I assent.

(L.S.)

GUIDO DE MARCO
President

28th July, 2000

ACT No. XXI of 2000

AN ACT to make provision for the encouragement, promotion and regulation of crafts and craftsmen, in particular crafts forming part of Malta's historical heritage, for the setting up of a national crafts council to be called the Malta Crafts Council and for matters ancillary to or connected therewith.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title and commencement.

1. This Act may be cited as the Malta Crafts Council Act, 2000, and shall come into force on such date as the Minister responsible for industry may, subject to the provisions of article 8 thereof, by notice in the Gazette establish and different dates may be so established for different provisions and different purposes of this Act.

Interpretation.

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

"the Council" means the Malta Crafts Council set up under article 4 of this Act;

"craft" means an art, skill or trade, declared by the Minister to be a craft for the purposes of this Act and practised by a person or persons in the manufacture of artefacts and other products and generally requiring in their manufacturing a greater input of human skill than of machinery;

"craftsman" means a person who practises a Maltese craft and earns his living by or supplements his income by that Maltese craft or who proves that he possesses the ability to produce Maltese craft products;

"entrepreneur" means a person, whether an individual or a juridical person, who by way of trade deals in Maltese craft products;

"Maltese craft" means a craft generally reflecting the traditions and heritage of the Maltese islands;

"Maltese craft products" means products of Maltese crafts manufactured in Malta;

"marks" for the purpose of article 7 includes hallmarks and labels;

"the Minister" means the Minister responsible for industry.

Minister may declare an art etc. to be a Maltese craft.

3. The Minister may by Order under this Act declare an art, skill, trade or industry to be a Maltese craft for the purposes of this Act and may by like Order amend, revoke or substitute an Order so made.

Malta Crafts Council.

4. (1) There shall be a council which shall be an autonomous non-profit making body to be known as the Malta Crafts Council which shall have the functions, powers and duties set out in this Act.

(2) The Council shall consist of -

(a) the Director of Industry *ex officio* who shall be Chairman;

(b) a Deputy Chairman appointed by the Minister;

(c) an officer serving in the Ministry responsible for education or the departments falling under the responsibility of that Ministry, appointed by the Minister with the concurrence of the Minister responsible for education;

(d) an officer serving in the Ministry responsible for Gozo or the departments, or sections of departments, falling under the responsibility of that Ministry appointed by the Minister with the concurrence of the Minister responsible for Gozo;

(e) an officer serving in the Ministry responsible for agriculture and fisheries or departments falling under the responsibility of that Ministry, appointed by the Minister with the concurrence of the Minister responsible for agriculture and fisheries;

(f) an officer serving in the Ministry responsible for tourism or the departments falling under the responsibility of that Ministry, appointed by the Minister with the concurrence of the Minister responsible for tourism;

(g) a member, apponted by the Minister, who shall be representing a legally constituted organisation representing entrepreneurs;

(h) three representatives to be elected by and from among craftsmen registered with the Council; and

(i) a representative to be elected by and from among entrepreneurs registered with the Council.

(3) The Minister shall designate an officer not below the rank of Senior Principal, or such other rank as the Minister may prescribe, and serving in a department falling under his Ministry, to act as Secretary to the Council.

(4) (a) The members of the Council shall hold office in an honorary capacity and, save for the elected members, shall hold office for such term as may be stated in their appointment or until such time as the Minister shall appoint another person to replace them.

(b) The elected members of the Council shall be so elected and shall so hold office as provided in the Schedule to this Act.

(5) A person shall not be eligible to be a member of the Council if he -

(a) is a member of the House of Representatives; or

(b) has been convicted of any crime against property and public safety, of any crime against public trust, of any crime against public trade or of any offence under the Trade Descriptions Act.

Cap. 313.

(6) A person shall cease to be a member of the Council if -

(a) he is no longer eligible to be appointed or elected as a member; or

(b) in the case of a person appointed by the Minister, if another member is appointed in his stead; or

(c) in the case of an elected member, if he resigns his office in writing to the Minister; or

(d) in any other case as provided in this Act or the Schedule thereto.

