizzazzjoni ohra li ma tagħmilx profitt iskritta, il-limitazzjoni li tinsab fil-paragrafu (ċ) m'għandhiex tkun applika sakemm id-disponibilità ta' dak id-dhul, kapital jew proprjetà tkun bla hsara għal kondizzjonijiet li jkunu konsistenti ma' l-iskopijiet ġenerali ta' l-organizzazzjoni konċedenti:

Iżda wkoll organizzazzjoni għandha tibqa' titqies bhala wahda li ma tagħmilx profitt minkejja li:

(i) tircievi qligh pekunjarju mill-attivitajiet tagħha meta dak il-qligh ma jkunx riċevut jew ikkreditat lill-membri tagħha iżda jiġi esklużivament utilizzat għall-iskop li tkun twaqqfet għalih;

(ii) tixtri jew tbigh jew xort'ohra tinnegozja oġġetti jew servizzi meta dawk l-attivitajiet ikunu esklużivament relatati ma' l-iskopijiet prinċipali tagħha;

(iii) tkun imwaqqfa għad-divertiment ġenerali, passatemp, edukazzjoni jew benefiċċju simili iehor tal-membri tagħha; jew

(iv) tkun imwaqqfa għall-promozzjoni tar-rwol soċjali, l-etika, l-edukazzjoni u l-valuri ta' xi negozju jew professjoni sakemm b'dan ma jiġux promossi l-interessi privati tal-membri tagħha;

“il-Ministru” tfisser il-Ministru responsabbli għall-politika soċjali;

“organizzazzjoni temporanja” tfisser organizzazzjoni mwaqqfa bi skop speċifiku li jista' jinkiseb f'inqas minn sena kif provdut bl-artikolu 16;

“organizzazzjoni volontarja” tfisser fondazzjoni, *trust*, assoċjazzjoni ta’ persuni jew organizzazzjoni temporanja li tikkwalifika taht l-artikolu 3;

“promotur” tfisser persuna li tippromwovi t-twaqqif ta’ organizzazzjoni jew li tipprezenta ruhha b’dak il-mod quddiem terzi;

“Registratur għal Persuni Legali” tfisser ir-Registratur responsabbli għar-reġistrazzjoni ta’ organizzazzjonijiet kif hemm imsemmi fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili;

Kap. 16.

“settur tal-volontarjat” tinkludi organizzazzjonijiet volontarji, voluntieri, donaturi li jagħmlu għotjiet volontarji ta’ flus jew assi lil organizzazzjonijiet volontarji, benefiċjarji tas-servizzi ta’ voluntieri u ta’ organizzazzjonijiet volontarji u amministraturi ta’ organizzazzjonijiet bħal dawk;

“skop soċjali” tfisser kull skop ta’ karità jew filantropiku, u, minghajr preġudizzju għall-ġeneralità ta’ dak hawn qabel imsemmi, tinkludi:

- (a) l-avvanz ta’ l-edukazzjoni, inkluża l-edukazzjoni fiżika u l-isports;
- (b) l-avvanz tar-religjon;
- (ċ) l-avvanz tas-saħħa;
- (d) l-avvanz soċjali u komunitarju;
- (e) l-avvanz tal-kultura, l-arti u l-patrimonju nazzjonali;
- (f) l-avvanz tal-harsien u t-titjib ta’ l-ambjent, inkluż il-harsien ta’ l-annimali;
- (g) il-promozzjoni tad-drittijiet tal-bniedem, ir-risoluzzjoni tal-konflitti, id-demokrazija u r-rikonċiljazzjoni;
- (h) il-promozzjoni jew il-harsien ta’ l-interessi ta’ organizzazzjonijiet oħra bi skop soċjali, inklużi federazzjonijiet ta’ organizzazzjonijiet bħal dawk; jew
- (i) kull skop ieħor li jista’ jkun ordnat mill-Ministru b’regolamenti magħmulin bis-saħħa ta’ dan l-Att;

“skop ta’ karità” tfisser skop soċjali;

“statut” tfisser l-istrument kostituttiv ta’ organizzazzjoni u jinkludi testament li jkun jipprovdi għat-twaqqif ta’ organizzazzjoni bħal dik;

“*trust* ta’ karità” tfisser *trust* kif imfisser fl-Att dwar *Trusts* u *Trustees* imwaqqaf għal skop soċjali; Kap. 331.

“volontarja” fil-kuntest ta’ organizzazzjoni volontarja tfisser l-eżistenza ta’ xi wiehed jew iżjed minn dawn l-elementi li ġejjin:

(a) il-kontroll shih ta’ l-organizzazzjoni jkun eżerċitat minn amministraturi li ma jirċievu ebda rimunerazzjoni għas-servizzi tagħhom talli jkunu qegħdin iwettqu l-funzjonijiet ta’ amministraturi hliet skond ma hu permess hawn iktar ‘l isfel;

(b) l-organizzazzjoni tinholoq bid-dotazzjoni ta’ għotjiet volontarji u gratuwiti u l-affarijiet ta’ l-organizzazzjoni jkunu sostnuti, għall-inqas f’parti minnhom, minn dawk l-għotjiet volontarji jew gratuwiti jew minn servizzi li jingħataw fuq bażi volontarja;

(ċ) bla hsara għal limitazzjonijiet dovuti għax-xorta jew għad-daqs ta’ l-organizzazzjoni u bla hsara għal xi diskrezzjoni li tista’ tiġi eżerċitata skond ma hemm imnizzel fl-istatut ta’ l-organizzazzjoni mill-amministraturi jew minn kumitat magħmul mill-membri, kull persuna tkun tista’ tissieheb ma’ l-organizzazzjoni jew tipparteċipa fl-attivitatijiet ta’ l-organizzazzjoni; u

(d) kull parteċipant fl-organizzazzjoni għandu d-dritt li jitlaq liberament mill-organizzazzjoni:

Iżda:

(i) kemm-il darba l-istatut ma jkunx jipprovdi xort’ohra, l-amministraturi jistgħu jirċievu onorarju raġonevoli għas-servizzi li jagħtu sakemm il-hlas ta’ dak l-onorarju ma jkunx materjalment jippreġudika l-kisba ta’ l-iskopijiet ta’ l-organizzazzjoni volontarja;

(ii) ir-rimunerazzjoni ta’ persuni li huma impjegati biex iwettqu funzjonijiet ta’ amministrazzjoni, dawk eżekuttivi jew ta’ ġbir ta’ fondi fir-rigward ta’

organizzazzjoni volontarja m'għandhomx ikunu tali li materjalment jippreġudikaw il-kisba ta' l-iskopijiet ta' l-organizzazzjoni volontarja; u

(iii) l-organizzazzjoni tista' tirrimborża dawk l-ispejjeż raġonevoli li jsiru minn amministraturi, *managers*, uffiċjali eżekuttivi, voluntieri u persuni oħra li jkunu jappoġġaw l-iskopijiet ta' l-organizzazzjoni;

“voluntier” tfisser persuna li tipprovdi servizzi mhux bi hlas permezz ta' organizzazzjoni volontarja jew għaliha.

(2) Kemm-il darba ma jiġix espressament imfisser minn xi liġi oħra jew ir-rabta tal-kliem ma tkunx titlob xort'oħra, il-frażijiet “karità”, “ta' karità”, “mhux għal profit”, “li ma tagħmilx profit”, “filantropika”, “skop soċjali”, “volontarja” u “organizzazzjoni volontarja”, u varjanti jew derivattivi tagħhom meta dawn jiġu użati f'liġijiet oħra, għandu jkollhom it-tifsira mogħtija lilhom b'dan l-Att.

Kap. 16.

(3) Ir-registrazzjoni ta' organizzazzjoni volontarja bhala persuna ġuridika kif hemm imsemmi fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili m'għandhiex timplika iskrizzjoni ta' dik l-organizzazzjoni skond dan l-Att.

(4) L-iskrizzjoni ta' organizzazzjoni volontarja taht dan l-Att ma timplikax:

(a) li l-organizzazzjoni għandha personalità ġuridika; jew

Kap. 16.

(b) li tkun organizzazzjoni registrata, kif hemm imsemmi fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili; jew

(c) li r-responsabbiltà ta' l-amministraturi tagħha li taqa' taht il-liġijiet li japplikaw tkun b'xi mod milquta.

TAQSIMA II

ORGANIZZAZZJONIJIET VOLONTARJI

Tifsira ta' organizzazzjoni volontarja.

3. (1) Organizzazzjoni volontarja hija organizzazzjoni li tkun inholqot jew twaqqfet -

(a) għal skop leġittimu;

(b) bhala li ma tagħmilx profit; u

(ċ) li jkollha element volontarju,

kemm jekk tkun registrata jew registrabbli bhala persuna ġuridika kif hemm imsemmi fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili, kemm jekk ma tkunx, u sew jekk tkun iskritta skond dan l-Att, sew jekk ma tkunx. Kap. 16.

(2) L-organizzazzjonijiet volontarji huma indipendenti u awtonomi mill-Gvern u organizzazzjonijiet bħal daww għandu jkollhom l-istatus tagħhom rispettat mill-Gvern f'kull żmien.

(3) Organizzazzjonijiet li jkunu mwaqqfa u ikkontrollati mill-Gvern u li jkunu ġew imwaqqfa bi skop soċjali u li ma jkunux jagħmlu profitt għandhom jikkwalifikaw għall-iskrizzjoni skond dan l-Att sakemm dawn ma jkunux aġenziji pubbliċi mwaqqfa mill-Gvern bi skop li jiġġestixxu l-amministrazzjoni.

(4) Għall-finijiet ta' dan l-Att, organizzazzjoni volontarja ma tistax titwaqqaf bhala kumpanija b'responsabbiltà limitata jew bhala soċjetà kummerċjali mwaqqfa taht l-Att dwar il-Kumpanniji. Kap. 386.

(5) *Trusts* imwaqqfin jew rikonoxxuti skond l-Att dwar *Trusts* u *Trustees* għandhom jikkwalifikaw bhala organizzazzjonijiet volontarji biss meta dawn ikunu mwaqqfin bhala *trusts* ta' karità. Kap. 331.

4. (1) Kull organizzazzjoni volontarja tista' tapplika biex tiġi iskritta mal-Kummissarju u, għaladarba iskritta, u bla hsara għall-osservanza tad-disposizzjonijiet tal-liġi li jkunu japplikaw, tista' tgawdi mill-privileġġi kontemplati f'dan l-Att u minn kull regolament mahruġ tahtu. Privileġġi ta' organizzazzjonijiet volontarji.

(2) Minkejja d-disposizzjonijiet ta' kull liġi oħra, organizzazzjoni volontarja li tkun registrata kif hemm imsemmi fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili u li tkun iskritta skond dan l-Att, tista' tagħmel ġbir pubbliku mingħajr ebda awtorizzazzjoni oħra. Kap. 16.

(3) Organizzazzjoni volontarja li tkun iskritta skond dan l-Att iżda li ma tkunx registrata kif hemm imsemmi fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili, tista' tagħmel ġbir pubbliku biss wara li tkun kisbet l-awtorizzazzjoni bil-miktub tal-Kummissarju, iżda hija ma tkun tehtieġ ebda awtorizzazzjoni oħra skond l-Att dwar il-Ġbir Pubbliku: Kap. 279.

Iżda l-Kummissarju għandu jagħti r-raġunijiet tiegħu bil-miktub għal kull każ ta' talba għal awtorizzazzjoni li ssir skond dan is-subartikolu.

(4) Organizzazzjonijiet li m'hum iex iskritti skond dan l-Att ma jistghux jiehdu sehem fi ġbir pubbliku u għandhom ikunu responsabbli li jroddu lura dawk il-flejjes li setghu ngabru bi ksur ta' dan l-artikolu lid-donaturi ta' dawk il-flejjes jew lill-Fond għal Organizzazzjonijiet Volontarji, meta d-donaturi ma jkunux jistgħu jiġu identifikati, fi żmien sitt xhur minn meta jkun sar il-ġbir.

(5) Organizzazzjoni iskritta tista':

(a) tirċievi jew tkun il-benefiċjarja ta' għotjiet, *sponsorships* jew għajjuna finanzjarja ohra mill-Gvern, minn entità kontrollata mill-Gvern jew mill-Fond għal Organizzazzjonijiet Volontarji;

(b) tkun il-benefiċjarja ta' kull politika li tappoġġa l-azzjoni volontarja skond ma' din il-politika tista' tiġi żviluppata mill-Gvern;

(ċ) tirċievi jew tkun il-benefiċjarja ta' eżenzjonijiet, privileġġi jew drittijiet ohra skond xi liġi;

(d) tkun parti f'kuntratti u rabtiet ohra, kemm jekk tinghata kemm jekk ma tinghatax rimunerazzjoni, biex tagħti servizzi bil-ghan li jinkiseb l-iskop soċjali tagħha wara talba li ssir mill-Gvern jew minn xi entità kontrollata mill-Gvern:

Iżda jkun meħtieġ il-kunsens bil-miktub minn qabel tal-Ministru jekk il-Gvern, jew xi entità kontrollata mill-Gvern, ikunu bi hsiebhom jagħmlu xi att li jkun jinvolvi l-azzjonijiet fil-paragrafi (a), (b) u (d) f'dak li għandu x'jaqsam ma' xi organizzazzjoni volontarja li ma tkunx iskritta skond dan l-Att u, jekk jonqos milli jsir dan, l-azzjonijiet ikunu soġġetti għal revoka minkejja l-pattijiet li jkun fihom:

Iżda wkoll meta xi liġi jew regolament, jew xi eżenzjoni Ministerjali jew avviż li johroġ minnhom, li jkun fis-seħħ fid-data meta jidhol fis-seħħ dan l-Att ikunu jagħtu xi benefiċċju, eżenzjoni jew privileġġ, dawn għandhom jibqgħu jiġu gawduti sakemm jiġu mhassra u meta kuntratt jew rabta tkun diġà fis-seħħ f'dik id-data, dawn m'għandhomx jiġu affettwati qabel ma dawn jiġu mwettqa jew terminati.

(6) L-organizzazzjonijiet volontarji li ġejjin ikollhom jedd igawdu l-privileġġi taht dan l-Att minkejja li ma jkunux ġew reġistrati skond dan l-Att:

(a) organizzazzjonijiet volontarji internazzjonali mwaqqfa permezz ta' xi trattat internazzjonali li huma eżentati b'xi liġi speċjali milli jkunu soġġetti ghar-registrazzjoni;

(b) organizzazzjonijiet volontarji li jiġu ddikjarati mill-Ministru b'regolamenti magħmulin bis-sahha ta' dan l-Att, wara konsultazzjoni mal-Kunsill, bhala li jkollhom jedd għall-privileġġi taht dan l-Att.

(7) L-organizzazzjonijiet li ġejjin għandhom jiġu iskritti permezz tal-proċedura ta' avviż li tinsab fl-artikolu 13:

(a) fondazzjonijiet piġi regolati mill-awtorità reliġjuża rilevanti; jew

(b) organizzazzjonijiet volontarji li jkunu reġistrati skond xi liġi li tipprovdi dwar regolatur għal organizzazzjonijiet bhal dawk u l-attivitajiet li huma jagħmlu; jew

(c) organizzazzjonijiet volontarji li jkunu membri ta' federazzjoni jew ta' xi assoċjazzjoni ta' organizzazzjonijiet li tkun giet approvata mill-Kummissarju bhala wahda li tista' tirregola lill-membri tagħha sa tali livell li jkun wiehed aċċettabbli għall-Kummissarju u li, jekk il-federazzjoni jew l-assocjazzjoni nnifisha tkun organizzazzjoni volontarja, din għandha tkun iskritta skond dan l-Att:

Izda proċedura ta' avviż bhal dik m'għandhiex tkun disponibbli għal dawk l-organizzazzjonijiet imsemmija f'dan is-subartikolu jekk ikunu qeghdin jircievu hamsin fil-mija jew aktar mill-qligh tagħhom ta' kull sena permezz ta' ghotjiet, donazzjonijiet, *sponsorships* jew għajnuna finanzjarja ohra minghand:

(i) membri tal-pubbliku; jew

(ii) organizzazzjonijiet privati; jew

(iii) il-Gvern jew entitajiet kontrollati mill-Gvern; jew

(iv) organizzazzjonijiet ohra bi skop soċjali jew li ma jagħmlux profitt.

(8) Il-Gvern, id-dipartimenti tal-gvern, l-aġenziji pubbliċi u l-entitajiet kontrollati mill-Gvern għandhom iqisu Ċertifikat ta' Iskrizzjoni mahruġ skond l-artikolu 14 bhala prova ta' l-istatus ta'

organizzazzjoni bhala organizzazzjoni volontarja u ma ghandhom jitolbu ebda prova ohra dwar l-eżistenza jew l-istatus taghha meta jkunu qeghdin jittrattaw ma' organizzazzjoni bhal dik:

Iżda ċertifikat bhal dak m'ghandu jimplika ebda eżenzjoni ta' organizzazzjoni bhal dik minn xi proċedura, dmir, obbligu, responsabbiltà, dritt jew hlas kemm-il darba dan ma jiġix espressament dikjarat fil-liġi, regolament jew politika li tkun tapplika skond il-każ.

TAQSIMA III

IL-KUMMISSARJU GĦAL ORGANIZZAZZJONIJIET VOLONTARJI

Hatra ta' Kummissarju.

5. (1) Ghandu jkun hemm Kummissarju ghal Organizzazzjonijiet Volontarji li jiġi mahtur mill-Ministru ghal dak il-ghan, wara konsultazzjoni mal-Kumitat għall-Affarijiet Soċjali tal-Kamra tad-Deputati jew ma' kull kumitat iehor li ghad jista' jidhol minfloku.

(2) Il-Kummissarju ghandu jinhatar ghal perijodu ta' tliet snin u jista' jerga' jinhatar mill-ġdid meta jiskadi ż-żmien tal-kariga tiegħu.

(3) Persuna ma tkunx kwalifikata li tinhatar jew li tibqa' fil-kariga bhala Kummissarju jekk dik il-persuna:

(a) tkun Imhallef, Maġistrat, Membru tal-Kamra tad-Deputati jew ta' Kunsill Lokali, jew kandidat għall-elezzjoni fil-Kamra tad-Deputati jew f'Kunsill Lokali; jew

(b) tkun legalment inkapaċitata; jew

(ċ) tkun ġiet dikjarata falluta jew tkun ghamlet komposizzjoni jew arrangament mal-kredituri taghha; jew

(d) tkun instabet hatja ta' xi reat kontra l-fiduċja pubblika jew ta' serq jew frodi, jew tkun xjentement laqgħet għandha proprjetà li tkun ġejja minn serq jew frodi, ta' reat li jattakka l-bon ordni tal-familji jew ta' xi reat iehor kontra dan l-Att.

(4) Meta l-persuna mahtura bhala Kummissarju -

(a) ma tkunx impjegata mal-Gvern qabel ma tkun ingħatat dik il-hatra, in-nomina taghha ma tirrendix lil dik il-persuna bhala uffiċjal pubbliku; jew

(b) tkun qabel dik il-hatra uffiċjal pubbliku, dik il-persuna ghandha tibqa' żżomm l-impjieg taghha mal-Gvern:

Iżda matul iż-żmien li hija taghmel bhala Kummissarju, dik il-persuna m'ghandu jkollha ebda kariga li ma tkunx kompatibbli mat-twettiq kif dovut tad-dmirijiet uffiċjali taghha bhala Kummissarju jew ma' l-imparzjalità li wiehed jippretendi minn dik il-kariga jew mill-fiduċja pubblika fiha.

(5) Meta l-kariga ta' Kummissarju ssir vakanti, il-persuna li f'dak iż-żmien tkun il-Kummissarju ghandha tibqa' f'dik il-kariga sakemm jinhatar is-suċċessur taghha.

(6) Bla ħsara għall-kwalifiki msemija fis-subartikolu (3), il-Ministru jista', f'kull waqt, f'xi żmien li matulu l-Kummissarju jkun assenti jew għal kull għan iehor temporanju skond ma l-Ministru jista' jqis li jkun mehtieg li hekk jaġixxi, jahtar persuna biex tassumi l-kariga ta' Kummissarju, sakemm il-Kummissarju jerga' jibda jwettaq dmirijietu.

(7) Il-Ministru jista' wkoll jahtar Viċi Kummissarju wiehed jew aktar biex jghinu lill-Kummissarju skond id-direttivi li huwa jagħtihom u fil-qadi tal-funzjonijiet tiegħu.

