Verżjoni Elettronika



**L.N. 489 of 2021**

# CULTURAL HERITAGE ACT
# (CAP. 445)

## Heraldry and Genealogy Regulations, 2021

IN EXERCISE of the powers conferred by article 72 of the Cultural Heritage Act, the Minister responsible for the National Heritage, the Arts and Local Government has made the following regulations:-

ARRANGEMENT OF REGULATIONS


| | | |
|---|---|---|
| Part I | Preliminary | 1-2 |
| Part II | Appointment and Functions of the Chief Herald, and the Constitution and Composition of the Office of the Chief Herald | 3-5 |
| Part III | Administrative and Personnel Provisions | 6-7 |
| Part IV | Register of Arms | 8 |
| Part V | All Applications | 9-13 |
| Part VI | Registration of other Arms | 14 |
| Part VII | Letters Patent and Certificates of Registration | 15 |
| Part VIII | Genealogical Records and Services | 16 |
| Part IX | Ancillary Matters | 17-19 |


## PART I
## Preliminary

Citation, scope, and commencement.

**1.** (1) The title of these regulations is the Heraldry and Genealogy Regulations, 2021.

(2) The scope of these regulations is for the establishment of the Office of the Chief Herald of Arms of Malta and relative functions, duties and powers, and to establish procedures for the delivery of heraldic, genealogical and vexillological services.

(3) These regulations shall come into force on such a date as the Minister may by notice in the Gazette establish, and different dates may be so established for different provisions or purposes of these regulations.

Verżjoni Elettronika



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

"Act" means Cultural Heritage Act; Cap. 445.

"Agency" shall have the same meaning as assigned to it in article 2 of the Act;

"Arms" includes Badges and all heraldic devices;

"bodies corporate" includes constitutional bodies, institutions, public and parastatal bodies of Malta, including official agencies and Local Councils, other associations, companies, partnerships and associations registered or based in Malta and in foreign jurisdictions;

"Certificate of Registration" means the document issued in terms of regulation 14;

"Chief Herald" means the Chief Herald of Arms of Malta as appointed in terms of regulation 3;

"Gazette" shall have the same meaning as assigned to it in article 3 of the Interpretation Act; Cap. 249.

"Genealogical Registrar" means the Genealogical Registrar as appointed in terms of regulation 16;

"guidelines" and "forms" mean the guidelines and forms published by the Office of the Chief Herald of Arms of Malta in terms of Regulation 13;

"grantee" shall mean a person to whom a grant is made;

"Honour" includes:

(a) all honours and decorations granted or recognized from time to time under the Ġieh ir-Repubblika Act including the relative insignia; Cap. 251.

(b) all honours, hereditary or otherwise, created, granted or recognized during the government of the Malta by the Grand Masters of the Order of Saint John between the years 1530 and 1798 as resultant from the Record;

(c) other honours, of local or foreign origin, hereditary or otherwise deemed to be of cultural or historical value by the Chief Herald of Arms of Malta;

"individuals" includes individuals holding constitutional offices, Maltese nationals and foreign nationals;

Verżjoni Elettronika



"Letters Patent" includes Certificate of Grant;

"Malta" means the Island of Malta, the Island of Gozo and the other islands of the Maltese Archipelago, including the territorial waters thereof;

"Minister" means the Minister responsible for the national heritage;

"Office" means the Office of the Chief Herald of Arms of Malta as described in regulation 3;

Cap. 595.

"public employee" shall have the same meaning as assigned to it in article 2(1) of the Public Administration Act;

"record" means the acts relative to honours as preserved at the National Library of Malta;

"Register of Arms" means a national register as described in regulation 8 where all arms granted or registered by the Chief Herald of Arms are recorded;

"Registrar" means the official responsible for keeping the Register of Arms under the supervision of the Chief Herald.

## PART II
## Appointment and Functions of the Chief Herald, and the Constitution and Composition of the Office of the Chief Herald

The Office of the Chief Herald.

**3.** (1) The primary function of the Chief Herald shall be to deal with Heraldry in Malta with due regard also to Vexillology and Genealogy.

