

## **Nru. 94**

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5. 7. 2019

### **MALTA**

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#### **KAMRA TAD-DEPUTATI**

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Liġi mressaq mill-Onorevoli Owen Bonnici, M.P., Ministru għall-Ġustizzja, Kultura u Gvern Lokali, f'isem il-Ministru għall-Edukazzjoni u x-Xogħol, u moqri għall-Ewwel darba fis-Seduta tal-25 ta' Ġunju 2019.

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A BILL introduced by the Honourable Owen Bonnici, M.P., Minister for Justice, Culture and Local Government, on behalf of the Minister for Education and Employment, and read the First time at the Sitting of the 25th June 2019.

**ATT biex jirregola l-professjonijiet fl-Edukazzjoni.**

**AN ACT to regulate the professions in Education.**

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



### Abbozz ta' Liġi msejjah

*ATT biex jirregola l-professjonijiet fl-Edukazzjoni.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, hareġ b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2019 dwar il-Professjonijiet tat-Tagħlim u l-Professjonijiet Imnisslin Minnhom. Titolu fil-qosor u bidu fis-sehħ.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data li l-Ministru responsabbli għall-edukazzjoni jista' b'avviż fil-Gazzetta jstabilixxi, u dati differenti jistgħu jigu hekk stabbiliti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

2. F'dan l-Att sakemm ir-rabta tal-kliem ma teħtieġx mod Tifsir. ieħor:

"biex jipprattika", fir-rigward tal-professjoni ta' edukatur, tinkludi l-għażla u l-prattika ta' xogħol ta' għalliem, edukatur fil-*kindergarten* jew edukatur ta' għajnuna fit-tagħlim, skont il-każ li jkun, f'Malta, fil-livell ta' edukazzjoni obbligatorja jew fil-livell ta' *kindergarten* kif marbuta mal-kurrikulu jew xi programm ieħor approvat mill-Ministru fi skola liċenzjata;

"ECTS" tfisser il-*European Credit Transfer System*;

"ECVET" tfisser il-*European Credits in Vocational Education and Training*;

"edukatur", għall-finijiet ta' dan l-Att, tfisser persuna li kun fil-pussess ta' *warrant* ta' għalliem jew ta' edukatur fil-*kindergarten* jew ta' edukatur ta' għajnuna fit-tagħlim; jew ta' *warrant* temporanju ta' għalliem jew ta' edukatur fil-*kindergarten* jew ta' edukatur ta' għajnuna fit-tagħlim; jew ta' liċenza temporanja speċjalizzata jew ta'

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liċenza ta' edukatur fil-*kindergarten* jew ta' edukatur ta' għajnuna fit-tagħlim; jew ta' liċenza temporanja ta' edukatur fil-*kindergarten* jew ta' liċenza temporanja ta' edukatur ta' għajnuna fit-tagħlim, kif ikun il-każ;

"edukatur fil-*kindergarten*", għall-finijiet ta' dan l-Att, tfisser kull persuna responsabbli għall-edukazzjoni u *childcare* għal tfal tal-età ta' tliet (3) snin sa ħames (5) snin;

"edukatur ta' għajnuna fit-tagħlim", għall-finijiet ta' dan l-Att, tfisser kull persuna li tipprovdi assistenza diretta u f'waqtha lil studenti bi htigiet individwali fi klassijiet u l-għalliema tagħhom;

"għalliem" tfisser persuna mharrġa fl-għerf tal-proċess edukattiv u fl-użu tal-ħiliet pedagoġiċi b'mod li jkollha l-ħila toħloq ambjent li jimmotiva lil kull student u tirnexxilha tgħallmu b'mod effettiv billi tqanqallu l-aspirazzjonijiet tiegħu għall-ogħla valuri fil-ħajja u tgħinu jiżviluppa l-ħiliet kreattivi u ta' ħsieb skont l-età, l-iżvilupp fiżiku, morali, soċjali, emozzjonali u intelletwali, u skont il-potenzjal tal-ħiliet u tat-talenti tiegħu bl-iskop aħhari li l-istudent jitharreg kif jitgħallem tul ħajtu:

Iżda, għall-finijiet ta' din it-Taqsima, u sakemm mhux provdut xort'oħra f'xi ligi oħra, "għalliem" ma tinkludix edukatur fil-*kindergarten* jew edukatur ta' għajnuna fit-tagħlim, għalliem fi skola għat-tagħlim ta' lingwa bħala lingwa barranija, jew persuna li tagħti servizz ta' tagħlim f'oqsma kulturali, sportivi, u religjużi, sakemm dan it-tagħlim ma jkunx qed jingħata bħala parti integrali mill-edukazzjoni obbligatorja skont il-kurrikulu fi skola liċenzjata:

Iżda wkoll għalliem li kiseb Grad ta' Baċcellerat fl-Edukazzjoni fi Trobbija Bikrija u Kura li jkun qed jgħallem fil-livell ta' *kindergarten* għandu jkun ikkunsidrat bħala għalliem għall-finijiet kollha tal-ligi.

"jippreskrivi" tfisser jippreskrivi b'regolamenti magħmulin taħt dan l-Att;

"kummissjoni elettorali" tfisser il-kummissjoni stabbilita bl-artikolu 4(1)(n);

"Kunsill" tfisser il-Kunsill tal-Professjonijiet tat-Tagħlim u l-Professjonijiet Iminisslin Minnhom stabbilit bl-artikolu 3;

"kwalifika" tfisser il-kisba ta' livell ta' għerf u ħila li jiddeterminaw li individwu jkun adatt biex iwettaq impjeg jew attività partikolari u għandha tkun konformi mal-kondizzjonijiet tal-

Qafas Malti tal-Kwalifiki, jew ma' strutturi internazzjonali ta' kwalifika li huma rikonoxxuti mill-industrija;

"licenza" tfisser licenza maħruġa taħt id-dispożizzjonijiet tal-artikoli 13 u 14;

"licenza temporanja" tfisser licenza temporanja maħruġa taħt l-artikolu 15;

"Ministru" tfisser il-Ministru responsabbli għall-edukazzjoni f'Malta;

"perjodu ta' adattament" tfisser perjodu li matulu persuna tista' teżerċita x-xogħol ta' edukatur f'Malta taħt superviżjoni fi skola licenzjata, jew b'xi mod ieħor skont kif jiddeċiedi il-Kunsill, u dan il-perjodu jista' jinkludi l-għoti ta' aktar taħriġ lil din il-persuna, kif jista' jkun meħtieġ mill-Kunsill;

"professjonijiet imnislin", għall-finijiet ta' dan l-Att, tfisser edukaturi fil-*kindergartens* u edukatur ta' għajjnuna fit-tagħlim li jkollhom *warrant* jew licenza jew licenza temporanja;

"Qafas Malti tal-Kwalifiki" għandha l-istess tifsira kif mogħtija lilha fir-Regolamenti dwar il-Qafas Malti tal-Kwalifiki għal Tagħlim tul il-Ħajja; L.S. 327.431

"skola licenzjata" tfisser skola licenzjata taħt id-dispożizzjonijiet tal-Att tal-2019 dwar l-Edukazzjoni; Abbozz Nru. 92 tal-2019.

"*standards* professjonali u etici" tinkludi *standards* li huma relatati mal-kondotta generali ta' edukatur, inkluża l-imġiba ta' tali membru fir-rigward tal-istudenti tiegħu, waqt jew bhala konsegwenza tat-twettiq tax-xogħol tiegħu, u l-imġiba ta' tali membru fil-konfront ta' edukaturi oħra u fil-konfront tas-soċjetà;

"*warrant* temporanju" tfisser *warrant* temporanju maħruġ taħt l-artikolu 15.

3. (1) Għandu jitwaqqaf Kunsill li jkun magħruf bhala l-Kunsill tal-Professjonijiet tat-Tagħlim u Professjonijiet Imnislin Minnhom, li jkun magħmul minn dawn il-membri:

(a) President, li jiġi appuntat mill-Ministru, li jkun serva, jew li għandu l-kwalifiki biex iservi, bhala maġistrat jew imħallef;

Twaqqif tal-Kunsill tal-Professjonijiet tat-Tagħlim u Professjonijiet Imnislin Minnhom.

(b) erba' (4) edukaturi reġistrati li jkunu ilhom jipprattikaw il-professjoni ta' għalliem għal mhux inqas minn tmien (8) snin, appuntati mill-Ministru, li tnejn (2) minnhom jirrappreżentaw lis-settur tal-iskejjel tal-Istat u li jintgħazlu fir-rigward ta' wieħed minnhom minn fost l-uffiċjali tal-Kummissjoni waqt li l-iehor jintgħazel minn fost l-uffiċjali tad-Diviżjoni kif stabbilit taħt l-Att tal-2019 dwar l-Edukazzjoni;

(c) erba' (4) għalliema reġistrati li jkunu ilhom jipprattikaw il-professjoni ta' għalliem għal mhux inqas minn tmien (8) snin, eletti minn u minn fost l-għalliema reġistrati kollha, hekk iżda li tnejn (2) minnhom jkunu qed jgħallmu fil-livell primarju u t-tnejn (2) l-oħra jkunu qed jgħallmu fil-livell sekondarju u, jew fil-livell medju tal-edukazzjoni, u li f'kull każ wieħed ikun jgħalliem fis-settur tal-iskejjel tal-Istat u l-iehor fis-settur tal-iskejjel mhux Statali, u għall-finijiet ta' dan il-paragrafu l-votazzjoni għall-elezzjoni ta' dawn il-membri ssir skont dawk il-proċeduri kif jista' jiġi preskritt;

(d) żewġ (2) edukaturi reġistrati minn fost l-edukaturi reġistrati li jkunu qed jipprattikaw bħala edukaturi għal mhux inqas minn tmien (8) snin, nominati mit-*trade union* li tirrappreżenta l-maġġoranza ta' edukaturi;

(e) edukatur wieħed (1) fil-*kindergarten* li jkun ilu jipprattika l-professjoni għal mhux inqas minn tmien (8) snin, eletti minn u minn fost l-edukaturi fil-*kindertagens* reġistrati kollha, hekk iżda li, għall-finijiet ta' dan il-paragrafu, il-votazzjoni għall-elezzjoni ta' dan il-membri ssir skont dawk il-proċeduri kif jista' jiġi preskritt:

Iżda fir-rigward tal-ewwel ħatra, "edukatur fil-*kindergarten*" tfisser persuna li hi kwalifikata biex tiġi hekk reġistrata taħt dan l-Att;

(f) edukatur ta' għajnuna fit-tagħlim wieħed (1) li jkun ilu jipprattika l-professjoni ta' edukatur ta' għajnuna fit-tagħlim għal mhux inqas minn tmien (8) snin, eletti minn u minn fost l-edukaturi ta' għajnuna fit-tagħlim reġistrati kollha u, għall-finijiet ta' dan il-paragrafu, il-votazzjoni għall-elezzjoni ta' dan il-membri ssir skont dawk il-proċeduri kif jista' jiġi preskritt:

Iżda fir-rigward tal-ewwel ħatra, "edukatur ta' għajnuna fit-tagħlim" tfisser persuna li hi kwalifikata biex tiġi hekk reġistrata taħt dan l-Att;

(g) żewġ (2) membri nominati mill-Università minn fost

l-istaff akkademiku permanenti tal-Fakultà tal-Edukazzjoni;

(h) membru wiehed (1) nominat mill-Kulleġġ Malti għall-Arti, Xjenza u Teknoloġija minn fost l-istaff akkademiku permanenti tal-Kulleġġ li jkun responsabbli għal affarijiet edukattivi;

(i) membru wiehed (1) nominat mill-Istitut tal-Edukazzjoni; u

(j) ġenitur nominat mill-assoċjazzjonijiet tal-ġenituri.

(2) In-nominazzjonijiet magħmulin skont id-dispożizzjonijiet tas-subartikolu (1) għandhom, għall-ewwel darba, isiru fi żmien ġimagħtejn minn talba bil-miktub għal dan mill-Ministru, u għal kull nominazzjoni sussegwenti, fi żmien xahar minn meta jkun hemm xi vakanza jew meta l-vakanza tinħoloq minħabba t-tmiem ta' terminu ta' kariga, fi żmien xahar qabel dan it-tmiem imsemmi. Fl-assenza ta' nominazzjoni bħal din, il-Ministru għandu jahtar persuna minn fost l-għalliema jew il-ġenituri, skont il-każ.

(3) Meta tinħoloq xi vakanza ta' xi membru elett skont is-subartikolu (1)(ċ), (e) u (f), fejn possibbli, il-Ministru għandu jahtar il-persuna li tkun giet it-tieni fl-elezzjonijiet li jkunu saru għal dan il-għan, u kull persuna li tiġi hekk maħtura tibqa' żżomm il-kariga sa tmiem it-terminu tal-kariga tal-persuna li tkun qiegħda tiġi sostitwita.