6. (1) Il-Kummissarju jista', f'kull waqt, jiġi mnehhi jew sospiż mill-kariga tiegħu mill-Ministru, wara konsultazzjoni mal-Kumitat għall-Affarijiet Soċjali tal-Kamra tad-Deputati jew ma' kull kumitat iehor li għad jista' jidhol minfloku, għal raġunijiet ta' inkapaċità bil-provi li huwa jwettaq il-funzjonijiet tal-kariga ta' Kummissarju jew minhabba fi mgieba hażina bil-provi:

Tnehhija mill-kariga.

Iżda jekk il-kumitat imsemmi f'dan is-subartikolu ma jkunx kostitwit jew jekk ma jkunx hemm sessjoni tal-Kamra tad-Deputati, il-Kummissarju jista' jiġi sospiż mill-kariga mill-Ministru, li jaġixxi skond id-diskrezzjoni tiegħu nnifsu, għal inkapaċità bil-provi li jwettaq il-funzjonijiet tal-kariga tiegħu jew għal imġieba hażina bil-provi skond ma jkun jidhiru l-Ministru, iżda ebda sospensjoni bhal dik m'ghandha tibqa' fis-sehh għal iżjed minn xahrejn wara li l-kumitat ikun ġie kostitwit u jkun hemm sessjoni tal-Kamra tad-Deputati.

(2) Il-Kummissarju jista', f'kull waqt, jirriżenja mill-kariga tiegħu permezz ta' ittra li tiġi indirizzata lill-Ministru.

7. (1) Il-Kummissarju għandu jwettaq id-dmirijiet u jeżerċita l-funzjonijiet li jiġu fuqu imposti u lili konferiti b'dan l-Att u regolamenti magħmulin tahtu, inklużi dawk li ġejjin:

Funzjonijiet tal-Kummissarju.

(a) jipprovdi faċilitajiet ta' iskrizzjoni għal organizzazzjonijiet li huma eliġibbli biex jiġu iskritti skond dan l-Att;

(b) jissorvelja l-attivitajiet ta' organizzazzjonijiet volontarji biex jiżgura li d-disposizzjonijiet ta' dan l-Att u ta' regolamenti magħmulin tahtu jiġu osservati;

Kap. 16.

(ċ) jipprovdi lil organizzazzjonijiet volontarji b'informazzjoni dwar il-benefiċċji u r-responsabbiltajiet li jirriżultaw mir-reġistrazzjoni tagħhom bħala persuni ġuridici kif hemm imsemmi fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili u l-iskrizzjoni skond dan l-Att;

(d) jipprovdi informazzjoni u linji gwida lil persuni li jagħmlu xogħol volontarju u lil membri ta' organizzazzjonijiet volontarji, biex ikunu jistgħu jaqdu ahjar ir-rwol tagħhom u biex jilhqqu ahjar l-oġettivi ta' l-organizzazzjonijiet volontarji fejn huma jservu;

(e) jagħmel rakkomandazzjonijiet lill-Ministru fuq il-liġijiet u fuq kull politika ta' appoġġ għal organizzazzjonijiet volontarji u għal xogħol volontarju;

(f) jassisti lill-Gvern, dipartimenti tal-gvern, aġenziji pubbliċi u entitajiet kontrollati mill-Gvern fit-thejjija u r-reviżjoni ta' kull politika li tkun ta' appoġġ għal organizzazzjonijiet volontarji u għas-settur tal-volontarjat b'mod ġenerali;

(g) jinvestiga kull ilment dwar l-organizzazzjonijiet volontarji jew persuni jew organizzazzjonijiet li jagħmluha ta' organizzazzjonijiet volontarji u l-attivitajiet tagħhom, u jiehu dik l-azzjoni li tkun fis-setgħa tiegħu li jiehu biex jipprovdi rimedju għal kull ilment ġustifikat li jista' jsir jaf bih;

(h) jissorvelja l-promozzjoni ta' organizzazzjonijiet volontarji kif ukoll l-imġieba ta' amministraturi ta' organizzazzjonijiet bħal dawk biex jiżgura li jiġu osservati *standards* għoljin ta' responsabbiltà u ta' trasparenza u ta' konformità mal-liġi;

Kap. 16.

(i) jikkordina u jikkomunika mar-Registatur għal Persuni Legali kif hemm imsemmi fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili bil-ghan li jiffaċilita l-proċessi ta' reġistrazzjoni u iskrizzjoni għal organizzazzjonijiet volontarji;

(j) jikkopera mal-Kunsill u jaghtih l-appoġġ tiegħu biex jiżviluppa kull politika li tkun ta' benefiċċju għas-settur tal-volontarjat b'mod ġenerali jew għal xi kategoriji ta' dak is-settur;

(k) jaqdi kull funzjoni oħra jew dmir iehor assenjati lilu taħt dan l-Att u regolamenti magħmulin tahtu kif ukoll dawg il-funzjonijiet l-oħra kollha li jistgħu jiġu assenjati lilu taht kull liġi oħra.

(2) Fl-eżerċizzju tal-funzjonijiet tiegħu, il-Kummissarju għandu jaġixxi imparzjalment u m'għandu jkun soġġett għal ebda ordni li tingħatalu minn xi persuna jew awtorità oħra.

8. (1) Il-Kummissarju għandu:

Funzjonijiet oħra tal-Kummissarju.

(a) jagħmel hiltu biex jikkordina l-isforzi magħmulin minn organizzazzjonijiet volontarji li jkollhom skopijiet bħal ta' xulxin sabiex dawn ikunu jistgħu jaslu għal konċentrazzjoni akbar ta' riżorsi u biex jiksbu l-benefiċċji ta' l-ekonomija skond id-daqs u biex tiġi evitata kull duplikazzjoni ta' sforzi; u

(b) jara kif iġib 'il quddiem il-holqien ta' federazzjonijiet jew assoċjazzjonijiet ta' membri sabiex jirregolaw l-organizzazzjonijiet ta' membri u l-attivitajiet tagħhom biex jiksbu l-benefiċċji ta' awtoregolamentazzjoni fis-settur tal-volontarjat.

(2) Il-Kummissarju għandu jistabbilixxi sistemi ta' komunikazzjoni ma', u biex jagħti appoġġ lil, voluntieri li jkunu ċittadini ta' Malta, sew jekk dawn ikunu qegħdin iservu f'Malta sew barra minn Malta, u l-Ministru jkun jista' jagħmel regolamenti, skond ma dawn jistgħu jkunu adatti minn żmien għal żmien, biex jirregola u jsostni lill-voluntieri.

(3) Il-Kummissarju għandu jara kif jinkoraġġixxi ambjent fejn il-kredibilità u l-fama tajba tas-settur tal-volontarjat tkun kontinwament imtejba bi *standards* għoljin fit-thaddim ta' organizzazzjonijiet volontarji u ta' l-amministraturi tagħhom, ta' trasparenza u konoxxenza pubblika u ta' responsabbiltà adatta.

(4) Bla hsara għad-disposizzjonijiet ta' l-Att dwar il-Protezzjoni u l-Privatezza tad-Data, il-Kummissarju għandu wkoll, għall-finijiet ta' dan l-Att, jikkompila u jżomm informazzjoni li jkollha x'taqsam ma' l-amministraturi u l-attivitajiet ta' organizzazzjonijiet volontarji li ma jkunux ġew iskritti skond dan l-Att. Kap. 440.

Prinċipji direttivi.

9. Il-Kummissarju ghandu jimxi skond dawn il-prinċipji ġenerali li ġejjin:

(a) l-gharfien, inkoraġġiment u l-promozzjoni tal-valur u ta' l-importanza ta' l-azzjoni volontarja u ta' organizzazzjonijiet volontarji, sew jekk dawn ikunu qeghdin jahdmu independentement minn istituzzjonijiet tal-gvern sew jekk ikollhom rwol ta' appoġġ, u tal-benefiċċju li jinkiseb minnhom għall-hajja soċjali u kulturali f'Malta;

(b) l-gharfien tal-kontribut li jagħmlu l-azzjoni volontarja u organizzazzjonijiet volontarji, bhala espressjonijiet ta' parteċipazzjoni, solidarjetà, pluraliżmu u sussidjarjetà, lejn it-tgawdija mkomplija u l-arrikkiment tal-hajja demokratika f'Malta; u

(ċ) l-gharfien tal-benefiċċju ekonomiku dirett ta' l-azzjoni volontarja u mhux bi hlas u ta' l-inizjattivi li jittiehdu minn organizzazzjonijiet volontarji u minn voluntieri.

Rapport annwali.

10. (1) Il-Kummissarju ghandu, sa mhux aktar tard minn sitt ġimghat wara tmien kull sena kalendarja, jagħmel u jipprezenta lill-Ministru rapport annwali li jkun jinkludi:

(a) rapport ta' l-attivitajiet tal-Kummissarju matul is-sena ta' qabel;

(b) deskrizzjoni ġenerali taċ-ċirkostanzi fis-settur tal-volontarjat f'Malta u kull żvilupp li seta' jolqot lil dak is-settur; u

(ċ) kull rakkomandazzjoni li tirrigwarda l-liġijiet, il-politika jew affarijiet ohra li jolqtu lis-settur tal-volontarjat.

(2) Il-Ministru ghandu, sa mhux aktar tard minn tmien ġimghat wara li tiġi pprezentata kopja ta' kull rapport bhal dak, jew jekk f'kull waqt matul dak il-perjodu ma jkunx hemm sessjoni tal-Kamra tad-Deputati, fi żmien tmien ġimghat mill-bidu tas-sessjoni li jkun imiss minnufih wara, jara li kopja ta' kull rapport bhal dak titqiegħed fuq il-mejda tal-Kamra tad-Deputati.

Dikjarazzjonijiet
pubbliċi.

11. (1) Il-Kummissarju jista' jipubblika, bhala riklam jew xort'ohra, kull informazzjoni dwar organizzazzjoni volontarja, kemm jekk din tkun iskritta skond dan l-Att kemm jekk ma tkunx, jew dwar persuni li jipprezentaw ruhhom bhala li qed jaġixxu f'isem xi organizzazzjoni volontarja, meta jkun jidhirlu li dan ikun fl-interess tal-pubbliku jew ta' l-organizzazzjoni nnifisha.

(2) Qabel ma l-Kummissarju jippubblika xi informazzjoni bhal dik imsemmija fis-subartikolu (1), il-Kummissarju għandu javża bil-miktub lill-amministraturi ta' l-organizzazzjoni, jew lill-persuna li tippreżenta ruhha bhala li tkun qeghda taġixxi f' isem xi organizzazzjoni volontarja kif imsemmi fis-subartikolu (1), bit-test propost u kull min jiġi hekk avżat ikollu hamest ijiem minn meta jirċievi dak l-avviż biex jiddiskutih mal-Kummissarju:

Izda sakemm ma jkunx hemm qbil bejn il-Kummissarju u kull min jiġi hekk avżat fuq xi azzjoni rimedjali li tista' tinhtieg li tittiehed fiċ-ċirkostanzi, kull parti tista' taghmel rikors quddiem il-Bord ta' l-Appell biex dan jikkonferma, jemenda jew jiċhad ir-riklam propost, skond il-każ, u d-deċiżjoni tal-Bord ta' l-Appell tkun wahda finali.

(3) F'każijiet li, fil-fehma tal-Kummissarju, ikunu urgenti jew jinvolvu frodi, il-Kummissarju jista' jaghmel rikors direttament quddiem il-Bord ta' l-Appell fejn jitlob awtorizzazzjoni li jippubblika dik id-dikjarazzjoni jew informazzjoni u l-Kummissarju għandu jinnotifika lil kull min ikun involut bir-rikors, u min jiġi hekk notifikat ikollu jumejn tax-xoghol mid-data li jiġi notifikat bir-rikors biex jirrispondi fil-Bord ta' l-Appell, u wara dik id-data l-Bord għandu johroġ ordni finali.

(4) Ma tista' tittiehed ebda azzjoni kontra l-Kummissarju jew xi Viċi Kummissarju skond l-Att dwar l-Istampa għall-hruġ ta' dikjarazzjonijiet pubbliċi li jkunu bona fidi skond dan l-artikolu. Kap. 248.

TAQSIMA IV

REGĠSTRU TA' ORGANIZZAZZJONIJIET VOLONTARJI

12. (1) Ikun hemm Reġistru ta' Organizzazzjonijiet Volontarji (hawn iżjed 'il quddiem imsejjah "ir-Regjistru") li għandu jinżamm mill-Kummissarju u li jkun fih din l-informazzjoni li ġejja, msejsa fuq id-dokumentazzjoni msemmija fil-paragrafi (f) sa (i) skond ma dawn jistgħu jiġu emendati jew aġġornati minn żmien għal żmien:

Reġistru ta' Organizzazzjonijiet Volontarji.

(a) isem l-organizzazzjoni;

(b) l-indirizz ta' l-organizzazzjoni;

(ċ) in-numru ta' reġistrazzjoni ta' l-organizzazzjoni jekk din tkun reġistrata bhala persuna ġuridika, kemm f' Malta kemm barra minn Malta;

(d) l-ismijiet u l-indirizzi ta' l-amministraturi ta' l-organizzazzjoni;

(e) fil-każ ta' organizzazzjonijiet barranin jew internazzjonali, l-isem u l-indirizz tar-rappreżentant ta' dik l-organizzazzjoni li jkun residenti f'Malta;

(f) kopja ta' l-att kostituttiv ta' l-organizzazzjoni u ta' kull emenda li tkun saret fih;

(g) kopja tal-kontijiet annwali għall-aħħar sena finanzjarja li tiġi minnufih qabel l-iskrizzjoni, jekk ikun hemm, imhejjija minn min japplika;

(h) rapporti annwali ta' l-organizzazzjoni;

(i) kontijiet annwali ta' l-organizzazzjoni, flimkien ma' rapport tar-reviżuri jew ta' l-awdituri skond ma jista' jkun mehtieġ taht il-liġi li tkun tapplika.

(2) L-organizzazzjonijiet volontarji għandhom ikunu klassifikati fir-Registru skond l-iskop prinċipali tagħhom jew b'dak il-mod li l-Kummissarju jista' jidhirlu li jkun xieraq.

(3) Meta ssir l-iskrizzjoni, il-Kummissarju għandu jagħti numru uniku lill-organizzazzjoni volontarja li jkollu fuq quddiem l-ittri "VO" u dak in-numru għandu jiġi dejjem ikkwotat mill-organizzazzjoni volontarja fuq kull materjal li jiġi pubblikat, ittri, avvizi, riklami u dokumenti ohra mahruġin minn dik l-organizzazzjoni.

Applikazzjoni għal
iskrizzjoni.

13. (1) Kull organizzazzjoni volontarja tista' tapplika biex tiġi iskritta billi tippreżenta l-formola ta' applikazzjoni preskritta, lill-Kummissarju, u magħha għandu jkun hemm meħmuża:

(a) dokument oriġinali jew kopja awtentikata minn nutar ta' l-att kostituttiv ta' l-organizzazzjoni jew ta' l-istatut tagħha;

(b) il-kunsens bil-miktub ta' l-amministraturi li jkunu ser jiġu inkarigati wara l-iskrizzjoni;

(c) id-drittijiet għall-iskrizzjoni, jekk ikun hemm;

(d) fil-każ ta' dawk l-organizzazzjonijiet li jitolbu li jiġu iskritti permezz tal-proċedura ta' avviż skond dan l-artikolu, ċertifikat li jinhareġ mill-korp regolatorju rilevanti msemmi fl-artikolu 4(7) li fih jiġi konfermat li l-organizzazzjoni li tapplika

ghall-iskrizzjoni tkun tabilhaqq disposta li tiġi regolata mill-istess korp u li jkollha fama tajba; u

(e) kull dokument iehor li jista' jkun mitlub taht dan l-Att jew regolamenti magħmulin tahtu.

(2) Meta l-Kummissarju ikun qiegħed iqis xi applikazzjoni, huwa jista' jitlob lil min japplika jipprovdilu aktar informazzjoni dwar, jew jippreżenta sottomissjonijiet dwar:

(a) il-promoturi, il-fundaturi, l-amministraturi, id-donaturi u l-benefiċċjarji;

(b) kull attiv u passiv;

(ċ) l-attivitajiet imghoddija, jekk kien hemm, l-attivitajiet preżenti u dawk ippjanati ta' l-organizzazzjoni;

(d) l-iskopijiet ta' l-organizzazzjoni u l-attivitajiet ippjanati li permezz tagħhom ikunu ser jinkisbu dawn l-iskopijiet; u

(e) kull haġa ohra li dwarha l-Kummissarju jista' jkollu r-riservi tiegħu jew it-thassib tiegħu f'dak li għandu x'jaqsam ma' l-applikazzjoni.

(3) Il-Kummissarju jista' jaċċetta jew jirrifjuta kull applikazzjoni għal iskrizzjoni minhabba:

(a) fl-osservanza jew xort'ohra ta' kull formalità meħtieġa b'dan l-Att u regolamenti magħmulin tahtu;

(b) fil-presenza jew xort'ohra ta' kull fattur li jimpedixxi l-iskrizzjoni taht disposizzjoni espressa ta' dan l-Att;

(ċ) fil-legalità jew xort'ohra ta' l-iskopijiet proposti ta' l-organizzazzjoni fil-kuntest ta' l-iskopijiet dikjarati ta' l-organizzazzjoni u l-intenzjonijiet dikjarati tal-promoturi dwar l-attivitajiet tagħha;

(d) fl-integrità jew nuqqas tagħha tal-promoturi ta' l-organizzazzjoni, u l-kredibilità tal-proposti magħmulin meta jiġi ikkunsidrat l-interess ġenerali u l-fama tas-settur tal-volontarjat u l-importanza tar-responsabbiltà pubblika.

(4) Il-Kummissarju għandu:

(a) jaghti każ xieraq ta' kull informazzjoni li tiġi provduta u ta' sottomissjonijiet li jsiru, iżda fil-każ li min japplika jonqos milli jipprovdri xi informazzjoni meħtieġa jew milli jippreżenta s-sottomissjonijiet tiegħu, il-Kummissarju għandu jgħaddi biex jiddeċiedi dwar dik l-applikazzjoni għal iskrizzjoni abbażi ta' l-informazzjoni li jkollu f'idejh;

(b) jistabilixxi jekk l-organizzazzjoni tkunx eliġibbli għal iskrizzjoni u jekk l-organizzazzjoni tkun eliġibbli għal iskrizzjoni, il-klassifikazzjoni ta' l-iskopijiet ta' l-organizzazzjoni;

(ċ) javża lil min japplika, bil-miktub, bid-deċiżjoni li jkun ha, u fil-każ ta' deċiżjoni li ma jilqax xi applikazzjoni, il-motivi wara dik id-deċiżjoni.

(5) Il-Kummissarju għandu jara li jiddeċiedi dwar l-applikazzjonijiet kollha mhux aktar tard minn tliet xhur minn meta tiġi ppreżentata l-applikazzjoni u jekk jonqos milli jiddeċiedi u javża lil min ikun applika skond is-subartikolu (4) f'dak it-terminu, dan għandu jittqies li jfisser li l-iskrizzjoni tkun ġiet miċhuda.

(6) Il-Kummissarju ma għandu jirreġistra ebda organizzazzjoni volontarja lanqas jekk ikun amministratur wiehed biss li jkun persuna li ma tikkwalifikax biex tkun amministratur ta' xi organizzazzjoni skond ma hemm fil-liġi li tapplika.

(7) Meta jkunu qegħdin jiġu kkunsidrati applikazzjonijiet minn organizzazzjonijiet li dwarhom japplikaw id-disposizzjonijiet ta' l-artikolu 4(7), il-Kummissarju għandu jiskrivi lill-organizzazzjoni li tkun applikat għaldaqstant meta jirċievi d-dokumenti meħtieġa skond is-subartikolu (1) mingħajr ebda revizjoni oħra u għandu jsegwi dawk il-proċeduri ulterjuri, jekk ikun hemm, skond ma jistgħu jiġu ordnati b'regolamenti li jsiru bis-saħħa ta' dan l-Att b'riferenza għal iskrizzjoni permezz ta' avviz.

Iskrizzjoni u
Certifikat ta'
Iskrizzjoni.