(7) The Council may act notwithstanding any vacancy in its composition.

(8) The Chairman shall, and in his absence the Deputy Chairman shall, preside over the meetings of the Council; in the absence of both the Chairman and the Deputy Chairman, the members present shall elect one of the appointed members to preside over the meeting.

(9) (a) The quorum at the meetings of the Council shall be of six members; if no quorum is present at the time for which a meeting is convened, the meeting shall commence after thirty minutes, provided that no decision of the Council shall be valid unless it is supported by at least four members of the Council, one of whom being a member appointed by the Minister.

(b) The Chairman or the member presiding at a meeting shall have an original, and in the case of an equality of votes, a second or casting vote.

(c) The Council may ask any person as it may deem fit to attend meetings of the Council to advise it on any matter before the Council, and such persons shall not be entitled to vote at such meetings.

(d) Otherwise, the Council shall regulate its own procedures.

(10) The Chairman shall enforce the decisions of the Council through the agency of his department, or of other departments of Government or through other bodies, agencies or persons, after consultation with the Council.

(11) The Secretary shall keep minutes of meetings and send notices convening meetings of the Council.

(12) The Council shall meet at least once a month and shall be convened on such date and time as may be directed by the Chairman or as may be requested by any five of its members.

(13) The judicial representation of the Council shall vest in the Chairman or such other member as the Council shall appoint for particular purposes. Any such appointment shall be notified in the Gazette.

Minister to supply Council with facilities.

5. (1) The Minister shall provide the Council with such facilities as in his opinion may be required for the proper performance of its functions.

(2) The decisions of the Council shall be communicated by the Secretary to the Minister.

Functions of the Council.

6. (1) The Council shall have the following functions:

(a) to register craftsmen and entrepreneurs in accordance with such rules as may be prescribed;

(b) to promote a steady interest, appreciation, promotion and regulation of Maltese crafts in particular and in Maltese crafts in general among all sectors of the community both resident and foreign;

(c) to support and safeguard the interests of craftsmen through the promotion of studies for the identification of raw materials, design, market research and sales programmes;

(d) to promote the revival of traditional Maltese crafts;

(e) to promote the creation of opportunities for the production of Maltese craft products;

(f) to establish a voluntary certification system whereby the genuineness of Maltese craft products is guaranteed and to regulate and supervise such system;

(g) to advise the Minister on all aspects of Maltese crafts, generally and in particular in the formulation of a national policy on Maltese crafts, and in the making of regulations under this Act;

(h) to advise on the implementation of, and to monitor, the national policy on Maltese crafts;

(i) to establish international contacts with the aim of enhancing Maltese crafts;

(j) to perform any other function as may be assigned to it under this or any other law.

(2) For the performance of its functions under this Act the Council may with the concurrence of the Minister utilise such funds as may be assigned to it by the Government from time to time and as may be donated or bequeathed to the Council by other persons.

(3) The Council shall be exempt from the payment of income tax or of duty on documents or transfers.

Power of Minister to make regulations.

7. The Minister may after consultation with the Council 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 craftsmen and entrepreneurs;

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

(c) establish the qualifications that craftsmen producing Maltese craft products are to possess;

(d) provide for the certification of craftsmen producing Maltese craft products;

(e) establish such marks that indicate the genuineness of Maltese craft products as marks of conformity issued by virtue of the Malta Standards Authority Act, 2000; Act XIX of 2000.

(f) amend or substitute the Schedule to this Act;

(g) generally to regulate the activities of craftsmen and entrepreneurs; and

(h) prescribe any matter that in accordance with this Act is to be prescribed.

Transitory period.

8. The provisions of paragraphs (g) and (h) of subarticle (2) of article 4 shall not come into force before the lapse of such period, being of not less that six months, after the making of regulations under paragraph (a) of article 7 of this Act, during which period craftsmen and entrepreneurs may register for the purposes of this Act.

