
Nru. 73

13. 6. 78

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Joseph Cassar, M.P., Ministru tal-Ġustizzja, Artijiet, Djar u Affarijiet tal-Parlament, u moqri għall-Ewwel darba fis-Seduta tat-12 ta' Ġunju, 1978.

A BILL introduced by the Honourable Joseph Cassar, M.P., Minister of Justice, Lands, Housing and Parliamentary Affairs, and read the First time at the Sitting of the 12th June, 1978.

ATT biex ikompli jemenda l-Att ta' l-1974 dwar l-Edukazzjoni.

AN ACT further to amend the Education Act, 1974.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

13. 11. 73

ATTAM

ABBOZZ TA' LIGI

msejjah

ATT biex ikompli jemenda l-Att ta' l-1974 dwar l-Edukazzjoni.

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

Titolu fil-qosor u bidu fis-schh.

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1978 li jemenda l-Att dwar l-Edukazzjoni, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1974 dwar l-Edukazzjoni, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-edukazzjoni jista' jistabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti dwar disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:—

(a) minflok it-tifsira ta' "Kunsill" għandu jidhol dan li ġej:

““Kunsill” dwar kull waħda mill-universitajiet, tfisser il-Kunsill imwaqqaf bhala awtorità ta' dik l-università bl-artikolu 32 ta' dan l-Att;”;

(b) minnufih wara t-tifsira ta' "Ministru" għandha tidhol it-tifsira ġdida li ġejja:

““l-Università l-Ġdida” u “l-Università l-Qadima” għandhom it-tifsir rispettivament mogħti lilhom bl-artikolu 29 ta' dan l-Att;”;

(ċ) minflok it-tifsira ta' "Rettur" għandu jidhol dan li ġej:

““Rettur” dwar kull waħda mill-universitajiet, tfisser ir-Rettur maħtur għal dik l-università skond l-artikolu 32 ta' dan l-Att;”;

(d) minflok it-tifsira ta' "Senat" għandu jidhol dan li ġej:

" "Senat" dwar kull waħda mill-universitajiet, tfisser is-Senat imwaqqaf bħala awtorità ta' dik l-università bl-artikolu 32 ta' dan l-Att;"; u

(e) it-tifsira ta' "l-Università" għandha tithassar.

3. Is-subartikolu (6) ta' l-artikolu 4 ta' l-Att prinċipali għandu jġi emendat kif ġej:

Emenda ta' l-artikolu 4 ta' l-Att prinċipali.

(a) minflok il-kliem "is-subartikolu (4)" għandhom jidhlu l-kliem "is-subartikolu (5)"; u

(b) il-kliem "barra mill-Università" għandhom jithassru.

4. L-artikolu 5 ta' l-Att prinċipali għandu jġi emendat kif ġej:

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

(a) minflok il-paragrafi (ċ) u (e) tas-subartikolu (1) tiegħu għandu jidhol dan li ġej:

"(ċ) ir-Rettur ta' l-Università l-Ġdida;

(e) ir-Rettur ta' l-Università l-Qadima;"; u

(b) fil-paragrafu (b) tas-subartikolu (2) tiegħu, minflok il-kliem "mas-Senat ta' l-Università" għandhom jidhlu l-kliem "mas-Senati ta' l-universitajiet".

5. L-artikolu 6 ta' l-Att prinċipali għandu jġi emendat kif ġej:

Emenda ta' l-artikolu 6 ta' l-Att prinċipali.

(a) minflok il-kliem "l-Università" kull fejn jinsabu fis-subartikolu (1) tiegħu, għandhom jidhlu l-kliem "l-universitajiet"; u

(b) minflok is-subartikolu (4) tiegħu għandu jidhol is-subartikolu li ġej:

"(4) Il-Kumitat Permanenti għandu jiltaqa' għall-anqas darba kull xahrejn. F'Settembru ta' kull sena dan għandu jikkunsidra l-htigiet u l-allokkazzjonijiet ta' flus mqegħda quddiem il-Kummissjoni mill-universitajiet u għandu jagħmel ir-rakkomandazzjonijiet tiegħu kif meh-tieg bl-artikolu 35 ta' dan l-Att."

6. Bla ħsara għal kull haġa li tkun saret skond il-liġi bis-saħħa tagħhom, l-artikoli mid-29 sat-38 (it-tnejn inklużi) ta' l-Att prinċipali huma b'dan imħassra u minflok jidhlu l-artikoli ġodda li ġejjin:

Thassir ta' l-artikoli mid-29 sat-38 ta' l-Att prinċipali u sostituzzjoni tagħhom b'disposizzjonijiet ġodda.

"L-Universitajiet

Istituzzjonijiet għal edukazzjoni oġġla.

29. (1) Għandu jkun hemm żewġ istituzzjonijiet għal edukazzjoni oġġla: waħda tkun istituzzjoni ġdida li tkun magħrufa (u li f'dan l-Att qed tissejjaħ) l-Università l-Ġdida, u l-oħra l-istituzzjoni li diġà teżisti u li minn issa 'l quddiem tkun magħrufa (u li f'dan l-Att qed tissejjaħ) l-Università l-Qadima.

(2) Kull waħda mill-universitajiet tkun korp separatu imwaqqaf b'liġi li għandu personalità ġuridika distinta u li jkun jista' f'dik il-kapaċità u bla ħsara għad-disposizzjonijiet tal-liġi li minn żmien għal żmien tapplika għalih, li jkun parti f'kuntratti, li jakkwista, iżomm u jiddisponi minn proprjetà, li jharrek u jġi mħarrek, u li juża s-sigill tiegħu stess:

Iżda ebda haġa f'dan l-Att m'għandha tiftiehem li ma thallix lill-universitajiet milli jieħdu azzjonijiet flimkien, jew milli jaqsmu faċilitajiet jew xort'ohra milli jikkoperaw f'xi qasam ta' hidma.

(3) Kull waħda mill-universitajiet għandha tokkupa u għandha tmexxi u tkun responsabbli għall-bini u proprjetà u faċilitajiet oħra li l-Ministru jista' jassenjalhom minn żmien għal żmien u għandhom flimkien imexxu u jkunu responsabbli għall-bini, proprjetà u faċilitajiet mogħtija lilhom flimkien mill-Ministru.

Funzjonijiet u setgħat ta' l-universitajiet.

30. (1) Kull waħda mill-universitajiet għandha, bla ħsara għad-disposizzjonijiet ta' dan l-Att, ikollha l-funzjoni li tipprovdi għal istruzzjoni, riċerki u tixrid ta' tagħrif f'dawk il-fergħat ta' tagħlim li minn żmien għal żmien jingħataw lilha skond id-disposizzjonijiet li ġejjin ta' dan l-artikolu.

(2) Bla ħsara għad-disposizzjonijiet tas-subartikolu (3) ta' dan l-artikolu u għal kull żidiet jew tibdil ieħor li minn żmien għal żmien isir mill-Kunsill bi qbil mal-Ministru wara konsultazzjoni mal-Kumitat Permanenti tal-Kummissjoni, il-fergħat ta' tagħlim mogħtija lil kull waħda mill-universitajiet huma:—

(a) *accountancy*, amministrazzjoni, *business management*, inġinerija, medicina, kirurġija, dentistrija, farmaċija, edukazzjoni u fergħat ta' tagħlim relattivi huma mogħtija lill-Università l-Ġdida; u

(b) xjenzi, l-umanitajiet, il-liġi u t-teoloġija huma mogħtija lill-Università l-Qadima:

Iżda, dwar it-teoloġija, l-Università l-Qadima m'għandha tipprovdi ebda istruzzjoni jew faċilità oħra hlief l-ġhoti ta' gradi jew distinzjonijiet akkademiċi oħra meta tkun sodisfatta li l-korsijiet li dwarhom ikun qed jingħata l-grad jew distinzjoni oħra u li jkunu ġew imhejjija u provduti mill-awtoritajiet ekklesjastiċi xierqa jistgħu jiġu paragonati ma' daww ta' universitajiet internazzjonali magħrufa barra minn Malta.

