

**CHAPTER 470****MALTESE LANGUAGE ACT**

*To establish the National Council for the Maltese Language in order to promote the National Language of Malta and to provide the necessary means to achieve this aim.*

14th April, 2005

*ACT V of 2004.*

## Arrangement of Act

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**SCHEDULE**

List of Maltese Language Associations



national heritage, being constantly developed in the speech of the Maltese people, distinguishing the Maltese people from all other nations and giving the same people their best means of expression.

- (c) The Maltese State recognises the Maltese Language as a strong expression of the nationality of the Maltese, and for that purpose acknowledges its unique importance, and protects it from deterioration and perdition.
- (d) The Maltese State shall make provision in such manner that the study of the Maltese Language in its linguistic, literary and cultural manifestations shall always be given primary importance in both state and other schools from the very first years of education of all Maltese citizens.
- (e) The Maltese State shall promote through all possible means the widest use of the Maltese Language in education, broadcasting and the media, at the law courts, and in political, administrative, economic, social and cultural life.
- (f) The Maltese State shall lead in the creation of all possible opportunities for the development of the National Language and to assert its merited dignity.
- (g) The Maltese State recognises, within the wider context of the Maltese diaspora, that the Maltese Language should remain known by and considered as a binding element of the Maltese people.

(2) The provisions of this article shall not be enforceable in any court of law, but the principles therein contained are nevertheless fundamental to the safeguarding of the Maltese Language and it shall be the aim of the State to apply them and to comply therewith.

## PART II

### THE COUNCIL, ITS ORGANS AND THEIR ADMINISTRATION

4. (1) There shall be a body, to be known as the National Council of the Maltese Language, having the aim of adopting and promoting a suitable language policy and strategy and to verify their performance and observance in every sector of Maltese life, for the benefit and development of the national language and the identity of the Maltese people.

Establishment of the National Council of the Maltese Language.

(2) The Council shall be made of eleven members as follows:

Composition of the Council.

- (a) a Chairman appointed by the Prime Minister and chosen from among persons who are established and qualified in the study of Maltese and who are recommended by L-Akkademja tal-Malti and by the Department of Maltese Studies at the University;
- (b) two persons appointed by the Prime Minister from persons nominated by and from among the members of the Technical Commission:

Provided that until the Council appoints the Technical Commission, the Prime Minister may under this paragraph appoint two persons whom he considers to be suitable;

- (c) three persons respectively representing and nominated by L-Akkademja, the Department of Maltese Studies at the University, and the Institute of Linguistics at the University;
- (d) a representative of the Education Division coming from the National Curriculum Department and nominated by the Minister;
- (e) a representative of the Malta Council for Culture and the Arts nominated by it;
- (f) the Attorney General, or his representative which representative shall be an expert involved in legal drafting and translation;
- (g) a representative elected in such manner as may be prescribed by and from among the members of the Committees of the Maltese Language Associations listed in the Schedule;
- (h) a representative of the Institute of Maltese Journalists.

(3) One of the other members of the Council referred to in subarticle (2) shall be appointed by the Prime Minister as Deputy Chairman of the Council to preside over the same Council whenever the Chairman is absent.

Legal personality  
and Council  
representation.

(4) The Council shall be a body corporate having a distinct legal personality and capable, subject to the provisions of this Act, to enter into contracts, purchase and dispose of any kind of property for the purposes of its functions, to sue and to be sued, and to enter all operations as may be incidental or conducive to the exercise or the performance of its functions under this Act, including the lending of money or requests for credit.

(5) The legal representation of the Council shall be vested jointly in the Chairman and in the Executive Director:

Provided that the Council may appoint any one or more of its members or officers or employees to act on behalf of the Council in judicial proceedings and on any act, contract, instrument or any document whatsoever.

(6) Any document made or issued by the Council and signed by the Chairman, or issued by the Executive Director and signed by him, may be produced as evidence and shall, unless otherwise proven, be deemed to be an instrument made or issued by the Council or by the Executive Director.

Functions of the  
Council.

**5.** (1) It shall be the function and the duty of the Council to promote the Maltese Language both in Malta and in other countries by engaging actively to foster recognition and respect for the principles mentioned in article 3.

