

MALTA

ATT Nru XXX tal-2019

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT biex jirregola l-professjonijiet fl-Edukazzjoni.

ACT No. XXX of 2019

AN ACT enacted by the Parliament of Malta.

AN ACT to regulate the professions in Education.

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

26 ta' Novembru, 2019

ATT Nru XXX tal-2019

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'ligi 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 Imnislin 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 jistabbilixxi, u dati differenti jistgħu jiġu 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 iehor: Tifsir.

"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 iehor 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 tkun 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' liċenzja temporanja speċjalizzata jew ta' liċenzja ta' edukatur fil-kindergarten jew ta' edukatur ta' għajnuna fit-tagħlim; jew ta' liċenzja temporanja ta' edukatur fil-kindergarten jew ta' liċenzja 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 ċ-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-hiliet pedagogiċi b'mod li jkollha l-hila tohloq ambjent li jimmotiva lil kull student u jirnexxilha tgħallmu b'mod effettiv billi tqanqallu l-aspirazzjonijiet tiegħu għall-ogħla valuri fil-ħajja u tgħinu jiżviluppa l-hiliet kreattivi u ta' ħsieb skont l-età, l-iżvilupp fiżiku, morali, soċjali, emozzjonali u intelletwali, u skont il-potenzjal tal-hiliet u tat-talenti tiegħu bl-iskop aħħari li l-istudent jitharreġ kif jitgħallem tul ħajtu:

Iżda, għall-finijiet ta' din it-Taqsima, u sakemm mhux provdut xort'oħra f'xi liġi 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 reliġjużi, 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' Baċellerat fl-Edukazzjoni fi Trobbija Bikrija u Kura li jkun qed jgħallem fil-livell ta' kindergarten għandu jkun ikkunsidrat bħala għalliem għall-finijiet kollha tal-liġi;

"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;

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

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

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

"perjodu ta' adattament" tfisser perjodu li matulu persuna tista' teżercita x-xogħol ta' edukatur f'Malta taħt superviżjoni fi skola liċenzjata, 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 immisslin", għall-finijiet ta' dan l-Att, tfisser edukaturi fil-kindergartens u edukatur ta' għajjnuna fit-tagħlim li jkollhom warrant jew liċenzja jew liċenzja 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 liċenzjata" tfisser skola liċenzjata taħt id-dispożizzjonijiet tal-Att tal-2019 dwar l-Edukazzjoni; Att Nru XXIX tal-2019.

"standards professjonali u etiċi" tinkludi standards li huma relatati mal-kondotta ġenerali 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.

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

Att Nru XXIX tal-2019.

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 magistrat jew imħallef;

(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 jirrapprezentaw lis-settur tal-iskejjel tal-Istat u li jintgħazlu fir-rigward ta' wiehed (1) minnhom minn fost l-uffiċjali tal-Kummissjoni waqt li l-iehor jintgħazel minn fost l-uffiċjali tad-Diviżjoni tal-Edukazzjoni kif stabbilit taht 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 wiehed ikun jgħallmu 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 pprattikaw bhala edukaturi għal mhux inqas minn tmien (8) snin, nominati mit-trade union li tirrapprezenta l-magġoranza ta' edukaturi;

(e) edukatur wiehed (1) fil-kindergarten li jkun ilu jipprattika l-professjoni għal mhux inqas minn tmien (8) snin, eletti minn u minn fost l-edukaturi fil-kindergartens 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 hatra, "edukatur fil-kindergarten" tfisser persuna li hi kwalifikata biex tiġi hekk reġistrata taht dan l-Att;

(f) edukatur ta' għajnuna fit-tagħlim wiehed (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-membru ssir skont dawk il-proċeduri kif jista' jiġi preskritt:

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

(g) żewġ (2) membri nominati mill-Università ta' Malta minn fost l-istaff akkademiku permanenti tal-Fakultà tal-Edukazzjoni;

(h) membru wieħed (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 wieħed (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 tinholq 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 tinholq xi vakanza ta' xi membru elett skont is-subartikolu (1)(ċ), (e) u (f), fejn possibbli, il-Ministru għandu jahtar il-persuna li tkun ġiet 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 eliġibbli għal ħatra mill-ġdid.