(3) Kull waħda mill-universitajiet tista', bi qbil mal-Kumitat Permanenti tal-Kummissjoni, tipprovdi għal istruzzjoni jew riċerki f'kull haġa jew għal kull għan li ma jkunx diġà provdut minn waħda minnhom jekk din tkun tista' hekk tagħmel b'mod xieraq u għal kollox minn fondi li m'humex fondi pubbliċi.

(4) Dwar il-fergħat ta' tagħlim provduti minnha kull waħda mill-universitajiet ikollha s-setgħa, bla ħsara għad-disposizzjonijiet ta' dan l-Att —

(a) li tagħmel eżamijiet jew xort'ohra tagħmel valutazzjoni sabiex tiżgura liema persuni jkunu laħqu profiċjenza fil-fergħat rilevanti ta' l-istudju;

(b) li tagħti gradi, diplomi u distinzjonijiet akkademiċi oħra;

(c) li twaqqaf professorati, *readerships*, *lectureships* u postijiet u karigi oħra u li tagħmel hatriet għalihom;

Iżda l-*istaff* akkademiku kollu tal-fakultà tal-medicina u tal-kirurgija, jew ta' xi fergħa ta' tagħlim ekwivalenti, u daww il-membri l-oħra ta' l-*istaff* akkademiku ta' l-Università l-Għdida li sabiex jaqdu dmirijiethom sewwa bhala għalliemja jeħtigilhom aċċess għal sptar tal-Gvern, għandhom ikunu mahtura jew imqab-bda għal dmirijiethom mill-Prim Ministru minn fost persuni li jkollhom il-kwalifiki preskritti mill-Kunsill u li jew ikollhom kariga mal-Gvern jew xort'oħra jkunu jaqdu dmirijiet fi sptar tal-Gvern jew taht servizz nazzjonali tas-saħħa;

(d) li tibni, tghammar u żzomm, għall-finijiet ta' l-università, libreriji, laboratorji u bini ieħor;

(e) li tnedi u tagħti *fellowships*, *scholarships*, wirjiet, boroż ta' studju, midalji u premijiet oħra;

(f) li tipprovdi għal u tirregola r-residenza, id-dix-xiplina u l-qagħda ta' l-ufficjali, impjegati, għalliemja u studenti ta' l-università;

(g) li titlob u tirċievi daww il-*fees* li minn żmien għal żmien jistgħu jiġu preskritti;

(h) li tagħmel dak kollu, sew jekk inċidentali għall-imsemmija setgħat sew jekk le, li jkun meħtieġ jew spedjenti sabiex jitmexxew 'il quddiem l-għanijiet ta' l-università dwar il-fergħat ta' tagħlim provduti minnha.

(5) Hlief bil-qbil tal-Ministru, l-korsijiet kollha provduti minn kull waħda mill-universitajiet għandhom jiġu provduti f'perijodi akkademici ta' mhux iktar minn sitt xhur kull wiehed.

Statuti,
regoli u
'bye-laws'
ta' l-uni-
versitajiet.

31. (1) Bis-saħħa u għall-finijiet ta' l-imsemmija funzjonijiet u setgħat, kull waħda mill-imsemmija universitajiet tista', skond id-disposizzjonijiet ta' dan l-Att, tagħmel statuti, regoli u *bye-laws*; u kull waħda mill-universitajiet tkun immexxija skond dan l-Att u skond l-istatuti, ir-regoli u l-*bye-laws* tagħha safejn dawn ma jkunux inkonsistenti ma' dan l-Att.

(2) L-istatuti għandhom isiru u, meta jkunu saru jistgħu jiġu emendati jew revokati bil-mezz ta' statuti oħra, mill-Kunsill ta' l-università li għaliha jirrifere; statut jista' wkoll jagħti setgħa lill-Kunsill li jagħmel regoli u kull setgħa bħal dik tinkludi s-setgħa biex daww ir-regoli jiġu emendati jew revokati:

Iżda —

(a) ebda disposizzjoni ta' statut jew regola dwar xi haġa akkademika ma għandha ssir kemm-il darba l-Kunsill ma jkun qabel ikkonsulta dwar dan mas-Senat u mal-Kumitat Permanenti tal-Kummissjoni; u

(b) ebda statut jew regola, jew xi emenda jew revoka tiegħu, ma għandha tibda ssehh kemm-il darba u sakemm ma jagħtix il-kunsens tiegħu l-Kanċillier li jaġixxi fuq il-parir ta' kumitat magħmul mill-Ministru, mill-Ministru responsabbli għas-saħħa, mill-Ministru responsabbli għall-iżvilupp, u minn żewġ

membri oħra, li jkunu membri tal-Parlament, li jiġu nominati mill-Kap ta' l-Oppożizzjoni.

(3) Regoli magħmula kif intqal qabel jistgħu jagħtu s-setgħa lill-Kunsill li jagħmel, wara konsultazzjoni mas-Senat, *bye-laws* fuq hwejjeġ akkademiċi, sal-limitu ta', u suġġett għal, dawk il-kondizzjonijiet stabbiliti f'dawk ir-regoli; u kull regola bħal dik tinkludi s-setgħa li dawk il-*bye-laws* jiġu emendati jew revokati; iżda ebda *bye-law*, jew xi emenda għaliha jew revoka tagħha, ma għandha tibda sseħħ kemm-il darba u sakemm ma jagħtix il-kunsens tiegħu l-Kanċillier li jaġixxi fuq il-parir tal-kumitat imsemmi fil-paragrafu (b) tas-subartikolu (2) ta' dan l-artikolu.

(4) Kull haġa li tinsab fi statut, regola jew *bye-law* li tkun kontra jew ma tkunx taqbel ma' xi waħda mid-disposizzjonijiet ta' dan l-Att, jew ma' xi statut jew regola li taħtha ssir, tkun mingħajr effett.

(5) Il-pubblikazzjoni ta' statut, regola jew *bye-law* f'pubblikazzjoni uffiċjali ta' l-università li għaliha tirreferi jew f'pubblikazzjoni uffiċjali li ssir flimkien tkun prova *prima facie* li dak l-istatut, regola jew *bye-law* tkun valida u fis-seħħ.

(6) Għall-fini ta' dan l-Att, l-espressjoni "haġa akkademika" tinkludi —

(a) il-kwalifiki għad-dhul, ir-registrazzjoni, ir-residenza, l-ghajjnuna u d-dixxiplina ta' studenti;

(b) il-kondizzjonijiet għall-ghoti ta' gradi, diplomi, ċertifikati u marki oħra ta' distinzjoni;

(c) korsijiet ta' studju u eżamijiet;

(d) il-kondizzjonijiet għall-ghoti ta' *scholarships*, premijijiet u xort'oħra ta' thegġiġ jew ghajjnuna lil studenti;

(e) l-użu ta' libreriji, laboratorji, ħwienet tax-xoġhol u stabbilimenti oħra ta' l-università; u

(f) ilbies akkademiku.

(7) F'dan l-artikolu u fl-artikoli li ġejjin ta' dan l-Att l-espressjonijiet "statut", "regola" u "*bye-law*" u l-espressjoni "statut jew regola magħmula taħt dan l-Att" u espressjonijiet simili, jinkludu kull statut, regolament jew *bye-law* ta' l-Università l-Qadima miżmuma fis-seħħ bl-artikolu 45 ta' dan l-Att, u kull regolament bħal dak għandu minkejja li hu msemmi hekk, jitqies bħala regola għall-finijiet ta' dan l-Att.

L-awtoritajiet u l-uffiċjali prinċipali ta' l-universitajiet.

32. (1) L-awtoritajiet ta' l-Università l-Gdida u ta' l-Università l-Qadima għandhom f'kull każ ikunu:

(a) il-Kunsill, li jkun l-oġġla korp tat-tmexxija ta' l-università;

(b) is-Senat; u

(c) il-Bordijiet tad-diversi fakultajiet.