14. (1) Meta jkun sodisfatt li l-organizzazzjoni tkun eliġibbli li tiġi iskritta skond dan l-Att u li din ma tkunx qegħda tikser xi disposizzjoni ta' dan l-Att, il-Kummissarju għandu:

(a) inizzel dawk id-dettalji ta' dik l-organizzazzjoni volontarja fir-Registru;

(b) johroġ Certifikat ta' Iskrizzjoni bin-numru ta' identifikazzjoni ta' l-organizzazzjoni volontarja;

(ċ) jispeċifika jekk l-organizzazzjoni volontarja tkun fondazzjoni, assoċjazzjoni, *trust* jew organizzazzjoni temporanja; u

(d) jispeċifika l-klassifikazzjoni ta' iskrizzjoni ta' l-organizzazzjoni volontarja.

(2) Iċ-Ċertifikati ta' Iskrizzjoni għandhom jitiqiesu bhala strumenti pubbliċi u dawn għandhom jinghataw lura lill-Kummissarju meta jitlobhom lura bil-miktub.

(3) Iċ-Ċertifikat ta' Iskrizzjoni mahruġ skond dan l-artikolu m'għandux jistabbilixxi l-istatus fiskali ta' organizzazzjoni volontarja, jew kemm għandhom jew m'għandhomx jiġu intaxxati d-dhul u l-operazzjonijiet finanzjarji tagħha.

15. (1) Il-Kummissarju għandu jiċċhad milli jiskrivi organizzazzjoni jekk, safejn ikun jaf hu, isem l-organizzazzjoni ikun diġà qiegħed jintuża minn xi organizzazzjoni ohra, ukoll jekk din ma tkunx iskritta, jew inkella jekk l-isem propost ikun wiehed offensiv jew li x'aktarx iqarraq:

Ċhid milli ssir iskrizzjoni minhabba fl-isem.

Iżda meta organizzazzjoni volontarja tkun għet iskritta b'isem li jkun diġà qiegħed jintuża minn xi organizzazzjoni volontarja ohra li tkun iskritta, il-Kummissarju għandu jitlob lil dik l-organizzazzjoni volontarja li tkun għet iskritta l-aħhar biex tiddel isimha.

16. (1) Organizzazzjoni volontarja tista' tiġi mwaqqfa bhala organizzazzjoni temporanja jekk din tkun organizzazzjoni li tkun għet iffurmata bi skop speċifiku uniku, inkluż dak li jsir għbir għal xi skop soċjali speċifiku jew għall-benefiċċju ta' xi organizzazzjoni volontarja ohra li tkun iskritta, jew biex titwettaq xi hidma partikolari b'appoġġ ta' xi skop soċjali jew ta' xi organizzazzjoni volontarja ohra li tkun iskritta. Organizzazzjoni temporanja bhal dik għandha titqies bhala organizzazzjoni mhux registrata għall-finijiet tat-Tieni Skeda li tinsab mal-Kodiċi Ċivili.

Organizzazzjonijiet temporanji.

Kap. 16.

(2) Organizzazzjoni temporanja:

(a) titwaqqaf permezz ta' strument kostituttiv bil-miktub, inkluża dikjarazzjoni tal-hsieb li jinkiseb skop speċifiku fi żmien qasir hafna li ma jkunx ta' iżjed minn sena, iffirmit mill-promoturi u li fih ikun hemm elenkati l-atti li jkunu meħtieġa sabiex jinkiseb l-iskop li tkun għet imwaqqfa għalih;

(b) ma tista' twettaq ebda att iehor hlief xi wiehed min dawk li jkunu elenkati fl-istrument kostituttiv u ma tistax tissellef flus lanqas tidhol ghal obligazzjonijiet finanzjarji li jorbtu qabel ma jibda l-gbir tal-fondi mehtiega biex twettaq dawk l-obbligazzjonijiet;

(c) ghandha thallas, tapplika jew xort'ohra tqassam l-attiv kollu taghha sabiex l-iskop ikun jista' jinkiseb sad-data stabbilita ghal tmiemha; u

(d) ghandha tipprezenta lill-Kummissarju dikjarazzjoni konkluziva tal-kontijiet, qabel id-data stabbilita ghal tmiemha, iffirmata mill-amministraturi taghha fejn jigi:

(i) spjegat kif tkun kisbet l-iskop li tkun twaqqfet ghalih;

(ii) spjegat kif tkun uzat l-attiv kollu taghha; u

(iii) anness maghha kull dokument jew ftehim originali li setghu saru minn dik l-organizzazzjoni temporanja f'dak li ghandu x'jaqsam mat-tnehhija jew l-applikazzjoni ta' dak l-attiv.

(3) Meta l-Kummissarju jkun sodisfatt li jkun hemm konformità ma' dan l-artikolu, huwa ghandu:

(a) jiskrivi organizzazzjoni temporanja meta din tipprezentalu l-istrument kostituttiv rilevanti; u

(b) ihassar l-iskrizzjoni ta' dik l-organizzazzjoni temporanja minghajr ebda htiega ta' proceduri ta' stralc wara li tigi prezentata d-dikjarazzjoni konkluziva tal-kontijiet skond ma hemm fis-subartikolu (2).

(4) Il-Kummissarju jista', meta ssirlu talba bil-miktub mill-amministraturi, jaghti l-kunsens tieghu ghal estensjoni tad-data meta ghandha tintemm organizzazzjoni temporanja li tkun twaqqfet ghal perjodu ta' inqas minn tnax-il xahar u dak iz-żmien, inkluza l-estensjoni, m'ghandux ikun b'kollox jeccedi z-żmien ta' sena mill-bidu tat-twaqqif taghha.

(5) Meta organizzazzjoni temporanja ma tosservax s-subartikolu (2)(c), l-amministraturi taghha jkunu obligati sa mhux aktar tard mid-data ta' tmiemha:

(a) iwaqqfu lil dik l-organizzazzjoni jew bhala fondazzjoni jew bhala assoċjazzjoni kif hemm imsemmi fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili u japplikaw għall-iskrizzjoni tagħha skond ma hemm f'dan l-Att; jew Kap. 16.

(b) ihallsu l-flus kollha u kull attiv iehor miġbur lill-Fond għal Organizzazzjonijiet Volontarji biex isir minnhom skond l-iskop originali fi żmien xahrejn mid-data ta' tmiemha.

(6) Kull attiv residwu li jista' jifdal f'organizzazzjoni temporanja wara l-kisba ta' l-iskop tagħha għandu jithallas mill-amministraturi lill-Fond għal Organizzazzjonijiet Volontarji u dak il-Fond għandu, bis-saħħa ta' dan is-subartikolu, jitqies bhala s-suċċessur fid-dritt ta' kull proprjetà, inkluż kull jedd ta' rimborż jew riverżjoni, ta' dik l-organizzazzjoni temporanja.

(7) Il-Fond għal Organizzazzjonijiet Volontarji ma jkun responsabbli li jwettaq ebda obligazzjoni ta' xi organizzazzjoni temporanja, iżda jekk dak il-Fond jirċievi xi attiv skond dan l-artikolu u l-Bord ta' dak il-Fond ikun jidhirlu li l-obbligazzjonijiet:

(a) jkunu saru *bonafidi*; u

(b) ma jkunux twettqu hlief għal raġunijiet validi; u

(ċ) jistgħu jitwettqu kollha kemm huma jew biss f'parti minnhom b'dak l-attiv li jkun ġie riċevut,

għaldaqstant il-Bord ta' dak il-Fond jista' jaqbel li jirrilaxxa kull attiv li jkun ġie riċevut, mingħajr ebda mgħax, wara li jitnaqqsu l-ispejjeż kollha li jkunu saru, lill-kreditur ta' l-obbligazzjoni iżda ma jkun responsabbli għal xejn iżjed.

(8) Jekk il-Kummissarju jkun jidhirlu li organizzazzjoni temporanja tkun twaqqfet regolarment għall-istess skop jew għal skop simili u mill-istess persuni, jew minn x'uhud minnhom, il-Kummissarju jista' għaldaqstant jitlob li l-amministraturi jgħaddu biex jiffurmaw organizzazzjoni volontarja bi żmien estiż skond il-liġi, u jekk dan ma jsirx il-Kummissarju jista' jiċhad milli jaċċetta l-iskrizzjoni ta' dik l-organizzazzjoni temporanja.

17. Kull min japplika u jkollu l-applikazzjoni għal iskrizzjoni li jagħmel miċhuda mill-Kummissarju, ikollu dritt jappella kontra dik id-deċiżjoni quddiem il-Bord ta' l-Appell skond l-artikolu 25. Dritt ta' appell.

Organizzazzjonijiet
li jinsabu
f' diffikultà.

18. (1) Fil-qadi ta' dmirijietu, il-Kummissarju jista' jirrakkomanda lill-amministraturi, jew fl-assenza ta' l-amministraturi, lil xi membri jew promoturi identifikabbli ta' l-organizzazzjoni volontarja iskritta, l-istralc ta' dik l-organizzazzjoni.

(2) Meta jirċievu rakkomandazzjoni skond is-subartikolu (1), ir-riċevituri ghandhom, kemm jista' jkun malajr, isejju laqgħa ta' kull min ikollu interess bil-ghan li jiddiskutu dik ir-rakkomandazzjoni u biex jieħdu deċiżjonijiet fuq dak li ghandhom jagħmlu fil-futur.

(3) Il-Kummissarju jista' jahtar, fuq talba bil-miktub ta' xi organizzazzjoni li tkun tinsab f' diffikultajiet finanzjarji, amministraturi esterni fuq bażi temporanja sabiex dawn ikunu jistgħu jifflu ċ-ċirkostanzi u jagħmlu r-rakkomandazzjonijiet tagħhom dwar il-futur ta' dik l-organizzazzjoni.

(4) Fil-każ ta' organizzazzjonijiet volontarji iskritti, il-Kummissarju għandu jipprova jgħin lill-organizzazzjoni timplimenta soluzzjonijiet jew tasal għal konformità qabel ma huwa johroġ xi rakkomandazzjoni skond dan l-artikolu, jew ordni skond l-artikoli 19 u 20.

Sospensjoni jew
thassir ta'
attivitajiet.

19. (1) Il-Kummissarju jista' jagħmel rikors quddiem il-Bord ta' l-Appell biex jordna:

(a) is-sospensjoni ta' l-attivitajiet ta' organizzazzjoni volontarja iskritta bil-hruġ ta' Ordni ta' Sospensjoni, għal dak il-perijodu li jkun speċifikat fl-istess ordni; jew

(b) it-thassir ta' l-iskrizzjoni ta' organizzazzjoni volontarja bil-hruġ ta' Ordni ta' Thassir, li jkollha effett fi żmien hmistax-il gurnata mid-data tan-notifika ta' dik l-ordni, lill-amministraturi kollha jew lil xi wieħed minnhom, kemm-il darba ma jkunx gie ppreżentat appell qabel dak il-perijodu, f'liema każ dik l-ordni għandu jkollha effett mid-data stabbilita mill-Bord ta' l-Appell.

(2) L-ordnijiet imsemmija fis-subartikolu (1) jistgħu jinħarġu jekk l-organizzazzjoni volontarja:

(a) ma tkunx qegħda ssegwi l-iskopijiet li kienet twaqqfet għalihom u b'hekk tkun qegħda tqarraq bil-pubbliku;

(b) tkun qegħda twettaq attivitajiet illeġali, inkluż il-ġbir pubbliku mingħajr l-awtorizzazzjoni meħtieġa;

(c) tkun qeghda tonqos milli tosserva d-disposizzjonijiet ta' l-istatut taghha jew ta' dan l-Att jew ta' regolamenti maghmulin tahtu;

(d) tkun qeghda tapplika l-fondi taghha hazin, jew tkun qeghda tuza fondi jew benefiċċji li tkun irċeviet ghal skopijiet li m'humiex dawk li ghalihom dawk il-fondi jew benefiċċji jkunu nghataw;

(e) tidher li tkun baqghet topera wara li tkun giet formalment xolta;

(f) ma tkunx iffunzjonat ghal perjodu li jeċċedi erbgħa w ghoxrin xahar konsekuttivi; jew

(g) tkun kisbet iskrizzjoni msejsa fuq informazzjoni li tkun materjalment mhux korretta jew mhux kompleta u li kienet mod iehor twassal ghal ċhid li kieku l-Kummissarju kellu jkun jaf x'kienet l-informazzjoni korretta jew kompleta.

(3) F'dawk il-każijiet li fihom tinhareg Ordni ta' Sospensjoni, il-Bord ta' l-Appell ghandu jindika liema attivitajiet ta' l-organizzazzjoni ghandhom ikunu sospizi u l-Kummissarju ghandu jiltaqa' jew jikkomunika ma' l-amministraturi ta' l-organizzazzjoni, kemm jista' jkun malajr, biex jirrevedi s-sitwazzjoni u biex jikseb l-informazzjoni u l-obbligazzjonijiet mill-amministraturi skond ma jista' jkun mehtieg. Dik l-informazzjoni ghandha tigi riferita lill-Bord ta' l-Appell, skond ma jista' jkun mehtieg minn żmien ghal żmien, u l-Bord ta' l-Appell jista' juza dik l-informazzjoni meta jkun qieghed jirrevedi ordnijiet li jkunu inharġu bis-sahha ta' dan l-artikolu.

(4) F'Ordni ta' Sospensjoni, il-Bord ta' l-Appell jista' jagħmel ordnijiet anċillari, inkluza ordni biex jitwettqu azzjonijiet li jkunu konformi ma' l-istatut ta' l-organizzazzjoni volontarja jew mad-disposizzjonijiet ta' dan l-Att jew ta' regolamenti maghmulin tahtu, skond ma jista' jkun xieraq.

(5) Il-Bord ta' l-Appell ikollu s-setgħa jestendi, jemenda jew jirrevoka Ordni ta' Sospensjoni, skond ma jqis li jkun xieraq, wara rikors li jsirlu mill-Kummissarju jew mill-amministraturi ta' l-organizzazzjoni volontarja.

(6) Sakemm Ordni ta' Thassir ikollha effett skond ma hemm fis-subartikolu (1), l-affarijiet ta' l-organizzazzjoni ghandhom jibqgħu jitmexxew mill-amministraturi li ghandhom iwettqu biss atti ta'

amministrazzjoni ordinarja jew, fil-każ meta appell ikun ghadu pendenti, dawk l-atti li jistgħu jiġu awtorizzati mill-Bord ta' l-Appell.

(7) Fil-hruġ ta' Ordni ta' Thassir, il-Bord ta' l-Appell ghandu wkoll jiddeċiedi dwar jekk is-sospensjoni ta' l-attivitajiet ta' organizzazzjoni ghandhiex tkun wahda permanenti ghar-rigward ta' kull attività jew ta' parti biss mill-attivitajiet ta' organizzazzjoni u jista' johroġ kull ordni rilevanti ghar-rigward tal-hidma ta' l-organizzazzjoni fil-futur.

(8) Fil-każ ta' Ordni ta' Thassir msejsa fuq il-motivi li hemm speċifikati fis-subartikolu (2)(a), (b) u (d), il-Bord ta' l-Appell ikollu s-setgħa jordna li l-organizzazzjoni tieqaf milli tkompli twettaq attivitajiet ulterjuri. Fil-każijiet l-oħra kollha, Ordni ta' Thassir ghandha tinkludi kull deċiżjoni taht dawk il-pattijiet u kondizzjonijiet li l-Bord ta' l-Appell jista' jikkunsidra li jkunu xierqa fiċ-ċirkostanzi u ordni bhal dik m'ghandhiex madankollu tkun timplika xi restrizzjoni tad-dritt ta' assoċjazzjoni li ghandhom dawk il-persuni li jkunu involuti fl-organizzazzjoni, jew tad-dritt li dawk il-persuni ghandhom li jkomplu joperaw organizzazzjoni minghajr il-benefiċċji ta' iskrizzjoni li jibqgħu ghaddejin taht dan l-Att.

(9) Il-Kummissarju ghandu jippublika, f' ġurnal lokali, kull Ordni ta' Thassir li tkun saret wahda finali flimkien ma' dikjarazzjoni qasira dwar l-effetti ta' l-ordni li ghandha, qabel ma din tiġi pubblikata, tkun approvata mill-Bord ta' l-Appell u dik id-dikjarazzjoni ghandha terġa' tiġi pubblikata regolarment matul dak iż-żmien kollu li l-Kummissarju jista' jqis li jkun mehtieġ biex jiżgura li l-pubbliku jkun gharaf is-sitwazzjoni kif mehtieġ.

Effetti ta' thassir ta' iskrizzjoni.

20. (1) Fil-każ ta' thassir ta' iskrizzjoni ta' organizzazzjoni volontarja, l-amministraturi ghandhom minnufih iroddu lira, lill-Kummissarju, iċ-Ċertifikat ta' Iskrizzjoni ta' dik l-organizzazzjoni u kull min jonqos milli jrodd lira dak iċ-ċertifikat fiż-żmien imniżżel fit-talba bil-miktub tal-Kummissarju, ikun hati ta' reat kontra dan l-Att u jista', meta jinsab hati, jehel multa ta' mitt lira (Lm100) u multa ta' hames liri (Lm5) għal kull ġurnata li jonqos milli jagħmel dan.

(2) Fil-każ ta' thassir ta' iskrizzjoni ta' xi organizzazzjoni volontarja, il-privileġġi, benefiċċji, vantaġġi jew jeddijiet kollha mogħtijin lil dik l-organizzazzjoni bis-saħħa ta' l-iskrizzjoni, ghandhom jieqfu milli jkollhom effett mid-data minn meta d-deċiżjoni ta' thassir ikollha effett:

Iżda telf ta' benefiċċji bhal dak m'ghandux japplika għall-atti mehtieġa għall-likwidazzjoni u x-xoljiment ta' organizzazzjoni

volontarja, inkluż kull trasferiment ta' proprjetà lil organizzazzjonijiet ohra skond ma jehtiegu l-istatut ta' l-organizzazzjoni volontarja jew id-disposizzjonijiet tal-liġi li tapplika.

(3) It-thassir għar-raġunijiet imsemmija fl-artikolu 19(2)(a), (b), (d) u (g) għandu jagħti jedd lill-Kummissarju li jitlob ir-rimborż ta', jew kumpens ġust għal, kull benefiċċju li jkun ġie riċevut ingustament mill-organizzazzjoni volontarja jew minn xi persuna ohra bis-saħħa ta' l-iskrizzjoni tagħha skond dan l-Att, u l-Bord ta' l-Appell jista' johroġ l-ordnijiet relattivi kontra l-organizzazzjoni u kontra kull persuna involuta f'dik l-organizzazzjoni, jew li jkollha pussess ta' xi proprjetà, fl-Ordni ta' Thassir jew separatament, wara li jiżgura li dik l-organizzazzjoni jew persuna tkun inghatat avviż kif mehtieġ ta' din it-talba kif ukoll opportunità li jiddefendu lilhom innifishom:

Iżda jkun jista' jsir appell quddiem il-Qorti ta' l-Appell minn kull deċiżjoni dwar responsabbiltà li tinghata mill-Bord ta' l-Appell skond ma hawn f'dan is-subartikolu.

(4) Meta tinghata ordni mill-Bord ta' l-Appell kontra organizzazzjoni jew xi persuna msemmija fis-subartikolu ta' qabel dan, din tkun tista' tiġi infurzata bħala sentenza tal-qorti.

21. (1) Il-Kummissarju jista', permezz ta' avviż bil-miktub, jordna s-sospensjoni ta' attivitajiet ta' organizzazzjoni li ma tkunx iskritta jekk, fil-fehma meqjusa tiegħu, tkun tapplika xi raġuni minn dawk imsemmija fl-artikolu 19(2) u dan jista' jsir għal perijodu li jiġi speċifikat f'avviż li jinghata lill-amministraturi kollha jew lil xi wiehed minnhom, jew fl-assenza tagħhom lil dik il-persuna li l-Kummissarju jidhirlu li tkun qegħda twettaq dawk l-attivitajiet:

Sospensjoni ta' attivitajiet minn organizzazzjonijiet li ma jkunux iskritti.

Iżda sospensjoni bħal dik m'għandhiex tkun ta' iżjed minn tletin jum għal kull avviż li jinghata.

(2) Organizzazzjoni li tiġi notifikata b'avviż bħal dak għandha tissospendi dawk l-attivitajiet li jiġu speċifikament indikati fl-avviż li hemm imsemmi fis-subartikolu (1) sakemm tittiehed deċiżjoni finali dwar jekk din tistax tibqa' taġixxi jew le.

(3) Kull persuna li tonqos milli tissospendi l-attivitajiet tagħha fi żmien tliet ijiem minn meta tirċievi l-avviż li jsirilha mill-Kummissarju f'dak is-sens, tkun hatja ta' reat taħt dan l-Att u tista', meta tinsab hatja, tehel multa ta' mitt lira (Lm100) u multa ta' hames liri (Lm5) għal kull ġurnata li tonqos milli tagħmel dan.