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

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

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Funzjonijiet tal-Kunsill.

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

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

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

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

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

(e) jeżamina applikazzjonijiet għal warrant jew liċenzja biex wiehed 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 registru uffċjali tal-għalliema kollha registrati u registru ieħor ta' dawk li jkollhom warrant temporanju, u registru ieħor għal dawk li jkollhom liċenzja temporanja speċjalizzata, u li fihom jitniżżlu kull sospensjoni, kancellament u għoti mill-ġdid ta' warrant jew ta' warrant temporanju jew ta' liċenzja temporanja speċjalizzata;

(g) iżomm registru uffċjali tal-edukaturi kollha fil-kindergartens registrati u registru ieħor ta' dawk li jkollhom liċenzja temporanja jew warrant temporanju, u li fihom jitniżżlu kull sospensjoni, kancellament u għoti mill-ġdid ta' warrant jew ta' liċenzja jew ta' liċenzja temporanja jew ta' warrant temporanju;

(h) iżomm registru uffċjali tal-edukaturi kollha ta' għajjnuna fit-tagħlim registrati u registru ieħor ta' dawk li jkollhom liċenzja temporanja jew warrant temporanju, u li fihom jitniżżlu kull sospensjoni, kancellament u għoti mill-ġdid ta' warrant jew ta' liċenzja jew ta' liċenzja temporanja jew ta' warrant temporanju;

(i) iżomm registru uffċjali 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' mġiba ħażina professjonali, negligenza 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) jistabbilixxi kummissjoni elettorali biex torganizza u tiġġestixxi l-elezzjonijiet imsemmija fl-artikolu 3(1);

(o) iwettaq dawk il-funzjonijiet l-oħra li jistgħu joħorgu 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 (3) 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-tweqqi 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 indaqs, vot deċiżiv.

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

(5) Fit-tweqqi tal-funzjonijiet tiegħu taħt dan l-Att, il-Kunsill

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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.

Deċiżjonijiet
dwar
applikazzjonijiet
għal
warrants u
liċenzji.

6. (1) Il-Kunsill għandu jqis u jiddeċiedi dwar applikazzjonijiet għal warrant jew għal liċenzja, kif ikun il-każ, biex wieħed jipprattika l-professjoni ta' għalliem jew il-professjoni ta' edukatur fil-kindergarten jew edukatur ta' għajjnuna fit-tagħlim, kif ikun il-każ, kemm jista' jkun raġonevolment malajr, imma mhux aktar tard minn erba' (4) xhur mid-dhul tal-applikazzjoni shiħa 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 liċenzja 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' mgħiba 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 "imgħiba 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-istandards u l-prattika professjonali;

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

(d) turija ta' nuqqas ta' hila fil-prattika ta' professjoni edukattiva jew fit-twettiq ta' xi dmir jew obbligu li wieħed 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 ruhha u tella' kull xhieda favur tagħha u tista' għal dan il-għan tiġi rappreżentata minn avukat jew minn xi persuna oħra tal-għazla 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 wahda jew aktar mill-pieni li ġejjin:

(i) sospensjoni jew kancellament tal-warrant jew liċenzja bla hsara għal kull kondizzjoni li tista' tkun xierqa;

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

(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 (10) mill-membri tal-Kunsill.

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

(8) Mad-deċiżjoni finali li tordna l-kancellament ta' warrant jew liċenzja, il-Kunsill għandu jaqta' barra l-isem ta' dik il-persuna mir-reġistru ufficjali 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 dwar l-Inkjesti, u għandhom iwettqu l-inkjesta tagħhom kif previst fl-imsemmi Att. Kap. 273.

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Appelli.

8. (1) Kull persuna li tħoss ruħha aggravata bid-deċiżjoni tal-Kunsill li jirrifjuta applikazzjoni għal ħruġ ta' warrant jew liċenzja, 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 mgħiba ħażina professjonali, negligenza 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-liċenzja 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-liċenzja jiġu 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 18(2), (3) u (4).