(2) Kull waħda mill-universitajiet ikollha Kanċillier. Il-President ikun Kanċillier *ex-officio*; u persuna maħtura jew li tiegħu l-funzjonijiet tal-kariga tal-President

għandha wkoll, fil-waqt li tkun hekk qed taġixxi, taqdi l-funzjonijiet ta' Kanċillier.

(3) Kull wahda mill-universitajiet għandu jkollha wkoll Rettur li, bla hsara għall-istatuti u r-regoli ta' l-università u tad-deċizzjonijiet u l-awtorità li tiġi fuqu tal-Kunsill u tas-Senat, ikun l-awtorità prinċipali akkademika u amministrattiva ta' l-università. Dak l-uffiċjal ikun mahtur mill-Kanċillier li jaġixxi fuq il-parir tal-Prim Ministru mogħti wara konsultazzjoni mal-Kunsill li għandu x'jaqsam. Huwa għandu jzomm il-kariga sakemm iġhaddi l-perijodu li għalih kien mahtur jew, jekk ebda perijodu ma jkun hekk stabbilit, sakemm jilhaq l-età ta' rtir skond l-istatuti u r-regoli xierqa ta' l-università; iżda dan jista' f'kull każ jitnehha mill-kariga mill-Kanċillier li jaġixxi fuq il-parir tal-Kunsill.

(4) Bla hsara għad-disposizzjonijiet tal-paragrafu (1) tas-subartikolu (1) ta' l-artikolu 34 ta' dan l-Att, ir-Rettur ta' l-Università l-Għdida u r-Rettur ta' l-Università l-Qadima jkollhom ir-rappreżentanza ġuridika ta' l-universitajiet rispettivi tagħhom.

Twaqqif
tal-Kunsilli
ta' l-univer-
sitajiet.

33. (1) Il-Kunsill ta' kull wahda mill-universitajiet ikun imwaqqaf u regolat kif provdut hawnhekk iżjed 'il quddiem.

(2) Il-Kunsill ta' l-Università l-Għdida jkun magħmul mill-membri li ġejjin:

(a) president mahtur mill-Kanċillier, li jaġixxi fuq il-parir tal-Prim Ministru, għal perijodu ta' mhux iżjed minn tliet snin;

(b) ir-Rettur;

(ċ) żewġ membri mahtura mill-Prim Ministru għal perijodu ta' sena;

(d) erba' membri mahtura għal perijodu ta' sena mill-erba' prinċipali li jhaddmu l-akbar għadd ta' had-diema-studenti fil-hin tal-hatra, kull prinċipal minnhom jahtar membru wiehed;

(e) membru mahtur għal perijodu ta' sena mit-trade union li tirrappreżenta l-akbar għadd ta' persuni mpjegati mill-prinċipali msemmija fil-paragrafu (d) ta' dan is-subartikolu;

(f) membru mahtur mill-kumitati tax-xogħol ta' l-imsemmija prinċipali;

(g) żewġ membri ta' l-istaff akkademiku ta' l-università mahtura għal perijodu ta' sena mis-Senat ta' l-università;

(h) membru elett minn u minn fost il-korp ta' l-istudenti ta' l-università għal perijodu ta' sena;

Iżda kull meta jkunu se jiġu diskussi u deċiżi mill-Kunsill hwejjeġ li, fil-fehma tal-President tal-Kunsill ikunu jolqtu fakultà partikolari u tkun il-fehma ta' l-istess President li dan il-proviso għandu jiġi applikat, il-membri msemmija fil-paragrafi (g) u (h) ta' dan is-subartikolu għandhom jiġu sostitwiti rispettivament minn tnejn mill-membri

ta' l-istaff akkademiku tal-Bord tal-fakultà milquta kif intqal u li jiġu mahtura minn dak il-Bord u mir-rappreżentant tal-korp ta' l-istudenti fuq dak il-Bord.

(3) Il-Kunsill ta' l-Università l-Qadima jkun magħmul mill-membri li ġejjin:

(a) president mahtur mill-Kanċillier, li jaġixxi fuq il-parir tal-Prim Ministru, għal perijodu ta' mhux iżjed minn tliet snin;

(b) erba' membri mahtura mill-Prim Ministru għal perijodu ta' sena;

(c) membru mahtur għal perijodu ta' sena minn u minn fost il-Kunsill ta' l-Università l-Gdida; u

(d) hames membri li jirrapreżentaw lill-università kif ġej:

(i) ir-Rettur;

(ii) żewġ membri ta' l-istaff akkademiku ta' l-università mahtura għal perijodu ta' sena mis-Senat ta' l-università;

(iii) membru elett minn u minn fost il-korp ta' l-istudenti ta' l-università għal perijodu ta' sena; u

(iv) membru elett għal perijodu ta' sena mill-istaff mhux akkademiku minn fosthom:

Izda, kull meta jkunu se jiġu diskussi u deċiżi mill-Kunsill hwejjeġ li, fil-fehma tal-President tal-Kunsill jolqtu fakultà partikolari u tkun il-fehma ta' l-istess President li dan il-proviso għandu jiġi applikat, il-membri msemmija fil-paragrafi (ii) u (iii) tal-paragrafu (d) ta' dan is-subartikolu għandhom jiġu sostitwiti rispettivament minn tnejn mill-membri akkademici tal-Bord tal-fakultà milquta kif intqal li jiġu mahtura minn dak il-Bord u mir-rappreżentant tal-korp ta' l-istudenti fuq dak il-Bord.

(4) L-elezzjoni ta' membri tal-Kunsill mill-korp ta' l-istudenti u mill-istaff mhux akkademiku ta' kull waħda mill-universitajiet għandha ssir b'votazzjoni sigrieta li tinżamm u titmexxa għal hekk mir-Rettur u li fiha l-istudenti reġistrati kollha jew, skond il-każ, il-membri kollha ta' l-istaff mhux akkademiku, ikollhom jedd li jivvotaw.

(5) Ir-Rettur ikun *ex-officio* viċi-president tal-Kunsill ta' l-università li tagħha jkun Rettur.

(6) Fil-laqgħat ta' kull wiehed mill-Kunsilli, il-President tal-Kunsill jew il-membri l-iehor li jmexxi l-laqgħa jkollu, f'każ ta' voti ndaqs, vot ieħor jew vot deċiżiv.

(7) Ebda wiehed mill-Kunsilli ma jkun skwalifikat mit-tmexxija tax-xogħol tiegħu minhabba li jkollu xi nuqqas fin-numru tal-membri tiegħu.

(8) In-numru ta' membri meħtieġ biex ikun hemm *quorum* ikun sitta.

(9) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, u ta' kull statut jew regola magħmula bis-saħħa tiegħu, kull wiehed mill-Kunsilli jirregola l-proċedura tiegħu stess.

Funzjonijiet u setghat tal-Kunsill.