(4) Il-Kummissarju ghandu jagħmel rikors quddiem il-Bord ta' l-Appell sa mhux aktar tard minn disghin ġurnata jekk huwa jqis li jkun meħtieġ li jkollu f'idejh ordni għas-sospensjoni permanenti ta' l-attivitajiet ta' dik l-organizzazzjoni u l-Bord ta' l-Appell ikollu s-setgħa, wara li jisma' liż-żewġ partijiet, li johroġ dik l-ordni skond dawk il-kondizzjonijiet li jista' jqis li jkunu xierqa.

(5) Kull min ihoss ruhu aggravat b'Ordni ta' Sospensjoni mahruġa taħt dan l-artikolu jista' jappella quddiem il-Bord ta' l-Appell kontra l-hruġ ta' dik l-ordni fi żmien għaxart ijiem minn meta jirċievi avviz bil-miktub minghand il-Kummissarju.

Setgħat tal-Kummissarju f'każ ta' abbuż.

22. (1) Mingħajr preġudizzju għad-disposizzjonijiet ta' xi liġi oħra, f'dawk il-każijiet meta il-Kummissarju jkun tal-fehma li persuna jew organizzazzjoni volontarja tkun qegħda tagħmel jew għamlet użu abbużiv minn Ċertifikat ta' Iskrizzjoni mahruġ skond ma hemm fl-artikolu 14 jew li tkun iffalsifikat jew għamlet użu minn falsifikazzjoni tiegħu, il-Kummissarju jista':

(a) jipprojbixxi lil dik il-persuna milli tuża dak iċ-ċertifikat billi javża lil dik il-persuna għaldaqstant bil-miktub; jew

(b) johroġ dikjarazzjonijiet pubbliċi fuq il-fatti biex iwissi lill-pubbliku b'kull abbuż minn dik il-persuna jew organizzazzjoni volontarja;

(ċ) jagħmel rikors quddiem il-Bord ta' l-Appell biex jiehu azzjoni biex jeleva flejjes miġbura jew ġbir pubbliku li jsiru minn dik il-persuna jew organizzazzjoni u biex jroddhom lura lid-donatur tagħhom, jew inkella jekk ma jkunx possibbli li jinsabu min kienu d-donaturi fi żmien tnax-il xahar minn meta jiġu elevati dawk il-flejjes jew ġbir, jgħaddi dawk il-fondi fil-Fond għal Organizzazzjonijiet Volontarji.

(2) Qabel ma tittiehed xi waħda mill-azzjonijiet minn dawk hawn qabel imsemmija fis-subartikolu (1)(a) u (b), il-Kummissarju għandu javża bil-miktub lil kull persuna jew organizzazzjoni li *prima facie* jidhrulu li jkunu użaw hażin ċertifikat, bir-riżultanzi li kellu u bl-azzjonijiet li jkun bi hsiebu jiehu u dik il-persuna jew organizzazzjoni jkollha l-jedd li:

(a) tippreżenta s-sottomissjonijiet tagħha lill-Kummissarju fi żmien hamest ijiem mid-data meta tirċievi l-avviz bil-miktub; u

(b) tippreżenta appell quddiem il-Bord ta' l-Appell fi żmien hamest ijiem minn meta tiġi notifikata bid-deċiżjoni tal-

Kummissarju, liema appell ghandu jissospendi kull azzjoni minnaha tal-Kummissarju skond ma hemm fis-subartikolu (1) sakemm ikun hemm deċiżjoni finali minn dak l-istess Bord ta' l-Appell.

TAQSIMA V

DWAR L-APPELLI U L-BORD TA' L-APPELL

23. (1) Ikun hemm Bord ta' l-Appell li jkollu l-funzjonijiet li jiddeċiedi kull haġa li jkollha x'taqsam ma' l-organizzazzjonijiet volontarji skond ma jista' jiġi lili riferit skond dan l-Att. Bord ta' l-Appell.

(2) Il-membri tal-Bord ta' l-Appell jinhatru mill-Ministru għal perijodu ta' tliet snin, u jistgħu jitnehhew mill-kariga minhabba f'inkapaċità bil-provi li jwettqu l-funzjonijiet tal-kariga tagħhom jew minhabba f'imġieba hażina bil-provi.

(3) Il-Bord ta' l-Appell ikun magħmul minn tliet persuni, li membru wiehed minnhom, li jkun il-President, ikun persuna li tkun eżercitat bħala avukat għal mhux inqas minn seba' snin.

(4) Membru tal-Bord ta' l-Appell jista' jiġi rikuzat jew jista' jastjeni għal kull waħda mir-raġunijiet li għalihom jista' jiġi rikuzat jew jastjeni mhallef skond l-artikolu 734 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. F'każ bħal dak, il-Ministru għandu jahtar persuna oħra biex toqgħod bħala membru tal-Bord ta' l-Appell minflok dak il-membru. Kap. 12.

(5) Persuna ma tkunx kwalifikata li tinhatar jew tibqa' tokkupa l-kariga bħala membru tal-Bord ta' l-Appell jekk dik il-persuna:

(a) tkun Imhalled, Maġistrat, membru tal-Kamra tad-Deputati jew ta' Kunsill Lokali, jew kandidat għall-elezzjoni tal-Kamra tad-Deputati jew ta' Kunsill Lokali; jew

(b) tkun legalment inkapaċitata; jew

(ċ) tkun ġiet dikjarata falluta jew tkun għamlet komposizzjoni jew arrangament mal-kredituri tagħha; jew

(d) tkun instabet hatja ta' xi reat kontra l-fiduċja pubblika jew ta' serq jew frodi, jew tkun xjentement laqgħet għandha proprjetà li tkun ġejja minn serq jew frodi, ta' reat li jattakka l-bon ordni tal-familji jew ta' xi reat ieħor kontra dan l-Att.

(6) Il-Bord ta' l-Appell ghandu jgawdi l-funzjonijiet u s-setgħat kollha tal-Qorti Ċivili fil-ġurisdizzjoni volontarja tagħha.

Proċedura u
ġurisdizzjoni.

24. (1) Il-Bord ta' l-Appell ghandu jirregola l-proċedura tiegħu nnifsu u ghandu jagħmel hiltu biex jintroduċi sistemi u prattiċi li jkunu spedittivi u effiċjenti.

(2) Il-Bord ta' l-Appell ikollu s-setgħa li jiehu deċiżjonijiet ibbażati fuq dak li x'aktarx ikun l-aktar ġust u xieraq fiċ-ċirkostanzi u jkollu s-setgħa li johroġ ordnijiet, kemm temporanji kemm permanenti.

(3) Il-Bord ta' l-Appell ghandu f'kull waqt josserva r-regoli tal-ġustizzja naturali u jagħti opportunità lill-partijiet li jagħmlu s-sottomissjonijiet tagħhom u li jinstemgħu filwaqt li jagħmel disponibbli għalihom kull informazzjoni u dokument li l-Bord ikun ser isejjes id-deċiżjoni tiegħu fuqhom.

(4) Il-membri tal-Bord ta' l-Appell għandhom jaġixxu b'mod imparzjali u indipendenti minn kull influwenza li tiġi minn persuni ohra u m'għandu f'ebda waqt ikollhom xi interess personali f'affarijiet li jkollhom jiddeċiedu dwarhom. Jekk jiġri li jqum xi interess f'xi kwistjoni, huma għandhom jiddikjaraw dak l-interess u jastjenu kemm-il darba l-partijiet ma jitolbuhomx b'mod ċar għall-aħħar li jkomplu jiffunzjonaw bħala tali wara li jiġi għalkollox żvelat dak il-konflitt.

(5) Fl-eżerċizzju tal-funzjonijiet tiegħu, il-Bord ta' l-Appell jista' jharrek lil kull persuna biex tidher quddiemu, biex tixhed u ġġib magħha dokumenti u l-President ikollu s-setgħa li jagħtiha l-ġurament.

(6) Il-Bord ta' l-Appell ghandu jiddeċiedi kull haġa li tiġi riferita lilu sa mhux aktar tard minn erba' xhur mid-data meta ssir dik ir-referenza, kemm-il darba fil-fehma tal-President ma jkunx mehtieġ perjodu itwal, u dan għal xi raġuni valida li għandha tiġi dikjarata u reġistrata fl-atti tal-kawża.

(7) Il-Bord ta' l-Appell ikollu ġurisdizzjoni dwar kull ksur tad-disposizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin tahtu meta dak il-ksur ma jkunx jikkostitwixxi reat kriminali.

TAQSIMA VI

DRITT TA' APPELL U RIOLUZZJONI TA' TILWIMIET

Dritt ta' appell.

25. (1) Kull persuna jew organizzazzjoni li thoss ruhha aggravata minn xi deċiżjoni tal-Kummissarju tista' tappella minn dik

id-deċiżjoni fi żmien tletin ġurnata minn meta tirċeviha jew meta ma jkun hemm ebda risposta dwar applikazzjoni li tkun saret lill-Kummissarju biex jirreġistra organizzazzjoni volontarja, wara hamsa w erbghin ġurnata mid-data ta' l-applikazzjoni ghal dik l-iskrizzjoni.

(2) L-appell għandu jsir bil-miktub u jiġi pprezentat fil-Bord ta' l-Appell mingħajr il-htieġa ta' ebda formalità oħra, jew inkella b'dak il-mod li jista' jiġi ordnat b'regolamenti magħmulin mill-Ministru bis-saħħa ta' dan l-Att.

(3) Ir-rikors fil-Bord ta' l-Appell jista' jsir ukoll mill-Kummissarju, minn fundatur, amministratur, membru, donatur jew benefiċjarju ta' organizzazzjoni volontarja fil-kapaċità individwali tiegħu billi jkollu interess fl-affarijiet ta' l-organizzazzjoni, biex tinhareġ ordni fuq l-affarijiet ta' l-imsemmija organizzazzjoni għar-raġunijiet li dik l-organizzazzjoni ma tkunx qegħda titmexxa skond id-disposizzjonijiet ta' dan l-Att, ta' regolamenti magħmulin tahtu jew skond ma hemm provdut fl-istatut ta' dik l-organizzazzjoni.

(4) Il-Bord ta' l-Appell għandu jimmotiva d-deċiżjoni tiegħu u għandu jara li dawk id-deċiżjonijiet jiġu pubblikati filwaqt li jhalli barra l-ismijiet tal-persuni involuti, jekk il-Bord ikun jidhirlu xieraq li jagħmel dan għal raġunijiet ta' kunfidenzjalità.

(5) Meta jkun qieghed jiddeċiedi appell, il-Bord jista' jiċhad l-appell jew ihassar, jirrevoka jew jissostitwixxi d-deċiżjoni tal-Kummissarju jew ta' xi amministratur jew laqgħa ġenerali ta' organizzazzjoni volontarja.

26. (1) Jista' wkoll isir appell quddiem il-Prim' Awla tal-Qorti Ċivili fuq punt ta' liġi u fuq kull haġa oħra li tinvolvi determinazzjoni ta' dritt ċivili li jista' jorigina bħala r-riżultat ta' deċiżjoni mogħtija mill-Bord ta' l-Appell.

Appelli fuq punt ta' liġi u deċiżjoni dwar drittijiet ċivili.

(2) L-appelli kollha jsiru b'rikors li jiġi pprezentat fil-qorti, u dak ir-rikors għandu jiġi notifikat lill-Kummissarju mir-rikorrent u l-Kummissarju jkollu żmien għaxart ijiem biex iwieġeb għar-rikors.

(3) Meta jsir appell fuq punt ta' liġi jew determinazzjoni ta' dritt ċivili skond is-subartikolu (1), il-qorti tista' jew tikkonferma, tibdel jew tħassar id-deċiżjoni tal-Bord ta' l-Appell jekk hija tikkunsidra li jkun meħtieġ li tagħmel dan fil-kuntest tad-determinazzjoni tagħha jew inkella tista' tirreferi d-deċiżjoni tagħha lura lill-Bord ta' l-Appell sabiex dak il-Bord ikun jista' jiehu kull azzjoni dovuta kif meħtieġ.

(4) Id-deċiżjoni tal-Prim' Awla tal-Qorti Ċivili għandha tkun waħda konklużiva u ma jkun jista' jsir ebda appell ieħor minnha.

(5) Meta jkun hemm konformità ma' istruzzjonijiet mogħtija mill-Kummissarju jew ma' determinazzjoni tal-Bord ta' l-Appell, dan m'għandux jiġi interpretat bħala rinunzja tad-dritt għal rimedju ġudizzjarju skond dan l-artikolu.

Sostenn li jingħata f'każ ta' tilwimiet.

27. (1) Il-Kummissarju jista' jipprova, meta jsir jaf b'tilwima li tkun tinvolvi organizzazzjoni volontarja jew persuni konnessi magħha, ukoll jekk b'inizjattiva tiegħu stess, għajjnuna fir-risoluzzjoni ta' dawk it-tilwimiet permezz:

(a) tal-facilità ta' fehmiet konsultattivi li jingħataw minn esperti magħżulin minn fost lista ta' persuni (hawn iżjed 'il quddiem imsejha bħala "il-*Panels* Konsultattivi");

(b) ta' għajjnuna lill-partijiet fit-tilwima billi dik it-tilwima tintbagħat għall-medjazzjoni u, meta jkun meħtieġ, jimponi referenza mandatorja għal medjazzjoni kif hawn provdut;

Kap. 387.

(ċ) ta' għajjnuna lill-partijiet fit-tilwima biex imorru għal arbitraġġ skond id-disposizzjonijiet tat-Taqsima IV ta' l-Att dwar l-Arbitraġġ.

(2) Il-Kummissarju għandu jinkoraġġixxi u jassisti lill-partijiet f'tilwima li tkun tinvolvi lil xi organizzazzjoni volontarja biex jirrisolvu l-kwistjoni permezz ta' ftehim reċiproku billi jiriferuha lill-*Panel* Konsultattiv, jew għal medjazzjoni, jew fin-nuqqas ta' dan għall-arbitraġġ.

(3) Il-Kummissarju jista' jorganizza avvenimenti informattivi, edukattivi u ta' taħriġ f'dak li għandu x'jaqsam ma' sistemi alternattivi ta' risoluzzjoni ta' tilwimiet għall-benefiċċju ta' organizzazzjonijiet volontarji.

(4) Għall-finijiet ta' din it-Taqsima, tilwima tkun tinvolvi lil organizzazzjoni volontarja jekk din ikollha x'taqsam ma':

(a) tilwima bejn il-membri ta' organizzazzjoni volontarja, jew bejn il-membri u xi amministratur wieħed jew aktar, li jkollha x'taqsam ma' l-affarijiet ta' l-organizzazzjoni volontarja, inkluż il-hlas ta' mizati ta' shubija, it-tkeċċija ta' membri u affarijiet bħal dawn; jew

(b) tilwima bejn il-fundaturi u l-amministraturi ta' fondazzjoni jew it-trasferenti jew il-benefiċjarji ta' *trust* ta' karità u *t-trustees* f'dak li ghandha x'taqsam ma' l-affarijiet ta' l-organizzazzjoni volontarja jew tat-*trust* ta' karità skond il-każ; jew

(ċ) tilwima bejn l-amministraturi ta' organizzazzjoni volontarja; jew

(d) tilwima bejn organizzazzjonijiet volontarji, li jkollha x'taqsam ma' attivitajiet, avvenimenti u affarijiet relatati; jew

(e) tilwima bejn organizzazzjoni volontarja u donatur, *sponsor*, benefiċjarju jew xi persuna oħra li jkollha relazzjonijiet ma' l-organizzazzjoni volontarja, minbarra relazzjonijiet purament kummerċjali għall-provvista ta' oġġetti jew servizzi; jew

(f) tilwima bejn voluntier u organizzazzjoni volontarja; jew

(g) mingħajr preġudizzju għal kull liġi li ghandha x'taqsam ma' l-impjiegi, tilwima bejn impjegat ta' organizzazzjoni volontarja u l-organizzazzjoni volontarja, li ghandha tiġi trattata f'kollaborazzjoni mad-Direttur għall-Impjiegi u Relazzjonijiet Industrijali; jew

(h) tilwima bejn il-Gvern u organizzazzjoni volontarja f'dak li ghandu x'jaqşam ma' xi kuntratt ta' amministrazzjoni jew xi kuntratt ieħor li jsir biex jingħataw servizzi.

28. (1) Il-*Panel* Konsultattiv ikun magħmul minn persuni li, fil-fehma tal-Kummissarju, huma kwalifikati li jwettqu d-dmirijiet ta' konsulenti f'affarijiet li ghandhom x'jaqsmu ma' organizzazzjonijiet volontarji u s-settur tal-volontarjat b'mod ġenerali.

Panels
Konsultattivi.

(2) Il-*Panel* Konsultattiv ghandu:

(a) minnufih jikkomunika mal-partijiet fit-tilwima malli ssirilu r-referenza ta' dik it-tilwima mill-Kummissarju;

(b) jorganizza laqgħat bejn il-partijiet, skond ma jista' jkun meħtieġ, sabiex tkun tista' tiġi solvuta t-tilwima;

(ċ) jikkunsidra l-kawżi u ċ-ċirkostanzi tat-tilwima;

(d) jagħmel mill-aħjar biex it-tilwima titranga amikevolment, kemm jista' jkun malajr;

(e) jagħmel rakkomandazzjonijiet, skond ma jidhirlu li jkun adatt, biex jirrisolvi t-tilwima;

(f) fil-każ li ma jirnexxilux jasal biex tilwima titrangà amikevolment, jagħmel rakkomandazzjonijiet għal medjazzjoni jew arbitraġġ skond ma hemm fl-artikoli 29 u 30.

Medjazzjoni.

29. (1) Meta l-Kummissarju jirreferi tilwima li tkun tinvolvi xi organizzazzjoni volontarja għal medjazzjoni, il-Kummissarju għandu jagħmel dan b'avviż bil-miktub li jinghata lill-partijiet, u l-partijiet ikunu marbutin b'dik ir-referenza:

Iżda l-Kummissarju għandu fl-avviż jiddikjara min ikun responsabbli biex jibda l-proċeduri u għandu jstabilixxi terminu biex dan isir, u fin-nuqqas li dan isir tkun il-parti jew il-partijiet l-oħra li jistgħu jibdeu il-proċedimenti ta' medjazzjoni huma nnifishom.

(2) Kull parti li tkun giet riferita għal medjazzjoni għandha tkun marbuta li taġixxi b'bona fidi filwaqt li jkunu qegħdin isiru dawk il-proċedimenti u kull parti tkun tista' tirtira mill-proċedimenti ta' medjazzjoni f'kull waqt:

Iżda jekk il-medjatur iqis li xi parti ma tkunx uriet bona fidi fil-mod kif tippreżenta jew tmexxi bil-medjazzjoni, il-medjatur jista' għaldaqshekk jordna lil dik il-parti thallas l-ispejjeż.

(3) Iċ-Ċentru tal-Medjazzjoni għal Malta jista', wara li jkun ikkonsulta mal-Kunsill, minn żmien għal żmien, jagħmel regoli li jkunu jirregolaw il-proċeduri ta' medjazzjoni f'dak li għandu x'jaqsam ma' organizzazzjonijiet volontarji, inklużi regoli dwar il-hatra ta' medjatur minn dak iċ-Ċentru fil-każ li l-partijiet ma jaqblux fuq hatra bħal dik.

(4) Il-Kunsill għandu, minn żmien għal żmien, jagħti pariri liċ-Ċentru tal-Medjazzjoni għal Malta meta jkunu qegħdin jiġu elenkati l-lista jew il-listi ta' medjaturi fuq affarijiet li jinvolvu organizzazzjonijiet volontarji.

Arbitraġġ.

30. (1) Meta tilwima kif imfisser fl-artikolu 27 tingieb għall-arbitraġġ taht ir-regoli ta' iċ-Ċentru dwar l-Arbitraġġ ta' Malta, it-tilwima għandha, jekk ma jkunx hemm ftehim għall-kuntrarju mill-partijiet involuti, tiġi deċiża skond id-disposizzjonijiet ta' l-Att dwar l-Arbitraġġ u t-tribunal ta' arbitraġġ għandu jqis il-prinċipji ġenerali ta' Prattika tajba, trasparenza u ġustizzja li huma ġeneralment aċċettati u applikati fis-settur tal-volontarjat.