(2) Meta l-Kunsill jintebaħ b'każ fejn persuna takkwista warrant jew liċenzja b'qerq jew frodi, il-Kunsill għandu jirreferi l-każ lill-Pulizija biex jipproċedu dwar ir-reat skont id-dispożizzjonijiet tal-artikolu 18(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 hsara għad-dispożizzjonijiet ta' dan l-Att, l-ebda persuna ma tista' teżerċita l-professjoni ta' għalliem bi hlas jew tqis lilha nnifisha professjonalment kwalifikata li tagħmel hekk jekk dik il-persuna ma jkollhiex warrant jew liċenzja 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 shiħa; 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' ġranet 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' taġħlim 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 provditur 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) skolastici 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 leġislazzjoni li s-saħħa 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 mill-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

Izda 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' wkoll jissottometti lill-applikant għal test ta' profiċjenza u, jew għal perjodu ta' Prattika fit-tagħlim ta' mhux inqas minn sitt (6) ġimgħat.

Licenzja 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 licenzja temporanja speċjalizzata li tawtorizza lil tali persuna li tgħalliem fil-qasam speċifiku li għalih tkun inħarġet il-licenzja

temporanja speċjalizzata.

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

(3) Liċenzji 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 liċenzja mahruġa taħt dan l-Att.

Warrant jew liċenzja 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'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 Reġistrazzjoni għall-Protezzjoni tal-Minuri; u Kap. 518.

(e) ikollha kwalifika sħiħa ta' livell 6 jew ogħla 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 pedagogiku. 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) liċenzja 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, ċertifikat minn kap ta' skola li jiċċertifika li l-applikant

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ikun 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 supervizjoni bhala edukatur fil-kindergarten fi skola licenzjata għal perjodu ta' mill-inqas sentejn skolastici.

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

(a) tkun cittadin Malti, jew xort'ohra jkollha permess biex taħdem f'Malta taht xi ligi; u

(b) hija ta' kondotta tajba; u

(c) ikollha kapaçità legali sħiha; u

Kap. 518.

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

(e) ikollha -

(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, certifikat minn kap ta' skola li jiccertifika 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 supervizjoni bhala edukatur fil-kindergarten fi skola licenzjata għal perjodu ta' mill-inqas sentejn skolastici.

Kap. 451.

(4) Mingħajr preġudizzju għal kwalunkwe dispożizzjoni tal-Att dwar ir-Rikonoxximent Reçiproku 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 pedagogiçi 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 suffiçjenti fil-prattika tal-professjoni kif meħtieġ bis-subartikoli (2)(e)(ii) jew (3)(e)(ii), 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' jispeçifika. Barra

minn dan il-Kunsill jista' wkoll jissottometti lill-applikant għal test ta' profiċjenza.

14. (1) Bla hsara 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 obligatorja jew tqis lilha nnifisha professjonalment kwalifikata li tagħmel hekk jekk dik il-persuna ma jkollhiex liċenzja maħruġa taħt dan l-Att.

Warrant jew liċenzja 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'oħra jkollha permess biex taħdem f'Malta taħt xi liġi; u

(b) hija ta' kondotta tajba; u

(ċ) ikollha kapaċità legali shiħa; u

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

(e) ikollha -

(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) liċenzja 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.

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

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

(b) hija ta' kondotta tajba; u

(c) 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) ikollha:

(i) kwalifika fl-edukazzjoni inklużiva 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 inklużiva ta' mill-inqas livell 5 tal-Qafas Malti tal-Kwalifiki, li għandu jkun fiha komponent ta' Prattika u komponenti akkademiċi fl-edukazzjoni inklużiva. 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'żieda 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

(ii) 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.

Kap. 451.

(4) Mingħajr preġudizzju għal kwalunkwe dispożizzjoni tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki, jew regolamenti magħmulin taħtu, fejn il-kwalifika fl-edukazzjoni inklużiva tkun taħt 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' taġġim 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.