34. (1) Il-Kunsill ta' kull wahda mill-universitajiet, barra milli huwa l-oghla organu ta' tmexxija ta' l-università tiegħu, ikun ukoll l-amministratur tal-proprjetà li tiġi assenjata lil dik l-università mill-Ministru taht l-artikolu 29 ta' dan l-Att, jew li xort'ohra tkun proprjetà tagħha jew miżmuma minnha jew li tkun taht il-kustodja tagħha; u dik l-awtorità jkollha s-setgha dwar l-università tagħha:

(a) li żżomm, tikkontrolla u tamministra dik il-proprjetà, reali u personali, kif ukoll il-fondi ta' l-università;

(b) li tagħmel statuti, regoli u *bye-laws* skond jddisposizzjonijiet ta' l-artikolu 31 ta' dan l-Att u li tis-sottometti dawk l-istatuti, regoli u *bye-laws* għall-kunsens tal-Kanċillier;

(ċ) wara li tikkunsidra r-rakkomandazzjonijiet tas-Senat, u bl-approvazzjoni tal-Kumitat Permanenti tal-Kummissjoni, li tistabilixxi, tissospendi jew tabolixxi professorati, *readerships*, *lectureships* u postijiet u karigi oħra fl-università;

(d) li tistabilixxi, bl-approvazzjoni tal-Kumitat Permanenti tal-Kummissjoni, il-pagi ta' l-istaff akkademiku u mhux akkademiku ta' l-università;

(e) bla ħsara għad-disposizzjonijiet ta' dan l-Att u bil-mod hemmhekk provdut, li tahtar l-istaff akkademiku u mhux akkademiku ta' l-università;

(f) wara li tikkunsidra r-rakkomandazzjonijiet tas-Senat, li tahtar eżaminaturi u li tistabilixxi l-*fees* li jistgħu jithallsu lil dawk l-eżaminaturi;

(g) li tistabilixxi t-taqsimiet ta' kull fakultà jew skola, u l-kap, jekk ikun hemm, ta' kull taqsima bħal dawk;

(h) li taċċetta thollijiet b'wirt, donazzjonijiet u ghotjiet li jsiru lill-università;

(i) li tagħti *scholarships*, premjijiet u xort'ohra ta' thegħiġ jew ghajnuna ta' l-istudenti;

(j) li tipprovdi l-bini, postijiet, l-ghamara, l-apparat u l-materjal l-iehor mehtieg għall-qadi tal-funzjonijiet ta' l-università;

(k) li tkun parti u, bil-kunsens komuni tal-partijiet f'kuntratt jew xort'ohra skond il-liġi, li tibdel u thassar kuntratti magħmula f'isem l-università;

(l) li tagħti lil wiehed jew aktar mill-membri tagħha r-rappreżentanza ġuridika ta' l-università, kemm-il darba avviż ta' dak l-ghoti jiġi pubblikat minghajr dewmien fil-Gazzetta;

(m) li teżercita s-setghat l-oħra kollha ta' l-università li dwarhom m'huwiex xort'ohra provdut b'dan l-Att jew b'xi statut jew regola ta' l-università li jkunu saru tahtu.

(2) Dak kollu li jidhol f'kull wahda mill-universitajiet bhala *fees*, ghotjiet, donazzjonijiet jew investimenti, jew minn x'imkien ieħor, għandu jifforma parti mill-proprjetà ta' l-università li fiha jidhlu, flimkien ma' kull bini jew somom kapitali oħra li jistgħu jinghatawlha.

(3) Sabiex jistabbilixxi l-ammont li ghandu jiġi rakkomandat li jithallas lill-universitajiet bhala hlas, u għal kull wiehed mill-ghanijiet ta' dan l-Att, il-Gvern jista' jagħmel arrangamenti għal żjarat ta' l-universitajiet.

(4) Il-Kunsill ta' kull waħda mill-universitajiet għandu jippubblika rapport annwali, flimkien ma' dikjarazzjoni finanzjarja verifikata, u għandu jiehu hsieb li kopja tagħhom tintbagħat lill-Ministru li għandu kemm jista' jkun malajr wara li jirċeviha jquegħed kopja tar-rapport fuq il-Mejda tal-Kamra tad-Deputati.

Estimi ta' nfiq u allokaz-zjonijiet finanzjarji.

35. (1) Il-Kunsill ta' kull waħda mill-universitajiet għandu, mhux iktar tard mill-aħħar ta' Lulju ta' kull sena, jiehu hsieb li jitlestew u jiġu approvati estimi tal-htigiet finanzjarji tagħha għas-sena finanzjarja ta' wara li tibda fl-1 ta' April, u proposti għall-allokaz-zjoni tal-mezzi tagħha; u għandu jissottometti dawk l-estimi u proposti lill-Kummissjoni.

(2) Il-Kummissjoni għandha, mhux iktar tard mill-aħħar ta' Ottubru ta' l-istess sena, tagħmel rapport lill-Ministru li jkun fih dawk ir-rakkomandazzjonijiet dwar l-estimi u l-proposti li jkunu ġew sottomessi lilha.

(3) L-estimi u l-proposti ta' kull waħda mill-universitajiet għandhom jitqegħdu għall-konsiderazzjoni u d-deċiżjoni ta' Kumitat tal-Kamra kollha mill-Ministru responsabbli għall-finanzi li għandu, flimkien ma' dawk il-kummenti jew rakkomandazzjonijiet li jidhirlu xierqa li jagħmel, iġid lill-Kumitat x'somma l-Gvern bi hsiebu jdaħħal fl-estimi annwali li jkun imisshom jitqegħdu quddiem il-Kamra bhala vot ta' nfiq dwar kull waħda mill-universitajiet. Is-sottomissjoni lill-Kumitat issir b'dik il-mozzjoni li l-imsejtni Ministru jidhirlu xierqa li jressaq.

(4) Il-Kumitat għandu jzomm tliet seduti biex jiddiskuti l-mozzjoni mressqa taht dan l-artikolu, u għandu jirregola l-proċeduri tiegħu hekk li rappreżentanti tal-Kunsilli ta' l-universitajiet u tal-Kummissjoni jkunu jistgħu jagħmlu s-sottomissjonijiet tagħhom u jkunu jistgħu jagħtu t-twegibiet u l-ispjegazzjonijiet tagħhom.

(5) Kull somma ivvotata mill-Kamra għall-infiq minn kull waħda mill-universitajiet għandha tintefaq skond l-estimi u l-proposti approvati mill-Kumitat tal-Kamra skond dan l-artikolu.

Is-Senati u l-Bordijiet tal-Fakultà.

36. (1) Is-Senat ta' kull waħda mill-universitajiet ikun magħmul mill-membri li ġejjin:

(a) ir-Rettur, li jkun *chairman ex-officio* tas-Senat;

(b) rappreżentant minn kull waħda mill-fakultajiet ta' l-università, li jkun kap ta' dipartiment jew taq-sima ta' dik il-fakultà, elett minn u minn fost l-*istaff* akkademiku tal-fakultà;

(c) segretarju tal-Kummissjoni;

(d) rappreżentant tal-korp ta' l-istudenti ta' l-università eletti minn u minn fost dak il-korp:

Iżda kull meta jkunu se jiġu diskussi u deċiżi mis-Senat hwejjeġ li, fil-fehma tač-*Chairman* ikunu jolqtu fakultà partikolari u tkun il-fehma ta' l-istess *Chairman* li dan il-proviso għandu jiġi applikat, il-membri msemmi f'dan is-sub-paragrafu għandu jiġi sostitwit mir-rappreżentant tal-korp ta' l-istudenti tal-Bord tal-fakultà milquta kif intqal.

(2) Il-Bord ta' kull fakultà jkun magħmul mill-membri li ġejjin:

(a) ir-rappreżentant tal-fakultà tas-Senat, li jkun *chairman ex-officio* tal-Bord;

(b) tliet rappreżentanti ta' l-istaff akkademiku tal-fakultà li għall-anqas tnejn minnhom ikunu kapijiet ta' dipartiment jew taqsima ta' dik il-fakultà, eletti minn u minn fost dak l-istaff;

(c) rappreżentant tal-korp ta' l-istudenti tal-fakultà eletta minn u minn fost dak il-korp.

(3) Il-membri msemmija fil-paragrafu (d) tas-subartikolu (1) u fil-paragrafu (c) tas-subartikolu (2) ta' dan l-artikolu jkunu eletti kif provdut fis-subartikolu (4) ta' l-artikolu 33 ta' dan l-Att; u d-disposizzjonijiet ta' dak is-subartikolu għandhom japplikaw ukoll, bil-modifiki u addattamenti meħtieġa, għall-elezzjoni tal-membri msemmija fil-paragrafu (b) tas-subartikoli (1) u (2) ta' dan l-artikolu. Dawn il-membri kollha jkunu eletti għal perijodu ta' sena.

