

L.N. 170 of 2024

**ARTS COUNCIL MALTA ACT
(CAP. 542)**

De Valette Chamber Orchestra (Establishment as a Public Cultural Organisation) Order, 2024

IN EXERCISE of the powers conferred by article 14 of the Arts Council Malta Act, the Minister responsible for culture, upon the advice of Arts Council Malta, has made the following order:-

Citation. **1.** The title of this order is the De Valette Chamber Orchestra (Establishment as a Public Cultural Organisation) Order, 2024.

Interpretation. **2.** In this order, unless the context otherwise requires:

Cap. 542. "Act" means the Arts Council Malta Act;

"Council" means Arts Council Malta as established by article 3 of the Act;

"De Valette Chamber Orchestra" means the Public Cultural Organisation known as the De Valette Chamber Orchestra as established in article 3;

"Director" means the Director of the De Valette Chamber Orchestra as appointed in article 4;

"financial management" includes financing, financial control, financial accountability and audit;

"Minister" means the Minister responsible for culture;

"Permanent Secretary" means the Permanent Secretary within the Ministry responsible for culture.

Establishment and functions of the De Valette Chamber Orchestra as a Public Cultural Organisation. **3.** (1) There shall be a Public Cultural Organisation which shall be a body to be known as the De Valette Chamber Orchestra, which shall perform the following functions subject to the power of general supervision of the Council:

(a) setting up and managing a chamber orchestra as an undertaking of the Council;

(b) adopting and implementing the artistic strategy of the De Valette Chamber Orchestra; and

(c) proposing, creating, maintaining, organising, administering and supervising the organisation and implementation of a portfolio of national and international cultural and artistic events, festivals and cultural infrastructural projects related to the De Valette Chamber Orchestra in accordance with this order and the Act.

(2) The De Valette Chamber Orchestra shall be a body corporate having a distinct legal personality and which may, subject to the provisions of this order, enter into contracts, employ personnel, acquire, hold and dispose of any property for the purpose of its functions, sue and be sued, do all such things and enter into all such transactions as are incidental or conducive to the exercise or performance of its functions under this order, and perform any other function or operation as may be assigned to it under any law or regulation from time to time.

(3) The administrative operation and financial management of the De Valette Chamber Orchestra shall be carried out under the general responsibility, direction and control of Teatru Manoel.

4. (1) Without prejudice to the general responsibility, direction and control as provided for in article 3(3), the affairs and work of the De Valette Chamber Orchestra shall be the responsibility of, and shall be managed by the Director.

Appointment of Director and conduct of affairs of the De Valette Chamber Orchestra.

(2) The Director shall be appointed by the Council in accordance with the provisions of sub-article (3).

(3) In the exercise of his power to appoint or re-appoint a person to the position of Director, the Council shall ensure that the chosen person has suitable qualifications and competences, and may appoint an Evaluation Committee for Appointments, with the role of managing the selection process, and evaluating the candidates who have submitted their names for the said position.

(4) A person serving in the position of Director shall hold office for a period of three (3) years and may be re-appointed for further periods of three (3) years.

(5) In the exercise of his functions, the Director shall conduct the business of the De Valette Chamber Orchestra in accordance with the Act and with the Public Administration Act insofar as it regulates government entities and shall be answerable to the Council and to the Minister.

Cap. 595.

(6) The Director shall be responsible in particular, but not limited to:

(a) the day-to-day running of the De Valette Chamber Orchestra and the coordination of its work;

(b) the administration, the overall organisational supervision, general operational control of the De Valette Chamber Orchestra and of the officers and employees thereof;

(c) the financial management of the De Valette Chamber Orchestra within the financial parameters regulating the said orchestra;

(d) the implementation of any performance agreement and the development of strategies necessary for the implementation of the objectives and functions of the De Valette Chamber Orchestra;

(e) the collection and provision of information and the carrying out of preparatory work for the purpose of reports on the operation of the De Valette Chamber Orchestra;

(f) the internationalisation, and the development of a relationship, collaboration and coordination with natural as well as legal persons, public entities and local, national and international organisations in matters of interest to the De Valette Chamber Orchestra.

