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L.N. 206 of 2012

MALTA COUNCIL FOR ECONOMIC AND SOCIAL DEVELOPMENT ACT
(CAP. 431)
Malta Council for Economic and Social Development Act (Civil Society Committee) Regulations, 2012

IN exercise of the powers conferred by article 15 of the Malta Council for Economic and Social Development Act, the Prime Minister has made the following regulations:-

1. The title of these regulations is the Malta Council for Economic and Social Development Act (Civil Society Committee) Regulations, 2012. Citation.

2. In these regulations, unless the context otherwise requires – Interpretation.

"Act" means the Malta Council for Economic and Social Development Act; Cap. 431

"Commissioner" means the Commissioner for Voluntary Organisations appointed under the Voluntary Organisations Act; Cap. 492

"Committee" means the Civil Society Committee established in terms of the Act;

"Council" means the Malta Council for Economic and Social Development established under the Act;

"disability" means a long-term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder one's full and effective participation in society on an equal basis with others;

"enrolled" means enrolment with the Commissioner for Voluntary Organisations under the Voluntary Organisations Act which has been in effect for more than one year prior to any call for nominations as stated in regulation 5; Cap. 492

"Local Councils Association" means the Local Councils Association recognised under article 37(3) of the Local Councils Act; Cap. 363

"register" means the register maintained by the Chairperson of the Council under regulation 4.

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Composition of the Committee.

3. (1) The Committee established in terms of article 6 of the Act shall be composed of up to twelve (12) persons nominated or elected by the organisations representing those sectors identified in sub-regulation (2).

(2) The organisations which shall be eligible to nominate or elect one person to represent them on the Committee shall be from the following sectors of activity within civil society:

(a) consumer affairs;

(b) health, elderly and pensioners;

(c) gender equality;

(d) professions;

(e) youth and students;

(f) sports;

(g) agriculture, rural and fisheries,

(h) environmental protection and improvement, including the protection of animals, culture, arts and national heritage;

(i) persons with disability;

(j) education, social and community advancement;

(k) local councils; and

(l) other voluntary organisations which are enrolled which are not represented and which do not participate in any of the above sectors of activity within civil society.

Procedure.

4. (1) A voluntary organisation which is enrolled may indicate its interest in participating in the nomination and election of representatives to the Committee at any time by means of a notice in writing to the Chairperson of the Council.

(2) The organisation shall provide full details of its name, the full address of its registered office and the address where it receives mail and its VO identification number and shall specify the primary sector of activity within civil society under which it wishes to be classified in accordance with regulation 3(2).

(3) The Chairperson of the Council shall acknowledge the

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same in writing.

(4) The Chairperson of the Council shall verify with the Commissioner that an organisation is enrolled and eligible for the purposes of these regulations.

(5) The Chairperson of the Council shall keep a register of eligible organisations for the purposes of these regulations. The register shall be organised by the sector of activity within civil society indicated in the notice submitted by the relevant organisation under this regulation.

(6) The register shall be available to the public on the web-site of the Council.

(7) If a voluntary organisation is in doubt as to which primary sector of activity within civil society it belongs, such voluntary organisation may apply for a ruling from the Chairperson of the Council regarding such issue. The Chairperson of the Council shall determine this issue after consulting the Commissioner. In case of reasonable doubt as to which sector the voluntary organisation belongs, such organisation shall be included under regulation 3(2)(l).

(8) The provisions of this regulation shall not apply to the Local Councils Association.

Nominations.

5. (1) The Chairperson of the Council and the Executive Secretary of the Council shall, by notice in writing, sent individually or by publication in two newspapers, one being in the Maltese language and the other in the English language, invite:

(a) each organisation forming part of the sector of activity within civil society as listed in the register; and

(b) the Local Councils Association;

to nominate in writing persons to represent such sector on the Committee.

(2) Where the sector nominates only two persons, one as representative and one as substitute, which persons must be designated accordingly, then such persons shall be accepted by the Chairperson of the Council to be validly nominated to such positions.

(3) Where the sector nominates more than two persons, the Chairperson of the Council and the Executive Secretary of the Council shall organise an election and the person who receives the highest number of valid votes cast within that sector shall be the

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representative and the person who receives the second highest number of valid votes cast within that sector shall be the substitute. The same shall apply when the sector nominates only two persons but there is no agreement within such sector as to who shall fulfil the role of representative and who shall fulfil the role of substitute.

(4) Each sector shall be entitled to elect one representative and one substitute.

