I assent.

(L.S.)

AGATHA BARBARA
President

5th December, 1984

ACT No. XXI of 1984

AN ACT to provide for the setting up of a National Tourism Organisation and for matters connected therewith or ancillary thereto.

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. (1) This Act may be cited as the National Tourism Organisation Act, 1984.

(2) This Act shall come into force on such date as the Minister responsible for tourism shall appoint by notice in the Gazette and different dates may be so appointed for different provisions and different purposes of this Act.

Interpretation.

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

"Action Council for Tourism" means the Council by that name and representing the Hotels and Restaurants Association, the Association of Self-Catering Accommodation, the Federation of Hotels, Pensions and Catering Establishments, the Rent-A-Car Association, the Association of Travel Agents and other associations from time to time;

"chairman" means the chairman of the Organisation appointed by the Minister under section 8 of this Act;

"chief executive" means the chief executive of the Organisation appointed by the Minister under section 8 of this Act;

"fund" means the fund of the Organisation;

"Minister" means the Minister responsible for tourism and, to the extent of any functions delegated, includes any person acting under the authority of the Minister;

"notify by post" means the mailing, by ordinary post, of any notice or correspondence at the last known address of the addressee;

"Organisation" means the National Tourism Organisation established by section 3 of this Act;

"person" includes a body or other association of persons, whether such body or association is corporate or unincorporate;

"visitor" means a person visiting Malta and who is not a resident in Malta.

National Tourism Organisation.

3. (1) There shall be an organisation to be known as the National Tourism Organisation made up of an Executive Board and an Advisory Board.

(2) The Organisation shall be under the direction of the Minister on behalf of the Government of Malta.

Functions of the Organisation.

4. The functions of the Organisation established by section 3 of this Act are to adopt such measures as it shall deem necessary or opportune for any of the following purposes

(a) to increase the number of visitors to Malta from overseas and for this purpose to advertise, promote and publicise Malta as a visitor destination;

(b) to restructure the inflow of tourist traffic to the Maltese Islands, as also to improve added value and maximise foreign exchange earnings;

(c) to attract more off season traffic during the low and shoulder winter months, as well as conference and convention business, and special interest and incentive group travel;

(d) to promote the constant upgrading of tourist facilities and services in the Maltese Islands;

(e) to stimulate the demand for and provide tourist goods and services, and to promote the development of a competitive structure of facilities and prices in relation to other tourist resorts.

Legal personality and representation of the Organisation.

5. (1) The Organisation shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act, including the lending or borrowing of money.

(2) The legal representation of the Organisation shall vest in the chairman:

Provided that the Executive Board may designate any one or more of the members of that Board to appear in the name and on behalf of the Organisation in any judicial proceedings and in any act, contract, instrument or other document whatsoever.

(3) Any document purporting to be an instrument made or issued by the Organisation shall be received in evidence, and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Organisation.

Executive Board.

6. (1) The Executive Board of the Organisation shall consist of a chairman, a chief executive, a secretary, a treasurer and such members being not less than six and not more than fourteen in number, as the Minister deems appropriate, who shall be appointed by the Minister. The chairman and such members shall hold office for a term not exceeding two years and under the conditions set out in their respective letters of appointment, and shall be eligible for re-appointment on the expiration of the term for which they are appointed under this section.

(2) The first Executive Board shall be made up of the chairman, the chief executive, the secretary and the treasurer, two members representing the founder-members of the Action Council for Tourism nominated one by the Hotels and Restaurants Association and one by the Association of Travel Agents, two members nominated by the Air Malta Company and three members nominated by the Minister.

(3) The chairman and the chief executive of the Executive Board appointed by the Minister under this section shall receive such remuneration as the Minister may, after consulting the Executive Board, establish from time to time.

(4) Such remuneration shall be a charge on the fund of the Organisation.

Functions of the Executive Board.