(2) The Council shall also update the orthography of the

Maltese Language as necessary and, from time to time, establish the correct manner of writing words and phrases which enter the Maltese Language from other tongues.

(3) In the execution of its functions and duties the Council shall -

- (a) develop, motivate and enhance the recognition and expression of the Maltese Language;
- (b) promote the dynamic development of such linguistic characteristics as identify the Maltese people;
- (c) in consultation with the organs established by this Act, adopt a suitable linguistic policy backed by a strategic plan, and ensure that the same are put into practice and observed in all sectors of Maltese life;
- (d) ensure that the language policy decided by the Commission is put into practice so as to ensure its effective and faithful implementation;
- (e) evaluate and co-ordinate the work done by associations and individuals, in the Maltese Language sector and to foster an atmosphere of co-operation through a consensual plan;
- (f) draw the attention of all those who may contribute to the development of Maltese to work done in execution of the language policy and, where necessary, to advise the Minister to commission any necessary assignment;
- (g) seek to obtain financial resources locally and overseas in order to be able to strengthen its activities, especially such resources as are already accessible to local and international organisations for research purposes, the promotion of spoken languages by small nations, and other projects relating to the exchange of experts and research programmes;
- (h) co-operate with persons, bodies and organisations in various fields of life in order to increase and augment the recognition and appreciation of linguistic and cultural activities for the further advancement of the Maltese Language;
- (i) establish a National Centre of the Maltese Language which, besides serving as the office of the Council, shall offer the necessary printed and audiovisual resources to members of Maltese Language associations, institutions and other interested persons;
- (j) ensure full access to available statistical data and information for the use of the Council and its organs in the execution of their duties under this Act.

(4) The Council shall establish and maintain regular and frequent contacts with local, national and international organisations which have functions similar to or complementary to those functions of the Council and establish exchanges of views and resources with them.

Powers of the Council.

**6.** (1) Subject to any power of the Prime Minister and the Minister, any initiative taken under this Act shall be subject to the decision of the Council:

Provided that on any linguistic issue of a technical-scientific nature, particularly in the execution of its function under article 5(2), the Council shall act on the advice of the Commission:

Provided further that in the case of any disagreement with the Commission on any decision of a technical-scientific linguistic nature, the Council shall have the right not to accept the position adopted by the Commission but the Council shall not have the right to alter the same. The Council however shall in such case give its reasons to the Commission in writing within four weeks from the date of such decision.

(2) Decisions of a technical-scientific linguistic nature referred to in the preceding subarticle shall come into force by virtue of a notice published by the Council in the Gazette.

Technical Commission.

**7.** (1) The Council shall appoint a Technical Commission to be composed as follows:

- (a) a chairman; and
- (b) the Heads of the Technical Committees established under article 8.

(2) The Executive Director shall be the non-voting Secretary of the Commission.

Functions of the Commission.

(3) The Commission shall -

- (a) observe, analyse and evaluate the position of the Maltese Language in the context of the language situation in Malta;
- (b) draft the linguistic policy and recommend it to the Council;
- (c) encourage maturation in the study of linguistic planning with suitable courses in higher education, and also through study grants to promising young people, visits by overseas planners and the setting up of a specialised library on the subject.

Technical committees.

**8.** (1) The Council shall appoint technical committees in sectors of specialisation as may be necessary and shall define their terms of activity.

(2) Each Committee shall be a consultative organ for the discussion of the linguistic policy to be adopted in specialised sectors, such as specific terminology, translations, the media, linguistic research, orthography, literature and the development of Maltese in information technology, and shall be composed of:

- (a) a Head of Committee who shall be a person learned in such speciality, to be proposed from among qualified persons recommended by L-Akkademja tal-Malti and by the Department of Maltese at the University, with the choice of the person to be made by the Council;

- (b) an expert to be proposed by the Commission on the advice of the Head of the relevant Committee;
- (c) two members selected for their contribution in the particular sector of activities in relation to which the Committee is set up, to be proposed by the Commission on the advice of the Head of the Committee.

(3) The Committee may co-opt other persons as observer members with the right to attend and participate in the discussion but who shall not have a right to vote.