SCHEDULE

(Section 4)

1. The elected members of the Council shall, subject to the provisions of this Schedule, be elected for a period of two years.

2. Subject to the provisions of this Schedule, elections shall be held three months before the expiry of the term of office of the then current members.

3. Only registered craftsmen shall be eligible to vote for the members of the Council referred to in paragraph (g) of subarticle (2) of article 4.

4. Only registered entrepreneurs shall be eligible to vote for the members of the Council referred to in paragraph (h) of subarticle (2) of article 4.

5. Elections shall be held under the supervision of the Secretary who shall publish a call for nominations one month before the date of the poll.

6. Nominations, to be signed by a person eligible to vote in the election and accepted by the signature of the candidate, shall be received by the Secretary up to two weeks before the date of the poll.

7. The date and place of the poll shall be published in the Gazette by the Secretary at least fifteen days before the date of the poll.

8. The list of candidates shall be posted at the place of the poll for at least four days before the day of the poll up to and including the day of the poll itself.

9. Elections are to be by secret ballot, voters for the members referred to in paragraph (g) of subarticle (2) of article 4 shall vote for three candidates and shall show their preference by placing an X in front of the name of the candidates preferred.

10. Voters for the members referred to in paragraph (h) of subarticle (2) of article 4 shall vote for two candidates and the other provisions of paragraph 9 of this Schedule shall *mutatis mutandis* apply.

11. Elected members may not serve for more than three consecutive terms of office and shall not be eligible to be candidates for a fourth consecutive term.

12. The candidates with the highest number of votes shall be declared elected. The votes shall be counted by the Secretary and two election commissioners elected for that purpose from amongst those present during the same meeting.

13. The result of the election shall be published in the Gazette.

14. If an elected member resigns, his place shall be filled by the non-elected candidate obtaining the next highest number of votes. Such member shall serve for the remaining period of the term of office of the resigning member.

15. If all the elected members under paragraph (g) or (h) of subarticle (2) of article 4 resign en bloc, a fresh election shall be held for members under the said paragraph (g) or (h) as the case may be within three months from the date of resignation. The members elected under such an election shall serve for a full term of two years.

16. Where not enough candidates are nominated, the vacancy shall be filled by the Minister who shall act on the advice of the remaining members of the Council.

17. Voting shall be in person and no person may appoint a proxy to vote in his stead.

18. An annual general meeting of all registered craftsmen and an annual general meeting of all registered entrepreneurs shall be held in January of each year.

19. Extraordinary general meetings shall be held when a call therefor is made in writing and signed by at least twenty percent of all registered craftsmen, or twenty per cent of all registered entrepreneurs, as the case may be; the Chairman shall convene such extraordinary general meeting within four weeks of such a request being made.

20. The quorum at general meetings shall be thirty members eligible to attend and vote thereat.

21. If a quorum is not present at the time at which the meeting is to commence, the meeting shall commence thirty minutes after that time and the persons present at that time shall constitute a quorum.

22. The Chairman shall preside at general meetings. Notice of general meetings shall be distributed to the registered persons and published in the Gazette by the Secretary not later than one week before the date of the meeting.

23. At annual general meetings the Chairman shall give a report of the activities of the Council during the previous calendar year.

24. At general meetings the persons present may call for the resignation of the elected members to which the meeting refers, and if such a call is supported by the majority of members present, the elected members shall be considered as having resigned:

Provided that no such call shall be valid unless it is supported by at least thirty persons entitled to vote for the election of such members. Otherwise, a decision of a general meeting is valid if supported by a majority of persons present.

25. General meetings may on a motion make suggestions for activities and action by the Council.

26. The Council may, for disciplinary reasons to be provided for in regulations, suspend the rights of a craftsman or an entrepreneur, as the case may be, from attending and voting at general meetings or at elections. The decision of the Council in such matters shall be final.

Passed by the House of Representatives at Sitting No. 357 of 24th July, 2000.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives