

SUBSIDIARY LEGISLATION 497.16

**MALTA MARITTIMA (ESTABLISHMENT
AS AN AGENCY) ORDER**

26th January, 2016

LEGAL NOTICE 41 of 2016, and 90 of 2017.

1. The title of this Order is the Malta Marittima (Establishment as an Agency) Order. Citation.

2. In this Order, unless the context otherwise requires -

Interpretation.
Amended by:
L.N. 90 of 2017.

"the Act" means the Public Administration Act;

Cap. 497.

"Agency" means the Malta Marittima Agency established by means of this Order;

"Agency Agreement" means the Agreement as provided for in article 7;

"Minister" means the Minister responsible for the Agency;

"Permanent Secretary" means the Permanent Secretary of the Ministry for the Economy, Investment and Small Business.

3. (1) There shall be an Agency, to be known as Malta Marittima Agency, which shall carry out functions related to the promotion, development and growth of the maritime sector.

Establishment of
the Malta
Marittima Agency.
Amended by:
L.N. 90 of 2017.

(2) All employees and any other public officers currently deployed within the Office of the Permanent Secretary performing duties related with the maritime sector shall be regarded as employees of the Agency as established by virtue of this Order under the same terms and conditions prevailing at the date of coming into force of this Order.

(3) The employment contracts entered into between, on the one hand, the employees of the Office of the Permanent Secretary, within the Ministry for the Economy, Investment and Small Business, and the Ministry for the Economy, Investment and Small Business, on the other part, shall continue in force as if they were entered into by the Agency as established by this Order and any collective agreement in force prior to the coming into force of this Order which affects the rights and status of the same employees shall continue in force as if it was entered into by the Agency.

4. The Agency shall have the following functions:

Functions
of the Agency.
Amended by:
L.N. 90 of 2017.

(a) to create and promote maritime sectoral clusters;

(b) to maintain open dialogue between private and public stakeholders;

(c) to promote the competitiveness and support of the clusters;

(d) to promote the sectors towards innovation based

economies;

- (e) to promote environmentally sustainable projects;
- (f) to propose to Government maritime policy and infrastructural improvements;
- (g) to promote the creation the creation of increased added value and future proof jobs;
- (h) to encourage cooperation between educational institutions and businesses business;
- (i) to promote maritime cultural awareness and education opportunities locally;
- (j) to promote and participate at EU fora and internationally.
- (k) any other function which the Minister responsible for the Agency may from time to time delegate to the Agency.

Minister responsible for Agency.

5. (1) The Minister responsible for the Agency shall be the Minister responsible for the development and growth of the maritime sector.

(2) The Permanent Secretary in the Ministry responsible for matters relating to the development and growth of the maritime sector, in this Order referred to as "the Permanent Secretary", shall supervise the Agency in terms of article 39 of the Act.

(3) The Permanent Secretary may be assisted in such supervision by another Permanent Secretary from another Ministry in accordance with the proviso to article 13(5) of the Act.

(4) If another Minister, other than the Prime Minister, assumes responsibility for the Agency, its supervision shall fall under the Permanent Secretary of that Ministry.

Financial arrangements. Cap. 174.

6. The Agency shall be governed by the provisions of the Financial Administration and Audit Act unless otherwise stated in the Agency Agreement between the Permanent Secretary and the Agency, in which case the provisions of the Agency Agreement shall prevail.

Other special arrangements applying to the Agency. Amended by: L.N. 90 of 2017.

7. The operations of the Agency shall follow an Agency Agreement which is to be agreed between the Permanent Secretary and the Agency or as may be directed by the Permanent Secretary from time to time.

Head of the Agency.

8. The Agency shall be headed by the Chairperson of the Agency nominated by the Minister who shall perform all the functions and duties as stipulated in the Act.

Steering Committee.

9. (1) The Minister responsible for the Agency may establish a Steering Committee to assist the Chairperson in the discharge of his duties.

(2) The Steering Committee established under this article shall consist of five directors nominated from:

- (a) Transport Malta;
- (b) Malta Enterprise;
- (c) the Malta Freeport Corporation;
- (d) the Department of Fisheries and Aquaculture; and
- (e) the Regulator of Energy and Water Services.

(3) The Agency shall also have a further five directors nominated by the Minister, after consultation with industry representatives, or directly from private industry clusters, that shall be formed under the Agency structure.

(4) The Chairperson and directors together with the Steering Committee shall constitute the board of Agency.

(5) The remuneration paid to members of the Agency's board members shall be in accordance with any directives and guidelines which may be issued by the Agency from time to time.

10. The Chairperson and any of the directors of the Board of the Agency, officers and employees of the Agency, in the performance of their functions under this Order or any other law administered by the Agency, shall not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done in the course of the administration of this Order or of any other law.

Exemption from liability.
Added by:
L.N. 90 of 2017.