(4) Every Committee shall -

- (a) observe the situation of the Maltese Language, discuss all necessary measures for its development, and draft the linguistic policy for its respective field;
- (b) give its opinion to the Commission about issues connected with the respective field for which it was set up.

Functions of the Committee.

**9.** (1) The members of the Council and of its organs shall be appointed, nominated or elected for three years, so however that the members so appointed, nominated or elected shall be eligible to be appointed, nominated or elected again when their term of office expires.

Common provisions to the Council and its organs.

(2) No person shall be qualified to be a member of the Council or of any of its organs if -

- (a) he is a Minister, Parliamentary Secretary or a member of the House of Representatives; or
- (b) he is a Judge or Magistrate.

(3) Without prejudice to the provisions of this article, the office of a member of the Council or of any of its organs shall become vacant -

- (i) on the expiry of his term of office, or
- (ii) if there are circumstances which, had such person not been a member of the Council, would have led to his disqualification from being appointed as such, or
- (iii) if he resigns from the Council or from any one of its organs by addressing a letter to the competent authority which had appointed him under this Act, or
- (iv) if he consistently shows a lack of interest in the activities and meetings of the Council or its organs.

(4) If a member resigns or if the office of a member of the Council is otherwise vacant or if a member cannot for any reason perform the functions of his office, the competent authority which had appointed him under this Act may appoint another person to substitute him as member on the Council or on such organ where his office became vacant.

(5) A member of the Council having any direct or indirect interest in any contract made or proposed to be made by the Council, which is not an interest that disqualifies such member from still being a member, shall state the nature of his interest during the first sitting of the Council after he becomes aware of the relevant facts. Such statement shall then be registered in the Council minutes, and the member having an interest as herebefore mentioned shall withdraw from all sittings during which such contract is discussed. Such statement shall be relayed to the Minister without delay. When the interest of the member is such as to disqualify him from still being a member, he shall report the fact immediately to the Minister and hand in his resignation.

Provisions relating to proceedings of the Council and of its organs.

**10.** (1) The Council or its organs shall meet as many times as may be required following a call by their respective chairman or by request of any other two of its members.

(2) Half the number plus one of members who at the time constitute the Council or of its organs shall form a quorum.

(3) The decisions of the Council and its organs shall be made by simple majority of the votes of members present and voting:

Provided that decisions of a technical-scientific linguistic nature shall only be taken by the Council by an absolute majority of its members, by the Commission by a two-thirds majority of its members, and by the Committee by a three-quarters majority of its members respectively.

(4) The chairman of the Council, or of its organs, or in the absence of the Chairman of the Council the Deputy Chairman, or whosoever is appointed to act as chairman, shall have an original vote and in the case of an equality of votes, a casting vote.

(5) Without prejudice to any other requirement of this Act, no decision of the Council shall be valid unless it is at least supported by three members of the Council.

(6) The Council or any of its organs may from time to time invite any person to attend any one or more of its meetings in order to give expert advice about any matters which the Council may be discussing:

Provided that such person may only be invited for a limited number of sittings and only in relation to a particular issue and shall not have any right to vote.

(7) Subject to the provisions of this Act and of any regulations which may be made under it, the Council and its organs shall regulate their own procedures.

(8) Subject to the foregoing provisions in this article, no act or proceeding of the Council or of any of its organs shall be invalidated solely on account of the existence of any vacancy among its members.

(9) Any act made by a person who acts *bona fide* as a member of the Council or of any of its organs shall be valid as if he were a member notwithstanding that it is subsequently discovered that there was a defect in his appointment or qualifications.

**11.** (1) The Minister shall, once every three years, convene a National Forum on the Maltese Language, inviting the participation of the Council, of its organs, of the University, L-Akkademja and all other Maltese Language associations, Government departments and Government entities, representatives of local councils, non-governmental organisations, educational, cultural and artistic institutions, both public and private, as well as representatives of the audio-visual communications and print media, and also any other party which shows in writing to the Minister that it has an interest.

National Forum.

(2) The Forum shall discuss the national policy on the Maltese Language as in force from time to time, and also the state of the Maltese Language generally, after hearing a report about the activities of the Council and its organs prepared by the Executive Director.

(3) The Minister shall regulate the procedures of the Forum and appoint its Chairman.