(4) Bla ħsara għad-disposizzjonijiet ta' dan l-Att u ta' kull statut jew regola magħmula bis-saħħa tiegħu u bla ħsara wkoll għall-awtorità tal-Kunsill li hija fuqu fil-hwejjeġ kollha li jolqtu l-università, is-Senat ikollu t-tmexxija tal-hwejjeġ akkademiċi ta' l-università, u l-Bord ta' kull fakultà jkun il-korp konsultattiv tas-Senat u tal-Kunsill fuq hwejjeġ akkademiċi li jolqtu dik il-fakultà:

Iżda ebda ħaġa f'dan l-Att m'għandha tiftiehem li ma thallix lill-Kunsill milli jagħti bidu għal jew jiddeċiedi hwejjeġ li jidhirlu xierqa li għandu jittratta.

(5) Is-Senat u Bord ta' Fakultà ma jkunux skwalifikati milli jmexxu x-xogħol tagħhom minħabba xi nuqqas fin-numru tal-membri tagħhom.

(6) In-numru ta' membri meħtieġa biex jiġi format *quorum*, sew jekk fil-każ tas-Senat kemm ta' Bord ta' Fakultà, ikun il-maġġoranza tan-numru tal-membri li għal dak iż-żmien ikunu maħtura bħala membri.

(7) Bla ħsara għad-disposizzjonijiet ta' dan l-Att u ta' kull statut jew regola li ssir bis-saħħa tiegħu; is-Senat u Bord ta' Fakultà jistgħu jirregolaw l-proċedura tagħhom stess.

Hatra ta' l-istaff akkademiku u mhux akkademiku ta' l-universitajiet.

37. (1) Bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-hatra ta' professuri, *lecturers* u membri oħra ta' l-istaff akkademiku ta' kull waħda mill-universitajiet għandha ssir fuq ir-rakkomandazzjoni ta' bord ta' għażla

li jkun magħmul minn hames membri, jiġifieri, *chairman* maħtur mill-Ministru minn lista ta' persuni miftelma bejn il-Ministru u r-Rettur, żewġ membri ta' l-*istaff* akkademiku ta' l-università li għaliha tkun maħsuba l-hatra magħzula mill-Kunsill ta' dik l-università u żewġ membri oħra maħtura mill-Ministru.

(2) Il-hatra ta' membri ta' l-*istaff* mhux akkademiku għandha, kemm-il darba ma ssirx skond eżamijiet li jsiru skond regoli magħmula taħt l-artikolu 31 ta' dan l-Att, issir fuq ir-rakkomandazzjoni ta' bord ta' għażla li jkun magħmul minn hames membri jiġifieri r-Rettur, bħala *chairman*, membru ta' l-*istaff* akkademiku ta' l-università li għaliha tkun maħsuba l-hatra u tliet membri oħra maħtura mill-Ministru, li wiehed minnhom ikun maħtur minn fost l-*istaff* mhux akkademiku ta' dik l-università.

Dhul
fl-universitajiet.

38. (1) Id-dhul fl-universitajiet ikun biss kif provdut f'dan l-Att u, bla hsara għal dawk id-disposizzjonijiet, skond l-istatuti u r-regoli applikabbli għall-università li fiha jkun se jsir id-dhul.

(2) Hlief kif provdut b'dan l-Att, id-dhul għandu jsir fuq il-bażi tas-sistema haddiem-student, jiġifieri fuq is-sistema fejn haddiem li jkollu l-kwalifiki meħtieġa biex jibda xi wiehed mill-korsijiet skond l-istatuti u r-regoli ta' l-università li tipprovdi l-kors jiġi magħzula, bil-mod provdut b'dan l-Att, biex jidhol u jalterna perijodu ta' xogħol fil-post tax-xogħol tiegħu ma' perijodu ta' studji fl-università.

(3) Il-Ministru jista', wara li jikkonsulta lill-Kunsilli ta' l-universitajiet, jistabbilixxi minn żmien għal żmien liema fakultajiet jew korsijiet għandhom jithallew għal haddiema-studenti biss u f'liema fakultajiet jew korsijiet jithalla d-dhul ta' studenti oħra; u dwar dan ta' l-aħhar, il-Ministru jista' wkoll, wara konsultazzjonijiet kif intqal qabel, jistabbilixxi n-numru jew proporzjon ta' postijiet li għandhom jithallew għal dawk li ma jkunux haddiema-studenti:

Izda dwar studenti li jkunu diġà bdew jattendu kors fl-Università l-Qadima jew fil-Kulleġġ ta' Malta ta' l-Arti, Xjenza u Teknoloġija fil-31 ta' Marzu, 1978, jistgħu jsiru arrangamenti speċjali oħra, jew fl-Università l-Qadima jew fil-Ġdida, bi ftehim mal-Ministru:

Izda wkoll meta studenti, barra haddiema-studenti u barra minn dawk imsemmija fil-proviso li jiġi minnufih qabel dan, jidhlu f'università huma għandhom, kemm-il darba l-Ministru ma jordnax xort'oħra, jattendu l-università bil-hlas ta' dawk il-*fees* li l-Ministru bi ftehim mal-Ministru responsabbli għall-finanzi u wara konsultazzjoni mal-Kunsill ta' l-università, jista' jistabbilixxi minn żmien għal żmien.

(4) Persuna tista' tidhol bħala student biss jekk:

(a) ikollha l-kwalifiki meħtieġa skond l-istatuti u r-regoli applikabbli; u

(b) tkun giet magħzula għad-dhul mill-Bord ta' l-Għażla ta' l-Istudjanti.

Bord ta' l-Ghażla ta' l-Istudenti.

39. (1) Għandu jkun hemm Bord ta' l-Ghażla ta' l-Istudenti (hawnhekk iżjed 'il quddiem imsejjaħ il-Bord ta' l-Ghażla) li l-funzjoni tiegħu tkun li jagħżel persuni biex jidhlu fl-universitajiet bħala studenti u biex jaqdi dawk id-dmirijiet l-oħra li huma anċillari jew inċidentali għal hekk jew li jkunu mogħtija lil mill-Ministru.

(2) Il-Bord ta' l-Ghażla jkun magħmul minn *Chairman* maħtur mill-Prim Ministru u minn għaxar membri maħtura mill-Prim Ministru, wara konsultazzjoni ma' dawk il-korpi jew organizzazzjonijiet li jidhirlu xierqa, minn fost persuni li, fil-fehma tiegħu, jistgħu b'mod xieraq jir-rappreżentaw ġenituri, *unions*, prinċipali, l-universitajiet u l-awtoritajiet edukattivi.

(3) Il-prinċipal ta' kandidat biex jiġi magħżul bħala haddiem-student u rappreżentant tal-kumitat tal-haddiema li għandu x'jaqsam miegħu jew ta' l-*union* imsem-mija fl-artikolu 40 ta' dan l-Att ikollhom jedd li joqogħdu fuq il-Bord ta' l-Ghażla fil-waqt li jkunu qed jiġu diskussi dawk il-kandidati, hlief meta l-Bord ta' l-Ghażla jkun qed iqis talba magħmula lilu skond is-subartikolu (2) ta' l-artikolu 40 ta' dan l-Att, iżda dawn ma jkollhom f'ebda każ jedd li jivvotaw.

(4) Bla hsara għad-disposizzjonijiet ta' dan l-Att u ta' kull regoli li l-Ministru jista' minn żmien għal żmien jagħmel għal hekk, il-Bord ta' l-Ghażla jista' jagħmel ir-regoli tiegħu stess jew xort'oħra jirregola l-proċedura tiegħu stess u jista' jitlob dawk il-pariri li jidhirlu xierqa.

Proċedura għall-ghażla ta' haddiema-studenti.

40. (1) Il-haddiema-studenti jiġu nominati mill-prinċipali tagħhom, iżda n-nominazzjonijiet għall-ghażla għandhom isiru bi ftehim bejn il-prinċipal u l-kumitat tal-haddiema elett mill-impjegati ta' dak il-prinċipal, jekk ikun hemm, jew jekk ma jkunx hemm kumitat tal-haddiema bħal dak, bi ftehim mat-*trade union* li jkollha l-aktar għadd ta' membri fost l-impjegati ta' dak il-prinċipal u li tkun tirrappreżenta għall-anqas tletin fil-mija ta' dawk l-impjegati; u jekk ma jkun hemm ebda kumitat jew *union* bħal dawk, in-nominazzjonijiet għandhom isiru mill-prinċipal waħdu.