(4) Il-membri tal-Kunsill għandhom iżommu l-kariga għal terminu ta' tliet (3) snin.

(5) Il-membri tal-Kunsill għandhom, fi tmiem it-terminu tal-kariga tagħhom, ikunu eligibbli għal ħatra mill-ġdid.

(6) F'każ li xi membru tal-Kunsill jitlaq mill-kariga qabel tmiem it-terminu appuntat, il-persuna maħtura minflok tiġi appuntata għall-bqija tal-perjodu tal-ħatra oriġinali.

(7) Il-Ministru għandu jinnomina uffiċjal pubbliku biex jaġixxi bħala segretarju tal-Kunsill, imma dan is-segretarju ma jkollux vot.

4. (1) Għandha tkun il-funzjoni tal-Kunsill li jirregola l-professjoni ta' edukaturi f'Malta, u b'mod partikolari:

Funzjonijiet tal-Kunsill.

(a) iżomm taħt sorveljanza u jivvaluta *standards* ta' edukazzjoni u taħriġ u kemm kull persuna li tagħzel il-professjoni fl-edukazzjoni tkun idonea biex teduka;

(b) jagħti pariri lill-Ministru fir-rigward tal-*standards*, profiċjenza, esperjenza u kwalifiki meħtieġa għall-akkwist u ż-żamma ta' *warrant* jew liċenza taħt dan l-Att;

(c) jikkonsidra applikazzjonijiet għal komparabilità u rikonossiment ta' kwalifiki fl-edukazzjoni;

(d) jeżamina applikazzjonijiet għal *warrant* biex wieħed jipprattika l-professjoni ta' għalliem u jiddeċiedi dwar l-għoti jew ir-rifjut ta' dan;

(e) jeżamina applikazzjonijiet għal *warrant* jew liċenza biex wieħed jipprattika l-professjoni ta' edukatur fil-*kindergarten* jew edukatur ta' għajjnuna fit-tagħlim u jiddeċiedi dwar l-għoti jew ir-rifjut ta' dan;

(f) iżomm regjistru uffiċjali tal-għalliema kollha registrati u regjistru ieħor ta' dawk li jkollhom *warrant* temporanju, u regjistru ieħor għal dawk li jkollhom liċenza temporanja speċjalizzata, u li fih jitniżżlu kull sospensjoni, kancellament u għoti mill-ġdid ta' *warrant*;

(g) iżomm regjistru uffiċjali kollha tal-edukaturi fil-*kindergartens* registrati u regjistru ieħor ta' dawk li jkollhom liċenza temporanja, u li fihom jitniżżlu kull sospensjoni, kancellament u għoti mill-ġdid ta' *warrant*;

(h) iżomm regjistru uffiċjali tal-edukaturi kollha ta' għajjnuna fit-tagħlim registrati u regjistru ieħor ta' dawk li jkollhom liċenza temporanja, u li fihom jitniżżlu kull sospensjoni, kancellament u għoti mill-ġdid ta' *warrant*;

(i) iżomm regjistru uffiċjali tal-persuni kollha li jkunu qed jagħmlu sessjonijiet prattiċi fil-proċess għall-akkwist tal-kwalifika neċessarja bħal għalliema, edukaturi fil-*kindergartens* jew edukaturi ta' għajjnuna fit-tagħlim;

(j) jagħmel rakkomandazzjonijiet lill-Ministru, wara konsultazzjoni ma' *stakeholders* interessati taħt id-dispożizzjonijiet ta' dan l-Att, dwar il-kodiċi ta' *standards* professjonali u etika li jista' jkun preskritt fir-rigward tal-imġiba professjonali tal-edukaturi;

(k) jinvestiga kull allegazzjoni formali ta' imġiba hażina professjonali, negliġenza kbira jew inkompetenza minn xi edukatur bil-*warrant* u, jew liċenzjat;

(l) jagħti pariri lill-Ministru fuq kull materja li dwarha



l-opinjoni tal-Kunsill tintalab mill-Ministru;

(m) ifassal u jippubblika rapport annwali dwar l-attivitajiet tiegħu b'mod ġenerali;

(n) jistabilixxi kummissjoni elettorali biex torganizza u tiġġestixxi l-elezzjonijiet imsemmija fl-artikolu 3(1);

(o) iwettaq dawk il-funzjonijiet l-oħra li jistgħu joħroġu minn dan l-Att jew xi liġi oħra, jew kif ikunu assenjati lilu mill-Ministru.

(2) Il-Kunsill għandu, sa mhux aktar tard minn tliet xhur wara tmiem kull sena, jippubblika fil-Gazzetta lista ta' persuni li fil-31 ta' Diċembru ta' dik is-sena, kienu rreġistrati għall-ewwel darba fir-reġistri msemmija fis-subartikolu (1)(f), (g), (h) u (i).

(3) Il-Kunsill għandu, fit-twettiq tal-funzjonijiet tiegħu, jikkonsidra l-interess pubbliku.

**5.** (1) Il-laqgħat tal-Kunsill għandhom jissejhu mill-President u l-Kunsill għandu jiltaqa' kemm ikun jinħtieġ, imma għall-inqas darba kull xahar.

Proċeduri tal-Kunsill.

(2) In-numru ta' membri preżenti biex jintlaħaq *quorum* fil-laqgħat tal-Kunsill għandu jkun ta' nofs in-numru ta' membri u membru ieħor, imma, bla ħsara għall-preżenza ta' *quorum*, il-Kunsill jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

(3) Il-President tal-Kunsill għandu jkollu kemm vot oriġinali kif ukoll, f'każ ta' voti indaq, vot deċiżiv.

(4) Mingħajr preġudizzju għal dak kollu li ntqal hawn qabel u għal kull ma jista' jkun preskritt, il-Kunsill jista' jagħmel ir-regoli tiegħu stess jew mod ieħor jirregola il-proċeduri tiegħu stess.

(5) Fit-twettiq tal-funzjonijiet tiegħu taħt dan l-Att, il-Kunsill jista' jikkonsulta ma' tali persuni kif jidhirlu xieraq; għal dan il-għan, il-Kunsill jista' jistieden lil kull tali persuna biex tattendi l-laqgħat tal-Kunsill.

(6) Il-Kunsill għandu jzomm *record* attwali u korrett tal-proċeduri kollha tiegħu u l-Kunsill għandu jagħti lill-Ministru kull informazzjoni li dan jista' jeħtieġ.

**6.** (1) Il-Kunsill għandu jqis u jiddeċiedi dwar applikazzjonijiet għal *warrant* jew għal liċenza, kif ikun il-każ, biex wiehed jipprattika l-professjoni ta' għalliem jew il-professjoni ta'

Deciżjonijiet dwar applikazzjonijiet għal *warrants* u liċenzi.

edukatur fil-*kindergarten* jew edukatur ta' għajnuna fit-tagħlim, kif ikun il-każ, kemm jista' jkun raġonevolment malajr, imma mhux aktar tard minn erba' xhur mid-dhul tal-applikazzjoni sħiħa li jkun fiha d-dokumentazzjoni meħtieġa; il-Kunsill għandu jinnotifika lill-applikant dwar id-deċiżjoni tiegħu, flimkien mar-raġunijiet li fuqhom id-deċiżjoni kienet ibbażata.

(2) Deċiżjonijiet tal-Kunsill rigward applikazzjoni għal *warrant* jew liċenza skont is-subartikolu (1) għandhom jiġu ffirmati mill-President tal-Kunsill.

Inkjesti.

7. (1) Il-Kunsill għandu jwaqqaf bordijiet ta' inkjesta biex jinvestigaw każijiet ta' kull allegazzjoni formali ta' imġiba ħażina professjonali, negliġenza kbira jew inkompetenza fir-rigward ta' xi edukatur bil-*warrant* u, jew liċenzjat.

(2) Kull bord ta' inkjesta hekk imwaqqaf ikun magħmul mill-President tal-Kunsill u mill-anqas minn erba' (4) membri oħra tal-Kunsill.

(3) Għall-finijiet ta' dan l-artikolu, it-termini "imġiba ħażina professjonali", "negliġenza kbira", jew "inkompetenza" m'għandhomx ikunu limitati għal kwalunkwe waħda minn dawn li ġejjin:

(a) kontravvenzjoni kontra l-Kodiċi ta' Etika stabbilit taħt dan l-Att;

(b) nuqqas ta' osservanza ta' jew ksur ta' xi regolamenti u, jew leġislazzjoni, liema ksur, fl-opinjoni tal-Kunsill, jista' jkollu impatt fuq l-*standards* u l-prattika professjonali;

(c) aġir b'mod li jista' jkun ta' detriment għall-professjoni tal-edukazzjoni;

(d) turija ta' nuqqas ta' ħila fil-prattika ta' professjoni edukattiva jew fit-twettiq ta' xi dmir jew obbligu li wiehed għandu waqt il-qadi tal-professjoni tiegħu.

(4) Kull persuna li hi soġġetta għal xi inkjesta mwettqa mill-bord ta' inkjesta għandha tingħata l-opportunità li tiddefendi ruħha u ttella' kull xhieda favur tagħha u tista' għal dan il-għan tigi rappreżentata minn avukat jew minn xi persuna oħra tal-għażla tagħha.

(5) Ma' tmiem l-inkjesta l-bord tal-inkjesta għandu:

(a) jekk ir-riżultanzi jkunu favur il-persuna soġġetta

għall-inkjesta, iwaqqa' l-każ; jew

(b) jekk isib lill-persuna soġġetta għall-inkjesta hatja tal-formalment allegati imġiba hażina professjonali, negliġenza kbira jew inkompetenza, għandu jagħmel rapport dwar ir-riżultati li wasal għalihom u raġunijiet u jimponi waħda jew aktar mill-pieni li ġejjin:

(i) sospensjoni jew kancellament tal-*warrant* jew liċenza bla ħsara għal kull kondizzjoni li tista' tkun xierqa;

(ii) impożizzjoni ta' kondizzjonijiet li għandhom jintrabtu mal-*warrant* jew liċenza;

(iii) ordni dwar rinunzja, tnaqqis jew rifiżjoni ta' kull somma flus li ntalbet għal xi servizzi mogħtija.

(6) Il-bord ta' inkjesta għandu jagħti r-raġunijiet għad-deċiżjoni tiegħu.

(7) (a) Wara li jkun kkunsidra r-rakkomandazzjonijiet u l-eżiti tal-bord ta' inkjesta, il-Kunsill għandu jieħu deċiżjoni dwar il-kwistjoni li kienet is-sugġett tal-inkjesta. Dik id-deċiżjoni għandu jkollha l-appoġġ ta' mill-inqas għaxra mill-membri tal-Kunsill.

(b) Id-deċiżjoni tal-bord ta' inkjesta għandha tiġi nnotifikata lill-persuna li kienet is-sugġett tal-inkjesta. Deċiżjoni fejn *warrant* jew liċenza jiġu sospiżi jew kkanċellati wkoll għandha tiġi nnotifikata, skont kif ikun il-każ, lil min iħaddem u lill-Kap tal-Iskola.

(8) Mad-deċiżjoni finali li tordna l-kanċellament ta' *warrant* jew liċenza, il-Kunsill għandu jaqta' barra l-isem ta' dik il-persuna mir-reġistru uffiċjali ta' għalliema, edukaturi fil-*kindergartens* jew edukaturi ta' għajjnuna fit-tagħlim, skont il-każ li jkun, u jippubblika din id-deċiżjoni fil-Gazzetta.

(9) Għall-finijiet ta' dan l-artikolu, il-membri tal-bord ta' inkjesta jkollhom is-setgħat li jinsabu jew jistgħu jingħataw taħt l-Att Kap. 273. dwar l-Inkjesti, u għandhom iwettqu l-inkjesta tagħhom kif previst fl-imsemmi Att.

C 3350

Appelli.

**8.** (1) Kull persuna li thoss ruħha aggravata bid-deċiżjoni tal-Kunsill li jirrifjuta applikazzjoni għal ħruġ ta' *warrant* jew liċenza, jew fejn l-ebda deċiżjoni ma tkun innotifikata lill-applikant fiż-żmien stabbilit fl-artikolu 6, jew b'xi deċiżjoni ta' bord ta' inkjesta f'każijiet ta' xi allegata imġiba ħażina professjonali, negliġenza kbira jew inkompetenza, tista', fi żmien għoxrin (20) ġurnata min-notifika tad-deċiżjoni, tappella lit-Tribunal ta' Reviżjoni Amministrattiva skont id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva u kull regolament applikabbli magħmul taħtu.

Kap. 490.

(2) Minkejja li appell ikun magħmul skont id-dispożizzjonijiet ta' dan l-artikolu, il-*warrant* jew il-liċenza għandhom jitqiesu sospiżi jew imħassra, skont il-każ li jkun, sakemm tittiehed id-deċiżjoni finali ta' xi appell li jista' jkun sar mid-deċiżjoni tat-Tribunal ta' Reviżjoni Amministrattiva skont id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva jew xi regolamenti applikabbli magħmulin taħtu.

