

## SUBSIDIARY LEGISLATION 542.02

## CREATIVITY TRUST ORDER

15th January, 2013

*LEGAL NOTICE 21 of 2013, as amended by Legal Notice 178 of 2014 and 217 of 2020 and Act XV of 2015.*

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| 1. | The title of this order is the Creativity Trust Order.   | Citation.  |
| 2. | There is hereby established a trust to be known as the Creativity Trust, hereinafter referred to as "the Trust", which trust shall:  | Creation of trust.   |
|    | (a) be established for charitable purposes as defined in the Trusts and Trustees Act; and  | Cap. 331.  |
|    | (b) be an entity falling under the supervision and control of the Ministry responsible for culture in the same manner and to the same extent as though it were established by the said Ministry; and |  |
|    | (c) to which the provisions of the Trust and Trustees Act and any regulations made thereunder, including the Creativity Trust (Exemption) Regulations, shall apply.                                  | Cap. 331.<br>S.L. 331.02   |
| 3. | The Trust shall be able to receive any settlements and donations of any type and in any manner, whether <i>inter vivos</i> or <i>causa mortis</i> .  | Objective of trust.  |
| 4. | The trustees of the Trust shall be the Board of Trustees composed as set out in article 5, hereinafter referred to as "the Trustees".  | Appointment of trustees.   |
| 5. | The Board of Trustees shall be composed of a Chairperson appointed by the Prime Minister and eight (8) members from the following:   | Composition of Board of Trustees.<br><i>Amended by:</i><br><i>L.N. 178 of 2014;</i><br><i>Substituted by:</i><br><i>L.N. 217 of 2020.</i><br><i>XV. 2015.37.</i> |
|    | (a) the Permanent Secretary of the Ministry responsible for finance or his delegate, <i>ex officio</i> ;   |  |
|    | (b) the Permanent Secretary of the Ministry responsible for culture or his delegate, <i>ex officio</i> ;   |  |
|    | (c) the Chairperson of Arts Council Malta or his delegate, <i>ex officio</i> ;   |  |
|    | (d) five (5) trustees appointed by the Minister responsible for culture representing the cultural and creative industries, one of whom representing the interests of Gozo.                           |  |
| 6. | Any bank account in which any of the funds of the Trust are deposited shall be held in the name of the Trust:  | Bank accounts.   |
|    | Provided that:   |  |
|    | (a) all instructions in connection with the operation of such an account shall be signed by at least two Trustees, and   |  |
|    | (b) the Trustees may from time to time appoint any one or more persons (who need not necessarily be Trustees) to   |  |

act as signatories in respect of the said bank account with such powers and subject to such terms, conditions and limitations as the Trustees shall deem appropriate.

Funding of Trust.  
*Amended by:*  
*L.N. 178 of 2014.*

7. The Trust shall be funded by:
- (a) a direct fund by Government; and
  - (b) donations made by persons, whether natural or legal.

Power of Trustees.

8. (1) The Trustees shall have the power to create and establish rules and procedures applicable to the Trust and the way in which it is administered and granted. Such rules shall be regularly published in the Gazette.

(2) The Trustees shall have the power to appoint an administrative committee and any such committees as it may deem fit to assist it in the purpose of administering the grant of funding opportunities under the Trust.

Beneficiaries of the Trust.

9. The Trust shall be established to fund the cultural and creative industries through -

- (a) investment schemes;
- (b) national funding schemes;
- (c) capital projects; and
- (d) funding structures,

where all of the above administer their funds independently of each other and of the Trust, and are regulated by rules and procedures separate to those applicable to the Trust and are independent of it.

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