(2) A Chief Herald of Arms of Malta shall be appointed by the Minister on recommendation of the Agency under such terms and conditions as established in the letter of appointment.

(3) The Chief Herald shall be:

(a) a public employee;

(b) appointed as from amongst persons holding the necessary competences;

(c) appointed for a term of three (3) years:

Provided that on the expiry of such term, the same person may be reappointed for further term or terms.

Verżjoni Elettronika



**4.** (1) In the exercise of his functions, the Chief Herald shall sign all acts in the name of the Office. Indemnity.

(2) The Chief Herald may appoint a Deputy Herald and a Registrar with the approval in writing of the Agency, referred to as Heraldic Agents:

Provided that the Heraldic Agents shall form part of the Office together with the Genealogical Registrar.

(3) The Chief Herald, the Heraldic Agents and in general any officer of the Office shall be indemnified against any liability incurred by the Office for any matter performed in the exercise of their duties.

**5.** (1) It shall be the function of the Chief Herald to:

(a) represent the Office in Malta and internationally;

(b) advise the Agency regarding cooperation with other governments and international organisations in the fields of heraldry, vexillology and genealogy;

(c) maintain a specific register to be known as the Register of Arms in Malta as described in regulation 8, and to establish and maintain such other registers, inventories and indexes as may be required in connection with the good maintenance of the Register of Arms;

(d) promote Malta's heraldic, vexillological and genealogical heritage;

(e) safeguard, promote and promulgate heraldic, vexillological and genealogical heritage as an intrinsic part of Malta's heritage;

(f) participate and promote participation in international collaborative heraldic, vexillological or genealogical projects, and to enter into agreements with similar bodies outside the Maltese Islands with prior approval of the Agency;

(g) compile, publish and distribute with or without charge books, magazines, journals, reports or other printed matter, including aural, visual, computerised and internet accessible material as may be appropriate;

(h) undertake research and consult the Government departments, public and private organisations and international organisations and other persons as may be required in the

Verżjoni Elettronika



discharge of its duties under these regulations;

(i) appoint and accredit monitors and experts as necessary for the purposes of these regulations with prior approval of the Agency;

(j) publish guidelines on the provision of heraldic services and to establish and maintain standards in the preparation and depiction of Arms and Flags;

(k) guide, advise, warn and consult, particularly where arms unofficially in use may not be conducive to the harmonious rules of heraldry and or vexillology, and to offer solutions;

(l) devise and grant new Arms, both personal and corporate;

(m) maintain, manage and control the application process for personal and Bodies Corporate desirous of acquiring or registering Arms;

(n) grant Arms by Letters Patent in accordance with these regulations:

Provided that the Chief Herald may, in the exercise of this function, issue an official blazon without artwork;

(o) register other Arms, in accordance with these regulations:

Provided that the Chief Herald may, in the exercise of this function, issue an official blazon without artwork;

(p) monitor the operation of these Regulations on behalf of the Agency and prepare an annual report on its operation;

(q) perform any matter conducive towards the attainment of the above functions.

## PART III
## Administrative and Personnel Provisions

Pursuivants of Arms.

**6.** (1) The Chief Herald may from time to time, with the approval of the Agency, appoint up to three (3) Pursuivants of Arms, which persons shall serve within the Office, and shall not be considered as employees.

(2) These Pursuivants of Arms shall be appointed solely for the

Verżjoni Elettronika



purpose of providing advice and assistance to the applicants. They shall liaise between the applicant and the Chief Herald.

(3) All Letters Patent shall be cosigned by the Chief Herald in the name of the Office and the Registrar who shall attest that such Letters Patent have been duly registered.

(4) Pursuivants of Arms and the Registrar may not sign in the name of the Office.

Remuneration.

**7.** The Agency shall establish remuneration for the Office and the Pursuivants of Arms.

PART IV
Register of Arms

Content and annual publication of the Register of Arms.

**8.** (1) The Register of Arms shall be maintained by the Office and shall be divided into four sections:

(a) a record of all Letters Patent issued in favour of individuals;

(b) a record of all Letters Patent issued in favour of bodies corporate;

(c) a record of all Registration of other Arms as established under regulation 13;

(d) a record of all honours:

Provided that claimants to hereditary honours, shall not have their names registered in the Register of Arms unless they have successfully applied for a grant or registration of arms in accordance with these regulations.

