

CT No. _____ of 2020

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:

(a) The short title of this Act is the Copyright Act (Amendment) Act;

PART I
National Book Council Act

Citation.

1. The short title of this Act is National Book Council Act

Interpretation.

2. For the purposes of this Act, unless the context otherwise requires -

"the Education Act" means the Education Act; Cap. 327.

"author" means any person listed in the database of the National Book Council as a holder of public lending rights arising from the authorship of books;

"book" means any published work containing an ISBN issued by the National Book Council;

"the Council" means the Council established under article 4;

"the Congress" means the Congress established under article 15;

"illustrator" means any person listed in the database of the National Book Council as a holder of public lending rights arising from the authorship of works of visual art related to books;

"ISBN" means the International Standard Book Number as defined by the ISBN Manual Guidelines;

"ISBN Manual Guidelines" means the international ISBN manual guidelines issued by the International ISBN Agency;

"Minister" means the Minister responsible for Education;

"National Book Prize" means the annual event organised by the Council, in accordance with guidelines published in the Gazette, in which locally published books from previous years are given official recognition;

"publisher" means any natural or legal person that publishes books which are identified by an ISBN issued by the National Book Council.

Objects.

3. The objects of this Act are to establish the National Book Council and the National Congress of Authors.

Part II - National Book Council

Establishment of the Council.

4. (1) There shall be a Council, to be known as the National Book Council, which shall be autonomous and which shall carry out functions related to the book industry in Malta, Maltese books and authors, illustrators and publishers. The Council shall be a publicly funded and autonomous institution which acts as a cultural and educational agent with the aim of promoting books and reading in society and to represent the collective interests of authors, illustrators and publishers alike.

(2) The Council shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of the Education 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 the Education Act.

(3) The Council shall act independently and shall not seek or take instructions from any other body on matters related to the general regulation of the book industry:

Provided further that in matters that appear to the Council to affect public interest, the Council may advise the Minister and make proposals on the measures it deems necessary and, or desirable to address such matters.

Affairs and activities of the Council.

5. The affairs and activities of the Council shall be under the direction of the Board established under article 7, and shall be dealt with by the members of the Board, which, for this purpose, shall be represented by the Executive Chairman who shall be able to speak and act on its behalf.

Functions and duties of the Council.

6. The functions and duties of the Council shall be:

- (a) to undertake and co-ordinate events and other activities aimed at increasing book consumption in Maltese society;
- (b) to support and assist authors, illustrators and publishers by advocating for them and safeguarding their interests in state level policies;
- (c) to act as a cultural agent and to participate in, and where necessary lead, public-private initiatives aimed at promoting Maltese books as well as authors, illustrators and publishers;
- (d) to facilitate the distribution of Maltese books containing an ISBN, beyond the local market;
- (e) to participate in and benefit from foreign book fairs;
- (f) to build and maintain an updated database of all books containing a locally issued ISBN which have been published locally;
- (g) to hold a minimum of two annual public consultation meetings with authors, illustrators and publishers;
- (h) to consider and decide upon issues and demands raised by authors, illustrators and publishers, while serving as a mediator between conflicting interests;
- (i) to issue official ISBN in Malta in accordance with ISBN Manual Guidelines;
- (j) to encourage and support current and future books deemed to be, at the sole discretion to the Council, of significant cultural, educational and intellectual value which may or may not be considered profitable from a marketing perspective due to their specialised nature;
- (k) to allocate and regulate funds for the purpose of financing projects aimed at further enhancing the skills and capabilities of authors, illustrators and publishers;
- (l) to explore offshore possibilities for local authors and to create opportunities for contact with translators, foreign publishers and distributors;

- (m) to execute an international strategy for the translation and dissemination of Maltese books around the world;
- (n) when deemed necessary, to represent authors, illustrators and publishers in international institutions and public fora in order to promote and defend their rights and interests;
- (o) to distribute public lending rights;
- (p) to organise the National Book Prize;
- (q) to organise the Malta Book Festival;
- (r) to organise the Malta Book Fund;
- (s) to act as a society for the collective administration of copyright for authors, illustrators and publishers of literary works and books.
- (t) to perform any other function as may be assigned to it by the Minister.