(2) Il-prinċipal għandu jiehu hsieb li lista ta' l-impjegati nominati kif intqal qabel titwawhhal f'post fejn jidher sewwa u fejn fih jistgħu jidhlu l-impjegati tiegħu u din għandha tinzamm hekk imwawhla għal perijodu ta' mhux inqas minn hamest ijiem tax-xogħol. Il-lista għandha turi wkoll id-data ta' l-ewwel pubblikazzjoni tagħha.

(3) Kull impjegat ta' prinċipal li jkun għamel nominazzjonijiet kif intqal qabel u li ismu ma jkunx ġie mnizzel biex jintgħażel jista', mhux iktar tard minn għaxart ijiem tax-xogħol wara l-pubblikazzjoni ta' l-imsemmija lista, jitlob lill-Bord ta' l-Ghażla biex hu jiġi kunsidrat għall-ghażla u għandu jingħata l-opportunità li jagħmel dawk is-sottomissjonijiet lill-Bord kif jidhirlu xieraq. Meta jir-ċievi xi talba bħal dik il-Bord ta' l-Ghażla għandu wkoll jagħti opportunità lill-prinċipal u lill-kumitat tal-haddiema jew lill-*union* li jkunu issottomettew in-nomina ta' l-impjegati l-oħra li jagħmlu s-sottomissjonijiet tagħhom.

(4) In-numru ta' nominazzjonijiet ghandu, kemm jista' jkun, ikun id-doppju tan-numru ta' haddiema-studenti li l-prinċipal ikun lest li jimpjega.

(5) Meta prinċipal ikun jixtieq jimpjega bhala haddiema-studenti numru akbar mill-impjegati li jkollu fl-istabiliment tiegħu li jkunu kwalifikati u li jkunu jixtiequ jsiru haddiema-studenti, ghandha ssir sejha għal applikazzjonijiet minn, jew skond kif jiġi deċiż mill-Bord ta' l-Għażla.

(6) Id-dhul ta' studenti oħra jsir wara li jinħarġu applikazzjonijiet magħmula hekk kif jiġi deċiż mill-Bord ta' l-Għażla jew kif ikun provdut fl-istatuti u fir-regoli applikabbli ta' l-università fejn ikun se jsir id-dhul.

(7) Il-Bord ta' l-Għażla ghandu jikkonsidra u jid-deċiedi n-nominazzjonijiet kollha, it-talbiet għall-konsiderazzjonijiet kollha u l-applikazzjonijiet kollha li jsiru kif intqal qabel, u sabiex jasal għall-għażla kull membru tal-Bord għandu jimxi biss fuq il-kwalifiki, meriti u inklinazzjonijiet ta' kull kandidat.

Relazzjonijiet bejn haddiem-student u prinċipal.

41. (1) Kull prinċipal li jaċċetta li jiehu numru ta' haddiema-studenti jkun marbut li jhalli fl-impieg, jew li jimpjega, lill-persuna jew persuni magħzula għal dak il-prinċipal, u, suġġett biss għan-numru ta' postijiet li jkun hemm, għandu jagħtiha dak l-impieg u jhallasha dak is-salarju jew paga skond il-progress li jkun sar u l-kwalifiki li jkunu nkisbu minn dak l-istudent:

Iżda prinċipal jista' jehtieg li haddiem-student jin-trabat li jkompli fl-impieg miegħu għal dak il-perijodu u taht dawk il-penalitajiet li jiġu approvati mill-Ministru.

(2) It-tilwimiet kollha li jinjalghu bejn prinċipal u haddiem-student dwar l-impieg tiegħu għandhom, minkejja kull liġi oħra, jaqgħu biss taht il-ġurisdizzjoni ta' l-Att ta' l-1976 dwar ir-Relazzjonijiet Industrijali, bl-istess mod u proċedura u sa l-istess limitu kif provdut bl-imsemmi Att għal każijiet ta' tkeċċija ngusta allegata.

Ilsna uffiċjali.

42. L-ilsien Malti u l-ilsien Inġliż ikunu l-ilsna uffiċjali ta' l-universitajiet.

Supplementali

Disposizzjoni ġenerali dwar membri ta' korpjiet imsemmija f'dan l-Att.

43. (1) Id-disposizzjonijiet li ġejjin ta' dan l-artikolu għandu jkollhom effett dwar membri ta' kull kunsill, senat, bord, kummissjoni, kumitat jew korp iehor imwaqqaf jew imwaqqaf mill-ġdid b'dan l-Att jew tahtu, kif minn żmien għal żmien ikunu fis-sehħ.

(2) Meta persuna tkun mahtura f'kariga li d-detentur tagħha jkun, minhabba dik il-kariga *chairman* jew membru *ex-officio* ta' xi wiehed mill-imsemmija korpjiet, il-persuna li taġixxi f'dik il-kariga għandha, sakemm tkun hekk qed taġixxi u sakemm xort'oħra tkun kwalifikata, ukoll taġixxi bhala *chairman* jew membru *ex-officio* ta' dak il-korp.

(3) Meta persuna tkun mahtura jew eletta bhala membru ta' xi wiehed mill-imsemmija korpjiet minhabba li tkun membru tal-Kamra tad-Deputati, jew minhabba li tkun student registrat ta' università, jew tkun membru ta' l-istaff akkademiku jew mhux akkademiku ta' università, jew minhabba xi kwalifika simili jew analoga, dik il-persuna ma tibqax membru ta' dak il-korp jekk ma tibqax ikollha l-kwalifiki li għar-raġuni jew minhabba fiha tkun giet hekk mahtura jew eletta.

(4) Kull membru ta' l-imsemmija korpjiet, barra minn membri *ex-officio*, jista' jirriżenja b'avviż bil-miktub lill-awtorità li tkun hatritu jew liċ-*chairman* tal-korp li jkun.

(5) Kull membru li jirtira minn xi wiehed mill-imsemmija korpjiet jista' jiġi mahtur mill-ġdid jekk xort' ohra jkun kwalifikat.

Twaqqif
tal-
korpjiet
imsemmija
f'dan l-Att.

44. Il-korpjiet kollha mwaqqfa jew imwaqqfa mill-ġdid b'dan l-Att jew tahtu għandhom ikunu kostitwiti kif provdut bid-disposizzjonijiet ta' dan l-Att kif ikunu fis-sehħ minn żmien għal żmien; iżda kull hatra jew elezzjoni bhala membru ta' xi korp bhal dawk ma tkunx milquta minhabba biss emenda jew sostituzzjoni ta' disposizzjoni ta' dan l-Att, u kull hatra jew elezzjoni bhal dawk għandha, sakemm ma jkunx jidher hsieb kuntrarju u skond id-disposizzjonijiet rilevanti ta' dan l-Att kif ikunu fis-sehħ dak iż-żmien, tibqa' ssehh għall-bqija taż-żmien li jkun fadlilha."

7. L-artikolu 39 ta' l-Att prinċipali għandu jiġi numerat mill-ġdid bhala artikolu 45.

Emenda ta'
l-artikolu 39
ta' l-Att
prinċipali.

8. (1) Minkejja kull haġa li tinsab fid-disposizzjonijiet ta' l-artikoli mid-29 sa l-44 (it-tnejn inklużi) ta' l-Att prinċipali kif sostitwiti bl-artikolu 6 ta' dan l-Att —

Disposizzjonijiet
tranżitorji.