Kap. 387.

(2) Il-Kunsill ghandu, minn żmien għal żmien, jagħti parir liċ-Ċentru dwar l-Arbitraġġ ta' Malta meta jkun qieghed jahtar lista jew listi ta' arbitri għal affarijiet li jinvolvu organizzazzjonijiet volontarji.

(3) Iċ-Ċentru Malti dwar l-Arbitraġġ jista', wara li jkun ikkonsulta lill-Kunsill, jagħmel regoli minn żmien għal żmien li jirregolaw il-proċeduri ta' arbitraġġ li jkollhom x'jaqsmu ma' organizzazzjonijiet volontarji.

TAQSIMA VII

REATI

31. Meta persuna tikser xi wahda mid-disposizzjonijiet ta' dan l-Att jew regolamenti magħmulin tahtu, u ma jkun hemm provdut dwar ebda piena speċifika għal dak ir-reat taht dan l-Att jew regolamenti magħmulin tahtu, dik il-persuna tista', meta tinsab hatja, tehel multa ta' mhux inqas minn hamsin lira (Lm50) iżda mhux iżjed minn elf lira (Lm1000) jew priġunerija għal perijodu ta' mhux iżjed minn sitt xhur, jew dik il-multa u priġunerija flimkien. Pieni.

32. Kull min b'xi mod jiffalsifika jew jibdel xi haġa f'Ċertifikat ta' Iskrizzjoni ta' xi organizzazzjoni volontarja biex jagħti x'jifhem li jkun qieghed jaġixxi f'isem organizzazzjoni volontarja iskritta, jew li xi organizzazzjoni eżistenti tkun organizzazzjoni volontarja meta fil-fatt ma tkunx, ikun hati ta' reat u jista' jehel l-istess piena kif provdut dwarha fl-artikolu 183 tal-Kodiċi Kriminali. Falsifikazzjoni jew bdil li jsir f'ċertifikati jew wiri ta' haġa b'ohra fihom dwar l-istatus.
Kap. 9.

33. (1) Kull min xjentement jaġixxi jew jagħmilha ta' amministratur ta' organizzazzjoni volontarja bla ma jkun ġie mahtur jew elett kif imiss bhala amministratur ta' dik l-organizzazzjoni, ikun hati ta' reat li jgħorr il-piena ta' kontravvenzjoni kemm-il darba l-azzjonijiet ta' dik il-persuna ma jkunux jikkostitwixxu reat aktar gravi taht xi liġi ohra, f'liema każ il-piena tkun skond dik il-liġi. Min jagħmilha ta' amministratur u jagħmel ġbir pubbliku.

(2) Kull min jagħmel jew jipprova jagħmel ġbir pubbliku meta ma jkunx iskritta bhala organizzazzjoni volontarja taht dan l-Att, ikun hati ta' reat.

34. (1) Il-Kummissarju jista' jinvestiga dak li jkun qed jiġri f'organizzazzjoni volontarja f'kull waqt u jista' jitlob bil-miktub kull informazzjoni rilevanti li jkollha x'taqsam mat-thaddim ta' organizzazzjoni volontarja jew ta' xi persuna involuta fl-attivitajiet ta' organizzazzjoni volontarja, jekk huwa jkollu għaliex jahseb li dik l-informazzjoni tkun meħtieġa biex ikun jista' jistabbilixxi jekk Investigazzjonijiet.

organizzazzjoni tkunx qeghda taġixxi konformement mad-disposizzjonijiet ta' dan l-Att jew ta' regolamenti magħmulin tahtu.

(2) Kull min jonqos milli jipprovi informazzjoni u dokumentazzjoni kif hawn qabel imsemmi, u jeqred jew jgħarraq dokumenti, jew jipprova jeqred jew jgħarraq dokumenti, mehtieġa mill-Kummissarju konformement ma' dan l-artikolu jkun hati ta' reat.

(3) Il-Kummissarju jista' johroġ direttivi li bihom jitlob konformità ma' xi disposizzjoni ta' dan l-Att jew ta' regolamenti magħmulin tahtu u meta persuna tonqos milli tosserva direttivi bhal dawk hija għandha titqies bhala li tkun qeghda tikser dmirijietha.

(4) Il-Kummissarju jista' jagħti żmien biex ikun hemm konformità ma' xi disposizzjoni ta' dan l-Att jew ma' regolamenti magħmulin tahtu u jista' jimponi pieni għal min jonqos milli jikkonforma ruhu f'dak iż-żmien:

Iżda pieni bhal dawk m'għandhomx ikunu ta' iżjed minn elf lira (Lm1000) għal ksur ta' direttiva u minn hamsin lira (Lm50) għal kull ġurnata ta' nuqqas ta' konformità u dawk il-pieni għandhom jithallsu fil-Fond għal Organizzazzjonijiet Volontarji.

(5) Persuna jew organizzazzjoni li tircievi komunikazzjoni skond din it-Taqsima ta' dan l-Att ikollha jedd tagħmel rikors quddiem il-Bord ta' l-Appell jekk tkun tqis li dik l-investigazzjoni, direttiva, ordni jew piena ma tkunx wahda ġustifikata jew raġonevoli fiċ-ċirkostanzi u l-Bord ta' l-Appell jista' jagħti kull ordni li jikkunsidra li tkun hekk xierqa, u kull piena imposta mill-Kummissarju skond is-subartikolu (4) għandha tiġi sospiza sakemm tinghata deċiżjoni finali mill-Bord ta' l-Appell.

TAQSIMA VIII

KUNSILL GĦAS-SETTUR TAL-VOLONTARJAT

Kunsill għas-Settur tal-Volontarjat.

35. (1) Għandu jitwaqqaf korp li jkun magħruf bhala l-Kunsill għas-Settur tal-Volontarjat, li jkun jassisti lill-Kummissarju u jipprovi forum għas-settur tal-volontarjat u bażi li minnha tiġi żviluppata koperazzjoni bejn organizzazzjonijiet volontarji u l-Gvern, u koperazzjoni ta' organizzazzjonijiet volontarji bejniethom.

(2) Il-Kunsill ikun magħmul minn President u għaxar membri oħra, li wiehed minnhom jinhatar mill-Ministru biex jirrappreżenta lill-Gvern u d-disa' membri l-oħra jinhatru minn fost is-settur tal-volontarjat bil-ghan li jirrappreżentaw lil dan is-settur.

(3) Il-membri tal-Kunsill li jinhatru biex jirrappreżentaw lis-settur tal-volontarjat għandhom ikunu jirriflettu d-diversi setturi li fihom ikunu joperaw l-organizzazzjonijiet volontarji u għandhom jinhatru mill-Ministru wara li jirċievi nomini li jkunu saru wara sejha pubblika minnu stess kif ġej:

(a) hames membri minn fost is-settur tal-volontarjat f'Malta kif ġej:

(i) tliet membri li jiġu nominati minn organizzazzjonijiet volontarji iskritti skond dan l-Att;

(ii) membru wiehed li jiġi nominat minn organizzazzjonijiet volontarji li ma jkunux iskritti skond dan l-Att iżda li jkunu reġistrati skond m'hemm imsemmi fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili;

Kap. 16.

(iii) membru wiehed li jiġi nominat mill-organizzazzjonijiet volontarji li la jkunu iskritti skond m'hemm f'dan l-Att lanqas ma jkunu reġistrati skond m'hemm imsemmi fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili;

Kap. 16.

(b) erba' membri li għandhom jinhatru kif ġej:

(i) membru wiehed biex jirrappreżenta lil fundaturi u donaturi ta' organizzazzjonijiet volontarji;

(ii) membru wiehed biex jirrappreżenta lil membri ta' organizzazzjonijiet volontarji u lil voluntieri;

(iii) membru wiehed biex jirrappreżenta lil amministraturi ta' organizzazzjonijiet volontarji;

(iv) membru wiehed biex jirrappreżenta lil organizzazzjonijiet barranin u dawk internazzjonali:

Iżda meta jkun hemm aktar minn nomina waħda li tkun tirrappreżenta lil xi settur partikolari, il-Ministru għandu jahtar lil dawk il-membri minn fost in-nomini li jkun irċieva:

Iżda wkoll meta ma jiġux riċevuti nomini, il-Ministru għandu jahtar lil dawk il-membri fid-diskrezzjoni tiegħu.

(4) Il-Kummissarju jkun il-Viċi President tal-Kunsill u l-President ikun elett mill-membri l-oħra tal-Kunsill minn fosthom stess.

(5) Meta l-President ikun assenti minn Malta jew xort'ohra temporanjament ma jkunx jista' jaqdi l-funzjonjiet tal-kariga li jkollu, il-Viċi President ghandu jagħmilha ta' President u ghandu jeżerċita s-setgħat u l-funzjonijiet kollha tal-President.

(6) Il-membri tal-Kunsill ghandhom jinhatru għal perjodu ta' sentejn u jkunu eliġibbli biex jergħu jinhatru, meta jiskadi ż-żmien tal-kariga tagħhom, għal perijodi ohra ta' sentejn skond il-proċedura stabbilita f'dan l-artikolu.

(7) Il-Ministru jista', minn żmien għal żmien, jagħmel regolamenti biex jirregola n-nomina, il-hatra u t-tnehhija ta' membri tal-Kunsill.

(8) Persuna ma tkunx kwalifikata biex tinhatar jew biex ikollha kariga bhala membru tal-Kunsill jekk hija:

(a) tkun Imhalled, Maġistrat, Membru tal-Kamra tad-Deputati jew ta' Kunsill Lokali, jew kandidat għall-elezzjoni fil-Kamra tad-Deputati jew Kunsill Lokali; jew

(b) tkun legalment inkapaċitata; jew

(ċ) tkun għet dikjarata falluta jew tkun għamlet komposizzjoni jew arrangament mal-kredituri tagħha; jew

(d) tkun instabet hatja ta' xi reat kontra l-fiduċja pubblika jew ta' serq jew frodi, jew tkun xjentement laqgħet għandha proprjetà li tkun għejja minn serq jew frodi, jew ta' xi reat ieħor kontra dan l-Att.

(9) Bla hsara għad-disposizzjonijiet ta' dan l-artikolu, il-kariga ta' membru tal-Kunsill issir vakanti:

(a) meta jiskadi ż-żmien tal-kariga li jkollu;

(b) meta huwa jagħmel talba bil-miktub lill-Ministru, biex jirriżenja minn dik il-kariga; jew

(ċ) jekk jinholqu ċirkostanzi illi, li kieku ma kienx membru tal-Kunsill, kienu jwassluh biex ikun skwalifikat milli jinhatar bhala membru tal-Kunsill.

(10) Il-Kunsill ghandu jiltaqa' mill-inqas darba kull tliet xhur u jiltaqqa' mill-President tiegħu:

Iżda l-President ghandu wkoll ilaqqa' lill-Kunsill meta jiġi mitlub jagħmel dan mill-inqas minn tliet membri tiegħu.

(11) Bla hsara għad-disposizzjonijiet ta' qabel ta' dan l-artikolu, il-Kunsill għandu jirregola l-proċedura tiegħu nnifsu.

36. Il-Kunsill għandu:

Funzjonijiet tal-Kunsill.

(a) ġeneralment jagħti pariri u jassisti lill-Kummissarju jwettaq il-funzjonijiet tiegħu;

(b) jagħti pariri u jassisti lill-Kummissarju fil-promozzjoni tas-settur tal-volontarjat b'mod ġenerali;

(ċ) jamministra l-Fond għal Organizzazzjonijiet Volontarji;

(d) iwettaq dawk il-funzjonijiet u jkollu dawk is-setgħat skond ma jistgħu jingħatawlu mill-Ministru, minn żmien għal żmien, permezz ta' regolamenti li jsiru bis-sahha ta' dan l-Att.

TAQSIMA IX

FOND GĦAL ORGANIZZAZZJONIJIET VOLONTARJI

37. (1) Il-Fond għal Organizzazzjonijiet Volontarji qiegħed b'dan jiġi mwaqqaf bhala fondazzjoni u għandu jiġi reġistrat skond ma hemm imsemmi fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili u jiġi iskritt bhala l-ewwel organizzazzjoni volontarja li tiġi iskritta skond ma hemm f'dan l-Att.

Fond għal Organizzazzjonijiet Volontarji. Kap. 16.

(2) L-indirizz tal-Fond għal Organizzazzjonijiet Volontarji ikun l-uffiċċju tal-Kummissarju jew kull indirizz iehor skond ma l-Kunsill jista' minn żmien għal żmien jidhirlu li jkun xieraq.

(3) L-objettivi tal-Fond għal Organizzazzjonijiet Volontarji huma li din l-organizzazzjoni tkun ta' għajjnuna u ta' appoġġ għal organizzazzjonijiet volontarji li jkunu iskritti u dan billi jingħataw edukazzjoni, sostenn manigerjali u għotjiet finanzjarji.

(4) Il-Fond għal Organizzazzjonijiet Volontarji għandu jkun vestit bid-dritt li jkollu dħul u kapital skond ma hemm kontemplat bid-disposizzjonijiet ta' dan l-Att jew ta' regolamenti li jsiru tahtu:

Iżda l-artikolu 29 tat-Tieni Skeda li tinsab mal-Kodiċi Ċivili ma għandux japplika għall-Fond għal Organizzazzjonijiet Volontarji u

Kap. 16.

l-htigiet li hemm fih ghandhom jigu sostitwiti b'dikjarazzjoni li tkun iffirmata mill-Kummissarju.

(5) Il-Fond ghal Organizzazzjonijiet Volontarji ghandu jkun amministrat mill-Kunsill li ghandu jahtar bord ta' amministraturi ghal dak il-ghan.

(6) Il-bord tal-Fond ghal Organizzazzjonijiet Volontarji ghandu jkollu kull diskrezzjoni dwar kif iqassam id-dhul u l-kapital ta' dak il-Fond ghall-finijiet imnizzlin fis-subartikolu (3) u ghandu, sa mhux aktar tard mill-hmistax ta' Frar ta' kull sena, jipprezenta lill-Kunsill rapport bil-miktub u dettaljat ta' dak kollu li jkun dahhal u ta' kull tqassim ta' dhul u kapital ta' dak il-Fond matul is-sena kalendarja li tkun ghada kemm ghaddiet.

(7) Ir-rappreżentanza legali tal-Fond ghal Organizzazzjonijiet Volontarji ghandha tkun vestita fil-President tal-bord ta' amministraturi jew f'xi persuna ohra li tigi nominata mill-bord ghal dak il-ghan.

TAQSIMA X

DISPOSIZZJONIJIET ĠENERALI

Attivitajiet
kummerċjali.

38. (1) L-organizzazzjonijiet volontarji m'ghandhomx jitwaqqfu ghal skopijiet ta' kummerċ, lanqas ma ghandhom jippromwovu l-interessi ta' xi azjenda kummerċjali, u lanqas ma ghandhom fil-biċċa l-kbira jipparteċipaw fil-kummerċ.

(2) Meta organizzazzjoni volontarja tkun trid tagħmel xi attività kummerċjali biex tiġbor il-flus biex tilhaq l-iskopijiet tagħha, dik l-organizzazzjoni ghandha twaqqaf entità legali ghaldaqshekk u l-amministraturi ta' l-organizzazzjoni volontarja ghandhom jiżguraw li dik l-attività ma tkunx tghabbi lir-riżorsi umani u finanzjarji ta' dik l-organizzazzjoni aktar milli din tkun tiflaħ.

(3) Ghall-finijiet ta' dan l-artikolu, l-ghoti b'kiri jew b'kuntratt ta' amministrazzjoni ta' art jew bini jew proprjetà kummerċjali ohra lil terzi, fejn ebda servizz ma jinghata mill-organizzazzjoni volontarja, m'ghandux jitqies bhala attività ta' negozju.

(4) Ghall-finijiet ta' dan l-artikolu, l-attivitajiet li ġejjin maghmula minn organizzazzjoni volontarja bil-ghan ewlieni li jintlahqu l-iskopijiet ta' dik l-organizzazzjoni m'ghandhomx jitqiesu bhala attività ta' negozju ghall-finijiet ta' dan l-Att ukoll jekk tigi riċevuta

rimunerazzjoni għal dawn is-servizzi li ġejjin mogħtijin minn dik l-organizzazzjoni:

- (a) hlasijiet għal servizzi edukattivi;
 - (b) korrispettiv għal bejgħ ta' oġġetti u servizzi mogħtijin lill-membri;
 - (c) hlasijiet ta' dhul għal viżti f' mużewijiet ta' l-arti, esibizzjonijiet u mużewijiet jew għal attendenza għal attivitajiet teatrali jew mużikali;
 - (d) hlas li jsir għal parteċipazzjoni f' kompetizzjonijiet organizzati għall-membri;
 - (e) hlas għal akkomodazzjoni u kura residenzjali;
 - (f) kull dhul simili li jista' jkollu jithallas lil organizzazzjonijiet volontarji stabbiliti għall-iskopijiet soċjali speċifiċi li jkunu ġew stabbiliti għalihom;
 - (g) kull klassi ohra ta' dhul skond ma tista' tiġi ordnata b'regolamenti magħmulin mill-Ministru bir-rakkomandazzjoni tal-Kunsill.
- (5) Għall-finijiet ta' dan l-artikolu, lanqas ma għandu jitqies bhala attività kummerċjali l-investment tal-proprjetà ta' organizzazzjoni volontarja.
- (6) F'każ ta' dubju, għandha tinghata deċiżjoni mill-Kummissarju dwar jekk xi attività tkunx wahda kummerċjali jew le għall-finijiet ta' dan l-artikolu wara li ssirlu applikazzjoni għaldaqstant minn kull min jista' jkollu interess, u jkun jista' jsir appell minn dik id-deċiżjoni tiegħu quddiem il-Bord ta' l-Appell.
- (7) Ebda organizzazzjoni volontarja ma tkun eżentata mill-obbligu li tikseb kull awtorizzazzjoni jew liċenza li jistgħu jkunu meħtieġa taht kull liġi ohra għall-ghemil ta' xi attività partikolari msemmija fis-subartikolu (4).

39. Il-Kummissarju jista', minn żmien għal żmien u wara li jikkonsulta lill-Kunsill, johroġ linji gwida li jkollhom x'jaqsmu ma' l-attivitajiet ta' organizzazzjonijiet volontarji u daww il-linji gwida għandhom ikunu jorbtu lil daww l-organizzazzjonijiet volontarji bhala kodiċijiet ta' prattika tajba. Linji gwida.

40. (1) Kull persuna tista', wara li thallas id-dritt dovut, tara u takkwista kopji tar-Registru u ta' kull dokument li jkun gie pprezentat lill-Kummissarju minn xi organizzazzjoni volontarja.

(2) L-organizzazzjonijiet volontarji ghandhom jaghmlu l-istatut, ir-rapport annwali u l-kontijiet verifikati taghhom accessibbli sabiex jigu spezzjonati, minghajr ebda hlas, minn kull fundatur, amministratur jew membru ta' dik l-istess organizzazzjoni kif ukoll minn kull donatur jew benefiċjarju li jkun jissodisfa lill-amministraturi li jkollu interess f'dik l-informazzjoni.

(3) Jekk persuna ticcahad, minghajr ebda raguni gustifikata, minn xi organizzazzjoni volontarja milli tara jew tikseb xi informazzjoni, hija tista' tilmenta mal-Kummissarju bil-miktub li mbaghad ghandu jiddeciedi dwar jekk dik il-persuna tkunx intitolata ghal dik l-informazzjoni jew le skond dan l-artikolu filwaqt li jgharraf bil-miktub lil min ikun ghamel l-ilment bid-decizjoni tieghu u bil-motivi ghal dik id-decizjoni, u dan fi zmien ragonevoli:

Izda l-Kummissarju ghandu jgharraf lill-organizzazzjoni volontarja rilevanti b'kull decizjoni li tittiehed skond dan is-subartikolu u kull min ihoss ruhu aggravat b'dik id-decizjoni li tittiehed mill-Kummissarju jkollu dritt jappella quddiem il-Bord ta' l-Appell fi zmien hamest ijiem mill-gurnata meta jircievi dik id-decizjoni tal-Kummissarju.