15. Minkejja kull haġa li tinsab fid-dispożizzjonijiet ta' dan l-Att, il-Kunsill jista' johroġ warrant temporanju u, jew liċenzja 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
liċenzja
temporanja.

16. (1) Kull persuna li titlob li tingħata warrant jew warrant temporanju jew liċenzja temporanja speċjalizzata jew liċenzja jew liċenzja 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-awtenticità taġġhom kif il-Kunsill jista' jeħtieġ:

Applikazzjoni
għal warrant
jew liċenzja
temporanja jew
liċenzja u ż-
żamma
taġġhom.

Iżda applikazzjoni li ssir taħt 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 liċenzja temporanja speċjalizzata jew liċenzja jew liċenzja temporanja, kif ikun il-każ, tkun sospiża jew kanċellata għandha tiġi notifikata bil-miktub lid-detentur tal-warrant jew tal-liċenzja, kif ikun il-każ, u lill-iskejjel liċenzjati kollha.

(3) Persuna ma tikkwalifikax għall-kisba jew iż-żamma ta' warrant jew warrant temporanju, jew liċenzja temporanja speċjalizzata jew liċenzja jew liċenzja temporanja, skont id-dispożizzjonijiet ta' dan l-Att jekk dik il-persuna tkun instabet haġa minn xi qorti ta' ġuriżdiżjoni 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 tiflew il-warrant, jew warrant temporanju, jew liċenzja temporanja speċjalizzata jew liċenzja jew liċenzja temporanja taġġha wara xi kundanna kif imsemmi fis-subartikolu (3), għandha

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tinghata notifika dwar dik it-tnehhija mill-Kunsill fil-Gazzetta u ghandha tigi kkomunikata mill-Kunsill lill-persuna skwalifikata, sakemm dik il-persuna ma tkunx giet interdetta bis-sentenza nnifisha, u lill-iskejjel licenzjati kollha.

Programmi ta' zvilupp professjonali kontinwu u ta' agggornar.

17. (1) Il-Kunsill ghandu regolarment igib ghall-attenzjoni ta edukaturi registrati l-obbligu li ghandhom li perjodikament jidhlu ghal programmi ta' zvilupp professjonali kontinwu u ta' agggornar li hu mehtieg ghall-istandards u idoneita biex iwettqu d-dmirijiet taghhom.

(2) Il-Kunsill ghandu wkoll perjodikament jitlob minghand edukaturi registrati l-informazzjoni mehtiega li turi f'liema programmi jkunu hadu sehem.

(3) Kull meta jkun il-każ, il-Kunsill ghandu jigbed l-attenzjoni ta' edukaturi registrati dwar in-nuqqas taghhom li josservaw l-obbligi taghhom kif previst f'dan l-artikolu u ghandu jaghtihom zmien ragunevoli biex jikkonformaw ruhhom ma' dan.

(4) Meta edukatur registrat ikompli jinjora t-talba tal-Kunsill biex isegwi programmi ta' zvilupp professjonali kontinwu u ta' agggornar, il-warrant jew il-licenzja li jkollu d-detentur ghandha tigi sospiza sa dak iz-zmien li d-detentur tal-warrant jew tal-licenzja jaghti prova li jkun qed jissodisfa l-htigiet tal-obbligu previst f'dan l-artikolu.

Reati u pieni.

18. (1) Kull persuna li, sabiex takkwista warrant, jew warrant temporanju, jew licenzja temporanja speċjalizzata jew licenzja jew licenzja temporanja taht id-dispozizzjonijiet ta' dan l-Att, xjentement taghti informazzjoni falza jew b'mod iehor tagixxi b'mod qarrieqi jew frawdolenti, tkun hatja ta' reat u, meta tinstab hatja, ikollha l-warrant, jew warrant temporanju, jew licenzja temporanja speċjalizzata jew licenzja jew licenzja temporanja taghha kancellata u tehel multa ta' mhux izjed minn elfejn u hames mitt euro (€2,500):

Izda malli jibdew il-proceduri, il-Qorti tista' tissospendi l-warrant jew il-licenzja sa meta tinghata d-decizjoni finali tal-proceduri.