(4) The proceedings of the Forum shall be published and a copy shall be transmitted to the Minister.

(5) The Minister shall give previous public notice of at least one month before convening the Forum.

**12.** (1) Subject to the other provisions of this Act, the administration of the affairs of the Council and of its activities shall be the responsibility of the Council itself so however that, saving the foregoing provisions, the executive administration of the Council and of its organs, their administration and organisation and the administrative control of their officers and employees, shall be the responsibility of the Executive Director who shall also have such other powers which may from time to time be delegated to him by the Council.

Administration of the Council affairs and of its organs.

(2) The Executive Director shall be appointed by the Council with the concurrence of the Minister for a period of three years and such period may be extended for further periods of three years subject to a satisfactory performance of his functions:

Provided that the first Executive Director may be appointed by the Minister for a period of three years.

(3) The Executive Director shall attend each meeting of the Council but he shall not have the right to vote:

Provided that the Council may, if it so deems fit, request the Executive Director not to attend any sitting or part of a meeting.

(4) The Executive Director shall, subject to the general control and direction of the Council, be responsible for the performance of the functions of the Council in the exercise of his duties and, without prejudice to the generality of the foregoing, he shall -

- (a) assume full responsibility for the administration and organisation and the administrative control of the officers and employees of the Council and its organs and, for such purpose, he shall assign to each officer or employee such duties as may be required;

- (b) develop the required strategies and execute the plans of the Council;
- (c) advise the Council and its organs on any matter which may be referred to him or about any other matter which he considers to be necessary or expedient;
- (d) be responsible for the drafting of a plan of activity and for the preparation of the financial estimates, for the utilisation, receipt and expenditure of funds under the direction and with the approval of the Council and to keep a detailed record of every receipt and expenditure of funds. In the utilisation of funds and the keeping of records the Executive Director shall observe the Government financial regulations; and
- (e) perform such other duties as the Council may assign to him from time to time.

Relations between the Minister and the Council.

**13.** (1) The Minister may, from time to time, give the Council such directions in writing as he may consider necessary relative to the policy to be followed by the Council in the execution of its functions, insofar as such directives are not inconsistent with the provisions of this Act, and the Council shall, as soon as possible, give effect to such directives and conduct its business accordingly.

(2) The Council shall supply the Minister with facilities to obtain information about the property and the activities of the Council and of its organs and also provide him with statements, accounts and all other information in that regard, and provide all facilities for the verification of any information supplied, in such manner and within such times as he may require.

### PART III

#### OFFICERS AND EMPLOYEES OF THE COUNCIL

Staff appointments.

**14.** Subject to the provisions of the Malta Constitution and of any other law applicable thereto, and without prejudice to the other provisions of this Act, the appointment of officers and other employees for the due and efficient performance of the functions of the Council shall be made by the Council. The terms and conditions of employment shall be established by the Council in concurrence with the Minister within the framework of the terms and conditions applicable to public service employees.

Detailing of public officers for duty with the Council.

**15.** (1) The Prime Minister may, at the request of the Council, from time to time order that a public officer be detailed to perform duties with the Council or its organs in such capacity and with effect from such date as may be specified in the order.

(2) The period during which such order as aforementioned shall apply to any officer who is specified therein shall, insofar as such officer does not retire from the public service or otherwise ceases from remaining in office in a preceding date, or else because a different date is specified in the order, cease with the occurrence of any of the following events, namely if:

- (a) such officer accepts an offer of transfer to the service

of the Council and permanent employment therewith in terms of article 17; or

- (b) the Prime Minister revokes an order made by him under this article relating to that officer.

(3) When such order as previously mentioned is revoked by the Prime Minister with regard to any officer, the Prime Minister may by further order engage such officer to perform duties with the Council in such capacity and with effect from such date as may be specified in the further order, and the provisions of subarticle (2) shall, upon such occurrence, apply to the period during which such further order subsists with regard to such officer.

**16.** (1) When a public officer is detailed to work with the Council under any provision of article 15, such officer shall, during such period that the order has effect in his regard, be under the administrative authority and control of the Council but he shall, for all other intents and purposes, still be and be considered and treated as a public officer.

Status of public officers detailed to work with the Council.