41. (1) Il-Ministru ikollu s-setgha li jaghmel regolamenti:

(a) li jirregolaw aktar lil organizzazzjonijiet volontarji, sew iskritti sew m'humieq, skond dan l-Att;

(b) li jistabbilixxu l-formoli ghall-iskrizzjoni ta' organizzazzjoni volontarja u ghan-notifika ta' bidliet fl-istatut lill-amministraturi taghha u xort'ohra;

(c) li jistabbilixxu l-forma u l-kontenut ta' certifikati li ghandhom jinharqu skond dan l-Att;

(d) li jistabbilixxu l-formoli u l-proceduri li ghandhom jintuzaw ghall-appelli skond dan l-Att;

(e) li jistabbilixxu regoli applikabbli ghal gbir pubbliku minn organizzazzjonijiet volontarji;

(f) li jirregolaw organizzazzjonijiet volontarji barranin jew internazzjonali li jkunu jwettqu l-attivita'jiet taghhom f'Malta;

(g) li jistabilixxu pieni għal ksur tad-disposizzjonijiet ta' dan l-Att;

(h) li jimplimentaw kull konvenzjoni internazzjonali jew kull regolament jew direttiva ta' l-Unjoni Ewropea, safejn dan ikun meħtieġ, li Malta tkun aderiet għalihom fil-kuntest ta' organizzazzjonijiet volontarji jew tas-settur tal-volontarjat;

(i) li jirregolaw l-għamla tal-*Panels* Konsultattivi u li jirregolaw il-proċeduri li għandhom jiġu segwiti mill-*Panels* Konsultattivi u mill-persuni li jiġu mahturin fuq dawk il-*Panels*;

(j) li jirregolaw il-Fond għal Organizzazzjonijiet Volontarji u l-pattijiet u r-rati ta' mgħax fuq self li jsir mill-Fond u l-kondizzjonijiet ta' garanziji li jistgħu jingħataw minn dak il-Fond;

(k) li jippreskrivu regoli fuq il-posizzjoni ta' voluntieri fir-rigward tal-prinċipali tagħhom meta dawk il-voluntieri jkunu jixtiequ jwettqu xi attività volontarja, f'Malta jew barra minn Malta, għal perijodi li jkunu jaqbzu ż-żmien ta' frank li jkollhom jedd għalih;

(l) li jippreskrivu regoli dwar is-setgħat tal-Bord ta' l-Appell għar-rigward ta' l-interpretazzjoni jew it-tibdil li jsir f'xi statut u fl-amministrazzjoni ta' organizzazzjonijiet volontarji;

(m) li jistabilixxu l-forma u l-kontenut ta' rapporti u kontijiet annwali li għandhom jiġu pprezentati lill-Kummissarju biex jintlaħaq livell sodisfaċenti ta' trasparenza u kontabilità ta' organizzazzjonijiet volontarji;

(n) li jestendu, jiċċaraw jew jiddefinixxu l-funzjonijiet tal-Kummissarju taht dan l-Att u li jipprovdu għal kull haġa aċċillari u relatata;

(o) li jistipulaw kondizzjonijiet jew linji gwida biex il-Kummissarju jkun jista' jawtorizza lil xi federazzjoni jew assoċjazzjoni ta' organizzazzjonijiet volontarji li jkunu jridu joperaw bhala korp regolatorju fuq il-membri tiegħu u l-attivitajiet tagħhom;

(p) għat-twettiq aħjar ta' kull disposizzjoni ta' dan l-Att.

(2) Il-Ministru jista', bi ftehim mal-Ministru responsabbli għall-finanzi, jagħmel regolamenti li jkollhom x'jaqsmu ma' l-istatus fiskali ta' organizzazzjonijiet volontarji, inklużi regoli differenti għal

kategoriji differenti jew klassifikazzjoni ta' skopijiet differenti, u jista' jistabbilixxi l-kriterji biex jaghti xi eżenzjonijiet bhal dawk, għalkollox jew biss f'parti, minn xi liġi li għandha x'taqsam mat-tassazzjoni, dazji jew imposti oħra, kif ukoll regoli fiskali fuq l-attivitajiet ta' organizzazzjonijiet volontarji u donazzjonijiet li jsiru lil dawk l-organizzazzjonijiet. Regolamenti bhal dawk jistgħu wkoll jistabbilixxu l-pattijiet, kondizzjonijiet u forom ta' ċertifikati fiskali, riċevuti jew dokumenti oħra li jistgħu jkunu meħtieġa għat-tgawdija ta' l-istatus fiskali u regolamenti hawn qabel imsemmija.

Għanijiet u Raġunijiet

L-iskop ta' dan l-Abbozz hu biex jirregola organizzazzjonijiet volontarji, biex iwaqqaf il-Kummissarju għal Organizzazzjonijiet Volontarji u biex jipprovdi dwar il-privileġġi li għandhom jitgawdew minn organizzazzjonijiet iskritti bhal dawk.

Dan l-Abbozz jistabbilixxi wkoll ir-Registru ta' Organizzazzjonijiet Volontarji u l-Kunsill tas-Settur tal-Volontarjat.

**A BILL
entitled**

AN ACT to regulate voluntary organisations and their administration

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:-

PART I

PRELIMINARY

1. (1) The short title of this Act is the Voluntary Organisations Act, 2006. Short title and commencement.

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

2. (1) In this Act, unless the context otherwise requires - Definitions.

“administrator” means any person who is appointed to control, supervise or administer an organisation, and includes a governor, director, trustee or committee member or any other person who carries out such functions even if under another name but shall not include a manager or an executive while carrying out functions

under a contract against remuneration except in so far as he is an administrator and only relating to his functions as an administrator;

“Board of Appeal” means the board established in terms of article 23 or such other administrative board or tribunal which the Minister may from time to time designate to carry out all or any of the functions as are stated in this Act;

“charitable purpose” means a social purpose;

Cap. 331.

“charitable trust” means a trust as defined by the Trusts and Trustees Act which is established for a social purpose;

“the Commissioner” means the person appointed by virtue of article 5;

“controlled by the Government” means that the Government of Malta has the power, whether directly or indirectly, to nominate, change or remove the majority of the administrators of an organisation;

“the Council” means the Council for the Voluntary Sector established by article 35;

“the Minister” means the Minister responsible for social policy;

“non-profit making” is used in respect of an organisation where:

(a) the statute of the organisation contains an express exclusion of the purpose to make profits; and

(b) there is express provision in the statute defining the purposes of the organisation which do not include the promotion of private interests, other than a private interest which is a social purpose; and

(c) no part of the income, capital or property is available directly or indirectly to any promoter, founder, member, administrator, donor or any other private interest:

Provided that if a promoter, founder, member, administrator or donor is another enrolled non-profit making organisation, the limitation in paragraph (c) shall not apply provided the availability of such income, capital or property

is subject to conditions which are consistent with the general purposes of the grantor organisation:

Provided further that an organisation shall continue to be deemed as non-profit making notwithstanding that:

(i) it obtains a pecuniary gain from its activities when such gain is not received or credited to its members but is exclusively utilised for its established purposes;

(ii) it buys or sells or otherwise deals in goods or services where such activities are exclusively related to its principal purposes;

(iii) it is established for the general entertainment, pastime, education or other similar benefit only of its members; or

(iv) it is established for the promotion of the social role, ethics, education and values of a trade or profession provided it does not promote the private interests of its members;

“philanthropic” means for the relief of poverty, pain and suffering, and other humanitarian needs;

“pious foundation” shall have the meaning assigned to it by article 6 of the Second Schedule to the Civil Code;

Cap. 16.

“promoter” means a person who promotes the establishment of an organisation or holds himself out to third parties as such;

“public collection” shall have the meaning ascribed to it in the Public Collections Act:

Cap. 279.

Provided that for the purposes of this Act, the term “public”, within the context of collections, shall not include existing founders, members or donors of a voluntary organisation, even if in large numbers, nor shall it include a group of less than fifty persons taken on one or more occasions;

“Registrar for Legal Persons” means the Registrar responsible for registration of organisations in terms of the Second Schedule to the Civil Code;

Cap. 16.

“social purpose” means any charitable or philanthropic purpose, and without prejudice to the generality of the aforesaid, includes:

- (a) the advancement of education, including physical education and sports;
- (b) the advancement of religion;
- (c) the advancement of health;
- (d) social and community advancement;
- (e) the advancement of culture, arts and national heritage;
- (f) the advancement of environmental protection and improvement, including the protection of animals;
- (g) the promotion of human rights, conflict resolution, democracy and reconciliation;
- (h) the promotion or protection of the interests of other social purpose organisations, including federations of such organisations; or
- (i) any other purpose as may be prescribed by the Minister by means of regulations made by virtue of this Act;

“statute” means the constitutive instrument of an organisation and includes a will which provides for the setting up of such organisation;

“temporary organisation” means an organisation established for a specific purpose which can be achieved within less than a year as provided by article 16;

“voluntary” in the context of a voluntary organisation means the existence of one or more of the following elements:

- (a) the overall control of the organisation is exercised by administrators who do not receive any remuneration for their services for carrying on functions of administrators except as hereunder permitted;

(b) the organisation is created by the endowment of voluntary and gratuitous grants and the organisation's affairs are supported, at least in part, by such voluntary or gratuitous grants or by services rendered on a voluntary basis;

(c) subject to limitations due to the nature or size of the organisation and subject to any discretion which may be exercised in terms of the statute of an organisation by the administrators or a membership committee, any person can join the organisation or participate in the activities of the organisation; and

(d) every participant in the organisation has the right to freely leave the organisation:

Provided that:

(i) unless the statute provides otherwise, administrators may receive a reasonable honorarium for services rendered insofar as the payment of such honorarium does not materially prejudice the achievement of the purposes of the voluntary organisation;

(ii) the remuneration of persons who are employed to carry out management, executive or fund-raising functions in a voluntary organisation shall not be such as to materially prejudice the achievement of the purposes of the voluntary organisation; and

(iii) the organisation may refund reasonable expenses to administrators, managers, executives, volunteers and other persons supporting the purposes of the organisation;

“voluntary organisation” means a foundation, a trust, an association of persons or a temporary organisation which qualifies under article 3;

“Voluntary Organisations Fund” means the foundation established by article 37;

“voluntary sector” includes voluntary organisations, volunteers, donors who make voluntary grants of money or assets to voluntary organisations, beneficiaries of the services of

volunteers and voluntary organisations and administrators of such organisations;

“volunteer” means a person who provides unremunerated services through or for a voluntary organisation.

(2) Unless otherwise expressly defined in any other law or the context requires otherwise, the terms “charity”, “charitable”, “non-profit”, “non-profit making”, “philanthropic”, “social purpose”, “voluntary”, “voluntary organisation” and variations or derivatives thereof when used in other laws, shall have the meaning ascribed to them by this Act.

Cap. 16. (3) The registration of a voluntary organisation as a legal person in terms of the Second Schedule to the Civil Code shall not imply enrolment of that organisation in terms of this Act.

(4) Enrolment of a voluntary organisation under this Act shall not imply:

(a) that the organisation has legal personality; or

Cap. 16. (b) that it is a registered organisation, in terms of the Second Schedule to the Civil Code; or

(c) that the liability of its administrators under applicable laws is affected in any manner.

PART II

VOLUNTARY ORGANISATIONS

Definition of voluntary organisation.

3. (1) A voluntary organisation is an organisation which is created or established -

(a) for any lawful purpose;

(b) as non-profit making; and

(c) having a voluntary element,

Cap. 16. whether it is registered or registrable as a legal person or not in terms of the Second Schedule to the Civil Code and whether it is enrolled in terms of this Act or not.

(2) Voluntary organisations are independent and autonomous of the Government and such organisations shall have their status respected by the Government at all times.

(3) Organisations which are established and controlled by the Government and which are established for a social purpose and are non-profit making shall qualify for enrolment in terms of this Act provided they are not public agencies established to carry out administration by the Government.

(4) For the purposes of this Act, a voluntary organisation may not be established as a limited liability company or any commercial partnership established under the Companies Act.

Cap. 386.

(5) Trusts established or recognised in terms of the Trusts and Trustees Act shall qualify as voluntary organisations only when they are established as charitable trusts.

Cap. 331.

4. (1) Any voluntary organisation may apply to become enrolled with the Commissioner and, once enrolled and subject to the observance of applicable provisions of law, may enjoy the privileges contemplated by this Act and any regulations made thereunder.

Privileges of
voluntary
organisations.

(2) Notwithstanding the provisions of any other law, a voluntary organisation which is registered in terms of the Second Schedule to the Civil Code and enrolled in terms of this Act, may make public collections without any further authorisation.

Cap. 16.

(3) A voluntary organisation which is enrolled in terms of this Act but not registered in terms of the Second Schedule to the Civil Code, may only make public collections after having obtained the written authorisation of the Commissioner but shall not require any further authorisation in terms of the Public Collections Act:

Cap. 16.

Cap. 279.

Provided that the Commissioner shall give reasons in writing for any refusal of a request for authorisation made in terms of this subarticle.

(4) Organisations which are not enrolled in terms of this Act may not engage in public collections and shall be liable to return such funds as may be collected in breach of this article to the donors of such funds or to the Voluntary Organisations Fund if the donors cannot be identified within six months from the date of collection.

(5) An enrolled organisation may:

(a) receive or be the beneficiary of grants, sponsorships or other financial aid from the Government, any entity controlled by the Government or the Voluntary Organisations Fund;

(b) be the beneficiary of any policies supporting voluntary action as these may be developed by the Government;

(c) receive or be the beneficiary of exemptions, privileges or other entitlements in terms of any law;

(d) be a party to contracts and other engagements, whether against remuneration or not, for the carrying out of services for the achievement of its social purpose at the request of the Government or any entity controlled by the Government:

Provided that the prior written consent of the Minister is required if the Government, or any entity controlled by the Government, intends to carry out any act involving actions in paragraphs (a), (b) and (d) in relation to any voluntary organisation which is not enrolled in terms of this Act, failing which the actions shall be subject to revocation notwithstanding their terms:

Provided further that where a law or regulations, or a Ministerial exemption or notice pursuant thereto, in force on the date of the coming into force of this Act grants a benefit, exemption or privilege, it shall continue to be enjoyed until it is repealed and where a contract or engagement is already in force on such date it shall not be affected until it is performed or terminated.

(6) The following voluntary organisations shall be entitled to enjoy the privileges under this Act although not enrolled in terms of this Act:

(a) international voluntary organisations established by international treaty which are exempted by any special law from being subject to registration;

(b) any voluntary organisations which are declared by the Minister by regulations made by virtue of this Act, after consultation with the Council, as being entitled to the privileges under this Act.

(7) The following organisations shall be enrolled by means of the notification procedure in terms of article 13:

(a) pious foundations regulated by the relevant religious authority; or

(b) voluntary organisations which are registered in terms of a law which provides for a regulator for such organisations and their activities; or

(c) voluntary organisations which are members of a federation or association of organisations which has been approved by the Commissioner as being able to regulate its members to a standard acceptable to the Commissioner and which, if itself a voluntary organisation, is enrolled in terms of this Act:

Provided that such notification procedure shall not be available to such organisations referred to in this subarticle if they receive fifty per cent or more of their annual income through grants, donations, sponsorships or other financial aid from:

(i) members of the public; or

(ii) private organisations; or

(iii) the Government or entities controlled by the Government; or

(iv) other social purpose or non-profit making organisations.

(8) The Government, government departments, public agencies and entities controlled by the Government shall act upon a Certificate of Enrolment issued in terms of article 14, as evidence of the status of an organisation as a voluntary organisation and shall not require any further evidence of its existence or status when dealing with such an organisation:

Provided that such certificate shall not imply any exemption of such organisation from any procedure, duty, obligation, liability, fees or dues unless expressly stated in the applicable law, regulation or policy.

PART III

COMMISSIONER FOR VOLUNTARY ORGANISATIONS

5. (1) There shall be a Commissioner for Voluntary Organisations who shall be appointed by the Minister for the purpose, Appointment of Commissioner.

after consultation with the Social Affairs Committee of the House of Representatives or any other committee substituting the same.

(2) The Commissioner shall be appointed for a period of three years and may be re-appointed upon the expiration of the term of office.

(3) A person shall not be qualified to be appointed or continue to hold office as Commissioner if such person:

(a) is a Judge, a Magistrate, a Member of the House of Representatives or a Local Council, or a candidate for election to the House of Representatives or a Local Council; or

(b) is legally incapacitated; or

(c) has been declared bankrupt or has made a composition or arrangement with his creditors; or

(d) has been convicted of a crime affecting public trust or theft or fraud, or of knowingly receiving property, obtained by theft or fraud, a crime affecting the good order of the family or of an offence against this Act.

(4) Where the person appointed as Commissioner -

(a) is not an employee of the Government before such appointment, his engagement shall not render him a public officer; or

(b) is prior to such appointment a public officer, such person shall continue to retain his employment with the Government:

Provided that during his term as Commissioner, such person shall not hold any position which is incompatible with the correct performance of his official duties as Commissioner or with the impartiality expected from this office or with public confidence therein.

(5) When the office of the Commissioner becomes vacant, a person appointed as Commissioner shall hold office until a successor is appointed.

(6) Subject to the qualifications in subarticle (3), the Minister may, at any time, during the absence of the Commissioner or for any other temporary purpose where the Minister considers it necessary to

do so, appoint a person to act in the office of the Commissioner, until the resumption of office of the Commissioner.

(7) The Minister may also appoint one or more Deputy Commissioners to assist the Commissioner as directed by him and in the performance of his functions.

6. (1) The Commissioner may, at any time, be removed or suspended from office by the Minister, after consultation with the Social Affairs Committee of the House of Representatives or any committee substituting the same, on the grounds of proved inability to perform the functions of the office of the Commissioner or proved misbehaviour: Removal from office.

Provided that if the committee referred to in this subarticle is not constituted or if the House of Representatives is not in session, the Commissioner may be suspended from office by the Minister, acting in accordance with his own discretion, for proved inability to perform the functions of the office or proved misbehaviour to the Minister's satisfaction but any such suspension shall not continue in force beyond two months after the Committee has been constituted and the House of Representatives is in session.

(2) The Commissioner may, at any time, resign from office by notice in writing addressed to the Minister.

7. (1) The Commissioner shall perform the duties and exercise the functions imposed and conferred on him by this Act and by any regulations made thereunder including: Functions of the Commissioner.

(a) providing enrolment facilities for organisations which are eligible for enrolment in terms of this Act;

(b) monitoring the activities of voluntary organisations in order to ensure observance of the provisions of this Act and any regulations made thereunder;

(c) providing voluntary organisations with information about the benefits and responsibilities deriving from registration as legal persons in terms of the Second Schedule to the Civil Code and enrolment in terms of this Act; Cap. 16.

(d) providing information and guidelines to persons performing voluntary work and to members of voluntary organisations, for the better performance of their role and for the better achievement of the objectives of the voluntary organisations in which they serve;

(e) making recommendations to the Minister on legislation and policies in support of voluntary organisations, volunteers and voluntary work;

(f) assisting Government, government departments, public agencies and entities controlled by the Government in preparing and reviewing policies in support of voluntary organisations and the voluntary sector in general;

(g) investigating any complaints relating to voluntary organisations or persons or organisations purporting to be voluntary organisations and their activities, and to take such action as is in his power to redress any justified grievance that may come to his notice;

(h) monitoring the promotion of voluntary organisations and the behaviour of administrators of such organisations to ensure the observance of high standards of accountability and transparency and compliance with law;

Cap. 16.

(i) co-ordinating and communicating with the Registrar for Legal Persons in terms of the Second Schedule to the Civil Code with a view to facilitating registration and enrolment processes for voluntary organisations;

(j) co-operating with and supporting the Council to develop policies which will be of benefit to the voluntary sector in general or categories thereof;

(k) performing any other function or duty that is assigned to him under this Act and any regulations made thereunder as well as such other functions as may be assigned to him under any other law.

(2) In the exercise of his functions, the Commissioner shall act impartially and shall not be subject to the direction of any other person or authority.

Other functions of the Commissioner.

8. (1) The Commissioner shall:

(a) endeavour to co-ordinate efforts by voluntary organisations with similar purposes so as to achieve greater concentration of resources and to achieve the benefits of economies of scale and for the avoidance of duplication of efforts; and

(b) seek to promote the creation of federations or associations of members in order to regulate member organisations and their activities to achieve the benefits of self regulation in the voluntary sector.

(2) The Commissioner shall establish systems for communication with, and in support of, volunteers who are citizens of Malta, whether serving in Malta or abroad, and the Minister may make regulations, as may be appropriate from time to time, to regulate and support volunteers.

(3) The Commissioner shall seek to encourage an environment where the credibility and good reputation of the voluntary sector is continually enhanced through high standards of operation of voluntary organisations and their administrators, of transparency and public awareness and of proper accountability.