Kap. 490.

(3) (a) Mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (2) u għal kull dispożizzjoni oħra ta' din il-liġi jew ta' xi liġi oħra, it-Tribunal ta' Reviżjoni Amministrattiva jista', meta' jsir rikors, jordna li s-sospensjoni jew il-kancellament tal-*warrant* jew tal-liċenza jiġi revokati sakemm tingħata d-deċiżjoni finali dwar kull appell.

(b) Fejn it-Tribunal ta' Reviżjoni Amministrattiva jordna r-revoka tas-sospensjoni jew il-kancellament sakemm tingħata d-deċiżjoni finali dwar l-appell, it-Tribunal jista' jordna li dik is-sospensjoni jew dak il-kancellament jerggħu jiġu imposti fid-deċiżjoni finali tiegħu.

Referenza lill-Pulizija Eżekuttiva.

**9.** (1) Meta l-Kunsill jiġi formalment notifikat dwar każ fejn persuna tipprattika jew tassumi kompetenza professjonali li l-persuna kkonċernata ma jkollhiex awtorizzazzjoni għaliha taħt id-dispożizzjonijiet ta' dan l-Att, il-Kunsill għandu jirreferi l-każ lill-Pulizija biex jipproċedu kontra r-reat skont id-dispożizzjonijiet tal-artikolu 19(2), (3) u (4).

(2) Meta l-Kunsill jintebaħ b'każ fejn persuna takkwista *warrant* jew liċenza b'qerq jew frodi, il-Kunsill għandu jirreferi l-każ lill-Pulizija biex jipproċedu dwar ir-reat skont id-dispożizzjonijiet tal-artikolu 19(1).

Gruppi ta' hidma.

**10.** Il-Kunsill jista', minn fost il-membri tiegħu, iwaqqaf gruppi ta' hidma li jidhirlu li jkunu meħtieġa jew xierqa biex jiffacilitaw it-tweqqif tal-funzjonijiet tiegħu taħt dan l-Att.

**11.** (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, l-ebda persuna ma tista' teżerċita l-professjoni ta' għalliem bi ħlas jew tqis lilha nnifisha professjonalment kwalifikata li tagħmel hekk jekk dik il-persuna ma jkollhiex *warrant* jew liċenza speċjalizzata maħruġa taħt dan l-Att.

*Warrant* biex wiehed jipprattika l-professjoni ta' għalliem.

(2) Persuna tikkwalifika biex tikseb *warrant* ta' għalliem sakemm dik il-persuna -

(a) tkun ċittadin Malti, jew xort'oħra jkollha permess biex taħdem f'Malta taħt xi liġi; u

(b) hija ta' kondotta tajba; u

(ċ) ikollha kapaċità legali sħiħa; u

(d) ma tkunx elenkata fir-Registru stabbilit taħt l-Att dwar Registrazzjoni għall-Protezzjoni tal-Minuri, u

Kap. 518.

(e) ikollha kwalifika f'minimu ta' livell 6 tal-Qafas Malti tal-Kwalifiki li jikkompreni minimu ta' għall-inqas 180 ECTS; u

(f) għandha kwalifika fl-edukazzjoni f'minimu ta' livell 7 tal-Qafas Malti tal-Kwalifiki li jikkompreni minimu ta' 120 ECTS li għandu jinkludi:

(i) kompetenzi fit-teorija tal-edukazzjoni u fil-metodoloġija f'qasam ta' studju wiehed jew aktar li huma disponibbli fl-iskejjel medji, sekondarji u post-sekondarji jew fil-metodoloġija ta' suġġetti offruti fl-ambjent primarju u, jew fl-istadju bikri ta' edukazzjoni tat-tfal; u

(ii) minimu ta' perjodu totali ta' tlettax-il (13) ġimgħa, jew l-istess ekwivalenti fin-numru ta' granet tax-xogħol, ta' pjazzament sorveljat fuq ix-xogħol fi skola liċenzjata; u

(iii) komponent ta' riċerka addizzjonali, sorveljat adegwament u mwettaq skont proċeduri stabbiliti ta' riċerka fuq l-etika, li jinkludi dissertazzjoni, proġett ta' riċerka jew komponent/i ta' riċerka ekwivalenti għall-istandard tal-Qafas Malti tal-Kwalifiki li għalih jiġu assenjati mhux inqas minn 15 ECTS;

Iżda persuna li ġġib prova li għandha tliet (3) snin esperjenza ta' taġlim fi skola liċenzjata u li jkollha kwalifika fl-edukazzjoni f'minimu ta' livell 7 tal-Qafas Malti tal-

Kwalifiki li jikkompreni minimu ta' 90 ECTS għandha titqies bħala li tissodisfa l-htigiet ta' dan il-paragrafu; u

(g) tissodisfa lill-Kunsill li kisbet esperjenza adegwata fil-prattika tal-professjoni ta' għalliem taht sorveljanza fi skola jew fi provdatur ta' edukazzjoni avvanzata kif licenzjati mill-awtorità rilevanti, jew b'kull mod ieħor kif il-Kunsill jista' jiddeciedi għal perjodu totali ta' mill-inqas sentejn (2) skolastiċi *full-time* jew l-ekwivalenti tiegħu f'*part-time* wara l-kompletament ta' tali grad jew tali kwalifika professjonali oħra kif imsemmi hawn qabel, u għall-finijiet ta' dan il-paragrafu l-prattika min-naħa ta' tali għalliem tal-professjoni biex tinkiseb l-esperjenza fuq imsemmija għandha titqies bħala Prattika f'konformità ma' dan l-Att.

(3) Il-Ministru jista' jippreskrivi, minflok xi waħda mill-htigiet stabbiliti taht id-dispożizzjonijiet ta' qabel ta' dan l-artikolu, htigiet oħra skont id-dispożizzjonijiet ta' xi trattat jew ftehim internazzjonali jew multinazzjonali li Malta tkun daħlet fih jew skont id-dispożizzjonijiet ta' xi leġiżlazzjoni li s-sahha vinkolanti tagħha toħroġ minn xi tali trattat jew ftehim jew kull ftehim ieħor milhuq mat-*trade union* li tirrappreżenta l-maġġoranza ta' edukaturi.

Kap. 451.

(4) Mingħajr preġudizzju għal kwalunkwe dispożizzjoni tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki, jew regolamenti magħmulin tahtu, fejn il-kwalifika professjonali fl-edukazzjoni tkun taht il-livell preskritt taht is-subartikolu (2)(e) jew (f), jew meta l-komponenti tal-kwalifika huma anqas minn dawk meħtieġa mill-imsemmi subartikolu (2)(e) jew (f), jew fejn l-applikant ma jkollux l-esperjenza suffiċjenti fil-prattika tal-professjoni tat-tagħlim kif meħtieġ bis-subartikolu (2)(g), il-Kunsill ma jkunx prekluz milli jimponi provvedimenti kompensatorji konformement mar-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali, fejn dan ikun applikabbli.

L.S. 451.03

L.S. 451.03

Iżda fejn ir-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali ma jkunux japplikaw, il-Kunsill jista' jeħtieġ lill-applikant jgħaddi minn perjodu ta' adattament u jista' ukoll jissottometti lill-applikant għal test ta' profiċjenza u, jew għal perjodu ta' Prattika fit-tagħlim ta' mhux inqas minn sitt (6) ġimgħat.

Licenza speċjalizzata.

**12.** (1) Minkejja kull haġa li tinsab fid-dispożizzjonijiet ta' dan l-Att, meta persuna ma tkunx fil-pussess tal-kwalifiki meħtieġa biex tingħata warrant biex tippattika l-professjoni ta' għalliem skont id-dispożizzjonijiet tal-artikolu 11, il-Kunsill jista' madankollu joħroġ licenza temporanja speċjalizzata li tawtorizza lil tali persuna li

tgħallem fil-qasam speċifiku li għalih tkun inħarget il-liċenza temporanja speċjalizzata.

(2) Liċenzi temporanji speċjalizzati jinħargu biss f'każijiet fejn, fl-opinjoni tal-Kunsill, ikun hemm bżonn tal-ħruġ ta' tali liċenzi; u lil persuni li, fid-diskrezzjoni tal-Kunsill, huma fil-pussess ta' kwalifiki xierqa biex jgħallmu fil-qasam speċifiku li għalih il-liċenza temporanja speċjalizzata tkun ingħatat.

(3) Liċenzi temporanji speċjalizzati jkollhom validità ta' sena, u jistgħu jiġu mġedda.

13. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, l-ebda persuna ma tista' teżerċita l-professjoni ta' edukatur fil-*kindergarten* jew tqis lilha nnifisha professjonalment kwalifikata li tagħmel hekk jekk dik il-persuna ma jkollhiex *warrant* jew liċenza maħruġa taħt dan l-Att.

*Warrant* jew liċenza biex wiehed jipprattika l-professjoni ta' edukatur fil-*kindergarten*.

(2) Persuna tikkwalifika biex tikseb *warrant* ta' edukatur fil-*kindergarten* sakemm dik il-persuna:

(a) tkun ċittadin Malti, jew xort'ohra jkollha permess biex taħdem f'Malta taħt xi liġi; u

(b) hija ta' kondotta tajba; u

(ċ) ikollha kapaċità legali sħiħa; u

(d) ma tkunx elenkata fir-Registru stabbilit taħt l-Att dwar Registrazzjoni għall-Protezzjoni tal-Minuri, u Kap. 518.

(e) ikollha kwalifika sħiħa ta' livell 6 jew oġġla tal-Qafas Malti tal-Kwalifiki fl-edukazzjoni u *ċ-childcare* ta' tfal żgħar, jew kwalifika komparabbli li għandu jkun fiha komponent ta' Prattika ta' tagħlim u komponent pedagoġiku. Il-kwalifika għandha tinkludi:

(i) minimu ta' 180 ECTS/ECVETS jew l-ekwivalenti tagħhom u l-kwalifika għandha wkoll tinkludi komponent ta' Prattika ta' taħriġ li jkollu valur ta' mill-inqas 16 ECTS/ECVETS jew l-ekwivalenti tagħhom, ma' gruppi ta' tfal li qed jitgħallmu tal-età ta' bejn tliet (3) snin u ħames (5) snin; u

(ii) liċenza ta' edukatur fil-*kindergarten*; jew

(iii) fil-każ ta' edukaturi fil-*kindergarten* li jkunu qed jaħdmu fil-waqt meta dan l-Att jidhol fis-seħħ,

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ċertifikat minn kap ta' skola li jiċċertifika li l-applikant jkun kiseb esperjenza adegwata fil-prattika tal-professjoni ta' edukatur fil-*kindergarten* għal perjodu ta' sentejn; jew

(iv) il-persuna għandha tissodisfa lill-Kunsill li hi tkun kisbet esperjenza adegwata taht superviżjoni bhala edukatur fil-*kindergarten* fi skola liċenzjata għal perjodu ta' mill-inqas sentejn skolastiċi.

(3) Persuna tikkwalifika biex tikseb liċenza ta' edukatur fil-*kindergarten* sakemm dik il-persuna -

(a) tkun ċittadin Malti, jew xort'oħra jkollha permess biex taħdem f'Malta taht xi liġi; u

(b) hija ta' kondotta tajba; u

(c) ikollha kapaċità legali sħiħa; u

Kap. 518.

(d) ma tkunx elenkata fir-Registru stabbilit taht l-Att dwar Registrazzjoni għall-Protezzjoni tal-Minuri, u

(e) jkollha -

(i) kwalifika fl-edukazzjoni ta' tfal zghar u *childcare* ta' mill-inqas livell 4 tal-Qafas Malti tal-Kwalifiki; u

(ii) fil-każ ta' edukaturi fil-*kindergarten* li jkunu qed jaħdmu fil-waqt meta dan l-Att jidhol fis-seħh, ċertifikat minn kap ta' skola li jiċċertifika li l-applikant ikun kiseb esperjenza adegwata fil-prattika tal-professjoni ta' edukatur fil-*kindergarten* għal perjodu ta' sentejn; jew

(iii) il-persuna għandha tissodisfa lill-Kunsill li hi tkun kisbet esperjenza adegwata taht superviżjoni bhala edukatur fil-*kindergarten* fi skola liċenzjata għal perjodu ta' mill-inqas sentejn skolastiċi.

Kap. 451.

(4) Mingħajr preġudizzju għal kwalunkwe dispożizzjoni tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki, jew xi regolament magħmul tahtu, fejn il-kwalifika tkun taht il-livell 6 jew il-livell 5 tal-Qafas Malti tal-Kwalifiki, kif ikun il-każ, jew meta l-komponenti pedagogiċi jew ta' tagħlim huma inqas minn dawk meħtieġa bis-subartikoli (2)(e)(i) jew (3)(e)(i), jew fejn l-applikant ma jkollux l-esperjenza suffiċjenti fil-prattika tal-professjoni kif meħtieġ bis-subartikoli (2)(e)(ii) jew (3)(e)(ii), il-Kunsill jista' jimponi li l-applikant jgħaddi min perjodu ta' adattament, li ma jkunx



aktar mid-doppju ta' dak li jkun nieqes kif il-Kunsill jista' jispeċifika. Barra minn dan il-Kunsill jista' wkoll jissottometti lill-applikant għal test ta' profiċjenza.