(a) il-hatriet u l-elezzjonijiet kollha tal-Kunsill, tas-Senat u tal-Bordijiet tal-Fakultà ta' l-Universitá l-Qadima kif imwaqqfa mill-ġdid bl-Att prinċipali, għandhom isiru kemm jista' jkun malajr wara d-data tal-bidu fis-sehħ tad-disposizzjonijiet rilevanti ta' l-Att prinċipali, u f'ebda każ iktar tard minn tliet xhur wara dik id-data; iżda sakemm l-imsemmija Kunsill, Senat u Bordijiet jergghu jiġu hekk imwaqqfa jew sakemm jghaddi l-imsemmi żmien ta' tliet xhur, skond liema tkun l-ewwel data, il-Kunsill, is-Senat u l-Bordijiet tal-Fakultà ta' l-Universitá l-Qadima kif imwaqqfa taht l-Att prinċipali qabel il-bidu fis-sehħ ta' l-imsemmija disposizzjonijiet, ikunu l-Kunsill, is-Senat u l-Bordijiet tal-Fakultà ta' dik l-universitá għall-finijiet ta' dan l-Att;

(b) l-istatuti u r-regoli ta' l-Universitá l-Gdida, kif ukoll is-Senat u l-Bordijiet tal-Fakultà ta' dik l-universitá, għandhom jiġu magħmula, imwaqqfin jew kostitwiti kemm jista' jkun malajr wara li jibdew isehhu d-disposizzjonijiet rilevanti ta' l-Att prinċipali, iżda sakemm isir dan, u sal-limitu li dan ma jkunx sar —

(i) ir-riferenzi kollha fl-imsemmija disposizzjonijiet ta' l-Att prinċipali għal statuti u regoli għandhom, safejn japplikaw għall-Università l-Għdida, jiftehmu bħala riferenzi għal deċiżjonijiet tal-Kunsill ta' dik l-università; u

(ii) ir-riferenzi kollha fl-imsemmija disposizzjonijiet għas-Senat u għall-Bordijiet tal-Fakultà u għall-funzjonijiet tagħhom, safejn japplikaw għall-Università l-Għdida, jitqiesu bħala ma kienux hemm;

(ċ) għal perijodu ta' sitt xhur li jibda mal-bidu fis-sehħ ta' l-artikolu 33 ta' l-Att prinċipali, il-Kunsill ta' l-Università l-Għdida jkun magħmul minn dawk il-membri, li ma jkunux iktar minn tlettax, li l-Prim Ministru jista' jahtar wara li jqis kif għandu jkun il-Kunsill skond dak l-artikolu.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (3) ta' l-artikolu 32 ta' l-Att prinċipali kif sostitwiti bl-artikolu 6 ta' dan l-Att, il-persuna li jkollha l-kariga ta' Rettur Manifiku ta' l-Università minnufih qabel il-bidu fis-sehħ ta' dak l-artikolu għandha titqies li giet mahtura Rettur ta' l-Università l-Qadima taht l-imsemmi sub-artikolu b'sehħ mill-imsemmija data.

Għanijiet u Raġunijiet

L-Għanijiet ta' dan l-Abbozz huma dawk li jidhru fil-*White Paper* ippubblikata fit-12 ta' Ġunju, 1978.

A BILL
entitled

AN ACT further to amend the Education Act, 1974.

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 authority of the same, as follows:—

1. (1) This Act may be cited as the Education (Amendment) Act, 1978, and shall be read and construed as one with the Education Act, 1974, hereinafter referred to as "the principal Act".

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 appoint, and different dates may be so appointed for different provisions and different purposes of this Act.

2. Section 2 of the principal Act shall be amended as follows:

Amendment of section 2 of the principal Act.

(a) for the definition of "Council" there shall be substituted the following:

" "Council" in respect of each of the universities, means the Council established as an authority of that university by section 32 of this Act;";

(b) immediately after the definition of "Minister" there shall be inserted the following new definition:

" "New University" and "Old University" have the meaning respectively assigned to them by section 29 of this Act;";

(c) for the definition of "Rector" there shall be substituted the following:

" "Rector" in respect of each of the universities, means the Rector appointed for that university under section 32 of this Act;";

(d) for the definition of "Senate" there shall be substituted the following:

" "Senate" in respect of each of the universities, means the Senate established as an authority of that university by section 32 of this Act;" and

(e) the definition of "the University" shall be deleted.

Amendment of section 4 of the principal Act.

3. Subsection (6) of section 4 of the principal Act shall be amended as follows:

(a) for the words "subsection (4)" there shall be substituted the words "subsection (5)"; and

(b) the words "other than the University" shall be deleted.

Amendment of section 5 of the principal Act.

4. Section 5 of the principal Act shall be amended as follows:

(a) for paragraphs (c) and (e) of subsection (1) thereof there shall be substituted the following:

"(c) the Rector of the New University;

(e) the Rector of the Old University;" and

(b) in paragraph (b) of subsection (2) thereof, for the words "the Senate of the University" there shall be substituted the words "the Senates of the universities".

Amendment of section 6 of the principal Act.

5. Section 6 of the principal Act shall be amended as follows:

(a) for the words "the University" wherever they occur in subsection (1) thereof, there shall be substituted the words "the universities"; and

(b) for subsection (4) thereof there shall be substituted the following subsection:

"(4) The Standing Committee shall meet at least once every two months. In September of each year it shall consider the budgetary requirements and allocations submitted to the Commission by the universities and shall make their recommendations as required by section 35 of this Act."

Repeal of sections 29 to 38 of the principal Act and their substitution by new provisions.

6. Without prejudice to anything lawfully done thereunder, sections 29 to 38 (both inclusive) of the principal Act are hereby repealed and substituted by the following new sections:

"The Universities

Institutions for higher education.

29. (1) There shall be two institutions for higher education: one shall be a new institution to be known (and is in this Act referred to) as the New University, and the other is the institution already in existence which shall hereafter be known (and is referred to in this Act) as the Old University.

(2) Each of the universities shall be a separate statutory body having a distinct legal personality and capable, in such capacity and subject to the provisions of the law from time to time applicable to it, of entering into contracts, of acquiring, holding and disposing of property,

of suing and being sued, and of having and using its own seal:

Provided that nothing in this Act shall be construed as preventing the universities from taking joint action, or sharing facilities or otherwise co-operating in any field of activity.

(3) Each of the universities shall be housed in and shall manage and be responsible for the buildings and other property and facilities which the Minister may from time to time assign to them and they shall jointly manage and be responsible for the buildings, property and facilities assigned to them jointly by the Minister.

Functions
and powers
of the
universities.

30. (1) Each of the universities shall, subject to the provisions of this Act, have the function to provide for instruction, research and dissemination of knowledge in such branches of learning as may from time to time be assigned to it in accordance with the following provisions of this section.

(2) Subject to the provisions of subsection (3) of this section and to any additions or other changes that may from time to time be made by the Council with the concurrence of the Minister and after consulting the Standing Committee of the Commission, the branches of learning assigned to each of the universities are:—

(a) accountancy, administration, business management, engineering, medicine, surgery, dentistry, pharmacy, education and related branches of learning are assigned to the New University; and

(b) sciences, the humanities, law and theology are assigned to the Old University:

Provided that, with respect to theology, the Old University shall not provide any instruction or other facility except the conferment of degrees or other academic distinctions where it is satisfied that the courses in respect of which the degree or other distinction is conferred and which have been set and provided by the appropriate ecclesiastical authorities are comparable with those of internationally recognized universities abroad.

(3) Each of the universities may, with the concurrence of the Standing Committee of the Commission, provide for instruction or research in any matter or for a purpose not already provided in either of them if it can do so adequately and entirely out of funds which are not public funds.