(4) Subject to the provisions of the Data Protection Act, the Commissioner shall, for the purposes of this Act, also compile and maintain information relating to the administrators and activities of voluntary organisations which are not enrolled in terms of this Act. Cap. 440.

9. The Commissioner shall be guided by the following general principles: Guiding principles.

(a) the recognition, encouragement and promotion of the value and importance of voluntary action and voluntary organisations, whether operating independently of government institutions or in a supporting role, and the benefit deriving to the social and cultural life in Malta;

(b) the recognition of the contribution of voluntary action and voluntary organisations, as expressions of participation, solidarity, pluralism and subsidiarity, towards the continued enjoyment and enrichment of democratic life in Malta; and

(c) the recognition of the direct economic benefit of voluntary and unremunerated action and of initiatives taken by voluntary organisations and volunteers.

10. (1) The Commissioner shall, by not later than six weeks after the end of each calendar year, make and present to the Minister an annual report which shall include: Annual report.

(a) a report of the Commissioner's activities during the preceding year;

(b) a general description of the circumstances of the voluntary sector in Malta and any developments which may have affected such sector; and

(c) any recommendations regarding legislation, policies or other matters affecting the voluntary sector.

(2) The Minister shall, by not later than eight weeks after presentation of a copy of every such report, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause a copy of every such report to be laid on the table of the House of Representatives.

Public statements.

11. (1) The Commissioner may publish, by advertisement or otherwise, any information about a voluntary organisation, whether enrolled in terms of this Act or not, or about any person purporting to act on behalf of a voluntary organisation, when it appears to him to be in the interest of the public or of the organisation itself.

(2) Before publishing any information referred to in subarticle (1), the Commissioner shall, in writing, notify the administrators of the organisation, or the person purporting to act as stated in subarticle (1), with the proposed text and the recipient shall have five days from the date of receipt of such notice to discuss the same with the Commissioner:

Provided that unless an agreement is reached between the Commissioner and the recipient on any remedial action as may be required to be taken in the circumstances, either party may apply to the Board of Appeal to confirm, amend or refuse the proposed advertisement, as the case may be, and the decision of the Board of Appeal shall be final.

(3) In cases which, in the opinion of the Commissioner, are urgent or involve fraud, the Commissioner may apply directly to the Board of Appeal requesting authorisation to publish such statement or information and the Commissioner shall notify the persons involved with the application and the recipient shall have two working days from the date of receipt of the application to respond to the Board of Appeal, after which the Board shall issue a final order.

(4) No action shall lie against the Commissioner or any Deputy Commissioners in terms of the Press Act for the issuing of *bona fide* public statements in terms of this article.

Cap. 248.

PART IV

REGISTER OF VOLUNTARY ORGANISATIONS

12. (1) There shall be a Register of Voluntary Organisations (hereinafter referred to as “the Register”) which shall be maintained by the Commissioner and shall contain the following information, supported by the documentation referred to in paragraphs (f) to (i) as the same may be amended or updated from time to time:

Register of
Voluntary
Organisations.

- (a) the name of the organisation;
- (b) the address of the organisation;
- (c) the registration number of the organisation if registered as a legal person, whether in Malta or abroad;
- (d) the names and addresses of the administrators of the organisation;
- (e) in case of foreign or international organisations, the name and address of the representative resident in Malta of such organisation;
- (f) a copy of the constitutive deed of the organisation and any amendments thereto;
- (g) a copy of the annual accounts for the last financial year prior to enrolment, if any, prepared by the applicant;
- (h) annual reports of the organisation;
- (i) annual accounts of the organisation, together with a report of reviewers or auditors as may be required under applicable law.

(2) Voluntary organisations shall be classified in the Register according to their principal purpose or in such a manner as the Commissioner may deem appropriate.

(3) On enrolment, the Commissioner shall allocate a unique number to the voluntary organisation preceded by the letters “VO” and that number shall at all times be quoted by the voluntary organisation on any published materials, letters, notices, advertisements and other documents issued by such organisation.

13. (1) Any voluntary organisation may apply for enrolment by submitting the prescribed application form, to the Commissioner, which form shall be accompanied by:

(a) an original or notarially authenticated copy of the constitutive deed or statute of the organisation;

(b) the written consent of the administrators to hold office after enrolment;

(c) the enrolment fees, if any;

(d) in the case of those organisations requesting to be enrolled through the notification procedure in terms of this article, a certificate issued by the relevant regulatory body referred to in article 4(7) confirming that the applicant is indeed subject to its regulation and is in good standing; and

(e) any other document as required by this Act or by any regulations made thereunder.

(2) In considering an application, the Commissioner may request the applicant to provide further information about or make representations on:

(a) the promoters, founders, administrators, donors and beneficiaries;

(b) the assets and liabilities;

(c) the past, if any, present and intended activities of the organisation;

(d) the purposes of the organisation and the intended activities through which they are to be achieved; and

(e) any other matter on which the Commissioner may have reservations or concerns in relation to the application.

(3) The Commissioner may accept or refuse any application for enrolment on the basis of:

(a) observance or otherwise of all formalities required by this Act and any regulations made thereunder;

(b) presence or otherwise of any factors which bar enrolment under an express provision of this Act;

(c) the legality or otherwise of the proposed purposes of the organisation having regard to the stated purposes of the organisation and the stated intentions of the promoters relating to its activities;

(d) the integrity or otherwise of the promoters of the organisation, and the credibility of the proposals keeping in view the general interest and repute of the voluntary sector and the importance of public accountability.

(4) The Commissioner shall:

(a) pay due regard to all information provided and representations made, but in the event that the applicant fails to provide any requested information or to make representations the Commissioner shall proceed with the determination of the application for enrolment on the basis of the information available to him;

(b) determine whether the organisation is eligible for enrolment and if the organisation is eligible for enrolment, the classification of the organisation's purposes;

(c) notify the applicant, in writing, of his determination, and in case of a decision not to accept an application, the reasons for such determination.

(5) The Commissioner shall seek to determine all applications by not later than three months from the date of the application and failure to so determine and notify the applicant in accordance with subarticle (4) within such time shall be deemed to mean that enrolment has been refused.

(6) The Commissioner shall not enrol a voluntary organisation even if only one of the administrators is a person who does not qualify to be an administrator of an organisation in terms of applicable law.

(7) In considering applications from organisations to which the provisions of article 4(7) apply, the Commissioner shall enrol the applicant organisation on receipt of the documents required by subarticle (1) without further review and shall follow such further procedures, if

any, as may be prescribed by regulations made by virtue of this Act with reference to enrolment by notification.

Enrolment and
Certificate of
Enrolment.

14. (1) Upon being satisfied that the organisation is eligible for enrolment in terms of this Act and is not in breach of the provisions of this Act, the Commissioner shall:

(a) enter the particulars of the voluntary organisation in the Register;

(b) issue a Certificate of Enrolment with the identification number of the voluntary organisation;

(c) specify whether the voluntary organisation is a foundation, an association, a trust or a temporary organisation; and

(d) specify the voluntary organisation's enrolment classification.

(2) Certificates of Enrolment shall be deemed to be public instruments and shall be surrendered to the Commissioner on his simple demand in writing.

(3) The Certificate of Enrolment issued in terms of this article shall not determine the fiscal status of a voluntary organisation or the taxability or otherwise of its income and transactions.

Refusal to enrol on
basis of the name.

15. The Commissioner shall refuse enrolment if, to the best of his knowledge, the name of the organisation is already used by another organisation, even if not enrolled, or if the proposed name is offensive or is likely to deceive:

Provided that in the event that a voluntary organisation has been enrolled with a name which is already used by another enrolled voluntary organisation, the Commissioner shall request the voluntary organisation which has been last enrolled to change its name.

Temporary
organisations.

16. (1) A voluntary organisation may be established as a temporary organisation if it is an organisation formed with one specific purpose, including the raising of funds for a specific social purpose or for the benefit of another enrolled voluntary organisation, or the carrying out of a particular task in support of a social purpose or of another enrolled voluntary organisation. Such a temporary organisation shall be treated as an unregistered organisation for the purposes of the Second Schedule to the Civil Code.

(2) A temporary organisation:

(a) is established by means of a written constitutive instrument, including a statement of intent to achieve a specific purpose within a short time not exceeding one year, signed by the promoters and listing the acts which are necessary to achieve the purpose for which it is established;

(b) may not carry out any acts except those listed in the constitutive instrument and may not borrow money or enter into binding financial obligations in advance of raising the necessary funds to perform such obligations;

(c) must pay out, apply or otherwise distribute all its assets for the achievement of the purpose by the date of its expiration; and

(d) must submit to the Commissioner a closing statement of account prior to the date of its expiration signed by the administrators:

(i) explaining how it has achieved the purpose for which it was established;

(ii) explaining how it has applied all its assets; and

(iii) attaching thereto any original documents or agreements which may have been entered into by such temporary organisation in connection with the disposal or application of such assets.

(3) Upon being satisfied of compliance with this article, the Commissioner shall:

(a) enrol a temporary organisation on submission of the relevant constitutive instrument; and

(b) cancel enrolment of such temporary organisation without the need of winding up procedures on submission of the relevant closing statement of account in terms of subarticle (2).

(4) The Commissioner may, on the written request of the administrators, consent to an extension of the expiration date of a temporary organisation which had been established for less than twelve months and the duration, including the extension, shall not exceed a total of one year from commencement.

(5) If a temporary organisation does not comply with subarticle (2)(c), its administrators shall be obliged by no later than the expiry date to:

Cap. 16.

(a) establish such organisation as a foundation or an association in terms of the Second Schedule to the Civil Code and apply to enrol it in terms of this Act; or

(b) pay all monies and other assets raised to the Voluntary Organisations Fund to be applied to the purpose intended within two months of the expiry date.

(6) Any residual assets which may remain in a temporary organisation after the achievement of its purpose shall be paid by the administrators to the Voluntary Organisations Fund and such Fund shall, in virtue of this subarticle, be deemed to be the legal successor of all property, including any rights of refund or reversion, of such temporary organisation.

(7) The Voluntary Organisations Fund shall not be liable to perform any obligations of any temporary organisation but if any assets are received by such Fund in terms of this article and it appears to the Board of such Fund that the obligations -

(a) were entered into in good faith; and

(b) have not been performed other than for valid reasons; and

(c) may be performed in whole or in part with the assets received,

then the Board of such Fund may agree to release any assets received, without any interest and after deducting any expenses incurred, to the creditor of the obligations but shall not be liable for anything further.

(8) If it appears to the Commissioner that a temporary organisation has been set up regularly for the same or similar purpose and by the same persons, or by some of them, then the Commissioner may request that the administrators proceed to form a voluntary organisation of extended duration in terms of law, failing which the Commissioner may refuse to accept the enrolment of such temporary organisation.

Right of appeal.

17. Any applicant whose application for enrolment has been refused by the Commissioner shall have the right to appeal against such decision to the Board of Appeal in terms of article 25.

18. (1) In carrying out his duties, the Commissioner may recommend to the administrators, or in the absence of administrators, to any identifiable members or promoters of the enrolled voluntary organisation, the winding up of such organisation. Organisations in difficulty.

(2) On receiving a recommendation in terms of subarticle (1), the recipients shall, as soon as practicable, call a meeting of all interested persons to discuss such recommendation and take decisions on the future course of action.

(3) The Commissioner may, on the written request of an organisation which may be in financial difficulty, appoint external administrators on a temporary basis in order to review the circumstances and make recommendations on the future of such organisation.

(4) In the case of enrolled voluntary organisations, the Commissioner shall seek to assist the organisation to implement solutions or achieve compliance prior to issuing any recommendation in accordance with this article, or an order in accordance with articles 19 and 20.

19. (1) The Commissioner may apply to the Board of Appeal to order: Suspension or cancellation of activities.

(a) the suspension of the activities of an enrolled voluntary organisation by the issue of a Suspension Order, for such period as shall be specified in such order; or

(b) the cancellation of the enrolment of a voluntary organisation by the issue of a Cancellation Order, which shall come into effect fifteen days from the date of notification of such order, to all or any one of the administrators, unless an appeal is filed prior to such period, in which case such order shall have effect from the date established by the Board of Appeal.

(2) The orders referred to in subarticle (1) may be issued if the voluntary organisation:

(a) is not pursuing the purposes for which it was established and in so doing it is misleading the general public;

(b) is carrying out unlawful activities, including making public collections without the necessary authorisation;

(c) is failing to comply with the provisions of its statute or of this Act or any regulations made thereunder;

(d) is misapplying funds, or is using funds or benefits received for purposes other than those for which such funds or benefits were granted;

(e) appears to have continued operating after it has been formally dissolved;

(f) has not functioned for a period which exceeds twenty-four consecutive months;

(g) obtained enrolment on the basis of materially incorrect or incomplete information that would have otherwise resulted in a refusal had the correct or complete information been known to the Commissioner.

(3) In those cases where a Suspension Order is issued, the Board of Appeal shall indicate which of the activities of the organisation are to be suspended and the Commissioner shall meet or communicate with the administrators of the organisation, as soon as possible, to review the situation and to obtain information and undertakings from the administrators as necessary. Such information shall be referred to the Board of Appeal, as may be required from time to time, and the Board of Appeal may use such information when reviewing any orders issued by virtue of this article.

(4) In a Suspension Order, the Board of Appeal may make any ancillary orders, including an order to carry out any actions in compliance with the statute of the voluntary organisation or the provisions of this Act or any regulations made thereunder, as may be appropriate.

(5) The Board of Appeal shall have the power to extend, amend or revoke a Suspension Order, as it considers appropriate, on the application of the Commissioner or the administrators of the voluntary organisation.

(6) Until a Cancellation Order comes into effect in accordance with subarticle (1), the affairs of the voluntary organisation shall continue to be administered by the administrators who shall only carry out acts of ordinary administration or, in case where an appeal is pending, such acts as may be authorised by the Board of Appeal.

(7) In issuing a Cancellation Order the Board of Appeal shall also determine whether any suspension of the activities of an organisation is to become permanent in relation to all or part of the

activities of the organisation and may issue any relevant orders in relation to the future operations of the organisation.

(8) In case of a Cancellation Order based on the grounds specified in subarticle (2)(a), (b) and (d), the Board of Appeal shall have the power to order the organisation to desist from carrying on any further activities. In all other cases the Cancellation Order shall include all determinations under such terms and conditions as the Board of Appeal may consider appropriate in the circumstances and such order shall not however imply a restriction of the right of association of any persons involved in the organisation or of the right of said persons to continue to operate the organisation without the continuing benefits of enrolment under this Act.

(9) The Commissioner shall publish, in a local newspaper, any Cancellation Orders which have become final with a brief statement as to the effects of the order which shall, prior to publication, be approved by the Board of Appeal and such statement shall be re-published regularly for as long as the Commissioner may consider necessary to ensure that the necessary public awareness has been achieved.

20. (1) In the event of cancellation of enrolment of a voluntary organisation, the administrators shall forthwith surrender, to the Commissioner, the Certificate of Enrolment of such organisation and any person failing to surrender such certificate within the time stated in the demand, in writing, by the Commissioner, shall be guilty of an offence against this Act and shall be liable, on conviction, to a fine (*multa*) of one hundred liri (Lm100) and a fine (*multa*) of five liri (Lm5) for every day of default.

Effects of
cancellation of
enrolment.

(2) In the event of cancellation of enrolment of a voluntary organisation, all privileges, benefits, advantages or entitlements granted to such organisation by virtue of enrolment, shall cease to have effect from the date when the decision to cancel takes effect:

Provided that such loss of benefits shall not apply to the acts required to liquidate and dissolve the voluntary organisation, including any transfer of property to other organisations as required by the statute of the voluntary organisation or the provisions of applicable law.

(3) Cancellation for the reasons mentioned in article 19(2)(a), (b), (d) and (g) shall entitle the Commissioner to demand the refund of, or fair compensation for, any benefits unjustly received by the voluntary organisation or any other person by virtue of its enrolment in terms of this Act, and the Board of Appeal may issue the relative orders against the organisation and any persons involved in such

organisation, or in possession of any property, in the Cancellation Order or separately, after ensuring that such organisation or person has been given due notice of this demand and an opportunity to defend itself or himself:

Provided that there shall lie an appeal to the Court of Appeal from any determination of liability by the Board of Appeal in terms of this subarticle.

(4) An order of the Board of Appeal against an organisation or a person referred to in the preceding subarticle shall be enforceable as a judgment of the court.

Suspension of activities of organisations which are not enrolled.

21. (1) The Commissioner may, by written notice, order the suspension of activities of an organisation which is not enrolled if, in his reasonable opinion, any of the grounds mentioned in article 19(2) apply and this for a period to be specified in a notice to all or any one of the administrators, or in their absence to such person who appears to the Commissioner to be carrying on such activities:

Provided that such suspension shall not exceed thirty days in any one notice.

(2) An organisation which is served with such notice shall suspend the activities which shall be specifically indicated in the notice referred to in subarticle (1) until a final decision is taken as to whether it may continue to act or otherwise.

(3) Any person failing to suspend activities within three days from the receipt of the notice made to him by the Commissioner to that effect, shall be guilty of an offence under this Act and shall be liable, on conviction, to a fine (*multa*) of one hundred liri (Lm100) and a fine (*multa*) of five liri (Lm5) for every day of default.

(4) The Commissioner shall apply to the Board of Appeal by not later than ninety days should he consider it necessary to have an order for the permanent suspension of activities by such organisation and the Board of Appeal shall have the power, after hearing both parties, to issue such order under such conditions as it considers appropriate.

(5) Any person aggrieved by a Suspension Order issued under this article may appeal to the Board of Appeal against the issue of such order within ten days of the receipt of the written notice from the Commissioner.

22. (1) Without prejudice to the provisions of any other law, in those cases where the Commissioner is of the opinion that a person or voluntary organisation is making or has made abusive use of a Certificate of Enrolment issued in terms of article 14 or has made or made use of a forgery thereof, the Commissioner may:

Powers of the Commissioner in case of abuse.

(a) prohibit such person from using such certificate by giving notice to such person in writing; or

(b) issue public statements on the facts to warn the public about any abuse by the person or voluntary organisation; or

(c) apply to the Board of Appeal to take action to seize any funds raised or public collections made by such person or organisation and to return such funds to the donor thereof, or if it is not possible to locate donors within twelve months from such seizure, pay such funds into the Voluntary Organisations Fund.

(2) Prior to the taking of any of the actions referred to in subarticle (1)(a) and (b), the Commissioner shall notify in writing any person or organisation who appears to him *prima facie* to have abused a certificate of his findings and of the actions he intends to take and such person or organisation shall be entitled to:

(a) make submissions to the Commissioner within five days from the date of receipt of the written notice; and

(b) file an appeal to the Board of Appeal within five days of notification of the decision of the Commissioner, which appeal shall suspend any action taken by the Commissioner in terms of subarticle (1) until final determination by such Board of Appeal.

PART V

OF APPEALS AND THE BOARD OF APPEAL

23. (1) There shall be a Board of Appeal whose functions shall be the determination of all matters relating to voluntary organisations as are referred to it in terms of this Act.

Board of Appeal.

(2) The members of the Board of Appeal shall be appointed by the Minister for a period of three years, and may be removed from office on grounds of proved inability to perform the functions of their office or of proved misbehaviour.

(3) The Board of Appeal shall consist of three persons, of whom one member, who shall be the Chairperson, shall be a person who has practiced as an advocate for not less than seven years.

Cap. 12.

(4) A member of the Board of Appeal may be challenged or may abstain for any of the reasons for which a judge may be challenged or may abstain in accordance with article 734 of the Code of Organization and Civil Procedure. In any such case, the Minister shall appoint another person to sit as a member of the Board of Appeal in substitution of the said member.

(5) A person shall not be qualified to be appointed or continue to hold office as a member of the Board of Appeal if such person:

(a) is a Judge, a Magistrate, a member of the House of Representatives or a Local Council, or a candidate for election to the House of Representatives or a Local Council; or

(b) is legally incapacitated; or

(c) has been declared bankrupt or has made a composition or arrangement with his creditors; or

(d) has been convicted of a crime affecting public trust or theft or fraud, or of knowingly receiving property, obtained by theft or fraud, a crime affecting the good order of the family or of an offence against this Act.

(6) The Board of Appeal shall enjoy all the functions and powers of the Civil Court in its voluntary jurisdiction.

Procedure and jurisdiction.

24. (1) The Board of Appeal shall regulate its own procedure and shall seek to introduce systems and practices which are expeditious and efficient.

