CHAPTER 359

SOĊJETÀ MALTIJA TAS-SALIB L-AĦMAR - MALTA RED CROSS SOCIETY ACT

To make provision for the recognition of the Soċjetà Maltija tas-Salib l-Aħmar - Malta Red Cross Society and for matters connected therewith.

(1st December, 1998)*

ACT VI of 1992, as amended by Legal Notice 425 of 2007.

Short title.

1. The short title of this Act is the Soċjetà Maltija tas-Salib l-Aħmar - Malta Red Cross Society Act.

Soċjetà Maltija tas-Salib l-Aħmar - Malta Red Cross Society.

2. The Soċjetà Maltija tas-Salib l-Aħmar - Malta Red Cross Society (hereinafter in this Act referred to as the Society) whose statute is reproduced in the First Schedule to this Act is a voluntary aid society independent of and auxiliary to the public authorities in the humanitarian field on the basis of the First Geneva Convention of the 12th August, 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field.

Society and international Red Cross and Red Cresent Movement.

3. The Society shall be autonomous and shall adhere to the rules and principles of the International Red Cross and Red Crescent Movement.

Use of Red Cross Emblem. *Amended by: L.N. 425 of 2007.*

4. (1) The Society shall have the right in conformity with the conventions listed in the Second Schedule to this Act (hereinafter referred to as the listed conventions) to use the emblem of the Red Cross on a white ground formed by reversing the colours of the Swiss Confederation.

(2) (*a*) It shall not be lawful for any person other than the Society or any other person authorised under the provisions of the listed conventions to use for any purpose whatever the emblem of the Red Cross, the Red Crescent or any distinctive emblem as is referred to in Article 38 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12th, 1949, any colourable imitation thereof, or words "Red Cross" or "Red Crescent" in any language.

(*b*) Any person who contravenes the provisions of paragraph (*a*) shall be guilty of an offence and shall on conviction be liable to a fine (*multa*) of not more than one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69).

(3) The Society with the concurrence of the Minister responsible for Civil Protection may by regulations to be published in the Gazette make provision generally for regulating the use of

See article 1 of the Act as originally enacted, part of which has been omitted under the Statute Law Revision Act, 1980, and Legal Notice 253 of 1998.

the emblems and words referred to in subarticle (2), and any use of such emblems or words in conformity with any regulations made in accordance with the subarticle shall not be deemed to be used in contravention with subarticle (2).

Amendments to Statute of Society.

5. The Statute of the Society as set in the First Schedule to this Act may subject to article 3 be amended or substituted in accordance with the rules set out in the said statute.

Withdrawal of recognition.

6. The House may at any time where it considers that the Society is not acting in conformity with article 3, pass a resolution, whereby the recognition given to the Society in virtue of this Act, may be withdrawn and may by a similar resolution restore such recognition; and where such recognition is withdrawn the right of the Society to use the Emblem of the Red Cross referred to in article 4(1) shall be suspended as shall also be the exception in favour of the Society contained in article 4(2).

FIRST SCHEDULE

(Articles 2 and 5)

STATUTE OF THE MALTA RED CROSS SOCIETY

CHAPTER I

General Provisions

ARTICLE 1

Constitution

The Malta Red Cross Society was founded on the 24th October, 1991. Its constitution is based on the Geneva Convention to which Malta is a Party, and on the Fundamental Principles of the Movement, namely:

HUMANITY	The International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect human life and health and to ensure respect for human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all peoples.
IMPARTIALITY	It makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals being guided solely by their needs, and to give priority to the most urgent cases of distress.
NEUTRALITY	In order to continue to enjoy the confidence of all, the Movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.
INDEPENDENCE	The Movement is independent. The National Societies while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the Movement.
VOLUNTARY SERVICE	It is a voluntary relief movement not prompted in any manner by desire for gain.
UNITY	There can be only one Red Cross or one Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.
UNIVERSALITY	The International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

ARTICLE 2

National and International Character

The Malta Red Cross Society shall seek official recognition by the government as a voluntary relief Society, auxiliary to the public authorities, and particularly to the Medical Services of the Armed Forces in accordance with provisions of the First Geneva Convention, and as the only National Red Cross Society which may carry out its activities in the Maltese territory.

In relation to the public authorities, the Malta Red Cross Society maintains an autonomy which allows it to act at all times in accordance with the Fundamental Principles of the Movement.

The Malta Red Cross Society shall seek recognition by the International Committee of the Red Cross and seek to be part of the International Red Cross and Red Crescent Movement. It shall seek membership of the International Federation of Red Cross and Red Crescent Societies.

The Malta Red Cross Society will be a legally constituted association. It will possess legal status. Its term of existence is unlimited. Its headquarters will be located in Valletta or at any other address in Malta as the General Assembly may determine.

ARTICLE 3

Structure

The Malta Red Cross Society comprises a central organisation, consisting of a General Assembly and a Managing Committee.