7. (1) The Executive Board shall be responsible, through the chief executive, for the general administration of the affairs and business of the Organisation, and shall also have the following functions —

(a) to advise the Minister on the development of tourism in Malta as well as on the improvement of tourist and hotel accommodation, catering, transportation and other tourist amenities and facilities within the Maltese Islands;

(b) to collect, manage and administer funds available to the Organisation in order to carry out its functions as set out in section 4 of this Act;

(c) such other functions as arise from this Act or any other law or as may be delegated to it by the Minister under this Act.

(2) The Executive Board may appoint any of its members for any specific purpose in connection with the functions of the Organisation.

Chairman and chief executive.

8. (1) The chairman and the chief executive of the Organisation shall be appointed by the Minister from among persons who appear to him to have had experience of and have shown ability in dealing with the problems associated with tourism.

(2) The chief executive, the secretary and the treasurer shall not have a vote nor shall they be deemed to be members of the Executive Board for the purpose of establishing a quorum.

(3) The Minister shall designate one of the members of the Board as deputy chairman.

(4) The deputy chairman shall have the powers and perform the functions of the chairman during the chairman's absence or until a new chairman is appointed following the resignation, termination of appointment, or death of the chairman.

(5) If the chief executive is temporarily absent from Malta or is otherwise temporarily unable to perform the functions of his office, the Minister shall designate a person to act as chief executive during such period of absence or inability.

9. The Executive Board shall appoint a treasurer of the Organisation. Treasurer of the Organisation.

10. (1) The Minister shall appoint a secretary to the Executive Board. Secretary of the Executive Board.

(2) In the absence of the secretary the Board may appoint a secretary *ad interim* from among its own members, and the member so appointed shall retain the right to vote and his presence shall be taken into account for the purpose of establishing a quorum.

(3) The secretary of the Executive Board shall convene the meetings of the Executive Board as directed by the chairman, shall keep a record of all Executive Board proceedings and shall follow the directives of that Board.

11. (1) The Executive Board shall meet at least once every month and the meetings of the Board shall be presided by the chairman. Meetings and quorum of the Executive Board.

(2) The chairman and three voting members shall form a quorum of the Executive Board.

(3) Subject to the presence of a quorum, the Board may act notwithstanding any vacancy among its members.

(4) Saving the provisions of section 16 of this Act, matters before the Executive Board shall be settled by simple majority of the members present and voting. The chairman shall, in the case of an equality of votes, exercise a second or casting vote.

12. Meetings of the Executive Board shall be notified by post to all the members of that Board, and such meetings shall in no case be held prior to three days from such notification, but the chairman may convene an urgent sitting of that Board whenever he deems necessary, and in such case he shall take all such steps as he shall deem reasonable in the circumstances to notify the members of that Board accordingly. Notification of meetings.

13. (1) Any member of the Executive Board who is in any way, directly or indirectly, interested in any contract made or proposed to be made by the Executive Board, or under consideration of that Board or in respect of which the advice of or decision by the Executive Board is sought, shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of his interest at the first meeting of the Executive Board. Disclosure of interest in contract.

(2) Any disclosure made as provided in subsection (1) of this section shall be recorded in the minutes of the Executive Board.

(3) The member making such disclosure shall not take part in any Executive Board meeting while it is deliberating or deciding on that contract.

14. Save as provided in this Act, the Executive Board may make its own rules and otherwise regulate its own procedure. Procedure of the Executive Board.

15. (1) The Advisory Board of the Organisation shall consist of a chairman, who shall be the chairman of the Organisation, and one representative from each of the Air Malta Company, the Gozo Channel Company, the Hotels and Restaurants Association, the Association of Self-Catering Accommodation, the Federation of Hotels, Pensions and Advisory Board.

Catering Establishments, the Rent-A-Car Association and the Association of Travel Agents, and any other members as the Minister may appoint from time to time.

(2) The secretary of the Executive Board shall also act as secretary of the Advisory Board, with the same duties and functions laid down in section 10 of this Act.