Legal and
judicial
representation
of the De
Valette Chamber
Orchestra.

5. The legal and judicial representation of the De Valette Chamber Orchestra shall vest in the Director.

Employment
and transfer of
staff of the De
Valette Chamber
Orchestra.

6. The provisions of Part IV of the Act shall, *mutatis mutandis*, apply to the De Valette Chamber Orchestra in such manner that any reference to the Council in the said provisions shall be construed as a reference to the De Valette Chamber Orchestra.

Financing,
financial control
and
accountability
of the De
Valette Chamber
Orchestra
Cap. 601.

7. (1) The financial management of the De Valette Chamber Orchestra shall be conducted in accordance with the provisions of Part V of the Act and with the provisions of the Public Finance Management Act insofar as they apply to government entities.

(2) Subject to the provisions of this order, the De Valette Chamber Orchestra shall carry out its work in such a way that the expenditure required for the proper performance of its functions shall, as far as is practicable, be met from its income and from its operations.

(3) The De Valette Chamber Orchestra shall also receive from the Government, from the Consolidated Fund, either directly or

through the Council, those amounts that may, from time to time, be authorised for allocation to cover part of its expenditure that cannot be met from its income and from its operations, as well as costs for specific projects to be continued or to be otherwise executed by it.

(4) Subject to any decision which the Minister may, from time to time, make after consultation with the Minister responsible for finance, any excess of income over expenditure shall be applied by the De Valette Chamber Orchestra to the formation of reserve funds which shall be used for the attainment of its objectives:

Provided that the Minister and the Minister responsible for finance may in writing, order the De Valette Chamber Orchestra either directly or through the Council:

(a) to transfer to the Government that excess on income;
or

(b) to apply such excess revenue in such manner or for such purpose as may be specified.

(5) Any funds of the De Valette Chamber Orchestra which are not immediately required to meet the expenditure, may be invested in such manner as may be approved by the Council, from time to time.

(6) The De Valette Chamber Orchestra, in the performance of its functions, may receive payment for services as may be published or agreed upon with third parties.

(7) (a) The De Valette Chamber Orchestra shall prepare an annual report where it shall render an account of its operation, activities and financial situation in respect of each financial year.

(b) In its annual report, the De Valette Chamber Orchestra shall provide:

(i) an overview of its operation during that financial year, including reference to the implementation of the incorporated functions and its corporate governance; and

(ii) a financial statement and the report of the auditors containing a statement of the following:

(aa) the financial position;

(bb) the financial performance;

(cc) the changes in net assets or equity;

(dd) the cash flow;

(ee) a comparison between the estimates prepared for the financial year under evaluation and the actual expenditure of the financial year under evaluation, and between the actual expenditure of the financial year under evaluation and the actual expenditure of the previous year;

(ff) the opinion of the auditors on the procurement management, the financial position and performance of the De Valette Chamber Orchestra;

(gg) notes, including a summary of significant accounting policies and other explanatory notes:

Provided that the contract of service with the appointed auditors shall be concluded within one (1) month from the end of the financial year and the auditors shall be bound to conclude their work and provide the De Valette Chamber Orchestra with the report within five (5) months from the date of conclusion of the contract of service.

(8) The De Valette Chamber Orchestra shall, within five (5) working days of receipt of the audit report from the auditors, transmit and present the annual report to the Council and to the Minister.

(9) The Minister shall, within ten (10) working days after the receipt of the annual report of the De Valette Chamber Orchestra, lay the annual report on the Table of the House, or if at any time during that period the House is not in session, within one (1) week from the beginning of the following session.

Amends the
Second
Schedule to the
Act.

8. In the Second Schedule to the Act, immediately after the item "Festivals Malta Agency" there shall be added the following new item:

"(j) De Valette Chamber Orchestra".