(2) The Board of Appeal shall have the power to take decisions based on what appears to be just and fair in the circumstances and shall have the power to issue orders, temporary or permanent.

(3) The Board of Appeal shall at all times observe the rules of natural justice and shall provide the parties with an opportunity to make submissions and be heard and shall afford them full access to all information and documents on which such Board shall make its determination.

(4) The members of the Board of Appeal shall act impartially and independently of any influence of other persons and shall at no time have any personal interest in matters which they are required to determine. If any interest in an issue arises at any time they shall declare such interest and abstain unless the parties expressly request them to continue to act after full disclosure of such conflict.

(5) In the exercise of its functions, the Board of Appeal may summon any person to appear before it, to give evidence and produce any documentation and the Chairperson shall have the power to administer the oath.

(6) The Board of Appeal shall decide any issue referred to it by not later than four months from the date of the referral, unless in the opinion of the Chairperson a longer period is necessary, for a valid reason which must be stated and registered in the proceedings of the case.

(7) The Board of Appeal shall have jurisdiction in relation to any breach of the provisions of this Act or any regulations made thereunder when such breach does not constitute a criminal offence.

PART VI

RIGHT OF APPEAL AND DISPUTE RESOLUTION

25. (1) Any person or organisation aggrieved by any decision of the Commissioner may appeal from the decision within thirty days of receipt thereof or where there is no response to an application to the Commissioner to enrol a voluntary organisation, after forty-five days from the date of application for enrolment. Right of appeal.

(2) Appeals shall be made in writing and shall be lodged with the Board of Appeal without the need of any further formality or shall be made in the manner as may be prescribed by regulations made by the Minister by virtue of this Act.

(3) An application to the Board of Appeal may also be made by the Commissioner, a founder, administrator, member, donor or beneficiary of a voluntary organisation in his individual capacity having an interest in the affairs of the voluntary organisation for an order on the affairs of such organisation on the grounds that such organisation is not being administered in accordance with this Act, any regulations made thereunder or as provided in the statute of such organisation.

(4) The Board of Appeal shall give reasons for its decisions and shall cause such decisions to be made public but the names of the persons involved shall be omitted if such Board considers it appropriate for reasons of privacy.

(5) In determining an appeal the Board of Appeal may dismiss the appeal or annul, revoke or substitute the decision of the Commissioner or any administrator or general meeting of a voluntary organisation.

Appeals on a point of law and determination of civil rights.

26. (1) There shall also lie an appeal to the First Hall, Civil Court on a point of law and on any issue involving the determination of a civil right which may arise as a result of a decision delivered by the Board of Appeal.

(2) All appeals shall be made by application to the court, which application shall be served on the Commissioner by the applicant and the Commissioner shall have ten days to respond thereto.

(3) When an appeal on a point of law or a determination of a civil right is made in accordance with subarticle (1), the court may either confirm, modify or overturn the decision of the Board of Appeal if it considers it necessary to do so in the light of its determination or it may refer its decision back to the Board of Appeal for such Board to take appropriate action.

(4) The decision of the First Hall, Civil Court shall be final and no further appeal shall lie therefrom.

(5) Compliance with any instructions of the Commissioner or with the Board of Appeal's determination shall not be interpreted as a renunciation of the right to seek judicial review in terms of this article.

Support relating to disputes.

27. (1) The Commissioner may, on becoming aware of a dispute involving a voluntary organisation or persons connected therewith, even if out of his own initiative, provide assistance in the resolution of such disputes through:

(a) the facility of advisory opinions by experts chosen from a panel of persons (hereinafter referred to as "the Advisory Panel");

(b) assistance to the parties to the dispute by referring such dispute to mediation and, where necessary, impose mandatory reference to mediation as provided herein;

(c) assistance to the parties to the dispute to make reference to arbitration in accordance with the provisions of Part IV of the Arbitration Act.

Cap. 387.

(2) The Commissioner shall encourage and assist parties to a dispute involving a voluntary organisation to resolve the issue by mutual agreement by referring it to the Advisory Panel, to mediation or failing that, to arbitration.

(3) The Commissioner may organise information, educational and training events in relation to alternative dispute resolution systems for the benefit of voluntary organisations.

(4) For the purposes of this Part, a dispute involves a voluntary organisation if it relates to:

(a) a dispute between members of a voluntary organisation or between members and one or more administrators relating to the affairs of the voluntary organisation, including the payment of membership fees, the expulsion of members and similar issues; or

(b) a dispute between the founders and the administrators of a foundation or the settlors or beneficiaries of a charitable trust and the trustees relating to the affairs of the voluntary organisation or charitable trust as the case may be; or

(c) a dispute between administrators of a voluntary organisation; or

(d) a dispute between voluntary organisations relating to activities, events and related matters; or

(e) a dispute between a voluntary organisation and a donor, sponsor, beneficiary or other person who has relations with the voluntary organisation, other than purely commercial relations for the supply of goods or services; or

(f) a dispute between a volunteer and a voluntary organisation; or

(g) without prejudice to any law relating to employment, a dispute between an employee of a voluntary organisation and the voluntary organisation, which shall be handled in collaboration with the Director for Employment and Industrial Relations; or

(h) a dispute between the Government and a voluntary organisation in relation to any management or other contract entered into for the rendering of services.

Advisory Panels.

28. (1) The Advisory Panel shall be composed of persons who, in the opinion of the Commissioner, are qualified to carry out the duties of advisors in matters relating to voluntary organisations and the voluntary sector in general.

(2) The Advisory Panel shall:

(a) communicate with the parties to the dispute immediately on the referral of such dispute by the Commissioner;

(b) organise meetings between the parties, as may be necessary, in order to resolve the dispute;

(c) consider the causes and circumstances of the dispute;

(d) endeavour to bring about amicable settlement of the dispute as expeditiously as possible;

(e) make recommendations, as deemed fit, in order to resolve the dispute;

(f) in the event of failure to achieve amicable settlement make recommendations for mediation or arbitration in terms of articles 29 and 30.

Mediation.

29. (1) When the Commissioner refers a dispute involving a voluntary organisation to mediation, the Commissioner shall do so by notice in writing to the parties and the parties shall be bound by such reference:

Provided that the Commissioner shall in the notice state who is responsible for the commencement of the proceedings and shall establish a time therefor, failing which the other party or parties may commence mediation proceedings themselves.

(2) Each party referred to mediation shall be bound to act in good faith in the conduct of such proceedings and any party may withdraw from mediation procedures at any time:

Provided that if the mediator considers that a party has not demonstrated good faith in his conduct to promote or proceed with the mediation, then the mediator may order costs to be borne by such party.

(3) The Malta Mediation Centre may, after having consulted the Council, from time to time, prescribe rules governing mediation procedures in relation to voluntary organisations, including rules on the appointment of a mediator by such Centre in the event that the parties fail to agree on such appointment.

(4) The Council shall, from time to time, advise the Malta Mediation Centre in the drawing up of a panel or panels of mediators on matters involving voluntary organisations.

30. (1) When a dispute as defined in article 27 is submitted to arbitration under the rules of the Malta Arbitration Centre, the dispute shall, in the absence of agreement to the contrary by the parties involved, be determined in accordance with the provisions of the Arbitration Act and the arbitral tribunal shall take into consideration general principles of good practice, transparency and fairness that are generally accepted and applied within the voluntary sector. Arbitration.
Cap. 387.

(2) The Council shall, from time to time, advise the Malta Arbitration Centre in the drawing up of a panel or panels of arbitrators on matters involving voluntary organisations.

(3) The Malta Arbitration Centre may, after having consulted the Council, from time to time prescribe rules governing arbitration procedures involving voluntary organisations.

PART VII

OFFENCES

31. Where any person acts in breach of any of the provisions of this Act or any regulations made thereunder, and a specific penalty is not provided for the offence under this Act or any regulations made thereunder, such person shall, on conviction, be liable to a fine (*multa*) of not less than fifty liri (Lm50) but not more than one thousand liri (Lm1,000) or to a term of imprisonment for a period not exceeding six months, or to both such fine and imprisonment. Penalties.

32. Any person who, in any manner, forges or alters a Certificate of Enrolment of a voluntary organisation so as to give the impression that he acts on behalf of an enrolled voluntary organisation, or that an existing organisation is a voluntary organisation when it is not, shall be guilty of an offence and shall be liable to the same punishment as provided for in article 183 of the Criminal Code. Forgery or
alteration of
certificates or
misrepresentation
of status.

Cap. 9.

Purporting to act as an administrator and making public collections.

33. (1) Any person who knowingly acts or purports to act as an administrator of a voluntary organisation without having been duly appointed or elected as an administrator of such organisation, shall be guilty of an offence punishable as a contravention unless the actions of the said person constitute a more serious offence under any other law, in which case it shall be punishable accordingly.

(2) Any person who makes or attempts to make a public collection when not enrolled as a voluntary organisation under this Act shall be guilty of an offence.

Investigations.

34. (1) The Commissioner may investigate the affairs of any voluntary organisation at any time and may demand, in writing, any relevant information relating to the operation of a voluntary organisation or any person involved in the activities of a voluntary organisation, if he has cause to believe that such information is necessary in order to establish whether an organisation is acting in compliance with the provisions of this Act or any regulations made thereunder.

(2) Any person who fails to provide information and documentation as aforesaid, and destroys or defaces documents, or attempts to destroy or deface documents, required by the Commissioner pursuant to this article shall be guilty of an offence.

(3) The Commissioner may issue directives demanding compliance with any of the provisions of this Act or any regulations made thereunder and failure on the part of any person to comply with such directives shall constitute a breach of duty.

(4) The Commissioner may set a period for compliance with any of the provisions of this Act or any regulations made thereunder and may impose penalties for non-compliance within such period:

Provided that such penalties shall not exceed one thousand liri (Lm1,000) for the breach of a directive and fifty liri (Lm50) for each day of non-compliance and such penalties shall be paid to the Voluntary Organisations Fund.

(5) Any person or organisation who receives a communication in terms of this Part of this Act shall be entitled to apply to the Board of Appeal on the basis that such investigation, directive, order or penalty is not justified or reasonable in the circumstances and the Board of Appeal may give any directions it considers appropriate and any penalties imposed by the Commissioner in terms of subarticle (4) shall be suspended until final determination by the Board of Appeal.

PART VIII

COUNCIL FOR THE VOLUNTARY SECTOR

35. (1) There shall be set up a body to be known as the Council for the Voluntary Sector which shall assist the Commissioner and provide a forum for the voluntary sector and a platform from which to develop co-operation between voluntary organisations and the Government and co-operation between voluntary organisations amongst themselves.

Council for the
Voluntary Sector.

(2) The Council shall be composed of a Chairperson and another ten members, one of whom shall be appointed by the Minister to represent the Government and the other nine members shall be appointed from among and to represent the voluntary sector.

(3) The members of the Council who are appointed to represent the voluntary sector shall reflect the various sectors in which voluntary organisations operate and shall be appointed by the Minister after the receipt of nominations following a public call by the Minister for nominations in the following manner:

(a) five members from among the voluntary sector as follows:

(i) three members shall be nominated by voluntary organisations enrolled in terms of this Act;

(ii) one member shall be nominated by voluntary organisations which are not enrolled in terms of this Act but registered in terms of the Second Schedule to the Civil Code; Cap. 16.

(iii) one member shall be nominated by voluntary organisations which are neither enrolled in terms of this Act nor registered in terms of the Second Schedule to the Civil Code; Cap. 16.

(b) four members shall be appointed as follows:

(i) one member to represent founders of and donors to voluntary organisations;

(ii) one member to represent members of voluntary organisations and volunteers;

(iii) one member to represent administrators of voluntary organisations;

(iv) one member to represent foreign and international organisations:

Provided that where there is more than one nomination representing a particular sector, the Minister shall appoint such members from among the nominations received:

Provided further that where no nominations are received, the Minister shall appoint such members at his discretion.

(4) The Commissioner shall be the Deputy Chairperson of the Council and the Chairperson shall be elected by the members of the Council from among themselves.

(5) If the Chairperson is absent from Malta or is otherwise temporarily unable to perform the functions of his office, the Deputy Chairperson shall act as Chairperson and shall exercise all the powers and functions of the Chairperson.

(6) The members of the Council shall be appointed for a period of two years and may be re-appointed on the expiration of their term for further periods of two years in accordance with the procedure established in this article.

(7) The Minister may, from time to time, make regulations to regulate the nomination, appointment and removal of members of the Council.

(8) A person shall not be qualified to be appointed or to hold office as a member of the Council if he:

(a) is a Judge, a Magistrate, a Member of the House of Representatives or a Local Council, or a candidate for election to the House of Representatives or a Local Council; or

(b) is legally incapacitated; or

(c) has been declared bankrupt or has made a composition or arrangement with his creditors; or

(d) has been convicted of a crime affecting public trust or theft or fraud or of knowingly receiving property obtained by theft or fraud, or of an offence against this Act.

(9) Subject to the provisions of this article, the office of a member of the Council shall become vacant:

- (a) at the expiration of his term of office; or
- (b) upon his written request to the Minister, to resign from such office; or
- (c) if any circumstances arise that, if he were not a member of the Council, would cause him to be disqualified for appointment as such.

(10) The Council shall meet at least once every three months and shall be convened by the Chairperson:

Provided that the Chairperson shall convene a meeting of the Council when requested to do so by at least three members thereof.

(11) The Council shall, subject to the foregoing provisions, regulate its own procedures.

36. The Council shall:

Functions of the Council.

- (a) generally advise and assist the Commissioner in the performance of his functions;
- (b) advise and assist the Commissioner in the promotion of the voluntary sector in general;
- (c) administer the Voluntary Organisations Fund;
- (d) carry out such functions and have such powers as may be prescribed by the Minister, from time to time, by means of regulations made by virtue of this Act.

PART IX

VOLUNTARY ORGANISATIONS FUND

37. (1) The Voluntary Organisations Fund shall be hereby established as a foundation and shall be registered in terms of the Second Schedule to the Civil Code and enrolled as the first enrolled voluntary organisation in terms of this Act.

Voluntary Organisations Fund.
Cap. 16.

(2) The address of the Voluntary Organisations Fund shall be the office of the Commissioner or any other address as the Council may, from time to time, deem fit.

(3) The objects of the Voluntary Organisations Fund shall be to assist and support enrolled voluntary organisations through education, management support and financial grants.

(4) The Voluntary Organisations Fund shall be vested with the right to income and capital as is contemplated by the provisions of this Act or any regulations made thereunder:

Cap. 16.

Provided that article 29 of the Second Schedule to the Civil Code shall not apply to the Voluntary Organisations Fund and the requirements therein shall be substituted by a statement signed by the Commissioner.

(5) The Voluntary Organisations Fund shall be administered by the Council which shall appoint a board of administrators for the purpose.

(6) The board of the Voluntary Organisations Fund shall enjoy discretion as to the distribution of income and capital of such Fund for the purposes outlined in subarticle (3) and shall, by not later than the fifteenth day of February of each year, submit to the Council a detailed written report of its receipts and of all distributions of income and capital of such Fund during the preceding calendar year.

(7) Legal representation of the Voluntary Organisations Fund shall be vested in the Chairperson of the board of administrators or any other person designated by the board for the purpose.

PART X

GENERAL

Trading activities.

38. (1) Voluntary organisations shall not be established for trading purposes nor to promote the interests of a commercial enterprise nor shall they principally engage in trade.

(2) When a voluntary organisation wishes to carry out a trading activity in order to raise funds to achieve its purposes, such organisation shall establish an appropriate legal entity and the administrators of the voluntary organisation shall ensure that such activity shall not burden the human and financial resources of such organisation beyond its means.

(3) For the purposes of this article, the grant on lease or a management contract of land or buildings or other commercial property to a third party, where no services are provided by the voluntary organisation, shall not be deemed to be trading activities.

(4) For the purposes of this article, the following activities carried out by a voluntary organisation directly in the achievement of the purposes of such organisation shall not be considered to be a trading activity for the purposes of this Act even if remuneration is received for the following services rendered by such organisation:

- (a) fees for educational services;
- (b) consideration for sale of goods and services to members;
- (c) admission fees for entrance to art galleries, exhibitions and museums or attendance at theatrical or musical activities;
- (d) participation fees in competitions organised for members;
- (e) payment for residential accommodation and care;
- (f) similar income which may be payable to voluntary organisations established for specific social purposes for which they have been established;
- (g) such other class of income as may be prescribed by regulations made by the Minister on the recommendation of the Council.

(5) For the purposes of this article, the investment of the property of a voluntary organisation shall also not be deemed to be a trading activity.

(6) In case of doubt, a ruling on whether any activity is a trading activity or not for the purposes of this article shall be given by the Commissioner on the application of any interested party and his decision shall be subject to appeal to the Board of Appeal.

(7) Voluntary organisations shall not be exempt from the obligation to obtain any authorisations or licences which may be required to carry out any particular activity referred to in subarticle (4) in terms of any other law.

39. The Commissioner may, from time to time and after Guidelines. consultation with the Council, issue guidelines in relation to the activities

of voluntary organisations and such guidelines shall be binding on voluntary organisations as codes of good practice.

Inspection of documents.

40. (1) On payment of the applicable fee, any person may view and obtain copies of the Register and any documentation which has been submitted to the Commissioner by any voluntary organisation.

(2) Voluntary organisations shall make the statute, annual report and audited accounts available for inspection, free of charge, by any founder, administrator or member of the voluntary organisation as well as by any donor or beneficiary who satisfies the administrators of an interest in the information.

(3) If a person is unjustifiably refused any information by a voluntary organisation such person may complain, in writing, to the Commissioner who shall decide on whether such person is entitled to the information or not in terms of this article and inform the complainant in writing of his determination, and reasons therefor, within a reasonable time:

Provided that the Commissioner shall inform the relevant voluntary organisation of any decision taken in terms of this sub-article and any person who feels aggrieved by such decision taken by the Commissioner shall have the right to appeal to the Board of Appeal within five days of the date of receipt of such decision taken by the Commissioner.

Power to make regulations.

41. (1) The Minister shall have the power to make regulations:

(a) to further regulate voluntary organisations, whether enrolled or not in terms of this Act;

(b) to establish the forms for the enrolment of a voluntary organisation and for the notification of changes to the statute to its administrators and otherwise;

(c) to establish the form and contents of certificates to be issued in terms of this Act;

(d) to establish the forms and procedures to be used for appeals in terms of this Act;

(e) to establish rules applicable to public collections by voluntary organisations;

(f) to regulate foreign or international voluntary organisations carrying on activities in Malta;

(g) to lay down any penalties for breach of the provisions of this Act;

(h) to implement any international convention or any European Union regulation or directive, to the extent necessary, to which Malta has adhered to in the context of voluntary organisations or the voluntary sector;

(i) to regulate the composition of the Advisory Panels and to regulate the procedures to be followed by the Advisory Panels and by the persons appointed on such panels;

(j) to regulate the Voluntary Organisations Fund and the terms and interest rates of loans therefrom and the terms and conditions of guarantees which may be provided by such Fund;

(k) to lay down rules on the position of volunteers in relation to their employers when such volunteers wish to carry out voluntary activity, in Malta or abroad, for periods beyond their leave entitlement;

(l) to lay down rules on the powers of the Board of Appeal in relation to the interpretation or variation of a statute and the administration of voluntary organisations;

(m) to establish the form and content of annual reports and accounts which are to be submitted to the Commissioner in order to achieve a satisfactory level of transparency and accountability of voluntary organisations;

(n) to extend, clarify or define the functions of the Commissioner under this Act and provide for ancillary and related matters;

(o) to lay down conditions or guidelines for the authorisation by the Commissioner of any federation or association of voluntary organisations who wish to operate as a regulatory body over its members and their activities;

(p) for the better carrying out of any of the provisions of this Act.

(2) The Minister may, with the concurrence of the Minister responsible for finance, make regulations relating to the fiscal status of voluntary organisations, including different rules for different categories or different classification of purposes, and may establish the criteria for the granting of any such exemptions, in whole or in part, from any law relating to taxation, duties or other charges, as well as any fiscal rules on the activities of voluntary organisations and donations to such organisations. Such regulations may also establish the terms, conditions and forms of any fiscal certificates, receipts or other documents which may be necessary for the enjoyment of the above fiscal status and regulations.

Objects and Reasons

The purpose of this Bill is to regulate voluntary organisations, to establish the Commissioner for Voluntary Organisations and to provide for privileges to be enjoyed by such enrolled organisations.

This Bill also establishes the Register of Voluntary Organisations and the Council of the Voluntary Sector.