

L.N. 21 of 2013

MALTA COUNCIL FOR CULTURE AND THE ARTS ACT
(CAP. 444)
Creativity Trust Order, 2013

IN EXERCISE of the powers conferred by article 33 of the Malta Council for Culture and the Arts Act, the Minister for Tourism, Culture and the Environment has made the following order:-

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| Citation. | 1. The title of this order is the Creativity Trust Order, 2013. |
| Creation of trust. | 2. There is hereby established a trust to be known as the Creativity Trust, hereinafter referred to as "the Trust", which trust shall: |
| Cap. 331. | <p>(a) be established for charitable purposes as defined in the Trusts and Trustees Act; and</p> <p>(b) be an entity falling under the supervision and control of the Ministry responsible for culture in the same manner and to the same extent as though it were established by the said Ministry; and</p> <p>(c) to which the provisions of the Trust and Trustees Act and any regulations made thereunder, including the Creativity Trust (Exemption) Regulations, shall apply.</p> |
| Cap. 331.
S.L. 331.02 | |
| Objective of trust. | 3. The Trust shall be able to receive any settlements and donations of any type and in any manner, whether <i>inter vivos</i> or <i>causa mortis</i> . |
| Appointment of trustees. | 4. The trustees of the Trust shall be the Board of Trustees composed as set out in article 5, hereinafter referred to as "the Trustees". |
| Composition of Board of Trustees. | <p>5. (1) The Board of Trustees shall be composed of not less than three and not more than seven members of the following:</p> <p>(a) the Permanent Secretary of the Ministry responsible for finance, <i>ex officio</i>;</p> <p>(b) a person appointed by the Governor of the Central Bank of Malta;</p> <p>(c) a representative of Higher Education institutions appointed by the Minister responsible for education;</p> |

(d) the Permanent Secretary of the Ministry responsible for culture, *ex officio*;

(e) the Executive Director of the Malta Council for Culture and the Arts, *ex officio*;

(f) two trustees appointed by the Prime Minister representing the cultural and creative industries, one of whom representing the interests of Gozo.

6. Any bank account in which any of the funds of the Trust are deposited shall be held in the name of the Trust: Bank accounts.

Provided that:

(a) all instructions in connection with the operation of such an account shall be signed by at least two Trustees, and

(b) the Trustees may from time to time appoint any one or more persons (who need not necessarily be Trustees) to act as signatories in respect of the said bank account with such powers and subject to such terms, conditions and limitations as the Trustees shall deem appropriate.

7. The Trust shall be funded by:

Funding of Trust.

(a) a direct fund by Government; or

(b) donations made by persons, whether natural or legal.

8. (1) The Trustees shall have the power to create and establish rules and procedures applicable to the Trust and the way in which it is administered and granted. Such rules shall be regularly published in the Gazette. Power of Trustees.

(2) The Trustees shall have the power to appoint an administrative committee and any such committees as it may deem fit to assist it in the purpose of administering the grant of funding opportunities under the Trust.

9. The Trust shall be established to fund the cultural and creative industries through: Beneficiaries of the Trust.

(a) investment schemes;

(b) national funding schemes;

- (c) capital projects; and
- (d) funding structures,

where all of the above administer their funds independently of each other and of the Trust, and are regulated by rules and procedures separate to those applicable to the Trust and are independent of it.