(2) Without prejudice to the aforementioned generality, an officer who is detailed as herein previously mentioned -

- (a) shall not, during such period during which he is so engaged -

(i) be precluded from applying for a transfer to any other Government department according to the terms and conditions of service applicable to his appointment with Government applicable on the date when he was so detailed work; or

(ii) be employed in such manner that his remuneration and conditions of service are less favourable than those applicable to his appointment with Government and which he is enjoying on the aforementioned date or which would otherwise be applicable to that appointment, during such period, had that officer not been so detailed with the Council; and

- (b) shall have the right to have his service with the Council considered as a service with Government for the purposes of his pension, gratuity, or benefit under the Pensions Ordinance and the Widows and Orphans Pensions Act, and of any other right privilege to which he would have been detailed, and he shall be responsible for all that which he may be responsible for, had he not been detailed with the Council.

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Cap. 58.

(3) When an application is made as provided in subarticle (2)(a)(i), it shall be given the same consideration as if the applicant was not detailed for service with the Council.

(4) The Council shall make such contributions to the Government as may from time to time be established as pension and gratuity which an officer who is detailed with the Council as aforementioned may earn during the period in which he is so detailed.

Offer of permanent employment with the Council made to public officers detailed with the Council.

17. (1) The Council may, with the approval of the Prime Minister, offer to an officer, who is detailed with the Council under the provisions of article 15, permanent employment with the Council with such remuneration and under such terms and conditions being not less favourable than those which such officer enjoys on the date of such offer.

(2) The terms and the conditions comprised in any offer made as aforementioned shall not be deemed to be less favourable solely because they are not identical in all respects with or better than those which the officer involved would be enjoying on the date of such offer, if such terms and conditions, taken together, are, in the opinion of the Prime Minister, benefits which are substantially equivalent or better.

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Cap. 58.

(3) Every public officer who accepts permanent employment offered to him within the Council, under the provisions of subarticle (1), shall for all purposes other than those of the Pensions Ordinance and the Widows and Orphans Pensions Act, and saving the provisions of subarticle (6), terminate his service with Government and enter service with the Council as from the date on which he accepts, and for the purposes of that Ordinance and of that Act, insofar as they are applicable to him, service with the Council shall be deemed as service with Government within the parameters of the respective relative meanings.

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Cap. 58.

(4) Any officer as hereinbefore mentioned who, immediately before accepting a permanent employment with the Council had a right to a benefit under the Pensions Ordinance or the Widows and Orphans Pensions Act, shall continue to have such right to a benefit under such Ordinance and such Act for all purposes as if his service with the Council was service with the Government.

(5) The Council shall pay to Government such contributions which may from time to time be established by the Minister responsible for finance in respect of the expenditure relating to pensions and gratuities earned by an officer who has accepted permanent employment within the Council as herein previously mentioned during the period commencing on the date of acceptance of such officer.

Cap. 93.

(6) (a) For the purposes of the Pensions Ordinance, the pensionable emoluments of such public officer who accepts employment within the Council, on retirement shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level which corresponds to the office held by the officer on retiring from service with the Council.

(b) For the purposes of the previous paragraph, the offices and salary grades of a public officer who accepts employment with the Council shall be classified as far as can be corresponding to the grades and increments levels in government service by reference to the office, skill, responsibility and other factors.

(c) The classification mentioned in paragraph (b) shall be

made by a board composed of a chairman appointed by the Minister responsible for finance and of two other members, one of whom appointed by the Minister centrally responsible for staff policy in the public service and the other appointed by the Council. The classification shall be made subject to the final approval of the Minister responsible for finance.

- (d) Such classification shall be made within three months from the adjustment of the salaries of employees in Government service and, or, of employees of the Council.
- (e) No post may be classified at a grade higher than Grade 3 in Government service or such other higher grade which the Minister responsible for finance may from time to time by notice in the Gazette establish.

(7) Without prejudice to article 113 of the Constitution, no person may, after the classification as aforementioned, be entitled to rights under the said Pensions Ordinance, which are less favourable than those to which he would have been entitled prior to such classification.

Cap. 93.