(2) The Chief Herald shall, from time to time, set forth the procedures and requirements and relevant fees for individuals and bodies corporate applying to the Office for a Grant of Arms under these regulations. These shall be published in the Guidelines in terms of regulation 13.

(3) The procedures and requirements and relevant fees mentioned in sub-regulation (2) shall be published in the guidelines in terms of regulation 13.

(4) The Chief Herald shall ensure that the Register of Arms is maintained in a transparent and orderly manner.

(5) For the purposes of sub-regulation (4), the Chief Herald

Verżjoni Elettronika



shall by the 31st of January of every year cause to be made available at a publicly accessible website on the internet of the Office or the Agency and published in the Gazette a notice containing the following:

(a) a list of all the Letters Patent issued during the previous basis year indicating the particulars of the individual or body corporate in whose favour the Letters Patent has been issued, the date of grant and a blazon of the arms so granted; and

(b) a list of all the Certificates of Registrations issued during the previous basis year indicating the particulars of the individual or body corporate in whose favour the Certificate of Registration has been issued, the date of grant and a blazon of the arms so registered.

PART V
All Applications

The application.

**9.** (1) Applications may be made according to the published form, against payment of the required fee to the Chief Herald for a Grant or Registration of Arms, as the case may be.

(2) All fees shall be non-refundable irrespective of the outcome.

(3) Notice of applications for a Grant or Registration of Arms shall be published by the Office in the Gazette not more than twenty-one (21) days following the receipt by the Chief Herald of the completed application form. This notice shall indicate the particulars of the applicant and a blazon of the arms so applied for.

(4) The publication of the notice mentioned in sub-regulation (3) shall be deemed for all purposes of law to be sufficient notice for anyone to make known to the Chief Herald by not later than twenty-one (21) days after publication of any valid and cogent representations for or against the application which representations shall be addressed to the Registrar either in writing by means of registered mail to the Office of the Chief Herald or electronically by means of email to the email address *pro tempore* of the Office.

(5) No representation may be received after the lapse of the twenty-one (21) days described in sub-regulation (4). Thereafter, the Chief Herald shall determine each application within not more than sixty (60) working days:

Provided that the aforesaid term shall be interrupted when the Chief Herald directs the applicant to make appropriate amendments to the application.

Verżjoni Elettronika



(6) The direction for amendments shall contain considered reasons and shall be delivered to the applicant either in writing by means of registered mail to the applicant's postal address or electronically by means of email to the address as provided by the applicant.

Decision on the application.

**10.** (1) An application can be either approved, discontinued or refused.

(2) An application is deemed approved when the Chief Herald issues a Letters Patent or Certificate of Registration as the case may be.

(3) An application is deemed discontinued when the applicant has not provided an amended application in terms of sub-regulations (5) and (6) of regulation 9 within sixty (60) days of receipt of the aforesaid direction from the Chief Herald.

(4) An application is deemed refused when the Chief Herald, after receipt of an amended application, finds that such application has not abided by the considered reasons.

Procedures following the decision.

**11.** (1) The Chief Herald's decision approving or refusing an application shall be delivered to the applicant by the Office either in writing by means of registered mail to the applicant's postal address or electronically by means of email to the address as provided by the applicant.

(2) The name of a successful applicant shall be entered by the Registrar in the Register of Arms not more than twenty-one (21) days following the decision by Chief Herald to make a Grant of Arms to such applicant.

The Chief Herald is vested with the power to grant or register Arms in Malta.

**12.** Arms may be granted to or registered by an individual or body corporate at the discretion of the Chief Herald.

The Office to publish pertinent guidelines and forms.

**13.** (1) Guidelines shall be published by the Office in the Gazette and made available at a publicly accessible website on the internet of the Office or the Agency.

(2) Such guidelines shall include, but not limited to, the Conduct of the Office together with the eligibility criteria, procedures and requirements of applications, and all the forms used by the Office and the relevant fees.

(3) If such guidelines are amended, the Office shall

Verżjoni Elettronika



immediately publish an updated version of the guidelines in the Gazette and make them available at a publicly accessible website on the internet of the Office or the Agency.