**14.** (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, l-ebda persuna ma tista' teżerċita l-professjoni ta' edukatur ta' għajjnuna fit-tagħlim f'*kindergarten* u, jew f'livell ta' skola obbligatorja jew tqis lilha nnifisha professjonalment kwalifikata li tagħmel hekk jekk dik il-persuna ma jkollhiex liċenza mahruġa taħt dan l-Att.

*Warrant* jew liċenza biex wiehed jipprattika l-professjoni ta' edukatur ta' għajjnuna fit-tagħlim.

(2) Persuna tikkwalifika biex tikseb *warrant* ta' edukatur ta' għajjnuna fit-tagħlim sakemm dik il-persuna:

(a) tkun ċittadin Malti, jew xort'ohra jkollha permess biex taħdem f'Malta taħt xi liġi; u

(b) hija ta' kondotta tajba; u

(ċ) ikollha kapaċità legali sħiħa; u

(d) ma tkunx elenkata fir-Registru stabbilit taħt l-Att Kap. 518. dwar Registrazzjoni għall-Protezzjoni tal-Minuri, u

(e) jkollha -

(i) kwalifika ta' edukazzjoni inklużiva ta' minimu ta' livell 6 tal-Qafas Malti tal-Kwalifiki li għandu jkun fiha komponenti ta' prattika u akkademiċi fl-edukazzjoni inklużiva. Il-kwalifika għandha tinkludi minimu ta' 180 ECTS/ECVETS jew l-ekwivalenti tagħhom; u

(ii) liċenza ta' edukatur ta' għajjnuna fit-tagħlim; jew

(iii) fil-każ edukatur ta' għajjnuna fit-tagħlim li jkun qed jaħdem fil-waqt meta dan l-Att jidhol fis-seħħ, ċertifikat minn kap ta' skola li jiċċertifika li l-applikant ikun kiseb esperjenza adegwata fil-prattika tal-professjoni ta' edukatur ta' għajjnuna fit-tagħlim għal perjodu ta' sentejn; jew

(iv) il-persuna għandha tissodisfa lill-Kunsill li hi tkun kisbet esperjenza adegwata taħt superviżjoni bħala edukatur ta' għajjnuna fit-tagħlim fi skola liċenzjata għal perjodu ta' mill-inqas sentejn skolastiċi.

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(3) Persuna tikkwalifika biex tikseb liċenza sakemm dik il-persuna -

(a) tkun ċittadin Malti, jew xort'oħra jkollha permess biex taħdem f'Malta taħt xi liġi; u

(b) hija ta' kondotta tajba; u

(ċ) ikollha kapaċità legali sħiħa; u

Kap. 518.

(d) ma tkunx elenkata fir-Registru stabbilit taħt l-Att dwar Registrazzjoni għall-Protezzjoni tal-Minuri, u

(e) jkollha:

(i) kwalifika fl-edukazzjoni inkluziva ta' mill-inqas livell 4 tal-Qafas Malti tal-Kwalifiki, li għandu jkun fiha komponenti ta' prattika u akkademiċi. Il-kwalifika għandha tinkludi minimu ta' 16 ECTS/ECVETS jew l-ekwivalenti tagħhom u l-kwalifika għandha wkoll tinkludi komponent ta' prattika ta' taħriġ li jkollu valur ta' mill-inqas 4 ECTS/ECVETS jew l-ekwivalenti tagħhom; u

(ii) kwalifika fl-edukazzjoni inkluziva ta' mill-inqas livell 5 tal-Qafas Malti tal-Kwalifiki, li għandu jkun fiha komponent ta' prattika u komponenti akkademiċi fl-edukazzjoni inkluziva. Il-kwalifika għandha tinkludi minimu ta' 30 ECTS/ECVETS jew l-ekwivalenti tagħhom li minnhom għandu jkun hemm komponent ta' prattika ta' taħriġ li jkollu valur ta' mill-inqas livell 8 ECTS/ECVETS jew l-ekwivalenti tagħhom; u

(f) b'zieda mal-kwalifiki msemmija fil-paragrafu (e):

(i) fil-każ ta' persuni diġà impjegati bħala edukaturi ta' għajjnuna fit-tagħlim fil-waqt meta dan l-Att jidhol fis-seħħ, il-persuna għandha tkun fil-pussess ta' ċertifikat minn kap ta' skola li jiċċertifika li l-applikant ikun kiseb esperjenza adegwata fil-prattika tal-professjoni ta' edukatur ta' għajjnuna fit-tagħlim għal perjodu ta' sentejn; jew

(iv) il-persuna għandha tissodisfa lill-Kunsill li hi tkun kisbet esperjenza adegwata taħt superviżjoni bħala edukatur ta' għajjnuna fit-tagħlim fi skola liċenzjata għal perjodu ta' mill-inqas sentejn skolastiċi.

(4) Mingħajr preġudizzju għal kwalunkwe dispożizzjoni tal-Att dwar ir-Rikonossiment Reċiproku ta' Kwalifiki, jew regolamenti magħmulin tahtu, fejn il-kwalifika fl-edukazzjoni inklużiva tkun taht il-livell 6 jew il-livell 5 tal-Qafas Malti tal-Kwalifiki, kif ikun il-każ, jew fejn il-komponenti tal-prattika pedagogika u ta' tagħlim huma anqas minn dawk meħtieġa fis-subartikoli (2)(e)(i) jew (3)(e)(i), jew fejn l-applikant ma jkollux l-esperjenza suffiċjenti fil-prattika tal-professjoni kif meħtieġ bis-subartikoli (2)(e)(ii) jew (3)(f), il-Kunsill jista' jimponi li l-applikant jgħaddi minn perjodu ta' adattament, li ma jkunx aktar mid-doppju ta' dak li jkun nieqes kif il-Kunsill jista' jispeċifika. Barra minn dan il-Kunsill jista' wkoll jissottometti lill-applikant għal test ta' profiċjenza.

Kap. 451.

**15.** Minkejja kull haġa li tinsab fid-dispożizzjonijiet ta' dan l-Att, il-Kunsill jista' joħroġ *warrant* temporanju u, jew liċenza temporanja, li jkollhom perjodu ta' validità kif jista' jkun stabbilit mill-Kunsill, u li jkunu jistgħu jiġgeddu għal kull persuna li, skont id-diskrezzjoni tal-Kunsill, ikollha l-profiċjenza meħtieġa biex tipprattika bħala edukatur f'Malta

*Warrant* temporanju u liċenza temporanja.

**16.** (1) Kull persuna li titlob li tingħata *warrant* jew *warrant* temporanju jew liċenza temporanja speċjalizzata jew liċenza jew liċenza temporanja skont dan l-Att, għandha tibgħat applikazzjoni lill-Kunsill, liema applikazzjoni għandu jkollha magħha l-informazzjoni kollha u dokumenti rilevanti li jsaħħu l-applikazzjoni, fosthom ċertifikati maħruġin mill-awtorità kompetenti dwar il-komparabbiltà ta' kwalifiki u ċertifikati tal-awtentiċità tagħhom kif il-Kunsill jista' jeħtieġ:

Applikazzjoni għal *warrant* jew liċenza temporanja jew liċenza u iż-żamma tagħhom.

Iżda applikazzjoni li ssir taht dan l-artikolu ma titqiesx li ntbagħtet minn applikant jekk din ma tkunx imtliet kif xieraq u ma jkollhiex magħha l-informazzjoni u d-dokumentazzjoni kollha meħtieġa.

(2) Id-deċiżjoni tal-Kunsill li biha *warrant*, jew *warrant* temporanju, jew liċenza temporanja speċjalizzata jew liċenza jew liċenza temporanja, kif ikun il-każ, kif ikun il-każ, tkun sospiża jew kancellata għandha tiġi notifikata bil-miktub lid-detentur tal-*warrant* jew tal-liċenza, kif ikun il-każ, u lill-iskejjel liċenzjati kollha.

(3) Persuna ma tikkwalifikax għall-kisba jew iż-żamma ta' *warrant* jew *warrant* temporanju, jew liċenza temporanja speċjalizzata jew liċenza jew liċenza temporanja, skont id-dispożizzjonijiet ta' dan l-Att jekk dik il-persuna tkun instabet hatja minn xi qorti ta' ġurisdizzjoni kriminali ta' xi reat li minhabba fih dik il-persuna ma tistax, fl-opinjoni tal-Kunsill, tkun idonea biex tipprattika bħala edukatur.

(4) Fejn persuna titlef il-*warrant*, jew *warrant* temporanju, jew liċenza temporanja speċjalizzata jew liċenza jew liċenza temporanja tagħha wara xi kundanna kif imsemmi fis-subartikolu (3), għandha tingħata notifika dwar dik it-tneħħija mill-Kunsill fil-Gazzetta u għandha tiġi kkomunikata mill-Kunsill lill-persuna skwalifikata, sakemm dik il-persuna ma tkunx giet interdetta bis-sentenza nnifisha, u lill-iskejjel liċenzjati kollha.

Programmi ta' żvilupp professjonali kontinwu u ta' aġġornar.

**17. (1)** Il-Kunsill għandu regolarment iġib għall-attenzjoni ta edukaturi reġistrati l-obbligu li għandhom li perjodikament jidhlu għal programmi ta' żvilupp professjonali kontinwu u ta' aġġornar li hu meħtieġ għall-istandards u idonejtà biex jwettqu d-dmirijiet tagħhom.

(2) Il-Kunsill għandu wkoll perjodikament jitlob mingħand edukaturi reġistrati l-informazzjoni meħtieġa li turi f'liema programmi jkunu hađu sehem.

(3) Kull meta jkun il-każ, il-Kunsill għandu jiġbed l-attenzjoni ta' edukaturi reġistrati dwar in-nuqqas tagħhom li josservaw l-obbligi tagħhom kif previst f'dan l-artikolu u għandu jagħtihom żmien raġonevoli biex jikkonformaw ruħhom ma' dan.

(4) Meta edukatur reġistrat ikompli jinjora t-talba tal-Kunsill biex isegwi programmi ta' żvilupp professjonali kontinwu u ta' aġġornar, il-*warrant* jew il-liċenza li jkollu d-detentur għandha tiġi sospiża sa dak iż-żmien li d-detentur tal-*warrant* jew tal-liċenza jagħti prova li jkun qed jissodisfa l-ħtiġiet ta' l-obbligu previst f'dan l-artikolu.

Reati u pjeni.

**18. (1)** Kull persuna li, sabiex takkwista *warrant*, jew *warrant* temporanju, jew liċenza temporanja speċjalizzata jew liċenza jew liċenza temporanja taħt id-dispożizzjonijiet ta' dan l-Att, xjentement tagħti informazzjoni falza jew b'mod ieħor taġixxi b'mod qarrieqi jew frawdolenti, tkun haġta ta' reat u, meta tinstab haġta, ikollha *warrant*, jew *warrant* temporanju, jew liċenza temporanja speċjalizzata jew liċenza jew liċenza temporanja tagħha kancellata u tehel multa ta' mhux iżjed minn elfejn u ħames mitt euro (€2,500):

Iżda malli jibdew il-proċeduri, il-Qorti tista' tissospendi l-*warrant* jew il-liċenza sa meta tingħata d-deċiżjoni finali tal-proċeduri.

(2) Kull persuna li, waqt li ma tkunx detentur ta' *warrant* ta' għalliem, jew liċenza temporanja speċjalizzata jew *warrant* temporanju maħruġa taħt dan l-Att, tipprattika l-professjoni ta' għalliem bi ksur tad-dispożizzjonijiet ta' dan l-Att jew xi Att ieħor, tkun haġta ta' reat kontra dan l-Att.

(3) Kull persuna li, waqt li ma tkunx detentur ta' *warrant* jew liċenza, jew liċenza temporanja ta' edukatur fil-*kindergarten* maħruġa skont dan l-Att, tipprattika l-professjoni ta' edukatur fil-*kindergarten* bi ksur tad-dispożizzjonijiet ta' dan l-Att jew xi Att ieħor, tkun ħatja ta' reat kontra dan l-Att.

(4) Kull persuna li, waqt li ma tkunx detentur ta' *warrant*, liċenza, jew liċenza temporanja ta' edukatur ta' għajnuna fit-tagħlim maħruġa taħt dan l-Att, tipprattika l-professjoni ta' edukatur ta' għajnuna fit-tagħlim bi ksur tad-dispożizzjonijiet ta' dan l-Att jew xi Att ieħor, tkun ħatja ta' reat kontra dan l-Att.