Board

7. (1) The Council shall be governed by a Board composed of nine members to be nominated by the Minister and appointed by the Prime Minister for a period of three years, and the members shall be eligible to be re-appointed after their term of office expires.

(2) The Prime Minister, upon recommendation of the Minister, shall appoint an Executive Chairperson and a Deputy Chairperson from among the members of the Board.

(3) Only authors, illustrators and publishers may be members of the Council.

Removal or resignation.

8. (1) A member of the Board may at any time be removed from office by the Prime Minister on the grounds of inability to perform the functions of his office as required, either because of mental or physical illness, or for any other reason due to which the member would no longer be fit to occupy such office or due to misconduct.

(2) A member of the Board may resign from his office through a letter addressed to the Prime Minister. If any member tenders his resignation or is removed from his office by the Prime Minister or

should the office of any member of the Board become in any manner vacant, the Prime Minister, upon recommendation of the Minister, may appoint a qualified person to take up this post and any person who is so appointed shall keep on occupying that post up to the termination of the term of office of the person being so substituted, and such person shall be eligible to be reappointed;

(3) Any absence or vacancy among the members of the Board or any participation in its meetings by any person who is not entitled to attend, shall not invalidate the proceedings of the Board, insofar as there shall be a quorum of not less than one-half of the number of members of the Board plus one.

(4) Subject to the provisions of this Act and of any regulations made under the Education Act, the Board shall generally regulate its own procedures.

Employees.

9. (1) The engagement and termination of the engagement of the employees of the Council shall be a function of the Board, acting through the Executive Chairperson.

(2) All employees previously performing duties with, and any other public officers currently deployed with the public service shall be regarded as employees of the Council under the same terms and conditions prevailing at the date of coming into force of this Act;

(3) Subject to the provisions of the Education Act and to the directives of the Council, the executive and administrative affairs and the organisation of the Council and the administrative control of its officers and its employees, shall fall within the responsibility of the Executive Chairperson

(4) The Executive Chairperson shall also be responsible for the implementation of the functions of the Council and, without prejudice to the generality of the aforesaid, shall develop such strategies, policy and guidelines required for the implementation of the purposes of the Council, provide information and give advice to it on any matter and perform such other duties as may be assigned to him from time to time by the Council.

(5) The Executive Chairperson shall report to the Council.

Budget and Financial Activities.

10. (1) The Council shall have its own budget and shall regulate its own procedure.

(2) Subject to the provisions of the Public Finance Management Act the Council shall independently pursue its own financial activities.

(3) Such financial activities shall have the aim of improving and consolidating the financial position of the Council and to generally ameliorate and assist the book industry in Malta. To this end the Council shall be entitled:

- (b) To borrow money from reputable financial institutions;
- (c) To purchase or otherwise invest in shares, stocks, bonds, securities, currencies and other financial instruments and derivatives;
- (d) To freely pursue any other financial activity that will generally benefit the Council and the book industry.

Annual work plan.

11. The Council shall, two months before the start of the business year, present the Minister with an annual work plan.

Annual report.

12. The Council shall compile and send to the Minister an annual report not later than six weeks from the start of the business year, on its activities during that year.

Meetings.

13. (1) The Council shall meet at least once every two months or as necessary.

(2) Meetings shall be convened by the Executive Chairperson.

Secretary.

14. The Minister shall appoint a secretary to keep minutes and a record of the meetings.

Part III - National Congress of Authors

Establishment of the Congress

15. There shall be a Congress, to be known as the National Congress of Authors.

16. (1) The Congress shall be composed exclusively of authors who shall meet and vote on any matters described in article 18.

(2) The Council shall be an *ex officio* member of the Congress and its members shall have a right to vote at meetings of the Congress

17. The Council shall convene meetings of the Congress at least once a year.

18. The Congress shall decide on any matter involving or affecting authors.

19. The Council shall implement and execute, as far as possible, the decisions of the Congress.