ARTICLE 4

Emblem

The Malta Red Cross Society has an emblem the heraldic sign of the red cross on a white ground in accordance with the Geneva Conventions and national law for all the purposes foreseen by the International Conference of the Red Cross and Red Crescent.

CHAPTER II

Object

ARTICLE 5

General Object and Principal Aims

The general object of the Malta Red Cross Society is to prevent and alleviate suffering with complete impartiality, making no discrimination as to nationality, race, gender, religious beliefs, class or political opinions.

For this purpose its task is in particular:

(1) to act in case of armed conflict, and in peace prepare to act in all the fields covered by the Geneva Conventions and on behalf of all war victims, both civilian and military.

(2) to contribute to the improvement of health, the prevention of disease and the mitigation of suffering by programmes of training and services for the benefit of the community adapted to national and local needs and circumstances.

(3) to organise within the scope of the national plan, emergency relief services for the victims of disasters, howsoever caused.

(4) to recruit, train and assign such personnel as are necessary for the discharge of its responsibilities.

(5) to promote the participation of children and young people in the work of the Red Cross.

(6) to propagate the Fundamental Principles of the Movement and those of International Humanitarian Law in order to develop among the population, and in particular among children and youth, the ideals of peace, mutual respect and understanding among all men and all peoples.

CHAPTER III

Members

ARTICLE 6

Membership of the Society

Membership of the Malta Red Cross Society is open to everyone without any discrimination based on race, gender, class, religion or political opinions.

There are active, subscribing and honorary members.

ARTICLE 7

Active Members

Active members are those persons who have agreed to give service to the Malta Red Cross Society and are registered as such by the Managing Committee.

ARTICLE 8

Subscribing Members

Subscribing members are those persons who pay the annual subscription laid down by the General Assembly.

ARTICLE 9

Honorary Members

Honorary Members are those persons who have been so designated by the Managing Committee to mark exceptional services to the Society.

ARTICLE 10

Loss of the Status of Member

Any member may give notice of resignation in writing at any time.

Subscribing membership expires automatically after twelve months unless the subscription is renewed.

CHAPTER IV

General Assembly

ARTICLE 11

Composition

The General Assembly represents the Malta Red Cross Society as a whole. It is composed of the members of the Managing Committee, of active members and of subscribing members (Articles 7 and 8).

ARTICLE 12

Powers

The General Assembly is the highest authority of the Malta Red Cross Society.

It elects the members of the Managing Committee.

It approves the annual report.

It votes the budget submitted by the Managing Committee and approves the accounts of the past financial year.

It fixes the amount of subscriptions.

It approves amendments made to the Statute in conformity with the relevant provisions.

It discusses all items entered on the final agenda which it has adopted.

ARTICLE 13

Sessions

The General Assembly meets each year in ordinary session, at a time and place

laid down by the previous General Assembly, or by the Managing Committee acting under authority delegated to it by the General Assembly. It meets in extraordinary session on the initiative of the Managing Committee or at the request of one fifth of the members of the General Assembly.

ARTICLE 14

Procedure

The General Assembly is presided over by the President of the Malta Red Cross Society.

Except where otherwise provided for in this Statute, the General Assembly takes all its decisions with a quorum of half its members and a majority of those present and voting.

Each of its members has a single vote.

CHAPTER V

Managing Committee

ARTICLE 15

Composition

1. The Malta Red Cross Society is controlled and administered by the Managing Committee composed of:

(a) 15 members elected by the General Assembly for a period of 3 years. No member can be so elected for more than two terms of office. Casual vacancies shall be filled by the Managing Committee and shall be subject to approval in the next General Assembly.

(b) Not more than 6 members, appointed by the Prime Minister to represent such Government Departments as are particularly interested in the work of the Red Cross, provided that not more than one member shall be appointed to represent any one such department.

2. *(a)*The Managing Committee will elect from among the elected members a President, two Vice-Presidents and a Treasurer.

(b) The rest of the members of the Managing Committee will be divided into subcommittees following the main activities of the society.

(c) The Director General shall be *ex officio* Secretary of the Managing Committee.

ARTICLE 16

Powers

Subject to the provisions of this statute and within the framework of the decisions and general directive adopted by the General Assembly, the Managing Committee is vested with all the powers necessary for carrying out the aims of the Malta Red

Cross Society.

It elects or provides for the election of the President, the Vice-President(s), the Treasurer and the Finance Commission.

It appoints and agrees the terms of office of the Director General.

It draws up, approves or amends all regulations which are necessary in order to give effect to the present Statute.

It sets up the committees or commissions which it deems desirable or necessary for carrying out these tasks.

ARTICLE 17

Sessions

The Managing Committee meets in ordinary session every three months.

Extraordinary sessions of the Managing Committee are held on the initiative of the President or at the request of one third of its Members.

ARTICLE 18

Procedure

The Managing Committee is presided over by the President of the Malta Red Cross Society.

It takes all its decisions with a quorum of one half of its members and by a majority of those present and voting.

Each of its members has a single vote.

CHAPTER VI

President and Director General

ARTICLE 19

Functions of the President

The President ensures the general supervision of the administration of the Malta Red Cross Society and the carrying out of decisions taken by its committees and commissions. He is competent to take any urgent measures in the interval between their sessions or when it is impossible for them to meet owing to exceptional circumstances; he is responsible for giving an account of such measures at the next meeting of the committees in question.

If the President is prevented from carrying out his functions, his place is taken by one of the Vice-Presidents or by the Director General.

ARTICLE 20

Director General

The Director General is appointed by the Managing Committee on such terms as may be mutually agreed.

The Director General is the Chief Executive Officer of the Malta Red Cross Society and is responsible for implementing the general policy and directives laid down by the Managing Committee; he is *ex officio* secretary of the Managing Committee, and all other commissions.

CHAPTER VII

Financial Provisions

ARTICLE 21

Financial Resources

Within the limits laid down by its object, the Malta Red Cross Society acquires, owns, alienates and administers any property as may be deemed fit.

It may accept unrestricted contributions and assistance in any form from individuals from the public authorities and from private bodies.

It may accept as agent or trustee funds or property in trust or earmarked for particular use, provided that such use is within the general scope of its activities, purposes and powers.

It may accept any conveyance of real estate to its use or benefit.

It may constitute and administer any reserve, insurance or other funds for its staff or any of its activities.

ARTICLE 22

Management and Control

All funds and property for the time being held by the Malta Red Cross Society shall be subject to the control of the Managing Committee.

The Managing Committee shall not enter into any financial engagement which has not been referred to and reported upon by the Finance Commission.

ARTICLE 23

Financial Year

The financial year begins on 1st January and closes on 31st December of each year.

ARTICLE 24

Budgets

The Director General draws up the annual budget in consultation with the Treasurer. It is submitted to the Managing Committee (and the General Assembly) through the Finance Commission.

The Director General is responsible in conjunction with the Finance Commission and the Treasurer for the administration of the Budget approved.

ARTICLE 25

Auditing

At the close of each financial year the accounts of the said year:

(1) are made the subject of a report made by the Treasurer,

(2) are audited and reported on by a company of chartered accountants.

These reports refer both to the budget and to funds entrusted to the Malta Red Cross Society in the capacity of agent or trustee.

ARTICLE 26

Treasurer

The Treasurer, whose appointment is provided for in Article 16, is *ex officio* a member of the Finance Commission in order to give his advice on financial matters.

He receives all the funds paid to the Malta Red Cross Society for whatever purpose.

He is accountable for these funds to the Managing Committee; he disposes of them by mandates from the President or Director General.

Decision as to the handling and investment of the available funds are taken by the Director General in agreement with the Treasurer, who shall then carry out such decisions.

ARTICLE 27

Finance Commission

The Finance Commission, whose members are elected by the Managing Committee and of which the Treasurer is an *ex officio* member, gives its advice on all financial questions and in particular on the budgets, on the annual accounts and on the Treasurer's report.

CHAPTER VIII

International Relations

ARTICLE 28

Relations with other members of the International Red Cross and Red Crescent Movement

The Malta Red Cross Society is party to the solidarity which unites all members of the International Red Cross and Red Crescent Movement, National Societies and international organisations of the Red Cross and maintains continuous relations with them.

It participates to the extent of the means available in international actions of the Red Cross.

It exercises the rights and undertakes the duties deriving from its membership of the International Red Cross and Red Crescent Movement in accordance with the Statutes of International Red Cross and Red Crescent Movement, and as a member of the International Federation in accordance with the Constitution of the same Federation.

CHAPTER IX

Procedure

ARTICLE 29

Regulations

The Managing Committee draws up and amends all such Bye-Laws and regulations as are necessary for the implementation of this Statute.

ARTICLE 30

Amendments of the Statute

This Statute can only be amended after examination by the Managing Committee and by a decision of the General Assembly taken by a two-thirds majority of those present and voting. Any proposed amendments shall be communicated to the International Federation and the ICRC in accordance with Article 5.2.d. of the International Federation Constitution. Resolution VI adopted by the XXIInd International Conference of the Red Cross (Teheran 1973), and Resolution XX adopted by the XXIVth International Conference of the Red Cross (Manila 1981).

ARTICLE 31

Dissolution

The Malta Red Cross Society can only be dissolved by law or by a decision of the General Assembly taken with a quorum of two-thirds of its members and by a three-

fourths majority of those present and voting.

SECOND SCHEDULE

(Article 4)

1. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of 12th August, 1949.

2. Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, of 12th August, 1949.

3. Geneva Convention relative to the treatment of Prisoners of War, of 12th August, 1949.

4. Geneva Convention relative to the protection of Civilian Persons in time of War, of 12th August, 1949.

5. Protocol Additional to the Geneva Conventions of 12th August, 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1).

6. Protocol Additional to the Geneva Conventions of 12th August, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II).