(5) Kull persuna jew xi organizzazzjoni oħra li timpjega persuna li ma tkunx għalliem reġistrat jew persuna li ma jkollhiex *warrant* temporanju ta' għalliem jew liċenza temporanja speċjalizzata ta' għalliem bil-għan li tipprattika l-professjoni ta' għalliem tkun ħatja ta' reat:

Izda għall-finijiet ta' din id-dispożizzjoni u bla ħsara għal dawk ir-regolamenti li jistgħu jiġu preskritti, persuna jew xi organizzazzjoni oħra ma għandhomx jitqiesu ħatja ta' ksur ta' din id-dispożizzjoni jekk dik il-persuna, li ma tkunx għalliem reġistrat jew ma tkunx detentur ta' *warrant* temporanju jew liċenza temporanja speċjalizzata, kif ikun il-każ, tkun applikat għand il-Kunsill għall-ħruġ ta' *warrant*, liċenza temporanja, *warrant* temporanju jew liċenza temporanja speċjalizzata jew tkun qed teżercita l-professjoni ta' għalliem waqt perjodu ta' adattament jew waqt taħriġ, f'kull każ taħt superviżjoni fi skola liċenzjata jew b'xi mod ieħor kif il-Kunsill jista' jiddeċiedi.

(6) Kull persuna jew xi organizzazzjoni oħra li timpjega persuna li ma tkunx edukatur fil-*kindergarten* reġistrat jew li ma tkunx detentur ta' liċenza temporanja sabiex teżercita l-professjoni ta' edukatur fil-*kindergarten* tkun ħatja ta' reat:

Izda għall-finijiet ta' din id-dispożizzjoni u bla ħsara għal dawk ir-regolamenti li jistgħu jiġu preskritti, persuna jew xi organizzazzjoni oħra ma għandhomx jitqiesu ħatja ta' ksur ta' din id-dispożizzjoni jekk dik il-persuna, li ma tkunx edukatur fil-*kindergarten* reġistrat jew ma tkunx detentur ta' liċenza temporanja ta' edukatur fil-*kindergarten*, tkun applikat għand il-Kunsill għall-ħruġ ta' liċenza jew liċenza temporanja ta' edukatur fil-*kindergarten*, jew tkun qed teżercita l-professjoni ta' edukatur fil-*kindergarten* waqt perjodu ta' adattament jew waqt taħriġ, f'kull każ taħt superviżjoni fi skola liċenzjata jew b'xi mod ieħor kif il-Kunsill jista' jiddeċiedi.

(7) Kull persuna jew xi organizzazzjoni oħra li timpjega persuna li ma tkunx edukatur ta' għajnuna fit-tagħlim registrat jew li ma tkunx detentur ta' liċenza temporanja ta' edukatur ta' għajnuna fit-tagħlim sabiex teżerċita l-professjoni ta' edukatur ta' għajnuna fit-tagħlim tkun hatja ta' reat:

Iżda għall-finijiet ta' din id-dispożizzjoni u bla ħsara għal dawk ir-regolamenti li jistgħu jiġu preskritti, persuna jew xi organizzazzjoni oħra ma għandhomx jitqiesu hatja ta' ksur ta' din id-dispożizzjoni jekk dik il-persuna, li ma tkunx edukatur ta' għajnuna fit-tagħlim jew ma tkunx detentur ta' liċenza temporanja ta' edukatur ta' għajnuna fit-tagħlim, tkun applikat għand il-Kunsill għall-ħruġ ta' liċenza jew liċenza temporanja ta' edukatur ta' għajnuna fit-tagħlim, jew tkun qed teżerċita l-professjoni ta' edukatur ta' għajnuna fit-tagħlim waqt perjodu ta' adattament jew waqt taħriġ, f'kull każ taħt superviżjoni fi skola liċenzjata jew b'xi mod ieħor kif il-Kunsill jista' jiddeciedi.

(8) Kull persuna li tinstab hatja ta' xi reat li hemm referenza għalih fis-subartikoli (2) sa (7) tehel, meta tinstab hatja, multa ta' mhux aktar minn elf u ħames mitt euro (€1,500), u fil-każ ta' reat kontinwat, multa ta' ħmistax-il euro (€15) għal kull jum li r-reat ikompli għaddej, sugġetta għal massimu ta' ħamest elef euro (€5,000).

(9) Id-dispożizzjonijiet ta' dan l-artikolu li jistabbilixxu reati għandhom ikunu mingħajr preġudizzju għal kull liġi oħra li tistabbilixxi reati u pieni b'referenza għall-istess atti jew omissjonijiet u m'għandhomx, b'mod partikolari, jaffettwaw l-applikazzjoni ta' xi piena oghla taħt xi liġi oħra.

Radd lura ta' *warrant* jew liċenza.

**19.** Detentur ta' *warrant* jew ta' liċenza jista' jrodd lura l-*warrant* jew il-liċenza tiegħu lill-Kunsill u jagħmel talba bil-miktub biex ismu jiġi kanċellat mir-registru relatat.

Kondizzjonijiet tal-impjieg.

**20.** L-għoti ta' liċenza taħt dan l-Att ma għandu jkollu l-ebda effett fuq il-kondizzjonijiet tal-impjieg tad-detentur tal-liċenza.

Meta ma japplikawx dan l-Att.

**21.** Id-dispożizzjonijiet ta' dan l-Att ma japplikawx għal għalliem fi skola li jkun qed jgħalliem lingwi bħala lingwi barranin, jew għal kull persuna li tagħti servizz f'setturi kulturali, sportivi u reliġjużi, sakemm dak it-tagħlim ma jkunx qed jingħata bħala parti integrali mill-edukazzjoni obbligatorja skont il-kurrikulu fi skola liċenzjata.

Setgħa biex isiru regolamenti.

**22.** Il-Ministru jista', wara konsultazzjoni mal-Kunsill, jagħmel regolamenti li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, biex effett aħjar lil kull waħda jew aktar minn tali

dispożizzjonijiet u b'mod ġenerali biex jirregola l-professjoni tal-ġhalliema u x-xogħol ta' edukaturi fil-*kindergarten* u edukaturi ta' ġhajjnuna fit-tagħlim, u, mingħajr preġudizzju għall-ġeneralità ta' dak kollu li ntqal qabel, dawn ir-regolamenti jistgħu b'mod partikolari jinkludu dispożizzjonijiet dwar -

(a) it-twaqqif ta' kwalifiki meħtieġa għall-kisba ta' *warrant* temporanju, liċenza temporanja speċjalizzata jew liċenza temporanja skont id-dispożizzjonijiet ta' dan l-Att;

(b) it-twaqqif ta' standards, prattiċi, proċeduri, u dmirijiet oħra fl-eżerċizzju tal-professjoni u xogħol ta' edukatur;

(ċ) il-kondotta professjonali u l-kodiċi ta' etika ta' edukaturi u l-istandards ta' kompetenza u integrità li għandu jkollhom l-edukaturi;

(d) il-ħtiġiet, kondizzjonijiet u frekwenza ir-rigward ta' programmi ta' żvilupp professjonali kontinwu biex persuna żżomm *warrant* jew liċenza;

(e) ix-xogħol li jista' jsir u s-servizzi li jistgħu jingħataw skont *warrant* jew liċenza, u l-pattijiet u kondizzjonijiet li jistgħu jkunu marbuta ma' dak il-*warrant* jew dik il-liċenza;

(f) il-miżati li jistgħu jintalbu mill-Kunsill b'rabta mal-ħruġ ta' *warrant* jew liċenza, għal kull reġistrazzjoni magħmula taħt dan l-Att;

(g) il-proċeduri li għandhom jiġu osservati f'każijiet ta' imġiba hażina professjonali;

(h) l-ingaġġ ta' persuni li jiġu impjegati biex jaħdmu fi skola bis-saħħa ta' *warrant* temporanju jew liċenza temporanja;

(i) il-formuli, iċ-ċertifikati ta' kondotta u kull materja oħra anċillari marbuta mal-applikazzjoni għal *warrant* jew liċenza, it-testijiet biex tiġi stabbilita l-kapaċità legali, il-proċeduri marbutin man-nomina ta' membri tal-Kunsill, u dak kollu li hu relatat ma' kwalunkwe proċedura oħra li tista' tkun adottata mill-Kunsill;

(j) il-ħatra, il-formazzjoni u l-proċeduri ta' kumitati jew sottokumitati li l-Kunsill jista' jidhirlu li jkun neċessarju li jappunta għal xi waħda mill-funzjonijiet tiegħu; u

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(k) kull materja li tinħtieg jew li tkun awtorizzata b'dan l-Att li tkun preskritta.

Dispożizzjonijiet transitorji fir-rigward ta' warrants ta' għalliema. Kap. 327. Abbozz Nru. 92 tal-2019.

**23.** Kull persuna li, fid-data tal-bidu fis-seħħ ta' dan l-Att, għandha *warrant* miksub taħt id-dispożizzjonijiet tal-Att dwar l-Edukazzjoni, qabel ma gie mħassar bl-Att tal-2019 dwar l-Edukazzjoni, għandha titqies li hi detentur ta' *warrant* bl-istess drittijiet u obbligi bħallikieku dak il-*warrant* kien inħareġ skont id-dispożizzjonijiet u l-kondizzjonijiet ta' dan l-Att.

Kap. 327. Abbozz Nru. 92 tal-2019.

(2) Persuna għandha titqies li tibqa' eliġibbli għal *warrant* ta' għalliem taħt id-dispożizzjonijiet tal-Att dwar l-Edukazzjoni, qabel ma gie mħassar bl-Att tal-2019 dwar l-Edukazzjoni, jekk kienet hekk eliġibbli taħt l-imsemmi Att dwar l-Edukazzjoni:

Iżda persuni li fil-waqt tal-bidu fis-seħħ ta' dan l-Att ikunu diġà ssodisfaw il-kondizzjonijiet fis-seħħ qabel il-bidu fis-seħħ ta' dan l-Att, u persuni li fil-waqt tal-bidu fis-seħħ ta' dan l-Att, kienu diġà kisbu jew kienu rreġistraw fi, u sussegwentement kisbu b'suċċess programm li jwassal għal kwalifika li tagħti dritt lid-detentur tagħha li japplika għal *warrant* ta' għalliem skont id-dispożizzjonijiet li kienu fis-seħħ qabel il-bidu fis-seħħ ta' dan l-Att, ikunu eliġibbli li japplikaw għal *warrant* ta' għalliem skont il-ħtiġiet li kienu fis-seħħ qabel il-bidu fis-seħħ ta' dan l-Att.

Dispożizzjonijiet transitorji fir-rigward ta' edukaturi fil-*kindergarten* u edukaturi ta' għajjnuna fit-tagħlim.

**24.** (1) Persuna li tkun ilha tipprattika bħala edukatur fil-*kindergarten* għal għaxar (10) snin qabel il-bidu fis-seħħ ta' dan l-Att u li ma tissodisfax il-kriterji stabbiliti fl-artikolu 13 titqies eliġibbli għall-ghoti ta' liċenza ta' edukatur fil-*kindergarten* taħt dan l-Att.

(2) Persuna li tkun impjegata fil-grad ta' edukatur fil-*kindergarten* (edukazzjoni speċjali), edukatur I ta' għajjnuna fit-tagħlim, edukatur ta' għajjnuna fit-tagħlim, edukatur II ta' għajjnuna fit-tagħlim u edukatur ta' għajjnuna fit-tagħlim (Skejjel Speċjali) fil-waqt tal-bidu fis-seħħ ta' dan l-Att u li ma tissodisfax il-kriterji stabbiliti fl-artikolu 14 titqies eliġibbli għall-ghoti ta' liċenza ta' edukatur ta' għajjnuna fit-tagħlim taħt dan l-Att.

Emendi konsegwenzjali fl-liġijiet oħra u leġiżlazzjoni sussidjarja.

**25.** (1) Mal-bidu fis-seħħ ta' dan l-Att, il-kliem u l-frażijiet imsemmija fit-tielet kolonna tal-Ewwel Skeda, liema kliem u frażijiet jinsabu fid-dispożizzjonijiet speċifikati fit-tieni kolonna tal-istess Skeda, liema dispożizzjonijiet jinsabu fil-liġijiet imsemmija fl-ewwel kolonna tal-istess Skeda, għandhom jigu emendati skond l-emendi msemmija fir-raba' kolonna ta' dik l-Iskeda.



(2) Mal-bidu fis-seħħ ta' dan l-Att, il-legiżlazzjoni sussidjarja elenkata fl-ewwel kolonna tat-Tieni Skeda għandha titqies li saret taħt id-dispożizzjonijiet korrispondenti ta' dan l-Att, u għandha tiġi enumerata mill-ġdid skont hekk kif speċifikat fit-tielet kolonna tal-imsemmija Skeda.