(2) Kull persuna li, waqt li ma tkunx detentur ta' warrant ta' ghalliem, jew licenzja temporanja speċjalizzata jew warrant temporanju mahruqa taht dan l-Att, tipprattika l-professjoni ta' ghalliem bi ksur tad-dispozizzjonijiet ta' dan l-Att jew xi Att iehor, tkun hatja ta' reat kontra dan l-Att.

(3) Kull persuna li, waqt li ma tkunx detentur ta' warrant jew licenzja , jew licenzja temporanja ta' edukatur fil-kindergarten mahruqa 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, liċenzja, jew liċenzja 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 liċenzja 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 liċenzja temporanja speċjalizzata, kif ikun il-każ, tkun applikat għand il-Kunsill għall-ħruġ ta' warrant, liċenzja temporanja, warrant temporanju jew liċenzja 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' liċenzja 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' liċenzja temporanja ta' edukatur fil-kindergarten, tkun applikat għand il-Kunsill għall-ħruġ ta' liċenzja jew liċenzja 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 reġistrat jew li ma tkunx detentur ta' liċenzja temporanja ta' edukatur ta' għajnuna fit-tagħlim sabiex teżercita l-professjoni ta' edukatur ta' għajnuna fit-

tagħlim tkun hatja ta' reat:

Iżda għall-finijiet ta' din id-dispożizzjoni u bla hsara 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' għajjnuna fit-tagħlim jew ma tkunx detentur ta' liċenzja temporanja ta' edukatur ta' għajjnuna fit-tagħlim, tkun applikat għand il-Kunsill għall-ħruġ ta' liċenzja jew liċenzja temporanja ta' edukatur ta' għajjnuna fit-tagħlim, jew tkun qed teżerċita l-professjoni ta' edukatur ta' għajjnuna fit-tagħlim waqt perjodu ta' adattament jew waqt tahrig, f'kull każ taht supervizzjoni fi skola liċenzjata jew b'xi mod ieħor kif il-Kunsill jista' jiddeċiedi.

(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, soġġetta 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 taht xi liġi oħra.

Radd lura ta' warrant jew liċenzja .

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

Kondizzjonijiet tal-impjeg.

20. L-għoti ta' warrant jew liċenzja taht dan l-Att ma għandu jkollu l-ebda effett fuq il-kondizzjonijiet tal-impjeg tad-detentur tal-liċenzja .

Meta ma japplikax dan l-Att.

21. Id-dispożizzjonijiet ta' dan l-Att ma japplikawx għal għalliem fi skola li jkun qed jgħallem 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 obligatorja 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 jagħti effett aħjar lil kull waħda jew aktar minn tali dispożizzjonijiet u b'mod ġenerali biex jirregola l-professjoni tal-għalliema u x-xogħol ta' edukaturi fil-kindergarten u edukaturi ta' għajjnuna 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 mehtieġa għall-kisba ta' warrant temporanju, liċenzja temporanja speċjalizzata jew liċenzja 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 fir-rigward ta' programmi ta' żvilupp professjonali kontinwu biex persuna żżomm warrant jew liċenzja ;

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

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

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

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

(i) il-formuli, iċ-ċertifikati ta' kondotta u kull materja oħra anċillari marbuta mal-applikazzjoni għal warrant jew liċenzja , 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

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

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Dispożizzjonijiet transitorji fir-rigward ta' warrants ta' għalliema.
Kap. 327.
Kap. 327.
Att Nru XXIX tal-2019.

23. (1) 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 l-istess Att dwar l-Edukazzjoni gie mħassar bl-Att tal-2019 dwar l-Edukazzjoni, għandha titqies li hi detentur ta' warrant bl-istess drittijiet u obbligi bhallikieku dak il-warrant kien inħareġ skont id-dispożizzjonijiet u l-kondizzjonijiet ta' dan l-Att.

Kap. 327.
Att Nru XXIX 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-għoti ta' liċenzja 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-għoti ta' liċenzja ta' edukatur ta' għajjnuna fit-tagħlim taħt dan l-Att.

