

## PART I

### National Book Council (Establishment) Order

#### Citation.

1. The title of this Order is National Book Council (Establishment Order).

#### Interpretation.

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

"the Act" means the Education Act;

"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;

"the Board" means the Board established under article 7;

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

"the Congress" means the National Congress of Authors established under article 15;

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

"electoral commission" means the electoral commission established under article 7(4);

"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;

"Order" means the National Book Council (Establishment) Order;

"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 and follows the guidelines of the National Book Council.

### **Objects.**

3. The objects of this Order 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 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 Act.

### **Affairs and activities of the Council.**

5. The affairs and activities of the Council shall be under the direction of the Board 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 books;
- (d) to facilitate the distribution of books, 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 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 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 which shall consist of nine members, as follows:

- (a) An Executive Chairperson to be elected by authors, illustrators and publishers;
- (b) One member to be nominated by the Minister and appointed by the Prime Minister;
- (c) One member to be appointed by illustrators;
- (d) One member to be appointed by publishers; and
- (e) Five other members to be elected by authors, illustrators and publishers.

(2) The Board members shall hold office for a period of three years and shall be eligible to be re-appointed or re-elected, as the case may be, after their term of office expires.

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

(4) Whenever an election is to be held, the Board shall convene the Congress, which shall in turn appoint an electoral commission composed of one chairperson and four other members.

(5) The electoral commission shall regulate its own procedure and shall have the following functions:

- (a) To receive and approve nominations for candidates for election to the Board;
- (b) To verify the eligibility of candidates, endorsers and voters;
- (b) To conduct the election for elected members of the Board; and
- (c) To count votes in order to identify the elected members of the Board;

Provided that "endorsers" shall be construed to mean those persons who shall be signing nominations for candidates for the election of elected members of the Board, as required under article 7(6) hereof.

(6) Within fourteen days of its appointment, the electoral commission shall cause a notice or notices to be published and communicated to authors, publishers and illustrators stating:

- (a) The period within which nominations for candidates for election to the Board may be received and the place or address where, and dates and times when, nominations of candidates for election to the Board may be received;

Provided that the time during which nominations of candidates for election to the Board may be made shall be fixed at thirty days and shall not commence to run before seven days from the date of publication of the notice referred to in this article;

(b) The places where and the days and hours when voting shall be held.

(7) The Congress, illustrators and publishers shall each appoint one electoral observer, each of whom shall be responsible to ensure that the electoral commission conducts the election in a fair and transparent manner.

(8) The electoral commission and the electoral observers shall act independently and impartially and shall not be subject to the direction or control of any person.

(9) A candidate for election to the Board shall be nominated in writing or by electronic means within the period specified in the notice referred to in sub-article (6) hereof and:

- (a) The nomination for a candidate for the post of Executive Chairperson of the Board shall be signed by the candidate, by a publisher and by an author or illustrator;
- (b) The nomination for a candidate for a post of member of the Board, not being the Executive Chairperson, shall be signed by the candidate and two other persons who are authors or illustrators.

(10) Every author, illustrator and publisher shall be entitled to vote in an election for an elected member of the Board.

(11) If at the expiration of the time fixed for the receipt of nominations, the number of candidates nominated for a post within the Board, including that of the Executive Chairperson, is equal or less than the number of required posts, the election shall not take place and candidates shall be automatically elected to the posts for which they have been nominated.

(12) If the number of candidates nominated for a post within the Board, is less than the number of required posts, the remaining vacant posts may be filled by the co-option by the Board of additional members.

(13) Each Board member shall receive an annual honorarium to be fixed by the Minister, which shall not be less than €2,000.

(14) A person appointed as Executive Chairperson or as a member of the Board may be removed from office by the Minister acting in accordance with the advice of the Board, but may be removed only:

- (a) for inability to discharge the functions of his office, whether arising from infirmity of the mind or body or any other cause;
- (b) for misbehaviour; or
- (c) after a conviction by any competent tribunal for any crime liable to imprisonment for a term exceeding one year, other than involuntary homicide or any other crime against the person excusable in terms of Chapter 9 of the Laws of Malta.

(15) The post of the Executive Chairperson or of a member of the Board shall become vacant:

- (a) at the expiration of three years from the date of appointment of the Board;
- (b) following removal from office pursuant to sub-article (14) hereof; or
- (c) following a written request addressed to the Board to that effect by such member of the Board.

Provided that if the post shall become vacant pursuant to sub-paragraphs (b) or (c), the vacant post shall be filled by the Board by co-option;

Provided further that in the event of a Board member being co-opted pursuant to the preceding sub-paragraph, such member shall be co-opted for the remaining period of the appointment of his predecessor.

(16) 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.

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

**Secretary.**

8(1) There shall be a secretary of the Board who shall be appointed by the Board and who shall hold office for an indefinite period until such time as his appointment is terminated by the Board.

(2) The secretary of the Board shall record and keep minutes of Board meetings.

(2) The secretary of the Board shall act under the direction of the Board and shall be responsible for any duty which may be incumbent upon him under

this Order or as he may be assigned by the Board or the Executive Chairperson.

### **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 Order;

(3) Subject to the provisions of the Act and to the directives of the Board, the executive and administrative affairs and the organisation of the Board 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 Board.

### **Budget and Financial Activities.**

10. (1) The Council shall have its own budget and the Board 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:

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

### **Annual work plan.**

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

Annual report.

12. The Board shall compile and send to the Minister and to the Congress 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 Board shall meet at least once every two months or as necessary.

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

### **Part III – National Congress of Authors**

#### **Establishment of the Congress.**

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

(2) The Congress shall be composed exclusively of authors who shall meet and vote on any matters described in article 7(4), article 7(7) and article 17.

(3) The Board shall be an ex officio member of the Congress and its members shall have a right to vote at meetings of the Congress.

(4) The Congress shall regulate its own procedure.

16. The Board shall convene meetings of the Congress at least once a year and in order to appoint the electoral commission and an electoral observer in terms of article 7 hereof.

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

18. The Board shall implement and execute, as far as possible, the decisions of the Congress.