VERŻJONI ELETTRONIKA

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L-EWWEL SKEDA

(Artikolu 25(1))

Emendi konsegwenzjali għal leġislazzjoni oħra

LEĠIŻLAZZJONI	DISPOŻIZZJONI	FRAŻI LI SER TIĠI EMENDATA	EMENDA
Regolamenti dwar il-Kondizzjonijiet ta' Dħul u Residenza ta' Cittadini ta' Pajjiżi Terzi għall-Finijiet ta' Riċerka, Studju, Tahriġ u Servizz Volontarju fil-Proġett ta' Mobilità għaż-Żgħażaġh: Proġetti Volontarji - L.S. 217.22	regolament 20	"permezz tal-Att dwar l-Edukazzjoni"	"permezz tal-Att dwar il-Professjonijiet tat-Tagħlim u l-Professjonijiet Imnislin Minnhom"
	nota marginali fir-regolament 20	"Kap. 327."	"Kap. (numru tal-Att dwar il-Professjonijiet tat-Tagħlim u l-Professjonijiet Imnislin Minnhom)"
Regolamenti dwar Kodiċi ta' Mġieba għall-Għalliema - L.S. 327.02	regolament 2	"għall-finijiet tal-artikoli 31, 39 u 40 tal-Att dwar l-Edukazzjoni"	"għall-finijiet tal-artikoli 7 u 23 tal-Att dwar il-Professjonijiet tat-Tagħlim u l-Professjonijiet Imnislin Minnhom"
Regolamenti dwar Kunsilli ta' Skola - L.S. 327.43	regolament 2	-	<i>Ir-regolament għandu jigi mhassar</i>
	nota marginali fir-regolament 2	"Kap. 327."	<i>Tithassar</i>
	regolament 3	-	<i>Ir-regolament għandu jigi mhassar</i>
	nota marginali fir-regolament 3	"Kap. 327."	<i>Tithassar</i>
	it-Tieni Skeda, paragrafu 2.4	"Ministru ta' l-Edukazzjoni kif ma'sub fl-artikolu 24(ċ) tal-Att dwar l-Edukazzjoni"	"Ministru għall-Edukazzjoni"

## IT-TIENI SKEDA

(Artikolu 25(2))

Leġiżlazzjoni Sussidjarja meqjusa bħala magħmula taht dan l-Att

LEĠIŻLAZZJONI SUSSIDJARJA	ENUMERAZZJONI PREŻENTI	KIF GĦANDHA TIĠI ENUMERATA MILL-ĠDID
Regolamenti dwar Kodiċi ta' Mġieba għall-Għalliema	L.S. 327.02	L.S. <i>Nru tal-Kapitolu.01</i>

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**Għanijiet u Raġunijiet**

L-għan prinċipali ta' dan l-Abbozz ta' Liġi hu biex jirregola l-professjoni ta' għalliema u u l-professjonijiet imnislin minnhom, biex jistabilixxi Kunsill tal-Professjonijiet tat-Tagħlim u Professjonijiet Imnislin Minnhom u l-funzjoni tiegħu, biex jimponi pieni fuq persuni li jiksru xi dispożizzjoni, li l-ksur tagħha jgħib miegħu l-impożizzjoni ta' penali, u sabiex jipprovdi għal hwejjeġ ancillari oħra.

**A Bill  
entitled**

*AN ACT to regulate the professions in Education.*

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:-

Short title and commencement.

**1.** (1) The short title of this Act is the Teaching and Allied Professions Act, 2019.

(2) This Act shall come into force on such date as the Minister responsible for education may by notice in the Gazette establish, and different dates may be so established for different provisions and different purposes of the Act.

Interpretation.

**2.** In this Act unless the contents otherwise requires:

"adaptation period" means a period during which a person may exercise the work of an educator in Malta under supervision in a licensed school, or in any other manner as the Council may decide, which period may include the provision of such further training to such person, as may be required by the Council;

"allied professions", for the purposes of this Act, means kindergarten educators and learning support educators in possession of a warrant, or a licence or a temporary licence;

"Council" means the Council for the Teaching and Allied Professions established by article 3;

"ECTS" means the European Credit Transfer System;

"ECVET" means the European Credits in Vocational Education

and Training;

"educator", for the purposes of this Act, means a person in possession of a teachers' or a kindergarten educator or a learning support educator warrant; or a temporary teachers' or a kindergarten educator or a learning support educator warrant; or a temporary specialised licence or kindergarten educator or learning support educator licence; or a temporary kindergarten educator or a temporary learning support licence, as the case may be;

"electoral commission" means the commission established by article 4(1)(n);

"kindergarten educator", for the purposes of this Act, means any person responsible for the education and care of children from three (3) to five (5) years of age;

"learning support educator", for the purposes of this Act, means any person providing direct and timely assistance to students with individual needs in classrooms and their teachers;

"licence" means a licence issued under the provisions of articles 13 and 14;

"licenced school" means a school licenced under the provisions under the Education Act, 2019;

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2019.

"Malta Qualifications Framework" shall have the same meaning as that given to it in the Malta Qualifications Framework for Lifelong Learning Regulations;

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"Minister" means the Minister responsible for education in Malta;

"prescribe" means prescribe by regulations made under this Act;

"professional and ethical standards" includes standards relating to the general conduct of an educator, including the behaviour of such member towards his students, during or consequential to the exercise of his job, and behaviour of such member towards other educators and towards society;

"qualification" means the attainment of a level of knowledge and skill that makes a person suitable to do a particular employment or activity and must meet the conditions of the Malta Qualifications Framework, or of international qualification structures recognised by the industry;

"teacher" means a person trained in the science of the educational process and in the use of the pedagogical skills in such manner that such person has the skill to create an environment which motivates every student and succeeds to teach such student effectively by motivating his aspirations for the highest values in life and help him develop creative and thinking skills according to his age, his physical, moral, social, emotional and intellectual development and according to the potential of his skills and talents with the final aim that the student is trained to become a life long learner:

Provided that, for the purposes of this Act, and insofar as not otherwise provided in any other law, "teacher" does not include a kindergarten or learning support educator, a teacher in a school teaching a language as a foreign language, or any person who renders a teaching service in cultural, sport and religious sectors, insofar as this teaching is not being imparted as an integral part of compulsory education in terms of the curriculum in a licensed school:

Provided further that a teacher in possession of a Degree of Bachelor of Education in Early Childhood and Care teaching at kindergarten level shall be considered as a teacher for all intents and purposes of the law;

"temporary licence" means a temporary licence issued under article 15;

"temporary warrant" means a temporary warrant issued under article 15;

"to practise", in relation to the profession of an educator, includes the taking up or pursuit of the work of a teacher, kindergarten educator or learning support educator, as the case may be, in Malta, at compulsory education or at kindergarten level as bound by the curriculum or by any other programme approved by the Minister in a licensed school.

Council for the  
Teaching and  
Allied  
Professions.

**3.** (1) There shall be a Council, to be known as the Council for the Teaching and Allied Professions, which shall be composed of the following members:

(a) a President, to be appointed by the Minister, who has served, or who has the qualifications to serve, as a magistrate or as a judge;

(b) four (4) registered educators who have practised the profession of teacher for not less than eight (8) years, appointed by the Minister, two (2) of whom shall represent the State school sector and will be chosen in respect of one (1) of them from among the officials of the Commission and the other from among the officials of the Division established under the Education Act, 2019;

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2019.

(c) four (4) practising registered teachers who have been practising the profession of teacher for not less than eight (8) years, elected by and from among all registered teachers, provided that two (2) of whom shall be teaching at the primary level and the other two (2) at the secondary and, or middle level of education, and in either case one (1) shall be teaching in the State school sector and the other in the non-State school sector, and for the purposes of this paragraph the voting for the election of these members shall be according to those procedures as may be prescribed;

(d) two (2) registered educators from among registered educators who have practised as educators for not less than eight (8) years, nominated by the trade union representing the majority of educators;

(e) one (1) practising kindergarten educator who has practised this profession for not less than eight (8) years, elected by and from among all registered kindergarten educators, provided that, for the purposes of this paragraph, the voting for the election of such member shall be according to those procedures as may be prescribed:

Provided that in relation to the first appointment, "kindergarten educator" means any person who is qualified to be so registered under this Act;

(f) one (1) practising learning support educator who has practised the work of a learning support educator for not less than eight (8) years, elected by and from among all registered learning support educators and, for the purposes of this paragraph, the voting for the election of such member shall be according to those procedures as may be prescribed:

Provided that in relation to the first appointment, "learning support educator" means any person who is qualified to be so registered under this Act;

(g) two (2) members nominated by the University of

Malta from among the permanent academic staff of the Faculty of Education;

(h) one (1) member nominated by the Malta College for Arts, Science and Technology from among the permanent academic staff of the College having responsibility for educational matters;

(i) one (1) member nominated by the Institute for Education; and

(j) a parent nominated by the parents' associations.

(2) The nominations made in terms of sub-article (1) shall, for the first time, be made within two (2) weeks from a request in writing made therefor by the Minister, and for any subsequent nomination, within one (1) month from the occurrence of any vacancy or, when the vacancy arises due to the expiry of the term of office, within one(1) month prior to the said expiry. In the absence of any such nomination, the Minister shall make the appointment from among teachers or parents, as the case may be.

(3) On the occurrence of any vacancy of a member elected in accordance with sub-article (1)(c), (e) and (f), where possible, the Minister shall appoint the person who was the runner-up in the elections previously held for such purpose, and any person who is so appointed shall keep on occupying such post up to the termination of the term of office of the person being so substituted.

(4) The members of the Council shall hold office for a term of three (3) years.

(5) The members of the Council shall, on the expiration of their term of office, be eligible to be re-appointed.

(6) In the event that any Council member vacates his office before completing the appointed term, the person appointed in his stead shall be appointed for the remaining period of the original appointment.

(7) The Minister shall designate a public officer to act as secretary to the Council, but such secretary shall not have a vote.

Functions of the Council.

**4.** (1) It shall be the function of the Council to regulate the profession of educators in Malta, and in particular to:

(a) keep under review and assess education and training standards and on the fitness to educate of each person who



chooses to practice a profession in education;

(b) advise the Minister in relation to the standards, proficiency, experience and qualifications required for holding and retaining of a warrant or licence under this Act;

(c) consider applications for comparability and recognition of qualifications in education;

(d) examine applications for a warrant to practise the teaching profession and decide on the award or refusal thereof;

(e) examine applications for a warrant or licence to practise the profession of a kindergarten educator or learning support educator and decide on the award or refusal thereof;

(f) keep an official register of all registered teachers and another register of those holding a temporary warrant, and another register of those holding a temporary specialised licence, and record therein any suspension, cancellation and reinstatement of a warrant;

(g) keep an official register of all registered kindergarten educators and another register of those holding a temporary licence, and record therein any suspension, cancellation and reinstatement of a licence;

(h) keep an official register of all registered learning support educators and another register of those holding a temporary licence, and record therein any suspension, cancellation and reinstatement of a licence;

(i) keep an official register of all persons conducting practical sessions in the process of obtaining the necessary qualification as teachers, kindergarten educator or learning support educators;

(j) make recommendations to the Minister, following consultation with interested stakeholders under the provisions of this Act, on the code of professional standards and ethics that may be prescribed for the professional behaviour of educators;

(k) inquire into any formal allegation of professional misconduct, gross negligence or incompetence by a warranted and, or licensed educator;

(l) advise the Minister on any matter on which the opinion of the Council is sought by the Minister;

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(m) draw up and publish an annual report concerning its activities in general;

(n) establish an electoral commission to organise and administer the elections referred to in article 3(1);

(o) perform such other functions as may arise from this Act or any other law, or as may be assigned to it by the Minister.

(2) The Council shall, not later than three months after the end of each year, publish in the Gazette a list of persons who on the 31st December of the said year, were registered for the first time in the registers referred to in sub-article (1)(f), (g), (h) and (i).

(3) The Council shall, in the performance of its functions, keep in consideration the public interest.

Proceedings of  
the Council.

**5.** (1) The meetings of the Council shall be summoned by the President and the Council shall meet as often as may be necessary, but at least once every month.

(2) The number of members present necessary to constitute a quorum at the meetings of the Council shall be half the members plus one, but, subject to the presence of a quorum, the Council may act notwithstanding any vacancy among its members.

(3) The President of the Council shall have both an original vote and, in the case of a tie, a casting vote.

(4) Without prejudice to the aforesaid and to what may be prescribed, the Council may make its own rules and otherwise regulate its own procedures.

(5) In the exercise of its functions under this Act, the Council may consult with such persons as it may deem appropriate; for such purpose, the Council may invite any such person to attend meetings of the Council.

(6) The Council shall keep a true and correct record of all its proceedings and the Council shall give to the Minister such information as he may require.

Decisions on  
applications for  
warrants and  
licences.