Emendi konsegwenzjali f'liġijiet oħra u legiżlazzjoni 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 jiġu emendati skont 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.

L-EWWEL SKEDA
(Artikolu 25(1))

Emendi konsegwenzjali għal leġislazzjoni oħra

LEĠIŻLAZZJONI	DISPOŻIZZJONI	FRAŻI LI SER TIĠI EMENDATA	EMENDA
Regolamenti dwar il-Kondizzjonijiet ta' Dhul u Residenza ta' Cittadini ta' Pajjiżi Terzi għall-Finijiet ta' Riċerka, Studji, Taħriġ 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. 606"
Regolamenti dwar Kodiċi ta' Etika u ta' Prattika 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 mħassar</i>
	nota marginali fir-regolament 2	"Kap. 327."	<i>Tithassar</i>
	regolament 3	-	<i>Ir-regolament għandu jigi mħassar</i>
	nota marginali fir-regolament 3	"Kap. 327."	<i>Tithassar</i>
	it-Tieni Skeda, paragrafu 2.4	"Ministru ta' l-Edukazzjoni kif maħsub fl-artikolu 24(ċ) tal-Att dwar l-Edukazzjoni"	"Ministru għall-Edukazzjoni"

VERŻJONI ELETTRONIKA

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IT-TIENI SKEDA (Artikolu 25(2))

Legiżlazzjoni Sussidjarja meqjusa bħala magħmula taħt dan l-Att

LEĠIŻLAZZJONI SUSSIDJARJA	ENUMERAZZJONI PREŻENTI	KIF GĦANDHA TIĠI ENUMERATA MILL-ĠDID
Regolamenti dwar Kodiċi ta' Etika u ta' Prattika għall-Għalliema	L.S. 327.02	L.S. 606.01

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 281 tal-20 ta' Novembru, 2019.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE VELLA
President

26th November, 2019

ACT No. XXX of 2019

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:-

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

Short title and commencement.

(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.

2. In this Act unless the contents otherwise requires:

Interpretation.

"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;

Act No. XXIX
of 2019.

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

S.L. 327.431

"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.

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:

Council for the
Teaching and
Allied
Professions.

(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 of Education established under the Education Act, 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.

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

Functions of the Council.

(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 the 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 or of a temporary warrant or of a temporary specialised licence;

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

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

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

(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 (3) 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.

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.

Proceedings of
the Council.

(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.

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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 (4) 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.

Inquiries.

7. (1) The Council shall set up boards of inquiry to inquire 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 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 (10) 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. Cap. 273.

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 Appeals. Cap. 490.

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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.

(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.

Reference to
Executive
Police.

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 18(2), (3) and (4).

(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 18(1).

Working
groups.

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.

Warrant to
practise the
teaching
profession.

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.

(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

(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 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 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

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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.

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(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:

S.L. 451.03

S.L. 451.03

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.

Specialised licence.

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.

Warrant or licence to practise the profession of kindergarten educator.

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.

(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

(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 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

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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 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.

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(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.

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

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.

(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

- (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 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

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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 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.

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(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.

Temporary
warrant and
temporary
licence.

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.

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 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:

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

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.

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 up-dating necessary for the standards and the fitness to carry out their duties.

Programmes of continuous professional development and of up-dating.

(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 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.

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(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.

Offences and penalties.

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):

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).

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(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.

Return of
warrant or
licence.

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.

Employment
conditions.

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

Non-application
of this Act.

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.

Power to make
regulations.

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:

(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 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;

(i) 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.

23. (1) 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 the repeal of the said Education Act 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.

Transitory provisions regarding teachers' warrants. Cap. 327. Act No. XXIX 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:

Cap. 327. Act No. XXIX of 2019.

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.

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Transitory provisions regarding kindergarten educators and learning support educators.

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.

(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 the 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.

Consequential amendments to other legislation and subsidiary legislation.

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.

(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.

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. 606"
Teachers (Code of Ethics and Practice) 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"

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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 Ethics and Practice) Regulations	S.L.327.02	S.L. 606.01

Passed by the House of Representatives at Sitting No. 281 of the 20th November, 2019.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA