CHAPTER 613

MALTA CRAFTS ACT

An ACT to make provision for the encouragement, promotion, registration and regulation of craftspersons, crafts entrepreneurs and crafts, in particular crafts forming part of Malta's historical heritage, to establish the Office of the Registrar and to provide for matters ancillary to or connected therewith.

9th November, 2020

ACT XXVI of 2020.

1. The short title of this Act is the Malta Crafts Act. Short title.

2. In this Act, unless the context otherwise requires:- Interpretation.

"craft" means an art, skill or trade declared by the Minister to be a craft under article 3 which is practised by a person or persons in the manufacture of craft products made by craftspersons;

"craft products" include products made completely by hand or with the help of hand tools or even mechanical means, as long as the direct manual contribution of the craftsperson remains the most substantial component of the finished product and for the purpose of this Act refers to crafts made in Malta;

"crafts entrepreneur" means a person who by way of trade predominantly deals in craft products made in Malta;

"craftsperson" means a person who practices a craft in Malta and earns his living by or supplements his income by that craft or who proves that he possesses the ability to produce craft products and for the purpose of this Act shall be a citizen of Malta or a European Union national who has formal residence in Malta or any other person who hails from any other country who has the necessary permits issued by the relevant authorities to have a permanent residence in Malta and to work in Malta in the crafts sector;

"crafts villages" means the Ta' Qali Crafts Village and the Ta' Dbieġi Crafts Village and any other villages or areas which the Minister may prescribe by regulations;

"Minister" means the Minister responsible for the promotion and sustainability of the crafts sector;

"Office" means the Office of the Registrar of Crafts, Craftspersons and Crafts Entrepreneurs established under article 5;

"Registrar" means the Registrar of Crafts made in Malta, Craftspersons and Crafts Entrepreneurs selling such crafts established under article 4;

"traditional" means using to significant extent a combination of the same or similar materials and customary techniques, know-how, skills and practices that were developed and passed on locally from generation to generation.

Declaration of a craft.

3. The Minister, after consultation with the Office may by order under this Act, declare an art, skill or trade to be a craft for the purposes of this Act and may by similar order amend, revoke or substitute an order so made.

Establishment of the Office of the Registrar of Crafts, Craftspersons and Crafts Entrepreneurs.

4. There shall be an Office of the Registrar of Crafts, Craftspersons and Crafts Entrepreneurs which shall be the public entity designated with the responsibilities outlined in article 5 hereunder.

Functions of the Office.

5. The Office shall have the following functions:

(a) to maintain a register of crafts, craftspersons and crafts entrepreneurs that shall be registered according to criteria which may be prescribed from time to time:

Provided that when creating such register, there shall be consideration of the craftspersons and crafts entrepreneurs previously registered under the Malta Crafts Council Act and determination as to who of these are to be automatically registered, who shall no longer be deemed as registered and who will be asked to apply again for registration:

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Provided further that the Office can create different categories of registration in relation to the crafts sector;

(b) to affect possible expulsions and deregistration of registered craftspersons who infringe this Act;

(c) to establish and maintain a voluntary certification system of craft products which are in compliance with the definition of craft provided in this Act;

(d) to enforce specific regulations in relation to the Crafts Register and events organised by the Registrar, including any enforceable sanctions which would result if such regulations are not adhered to by a registered craft person or craft persons;

(e) to co-operate with the Malta Crafts Foundation and explore ways to jointly undertake initiatives to the benefit of local craftspersons;

(f) to keep abreast with European and international developments in the field of crafts and to participate in the relevant fora as necessary;

(g) to report to the appropriate authorities, possible infringements which are brought to its attention and to commission investigations, surveillance and inspections in relation to the authenticity of craft products;

(h) to take and propose actions aimed at raising the standard and profile of the craft sector in Malta;

(i) to contribute as necessary to the drawing up of legislation and in the formulation of a national policy on crafts;

(j) to make contact and keep a compendium of Maltese living abroad who manufacture traditional Maltese handicrafts for the purpose of keeping records of these Maltese handicrafts and their method of manufacture; and

(k) to undertake other tasks which may be required in relation to the crafts sector.

Annual report.

6. The Registrar shall submit to the Minister an annual report of the activities for the preceding year.

Regular consultation with craftspersons.

7. The Registrar shall ensure that craftspersons be consulted regularly on sectoral, thematic or general matters directly or through consultation meetings, conferences and, or workshops.

Resources and facilities.

8. The Minister shall provide the Registrar with such resources and facilities as in his opinion may be required for the proper performance of his functions.

Minister may make regulations.

9. The Minister may make regulations for the better carrying out of the provisions of this Act and may in particular by such regulations:-

(a) regulate the registration of craftspersons and crafts entrepreneurs in the crafts sector provided that the registration of craftspersons shall include both hobbyist and professional artisans of contemporary and traditional crafts;

(b) provide for a system under the supervision of the Registrar for the certification of the genuineness of craft products and the materials used in their production;

(c) establish any qualifications that registered craftspersons producing craft products are to possess;

(d) provide for the certification of registered craftspersons producing craft products;

(e) generally to regulate the activities of craftspersons and crafts entrepreneurs;

(f) establish rules concerning indication of origin and geographical indications insofar as crafts products are concerned;

(g) establish sanctions, administrative fines and procedure for appeals from such sanctions and fines;

(h) encourage the sustainable use of products and materials and of eco-friendly processes;

(i) designate areas as crafts villages whilst respecting development regulations and other regulations as applicable;

(j) designate public areas other than crafts villages for the holding of crafts markets and similar activities related to crafts; and

(k) prescribe any other matters that in accordance with this Act are to be prescribed.

Repeal and savings. Cap. 421.

10. (1) The Malta Crafts Council Act, hereinafter referred to as "the repealed Act", is hereby repealed, and any references in any law to the repealed Act shall be construed as references to this Act.

(2) Notwithstanding the provisions of sub-article (1):

(a) the repealed Act shall remain in force for the purpose of any act, decision, action or proceedings taken in respect of any breach of the repealed Act that occurred or were instituted prior to the coming into force of this Act;

(b) any subsidiary legislation made under the provisions of the repealed Act shall, until other provision is made under or by virtue of this Act, continue in force and have effect as if it was made under this Act; and

(c) the Office shall assume the legal personality previously vested in the Malta Crafts Council and shall assume responsibility for all assets, liabilities and obligations previously entered into by the Malta Crafts Council or by other bodies on its behalf.