(3) It shall be the function of the Advisory Board to advise, make proposals to and report to the Executive Board on any question or matter which it considers necessary or expedient for the promotion, development and advancement of tourism in Malta, or which is referred to it by the Executive Board or as may be required by the Minister.

(4) Sections 10, 11, 12 and 14 shall *mutatis mutandis* apply to the Advisory Board.

The fund of the Organisation.

16. (1) The fund of the Organisation shall be administered by the Executive Board and shall be made up of

(a) the contributions made from time to time by the Government of Malta through the Ministry of Tourism;

(b) the contributions raised from all sectors and persons involved in the tourist trade in Malta;

(c) the contributions made from time to time by Air Malta and the Gozo Channel Company; and

(d) any other monies accruing to the Organisation from any other source whatsoever.

(2) The Minister may by regulations prescribe the contributions payable under this section.

(3) The allocation and expenditure of funds exceeding five thousand Maltese liri shall be approved by seventy-five per cent of all the voting members of the Executive Board.

(4) A sum of not less than five per cent of the total budget shall be allocated and spent by the Executive Board for public tourist product development in Malta and Gozo.

Collection of contributions.

17. The contributions towards the fund of the Organisation as provided for in section 16 of this Act, shall be collected by the Executive Board.

Payments and withdrawals from fund.

18. (1) All monies accruing to the Organisation from any source whatsoever shall be paid into the fund account opened with a bank appointed by resolution of the Executive Board, and shall, as far as practicable, be paid into that bank from day to day, except such sum as the Executive Board may authorise to be retained to meet petty disbursements and immediate payments.

(2) All payments from the fund except petty disbursements not exceeding a sum to be fixed by the Executive Board, shall be made by such member or members as the Executive Board shall appoint or designate for that purpose.

(3) Cheques against or withdrawals from the fund account of the Organisation shall be signed by the treasurer and any two other members of the Executive Board as may be authorised by it for that purpose.

19. The Executive Board shall allocate funds for advertising in the media overseas; of these, at least three hundred thousand Maltese liri annually shall be used in countries and localities which are regularly served by Air Malta, and its services shall be prominently featured and other airlines excluded. Fund for advertising.

20. The Executive Board shall cause to be kept proper accounts and other records in respect of the operations of the Organisation, and shall cause to be prepared a statement of accounts in respect of each year. Such accounts shall be audited by an auditor or auditors to be appointed by the Organisation but the Minister shall have the right to require the books and accounts of the Organisation to be audited or examined by the Director of Audit who shall for this purpose have power to carry out such physical checking and other verifications as he may deem necessary. Accounts of the Organisation.

21. All disbursements or expenses incurred by the Executive Board shall be a charge on the fund of the Organisation. Disbursements of Organisation.

22. Notwithstanding anything contained in the Income Tax Act, 1948, or in any enactment replacing that Act, the income of the Organisation shall be exempt from tax under that Act. Exemption from income tax.

23. (1) Any person who for his own gain or for the gain of another person, makes use of any information which has come to his knowledge in the performance of his duties or functions under any of the provisions of this Act, or discloses any such information other than to a person whom he is authorised to communicate it, shall be guilty of an offence and shall on conviction be liable, for each offence, to a fine (*multa*) of one thousand Maltese liri or to imprisonment for a term of not less than one month but not exceeding three months, or to both such fine and imprisonment. Offences and penalties.

(2) Nothing in this section shall affect the operation of the Criminal Code or of any other law, in respect of any act constituting an offence under such laws liable to a punishment higher than that laid down in this Act or in respect of any offence not specifically provided for in this Act. Cap. 13

(3) The provisions of the Probation of Offenders Act, 1957, and of section 23A of the Criminal Code, shall not apply to offences under this Act. Act XII of 1957

Passed by the House of Representatives at Sitting No. 213 of the 4th December, 1984.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives

Ippubblikat mit-Taqsima tat-Tagħrif — Kastilja — *Published by the Information Division — Kastilja*
Mitbugħ fl-Istamperija tal-Gvern — *Printed at the Government Printing Press*
Prezz 4c — *Price 4c*