**6.** (1) The Council shall consider and take decisions on an application for a warrant or for a licence, as the case may be, to practise the teaching profession or the profession of kindergarten educator or learning support educator, as the case may be, as soon as is reasonably practicable, but not later than four months from the receipt of a complete application which includes the necessary

documentation; the Council shall notify the applicant of its decision, together with the reasons upon which the decision was based.

(2) Decisions of the Council on an application for a warrant or licence in accordance with sub-article (1) shall be signed by the President of the Council.

7. (1) The Council shall set up boards of inquiry to inquire <sup>Inquiries.</sup> into cases of any formal alleged professional misconduct, gross negligence or incompetence in relation to any warranted and, or licensed educator.

(2) Any board of inquiry so set up shall be composed of the President of the Council and at least four (4) other members of the Council.

(3) For the purposes of this article, the terms "professional misconduct", "gross negligence", or "incompetence", shall include but shall not be limited to any of the following:

(a) contravention against the Code of Ethics established under this Act;

(b) failure to comply with or breach of any regulations and, or legislation, which breach, in the opinion of the Council, may impact professional standards or practice;

(c) acting in a manner which may be detrimental to the education profession;

(d) displaying lack of skill in the practice of a profession in education or in carrying out of a duty or obligation undertaken in the practice of his profession.

(4) Any person who is the subject of any inquiry carried out by the board of inquiry shall be given the opportunity to make his defence and bring any evidence in his favour and for such purpose he may be represented by a lawyer or by any other person of his choice.

(5) On finalising the inquiry, the board of inquiry shall:

(a) if it finds in favour of the person subject to the inquiry, dismiss the case; or

(b) if it finds the person subject to inquiry guilty of the formal alleged professional misconduct, gross negligence or incompetence, make a report of its findings and reasons and submit it to the Council together with its recommendations for

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the imposition of any of the following penalties:

(i) suspension or cancellation of the warrant or licence subject to such conditions as may be appropriate;

(ii) imposition of conditions to be attached to a warrant or licence;

(iii) order the waiver, reduction or refund of any sums claimed for any services rendered.

(6) The board of inquiry shall give reasons for its decision.

(7) (a) After having considered the recommendations and findings of the board of inquiry, the Council shall take a decision on the matter which was the subject of the inquiry. Such decision shall have the support of at least ten of the Council's members.

(b) The decision of the Council shall be notified to the person who was the subject of the inquiry. A decision whereby a warrant or licence is suspended or cancelled shall also be notified, as the case may be, to the employer and the Head of School.

(8) Upon a final decision ordering the cancellation of a warrant or licence, the Council shall strike off the name of such person from the official register of teachers, kindergarten educators or learning support educators, as the case may be, and shall publish this decision on the Gazette.

(9) For the purposes of this article, the members of the board of inquiry shall have the powers that are or may be conferred under the Inquiries Act, and shall conduct their inquiry as provided for in the said Act.

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Appeals.

**8.** (1) Any person who feels aggrieved by the decision of the Council to refuse an application for the issuing of a warrant or licence, or where no decision has been notified to the applicant within the time established in article 6, or by any decision of the Council in cases of any alleged professional misconduct, gross negligence or incompetence, may, within twenty (20) days of the notification of the decision, appeal to the Administrative Review Tribunal in accordance with the provisions of the Administrative Justice Act and any applicable regulations made thereunder.

Cap. 490.

(2) Notwithstanding that an appeal has been instituted in accordance with the provisions of this article, the warrant or licence shall be considered as suspended or cancelled, as the case may be, pending the final decision of any appeal that may be made from the decision of the Administrative Review Tribunal in accordance with the provisions of the Administrative Justice Act or any applicable regulations made thereunder. Cap. 490.

(3) (a) Without prejudice to the provisions of sub-article (2) and to any other provision of this or any other law, the Administrative Review Tribunal may, on application, order that the suspension or cancellation of the warrant or licence be revoked pending the final decision of any appeal.

(b) Where the Administrative Review Tribunal has ordered the revocation of the suspension or cancellation pending the final decision of the appeal, it may order such suspension or cancellation to be re-imposed in its final decision.

**9.** (1) When the Council is formally notified of any case where any person practises or assumes a professional competence for which the person is not authorised under the provisions of this Act, the Council shall refer the matter to the Police for prosecution of the offence in terms of article 19(2), (3) and (4). Reference to Executive Police.

(2) When the Council is aware of any case where any person obtained a warrant or licence in a deceitful or fraudulent manner, the Council shall refer the matter to the Police for prosecution of the offence in terms of article 19(1).

**10.** The Council may, from amongst its members, set up any working groups which it considers necessary or appropriate to facilitate the performance of its functions under this Act. Working groups.

**11.** (1) Subject to the provisions of this Act, no person shall exercise the teaching profession against remuneration or hold himself to be professionally qualified to do so unless such person is the holder of a warrant or a specialised licence issued under this Act. Warrant to practise the teaching profession.

(2) A person shall not qualify for a teachers' warrant unless such person -

(a) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and

(b) is of good conduct; and

(c) has full legal capacity; and

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(d) is not enlisted in the Register established under the Protection of Minors (Registration) Act, and

(e) is in possession of a qualification at a minimum of level 6 of the Malta Qualifications Framework comprising of a minimum of at least 180 ECTS; and

(f) is in possession of a qualification in education at a minimum of level 7 of the Malta Qualifications Framework comprising of a minimum of 120 ECTS which must include:

(i) competences in educational theory and in the methodology in one or more subject areas of study available in middle, secondary and post-secondary schools or in the methodology of subjects offered in primary and, or early childhood educational settings and;

(ii) a minimum of an aggregate period of thirteen (13) weeks, or the same equivalent in the number of working days, of supervised field placement in a licensed school; and

(iii) a further a research component, adequately supervised and carried out according to established research ethics' procedures, which includes a dissertation, research project or research component/s of equivalent Malta Qualifications Framework standard to which not less than 15 ECTS are assigned;

Provided that a person proving three (3) years teaching experience in a licensed school and who is in possession of a qualification in education at a minimum of level 7 of the Malta Qualifications Framework comprising of a minimum of 90 ECTS shall be deemed to satisfy the requirements of this paragraph; and

(g) satisfies the Council that he has received adequate experience in the practice of the teaching profession under supervision in a school or provider of further education as licensed by the relevant authority, or in any other manner as the Council may decide, for an aggregate period of at least two (2) scholastic years full-time or its equivalent in part-time following the completion of such degree or such other professional qualification as above-mentioned, and for the purposes of this paragraph the practice by such teacher of the profession to acquire the above mentioned experience shall be deemed to be practice in accordance with this Act.

(3) The Minister may prescribe, instead of any of the requirements established under the foregoing provisions of this article, other requirements in terms of any international or multinational treaty or agreement entered into by Malta or with the provisions of any legislation the binding force of which derives from any such treaty or agreement or any agreement entered into with the trade union representing the majority of educators.

(4) Without prejudice to any provision of the Mutual Recognition of Qualifications Act, or regulations made thereunder, where the professional qualification in education is below the level prescribed under sub-article (2)(e) or (f), or when the components of the qualification are less than those required by the said sub-article (2)(e) or (f), or where the applicant does not have sufficient experience in the practice of the teaching profession as required by sub-article (2)(g), the Council shall not be precluded from imposing compensatory measures in accordance with the Recognition of Professional Qualifications Regulations, where applicable:

Provided that where the Recognition of Professional Qualifications Regulations do not apply, the Council may require the applicant to undertake a period of adaptation and may also submit the applicant to a proficiency test and, or to a teaching practice period of not less than six (6) weeks.

**12.** (1) Notwithstanding anything contained in the provisions of this Act, where a person is not in possession of the qualifications required to be awarded a warrant to practice the teaching profession in terms of article 11, the Council may nevertheless grant a temporary specialised licence authorising such person to teach in the specific area for which the temporary specialised licence was granted.

(2) Temporary specialised licences shall only be issued in cases where, in the opinion of the Council, there is a need for the issue of such licences; and to persons who, in the discretion of the Council, are in possession of suitable qualifications to teach in the specific area for which the temporary specialised licence is granted.

(3) Temporary specialised licences shall have a validity of one (1) year, and they may be renewed.

**13.** (1) Subject to the provisions of this Act, no person shall exercise the profession of kindergarten educator against remuneration or hold himself to be professionally qualified to do so unless such person is the holder of a warrant or licence issued under this Act.

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(2) A person shall not qualify for a kindergarten educator warrant unless such person -

(a) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and

(b) is of good conduct; and

(c) has full legal capacity; and

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(d) is not enlisted in the Register established under the Protection of Minors (Registration) Act; and

(e) is in possession of a full qualification at level 6 or higher of the Malta Qualifications Framework in early childhood education and care, or a comparable qualification which must include a teaching practice component and a pedagogical component. The qualification must include:

(i) a minimum of 180 ECTS/ECVETS or their equivalent and the qualification must furthermore include a training practice component having a value of at least 16 ECTS/ECVETS or their equivalent, with cohorts of learners aged between the ages of three (3) and five (5) years; and

(ii) a kindergarten educator licence; or

(iii) in the case of kindergarten educators in employment at the time of the coming into force of this Act, a certificate from a head of school certifying that the applicant has received adequate experience in the practice of the profession of kindergarten educator for a period of two (2) years; or

(iv) the person must satisfy the Council that he has received adequate supervised experience as a kindergarten educator in a licensed school for a period of at least two (2) scholastic years.

(3) A person shall not qualify for a kindergarten educator licence unless such person -

(a) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and

(b) is of good conduct; and



- (c) has full legal capacity; and
- (d) is not enlisted in the Register established under the Protection of Minors (Registration) Act; and

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(e) is in possession of -

(i) a qualification in early childhood education and care at a minimum of level 4 of the Malta Qualifications Framework; and

(ii) in the case of kindergarten educators in employment at the time of the coming into force of this Act, a certificate from a head of school certifying that the applicant has received adequate experience in the practice of the profession of kindergarten educator for a period of two (2) years; or

(iii) the person must satisfy the Council that he has received adequate supervised experience as a kindergarten educator in a licensed school for a period of at least two (2) scholastic years.

(4) Without prejudice to any provision of the Mutual Recognition of Qualifications Act, or any regulation as made thereunder, where the qualification has a rating of less than level 6 or level 5 of the Malta Qualifications Framework, as the case may be, or when the pedagogical or teaching practice components are less than those required by sub-articles (2)(e)(i) or (3)(e)(i), or where the applicant does not have sufficient experience in the practice of the profession as required by sub-articles (2)(e)(ii) or (3)(e)(ii), the Council may require the applicant to undertake such adaptation, not exceeding twice the shortfall as the Council may specify. In addition the Council may also submit the applicant to a proficiency test.

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**14.** (1) Subject to the provisions of this Act, no person shall exercise the profession of learning support educator in a kindergarten and, or compulsory school level against remuneration or hold himself to be professionally qualified to do so unless such person is the holder of a warrant or licence issued under this Act.

Warrant or Licence to practise the profession of learning support educator.

(2) A person shall not qualify for a learning support educator warrant unless such person -

(a) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and

(b) is of good conduct; and

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(c) has full legal capacity; and  
(d) is not enlisted in the Register established under the Protection of Minors (Registration) Act; and

(e) is in possession of -

(i) a qualification in inclusive education at a minimum of level 6 of the Malta Qualification Framework which must include practice and academic components in inclusive education. The qualification must include a minimum of 180 ECTS/ECVETS or their equivalent; and

(ii) a learning support educator licence; or

(iii) in the case of learning support educators in employment at the time of the coming into force of this Act, a certificate from a head of school certifying that the applicant has received adequate experience in the practice of the profession of learning support educator for a period of two (2) years; or

(iv) the person must satisfy the Council that he has received adequate supervised experience as a learning support educator in a licensed school for a period of at least two (2) scholastic years.

(3) A person shall not qualify for a learning support educator licence unless such person -

(a) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and

(b) is of good conduct; and

(c) has full legal capacity; and

(d) is not enlisted in the Register established under the Protection of Minors (Registration) Act; and

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(e) is in possession of:

(i) a qualification in inclusive education at a minimum of the Malta Qualification Framework level 4 which must include practice and academic components in inclusive education. The qualification must include a minimum of 16 ECTS/ECVETS or their equivalent, of which a training practice component having a value of at

least 4 ECTS/ECVETS or their equivalent must be included; and

(ii) a qualification in inclusive education at a minimum of level 5 of the Malta Qualifications Framework which must include a practice component and a academic components in inclusive education. The qualification must include a minimum of 30 ECTS/ECVETS or their equivalent of which, a training practice component having a value of at least 8 ECTS/ECVETS or their equivalent must be included; and

(f) in addition to the qualifications referred to in paragraph (e):

(i) in case of persons already employed as a learning support educator at the time of coming into force of this Act, the person must be in possession of a certificate from a head of school certifying that the applicant has received adequate experience in the practice of the profession of learning support educator for a period of two (2) years; or

(ii) the person must satisfy the Council that he has received adequate supervised experience as a learning support educator in a licensed school for a period of at least two (2) scholastic years.