#### PART IV

##### FINANCIAL PROVISIONS

**18.** The Minister responsible for finance may, after consultation with the Minister, give advances to the Council of such amounts as he may agree to be required by the Council to perform its duties under this Act, and he can give such advances under such terms and conditions as he may, after consultation as aforementioned, consider to be suitable. Any such advances may be made by the Minister responsible for finance out of the Consolidated Fund, and without any further appropriation other than this Act and, by order signed by him authorising the Accountant General to give such advances.

Financial advances  
by the  
Government.

**19.** (1) The Council shall, not later than the end of May of each year, present to the Minister, a business plan for the next three financial years together with estimates of the capital and recurrent expenditure and income for the next financial year:

The Council  
budget.

Provided that the estimates for the first financial year of the Council shall be prepared and adopted within such time as the Minister may specify by notice in writing to the Council.

(2) In preparing its estimates the Council shall consider any other funds and monies which may be due to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or of any appropriation Act, or any other law.

(3) The estimates shall be made in such manner and shall contain such information and such comparisons with previous years as the Minister responsible for finance may order.

(4) A copy of the estimates shall be sent forthwith by the Council, as soon as they are adopted, to the Minister and to the

Minister responsible for finance.

(5) The Estimates of the Council shall not enter into force until they are approved by the Minister and the Minister responsible for finance.

Expenditure to be according to the approved budget.

**20.** (1) No expenditure may be made by the Council or its organs which exceeds the estimates as approved by the Minister as provided in article 19.

(2) Saving any money generated by the Council itself or which is received from non-State sources, the Council shall operate within the limits of the capital and recurrent expenditure allocated to it by the Minister as authorised by the Minister responsible for finance.

Accounts, auditing and encashments.

**21.** (1) The Council shall ensure that proper accounts and other records are kept relating to its activities and those of its organs and shall ensure that a statement is prepared relative to the accounts of each financial year.

(2) The accounts of the Council shall be audited by an auditor or auditors appointed by the Council and they shall be approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, request that the books and accounts of the Council be audited or examined by the Auditor General who shall for that purpose have the power to effect such physical audit and any other verification which he may deem necessary.

(3) The Council shall, at the request of the Minister or of the Minister responsible for finance, present reports and accounts relating to the administration as may be required. The Council shall ensure that a copy of the duly audited statement of accounts is sent to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors relating to such statement or to the accounts of the Council.

(4) Cheques issued by, and any withdrawal from any bank account pertaining to the Council shall be signed by the Executive Director and shall be countersigned by the Chairman, or by such member or other officer of the Council as may be authorised by the Council for such purpose.

Annual report.

**22.** The Council shall, by not later than the 31st March of each year transmit to the Minister a copy of its audited statement of accounts for the immediately preceeding financial year, a copy of the auditor's or the auditors' report relating to such statement or to the accounts of the Council, together with a report dealing in general with the activities of the Council during that financial year and which contains such information relating to the proceedings and policy of the Council. The Minister shall ensure that a copy of any such report is laid on the Table of the House and is presented to the Minister responsible for finance and to the Auditor General as soon as possible.

## PART V

## MISCELLANEOUS

**23.** The members of the Council and all officers and employees of the Council shall be deemed to be public officers for all purposes of the Criminal Code.

Persons considered as public officers.  
Cap. 9.

**24.** In order to give better effect to the provisions of this Act and without prejudice to the generality of the aforementioned, the Minister may, after consultation with the Council, make regulations relating to any function of the Council and may by such regulations -

Power to make regulations.

- (a) amend the Schedule;
- (b) regulate administrative and organisational procedures to be followed by the Council, by its organs and by the Executive Director;
- (c) regulate any matter concerning the officers and employees of the Council and which is not already specifically regulated by this Act;
- (d) regulate any matter concerning the expenditure and income of the Council, its estimates and accounts, and their audit;
- (e) regulate the manner in which elections are held, and the right of Council members to vote in such elections as mentioned in article 4(2)(e).

## SCHEDULE

(Articles 4 and 24)

## LIST OF MALTESE LANGUAGE ASSOCIATIONS

- L-Għaqda tal-Malti (Università) set up in 1931
- L-Għaqda Letterarja Maltija set up in 1951
- L-Għaqda tal-Poeti Maltin set up in 1975
- L-Għaqda ta' l-Għalliema tal-Malti set up in 2000