(5) In the case of a resignation or retirement by any representative, the substitute shall fill the post of the representative who resigned or retired for the period of office remaining for that representative, and the sector shall nominate a person to fill the post of substitute, or if an election had originally been held, the person with the next highest number of valid votes cast within that sector shall be the substitute also for such period.

(6) In the case of a resignation or retirement by any substitute, the sector shall nominate a person to fill the post of substitute, or if an election had originally been held, the person with the next highest number of valid votes cast within that sector shall be the substitute for the period of office remaining for that substitute.

(7) In the case of the sector representing organisations involved with persons with disability, it may directly nominate its representative and substitute as stated in sub-regulation (2); however should an election need to be held, notwithstanding sub-regulation (3), candidates who have a disability shall be appointed, on the basis of the number of valid votes cast within that sector, in preference to other persons who do not have a disability even if receiving more votes.

(8) In the absence of two persons with a disability elected to act as representative and substitute, then the persons receiving the highest number of valid votes cast within that sector shall be elected to such positions in accordance with this regulation.

(9) In the case of resignation or retirement of any representative or substitute the preference stated above shall apply *mutatis mutandis*.

(10) In the case of the Local Councils Association, the Association shall directly nominate one person to represent local councils on the Committee and one substitute.

Members of the Committee.

6. (1) The persons nominated or elected to represent each sector under these regulations shall be appointed as the members of the Committee by the Prime Minister, upon receiving the advice in

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accordance with article 6(2) of the Act, by means of a Notice issued by the Prime Minister and published in the Gazette listing the said members of the Committee, identifying both representatives and substitutes.

(2) Appointments shall be made for a period of two years which shall commence on the date of the Notice.

Chairperson of the Committee.

7. (1) The Chairperson of the Committee shall be elected by the members of the Committee from among themselves by simple majority, for a period of two years. The election shall take place at the first meeting of the Committee.

(2) The Chairperson of the Committee may request any one of the persons nominated or elected as representatives or, in their absence, their substitutes to:

(a) act as his substitute on the Council and attend meetings instead of him when he is unable to do so, in which case, such person shall have the right to vote instead of the Chairperson of the Committee on issues being discussed in the Council; or

(b) assist him in meetings of the Council, in which case, such person will not have the right to vote but shall attend the meetings of the Council as an observer.

(3) The Chairperson of the Committee shall choose a person from those nominated or elected as representatives or, in their absence their substitutes, to act as his substitute or his assistant, as the case may be, at his absolute discretion depending on:

(a) the subject matter to be discussed in the Council; and

(b) the sector of activity within civil society which such person represents.

Procedure.

8. The Committee shall have the power to regulate its own procedure consistently with the Act and any regulations made thereunder and generally accepted rules of order.

Meetings.

9. (1) The Committee shall meet at least once every month at such time and on such date as may be designated and notified to the members for that purpose by the Chairperson of the Committee. The time and date in which meetings are to be held shall also be notified to the Chairperson of the Council on the same date on which they are notified to the members of the Committee. The

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Chairperson of the Council may attend the meetings of the Committee as an observer.

(2) The meetings of the Committee shall be held in a place designated by the Chairperson of the Council.

Quorum.

10. The quorum for a meeting shall be a number of members representing fifty per cent plus one of all the members of the Committee. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting shall stand adjourned to such other day, time and place as the Chairperson of the Committee may indicate beforehand in the notice convening the adjourned meeting and which adjourned meeting shall not be held later than seven working days from the date of the original meeting. If at the adjourned meeting a quorum is not present within half an hour from the appointed time the members present in that meeting shall constitute a quorum.

Executive Secretary.

11. (1) The Executive Secretary of the Council shall be the Executive Secretary of the Committee. It shall be the function of the Executive Secretary to:

(a) keep the minutes of the meetings of the Committee; and

(b) keep a record of the members present during the meeting, the members who are absent and the members who are excused.

(2) The Executive Secretary of the Council may nominate any other person from the employees of the Council to attend the meetings of the Committee in his absence and to fulfil all functions of Executive Secretary of the Committee.

Minutes.

12. The minutes of the proceedings of every meeting shall be kept by the Executive Secretary of the Committee and shall be read and approved at the commencement of the following meeting. The approved minutes shall be accessible to the members of the Committee at all times. The Executive Secretary of the Committee shall make such approved minutes available to the members of the Council, if requested.

Secretariat.

13. The Council shall provide the Secretariat of the Committee.

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