(4) Without prejudice to any provision of the Mutual Recognition of Qualifications Act, or any regulations made thereunder, where the qualification in inclusive education has a rating of less than level 6 or level 5 of the Malta Qualifications Framework, as the case may be, or when the pedagogical or teaching practice components are less than those required by sub-articles (2)(e)(i) or (3)(e)(i), or where the applicant does not have sufficient experience in the practice of the profession as required by sub-articles (2)(e)(ii) or (3)(f), the Council may require the applicant to undertake such adaptation, not exceeding twice the shortfall as the Council may specify. In addition the Council may also submit the applicant to a proficiency test. Cap. 451.

**15.** Notwithstanding anything contained in the provisions of this Act, the Council may award a temporary warrant and, or a temporary licence having a validity period as may be established by the Council, that may be renewed to any person who, in the discretion of the Council, has the necessary proficiency to practice as an educator in Malta. Temporary warrant or a temporary licence.

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Application for a warrant or temporary licence or licence and its retention.

**16. (1)** Any person seeking to obtain a warrant or a temporary warrant or a temporary specialised licence or a licence or a temporary licence in accordance with this Act, shall make an application to the Council, which application which shall be accompanied by all information and relevant documents in support of the application, including certificates issued by the competent authority about the comparability of qualifications and certificates of their authenticity as the Council may require:

Provided that an application made under this article shall not be deemed to have been filed by an applicant unless it is duly filled in and accompanied with all required information and documentation.

(2) The Council's decision whereby a warrant or temporary warrant or temporary specialised licence or a licence or a temporary licence, as the case may be, is suspended or cancelled shall be notified in writing to the warrant or licence holder, as the case may be, and to all licensed schools.

(3) A person shall not be qualified to obtain or shall not retain a warrant or temporary warrant or temporary specialised licence or a licence or a temporary licence in terms of this Act if such person has been convicted by any court of criminal jurisdiction of any crime because of which such person may not, in the Council's opinion, be fit to practice as an educator.

(4) Where a person loses his warrant or temporary warrant or temporary specialised licence or a licence or a temporary licence following a conviction as is referred to in sub-article (3), notice of such loss shall be given by the Council in the Gazette and shall be communicated by the Council to the person disqualified, unless such person has been interdicted by the judgement itself, and to all licensed schools.

Programmes of continuous professional development and of updating.

**17. (1)** The Council shall regularly draw the attention of registered educators to their obligation to periodically carry out programmes of continuous professional development and of updating necessary for the standards and the fitness to carry out their duties.

(2) The Council shall also periodically request registered educators to provide it with the necessary information showing which programmes they have followed.

(3) Whenever the case arises, the Council shall draw the attention of a registered educators of their failure to fulfil the obligations as provided for in this article and shall give them a

reasonable time to comply therewith.

(4) When a registered educator continues to ignore the request of the Council to follow programmes of continuous professional development and of updating, the warrant or licence pertaining to the warrant or licence holder may be suspended until such time as the warrant or licence holder proves that he is fulfilling the requirements of the obligation provided for in this article.

**18.** (1) Any person who, for the purpose of obtaining a warrant or temporary warrant or temporary specialised licence or a licence or a temporary licence under the provisions of this Act, knowingly gives any false information or otherwise acts in a deceitful or fraudulent manner, shall be guilty of an offence and shall, on conviction, have his warrant or temporary warrant or temporary specialised licence or a licence or a temporary licence cancelled and shall be liable to a fine (*multa*) not exceeding two thousand five hundred euro (€2,500):

Offences and penalties.

Provided that, upon the institution of such proceedings, the Court may suspend the warrant or licence until the final determination of the proceedings.

(2) Any person who, not being the holder of a teachers' warrant, or a temporary specialised licence, or a temporary warrant issued under this Act, practises the teaching profession in contravention of the provisions of this Act or any other Act, shall be guilty of an offence against this Act.

(3) Any person who, not being the holder of a kindergarten educator warrant or licence, or a temporary licence issued under this Act, practises the profession of a kindergarten educator in contravention of the provisions of this Act or any other Act, shall be guilty of an offence against this Act.

(4) Any person who, not being the holder of a learning support educator warrant, licence, or a temporary licence issued under this Act, practises the profession of a learning support educator in contravention of the provisions of this Act or any other Act, shall be guilty of an offence against this Act.

(5) Any person or any other organisation who shall employ any person other than a registered teacher or a person holding a temporary teachers' warrant or a temporary specialised licence for the purpose of the practising of the teaching profession shall be guilty of an offence:

Provided that for the purpose of this provision and subject to such regulations as may be prescribed, a person or any other organisation shall not be deemed to be in contravention of this provision if such person, not being a registered teacher or not holding a temporary warrant or temporary specialised licence, as the case may be, has applied with the Council for the award of a warrant, temporary licence, temporary warrant or temporary specialised licence, or is practising the teaching profession during an adaptation period or when in training, in any case under supervision in a licensed school or in any other manner as the Council may decide.

(6) Any person or any other organisation who shall employ any person other than a registered kindergarten educator or a person holding a temporary licence for the purpose of the practising of the profession of a kindergarten educator shall be guilty of an offence:

Provided that for the purpose of this provision and subject to such regulations as may be prescribed, a person or any other organisation shall not be deemed to be in contravention of this provision if such person, not being a registered kindergarten educator or holding a temporary kindergarten educator licence, has applied with the Council for the award of a kindergarten educator licence or temporary licence, or is practising the profession of a kindergarten educator during an adaptation period or when in training, in any case under supervision in a licensed school or in any other manner as the Council may decide.

(7) Any person or any other organisation who shall employ any person other than a registered learning support educator or a person holding a temporary learning support educator licence for the purpose of practising of the profession of a learning support educator shall be guilty of an offence:

Provided that for the purpose of this provision and subject to such regulations as may be prescribed, a person or any other organisation shall not be deemed to be in contravention of this provision if such person, not being a learning support educator or holding a temporary licence, has applied with the Council for the award of a learning support educator licence or temporary learning support educator licence, or is practising the profession of a learning support educator during an adaptation period or when in training, in any case under supervision in a licensed school or in any other manner as the Council may decide.

(8) Any person who is found guilty of any offence referred to in sub-articles (2) to (7) shall be liable, on conviction, to a fine (*multa*) not exceeding one thousand and five hundred euro (€1,500),

and, in the case of a continuing offence, to a fine (*multa*) of fifteen euro (€15) for each day during which the offence continues, subject to a maximum fine (*multa*) of five thousand euro (€5,000).

(9) The provisions of this article establishing offences shall be without prejudice to the provisions of any other law establishing offences and punishments in respect of the same acts or omissions and shall not, in particular, affect the application of any higher punishment under any other law.

**19.** A warrant or licence holder may return his warrant or licence to the Council and make a request in writing that his name be cancelled from the related register.

Return of  
warrant or  
licence.

**20.** The award of a warrant or licence under this Act shall have no effect on the employment conditions of the licence holder.

Employment  
conditions.

**21.** The provisions of this Act shall not apply to a teacher in a school teaching a language as a foreign language, or any person who renders a teaching service in cultural, sport and religious sectors, in so far as this teaching is not being imparted as an integral part of compulsory education in terms of the curriculum in a licensed school.

Non-application  
of this Act.

**22.** The Minister may, after consultation with the Council, make regulations, not inconsistent with the provisions of this Act, to give better effect to any of such provisions and generally to regulate the teaching profession and the work of kindergarten educators and learning support educators, and, without prejudice to the generality of the foregoing, such regulations may in particular include provisions with respect to -

Power to make  
regulations.

(a) the establishment of qualifications required for the attainment of a temporary warrant, a temporary specialised licence or a temporary licence in terms of this Act;

(b) the establishment of standards, practices, procedures and other duties in the exercise of the profession and work of an educator;

(c) the professional conduct and code of ethics of educators and the standards of competency and integrity to be kept by educators;

(d) the requirements, conditions and frequency in relation to the programmes of continuous professional development for the maintenance of a warrant or licence;

(e) the work which can be performed and the services

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which can be rendered in terms of a warrant or licence, and the terms and conditions which can be attached to such warrant or licence;

(f) the fees that may be charged by the Council in connection with the issue of a warrant or licence, for the making of any registration under this Act;

(g) the procedures to be followed in cases of professional misconduct;

(h) the engagement of persons who are employed to work in a school by virtue of a temporary warrant or temporary licence;

(j) the forms, conduct certificates and other ancillary matters connected with the application for a warrant or licence, the tests to establish the legal capacity, the procedures connected with the nomination of members to the Council, and other matters relating to any other procedure which may be adopted by the Council;

(j) the appointment, composition and procedures of committees or sub-committees which the Council may feel necessary to appoint for any one of its functions; and

(k) any matter which is required or is authorised by this Act to be prescribed.

Transitory provisions regarding teachers' warrants. Cap. 327. Bill No 92 of 2019.

**23.** Any person who, on the coming into force of this Act, is in possession of a warrant obtained under the provisions of the Education Act, prior to its repeal by the Education Act, 2019, shall be deemed to be a warrant holder with the same rights and obligations as though such warrant had been issued in accordance with the provisions and conditions of this Act.

Cap. 327. Bill No 92 of 2019.

(2) A person shall be deemed to remain eligible for a teachers' warrant under the provisions of the Education Act, prior to its repeal by the Education Act, 2019, if he was so eligible under the said Education Act prior to the coming into force of this Act:

Provided that persons who at the time of entry into force of this Act have already satisfied the conditions in force prior to the entry into force of this Act, and persons who at the time of entry into force of this Act had already obtained or had registered in, and subsequently successfully obtained, a programme leading to a qualification which entitles the holder to apply for a teachers' warrant in accordance with the provisions in force prior to the entry into force



of this Act, shall be eligible to apply for a teachers' warrant in accordance with the requirements existing prior to the entry into force of this Act.

**24.** (1) A person who has been practising as a kindergarten educator for ten (10) years prior to the coming into force of this Act and who does not satisfy the criteria established in article 13 shall be deemed to be eligible for the award of a kindergarten educator licence under this Act.

Transitory provisions regarding kindergarten educators or learning support educators.

(2) A person who is employed in the grade of a kindergarten educator (special education), a learning support educator I, a learning support educator, a learning support educator II and a learning support educator (Special Schools) at the time of coming into force of this Act and who does not satisfy the criteria established in article 14 shall be deemed to be eligible for the award of a learning support educator licence under this Act.

**25.** (1) Upon the coming into force of this Act, the words and phrases referred to in the third column of First Schedule, which words and phrases occur in the provisions specified in the second column of the said Schedule, which provisions are to be found in the enactments referred to in the first column of the said Schedule, shall be amended in accordance with the amendments referred to in the fourth column of the said Schedule.

Consequential amendments to other legislation and subsidiary legislation.

(2) Upon the coming into force of this Act, the subsidiary legislation listed in the first column of the Second Schedule shall be deemed to have been made under the corresponding provisions of this Act, and shall be re-numbered accordingly as specified in the third column of the said Schedule.

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FIRST SCHEDULE

(Article 25(1))

Consequential amendments to other legislation

LEGISLATION	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Conditions of Entry and Residence of Third-Country Nationals for the Purposes of Research, Studies, Training and Voluntary Service in the Mobility Project for Young People: Voluntary Projects Regulations - S.L. 217.22	regulation 20	"by virtue of the Education Act"	"by virtue of the Teaching and Allied Professions Act"
	marginal note in regulation 20	"Cap. 327."	"Cap. ( <i>Chapter number of the Teaching and Allied Professions Act</i> )"
Teachers (Code of Behaviour) Regulations - S.L. 327.02	regulation 2	"for the purposes of articles 31, 39 and 40 of the Education Act"	"for the purposes of articles 7 and 23 of the Teaching and Allied Professions Act"
School Council Regulations - S.L. 327.43	regulation 2	-	<i>Regulation is to be revoked</i>
	marginal note in regulation 2	"Cap. 327."	<i>Remove</i>
	regulation 3	-	<i>Regulation is to be revoked</i>
	marginal note in regulation 3	"Cap. 327."	<i>Remove</i>
	Second Schedule, paragraph 2.4	"each year as contemplated in article 24(c) of the Education Act"	"each year"

## SECOND SCHEDULE

(Article 25(2))

Subsidiary Legislation deemed to have been made under this Act

SUBSIDIARY LEGISLATION	CURRENT NUMBERING	NEW RE-NUMBERING TO BE GIVEN
Teachers (Code of Behaviour) Regulations	S.L.327.02	S.L. <i>Cap number.01</i>

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**Objects and Reasons**

The main object of this Bill is to regulate the teaching and allied professions, to establish a Teaching and Allied Profession's Council and its function, to impose penalties on persons contravening any of the provisions, the contravention of which carries a penalty, and to provide for other ancillary matters.

# VERŻJONI ELETTRONIKA