PART VI
Registration of other Arms

Eligibility for registration.

**14.** (1) Applications from eligible individuals and bodies corporate for the Registration of Arms granted or certified by a foreign state-authorised body to the satisfaction of the Chief Herald, shall be made according to published forms as the case may be.

(2) If it can be proven that certain personal Arms have been in uninterrupted use for a considerable period of time by the applicant's ancestors, those Arms would be registered *tale quale*.

(3) Arms registered under this Regulation shall not give rise to issue of a Letters Patent but only to a Certificate of Registration.

PART VII
Letters Patent and Certificates of Registration

Rights consequent to Letters Patent and Certificates of Registration.

**15.** (1) A Grant of Arms by Letters Patent to any individual shall devolve to the grantee's descendants and where appropriate, in accordance with the principles, traditions and rules of heraldry in respect of the use of cadency and differencing.

(2) A Grant of Arms by Letters Patent to any body corporate shall on the dissolution, abolition, wind-up or bankruptcy of such a grantee be suspended in the Register of Arms pending cancellation by the Chief Herald after the expiry of a period of not more than sixty (60) days from the date of suspension.

(3) A Certificate of Registration shall only serve as proof of the registration of other Arms.

PART VIII
Genealogical Records and Services

The Genealogical Registrar.

**16.** The Chief Herald may from time to time assign the following functions and responsibilities to a person appointed by the Agency as the Genealogical Registrar:

(a) receive, record, maintain and make accessible for research genealogical material at the Office;

(b) undertake appropriate genealogical research at the Office of Arms in pursuance of its functions under these

Verżjoni Elettronika



regulations;

(c) establish and maintain a National Inventory of Genealogical Records;

(d) make the National Inventory of Genealogical Records electronically accessible to researchers and the public;

(e) liaise with government departments, state agencies, universities, institutions, libraries, archives and other such places of deposit or custody of genealogical records;

(f) liaise with voluntary genealogical organisations and persons or bodies corporate providing commercial genealogical research to the public;

(g) liaise with institutions providing courses in genealogy and genealogical research;

(h) establish and maintain a panel of suitably qualified genealogists to undertake, from time to time, research assignments for and on behalf of the Chief Herald;

(i) advise the Chief Herald on the custody, accessibility and quality of genealogical material held by the Office and elsewhere;

(j) undertake such other duties and functions as may be assigned to him or her in writing, from time to time, by the Chief Herald.

## PART IX
## Ancillary Matters

Conduct of matters.

**17.** (1) All matters shall be conducted in the English language.

(2) Where translations are required the cost of the translation of the text by a qualified professional shall be borne by the applicant.

(3) Where requested by an applicant, the Chief Herald may include the linear descent of the grantee where appropriately documented on Certificates of a Grant of Arms or on other appropriate certificates.

(4) The seal of the Office of the Chief Herald shall be published in the Gazette and made available at a publicly accessible website on the internet of the Office or the Agency.

Verżjoni Elettronika



(5) Each Chief Herald shall have the right to devise his own personal seal, provided that such seal does not utilise the Arms of Malta.

(6) The personal seal of all successive Chief Heralds of Arms shall be published in the Gazette and made at a publicly accessible website on the internet of the Office or the Agency.

(7) The Chief Herald may allow electronic confirmation and registration of heraldic representations including the electronic issuance of Certificates of a Grants of Arms.

All grants and registrations are made for historical purposes. Cap. 251.

**18.** All grants and registrations of Arms including the mention of honours and titles shall be without prejudice to the Ġieh ir-Repubblika Act and are made solely for historical purposes.

The Office is permitted to use the Arms of Malta.

**19.** The Office of the Chief Herald shall be permitted to use the Arms of Malta.

**Ippubblikat mid-Dipartiment tal-Informazzjoni (doi.gov.mt) — Valletta —** ***Published by the Department of Information (doi.gov.mt) — Valletta***
**Mitbugħ fl-Istamperija tal-Gvern fuq karta riċiklata —** ***Printed at the Government Printing Press on recycled paper***

**Prezz/*Price***
**€0.99**