(4) In respect of the branches of learning provided for by it, each of the universities shall have power, subject to the provisions of this Act —

(a) to hold examinations or otherwise make assessments for the purpose of ascertaining the

persons who have attained proficiency in the relevant branches of studies;

(b) to grant and confer degrees, diplomas and other academic distinctions;

(c) to institute chairs, readerships, lectureships and other posts and offices and to make appointments thereto:

Provided that all the academic staff of the faculty of medicine and surgery, or of any equivalent branch of learning, and such other members of the academic staff of the New University who require to have access to a Government hospital in order that they may properly perform their duties as teachers, shall be appointed or detailed for duty by the Prime Minister from among persons who have the qualifications prescribed by the Council and who either hold office with the Government or otherwise perform duties in a Government hospital or under a national health service;

(d) to erect, equip and maintain, for the purposes of the university, libraries, laboratories and other buildings;

(e) to institute and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes;

(f) to provide for and regulate the residence, discipline and welfare of the officers, employees, teachers and students of the university;

(g) to demand and receive such fees as may from time to time be prescribed;

(h) to do all such acts and things, whether or not incidental to the powers aforesaid, as may be requisite or expedient in order to further the objects of the university with respect to the branches of learning provided for by it.

(5) Except with the concurrence of the Minister, all courses provided by either of the universities shall be provided in academic periods of not more than six months each.

Statutes,
rules and
bye-laws
of the
universities.

31. (1) In the exercise and for the purposes of the functions and powers aforesaid, each of the universities may, in accordance with the provisions of this Act, make statutes, rules and bye-laws; and each of the universities shall be governed by this Act and by its statutes, rules and bye-laws in so far as these are not inconsistent with any of the provisions of this Act.

(2) Statutes shall be made and, when made may be amended or revoked by means of other statutes, by the Council of the university to which they refer; a statute may also empower the Council to make rules and any

such power shall include the power to amend and revoke such rules:

Provided that —

(a) no provision of a statute or rule shall be made in respect of any academic matter unless the Council has first consulted thereon the Senate and the Standing Committee of the Commission; and

(b) no statute or rule, or any amendment or revocation thereof, shall come into force unless and until it is assented to by the Chancellor acting on the advice of a committee composed of the Minister, the Minister responsible for health, the Minister responsible for development and two other members, being Members of Parliament, designated by the Leader of the Opposition.

(3) Rules made as aforesaid may empower the Council to make, after consultation with the Senate, bye-laws on academic matters, within such limits and subject to such conditions as may be set out in such rules; and any such power shall include the power to amend or revoke such bye-laws; but no bye-law, or any amendment or revocation thereof, shall come into force unless and until it is assented to by the Chancellor acting on the advice of the committee mentioned in paragraph (b) of subsection (2) of this section.

(4) Anything contained in a statute, rule or bye-law which is contrary to or inconsistent with any of the provisions of this Act, or of any statute or rule under which it is made, shall be without effect.

(5) The publication of a statute, rule or bye-law in an official publication of the university to which it refers or in a joint official publication shall constitute prima facie evidence that such statute, rule or bye-law is valid and in force.

(6) For the purpose of this Act, the expression "academic matter" includes:

(a) the qualifications for admission, registration, residence, welfare and discipline of students;

(b) the conditions for the award of degrees, diplomas, certificates and other marks of distinction;

(c) courses of studies and examinations;

(d) the conditions for the award of scholarships, prizes and other forms of encouragement or reward to students;

(e) the use of libraries, laboratories, workshops and other establishments of the university; and

(f) academic dress.

(7) In this section and in the following sections of this Act the expressions "statute", "rule" and "bye-law" and the expression "statute or rule made under this Act"

and similar expressions, include any statute, regulation or bye-law of the Old University kept in force by section 45 of this Act, and any such regulation shall, notwithstanding its designation as such, be treated as a rule for the purposes of this Act.

Authorities
and
principal
officers
of the
universities.

32. (1) The authorities of the New University and the Old University shall, in each case, be:

- (a) a Council, which shall be the supreme authority of government of the university;
- (b) the Senate; and
- (c) the Boards of the various faculties.

(2) Each of the universities shall have a Chancellor. The President shall be *ex-officio* Chancellor; and a person appointed to or assuming the functions of the office of President shall, for such time as he is so acting, also perform the functions of Chancellor.

(3) Each of the universities shall also have a Rector who, subject to the statutes and rules of the university and to the decisions and over-riding authority of the Council and of the Senate, shall be the principal academic and administrative authority of the university. Such officer shall be appointed by the Chancellor acting on the advice of the Prime Minister given after consultation with the appropriate Council. He shall hold office until the expiration of the period for which he was appointed, or if no such period was fixed, until he reaches retiring age in accordance with the relevant statutes and rules of the university; but he may in any case be removed from office by the Chancellor acting on the advice of the Council.

(4) Without prejudice to the provisions of paragraph (1) of subsection (1) of section 34 of this Act, the Rector of the New University and the Rector of the Old University shall have the legal representation of their respective universities.

Constitution
of the
Councils
of the
universities.

33. (1) The Council of each of the universities shall be constituted and regulated as hereinafter provided.

(2) The Council of the New University shall consist of the following members:—

- (a) a president appointed by the Chancellor, acting on the advice of the Prime Minister, for a term not exceeding three years;
- (b) the Rector;
- (c) two members appointed by the Prime Minister for a period of one year;
- (d) four members appointed for a period of one year by the four employers employing the largest number of worker-students at the time of the appointment, each such employer appointing one member;

(e) a member appointed for a period of one year by the trade union representing the largest number of persons employed by the employers referred to in paragraph (d) of this subsection;

(f) a member appointed by the workers' committees of the employers aforesaid;

(g) two members of the academic staff of the university appointed for a period of one year by the Senate of the university;

(h) a member elected by and from the student body of the university for a period of one year:

Provided that whenever matters are to be discussed and decided by the Council which, in the opinion of the President of the Council concern a particular faculty and it is the opinion of the said President that this proviso should apply, the members mentioned in paragraphs (g) and (h) of this subsection shall be replaced, respectively, by two of the academic members of the Board of the faculty concerned appointed by that Board and by the representative of the student body on that Board.

(3) The Council of the Old University shall consist of the following members:

(a) a president appointed by the Chancellor, acting on the advice of the Prime Minister, for a term not exceeding three years;

(b) four members appointed by the Prime Minister for a period of one year;

(c) a member appointed for a period of one year by and from the Council of the New University; and

(d) five members representing the university as follows:

(i) the Rector;

(ii) two members of the academic staff of the university appointed for a period of one year by the Senate of the university;

(iii) a member elected for a term of one year by and from the student body; and

(iv) a member elected for a term of one year by the non-academic staff from among their number:

Provided that, whenever matters are to be discussed and decided by the Council which, in the opinion of the President of the Council concern a particular faculty and it is the opinion of the said President that this proviso should apply, the members mentioned in sub-paragraphs (ii) and (iii) of paragraph (d) of this subsection shall be replaced, respectively, by two of the academic members of the Board of the faculty concerned appointed by that Board and by the representative of the student body on that Board.

(4) The election of the members of the Council by the student body and by the non-academic staff of each of the universities shall take place by secret ballot held and conducted for the purpose by the Rector and at which all the registered students or all the members of the non-academic staff of the university concerned, as the case may require, shall be entitled to vote.

(5) The Rector shall be *ex-officio* vice-president of the Council of the university of which he is the Rector.

(6) At a meeting of either of the Councils, the President of the Council or other member chairing the meeting shall, in case of equality of votes, have a second or casting vote.

(7) Neither Council shall be disqualified from transacting business by reason of any vacancies among the members thereof.

(8) The number of members required to form a quorum shall be six.

(9) Subject to the provisions of this Act, and of any statute or rule made thereunder, each Council may regulate its own procedure.

Functions
and
powers
of the
Council.

34. (1) The Council of each of the universities shall, in addition to being the supreme organ of government of its university, be the administrator of the property which is assigned to that university by the Minister under section 29 of this Act, or which is otherwise owned and held by it or is in its custody; and such authority shall have power with respect to its university:

(a) to hold, control and administer such property, real and personal, as well as the funds of the university;

(b) to make statutes, rules and bye-laws in accordance with the provisions of section 31 of this Act and to submit such statutes, rules and bye-laws for the Chancellor's assent;

(c) after considering the recommendations of the Senate, and with the approval of the Standing Committee of the Commission, to institute, suspend or abolish professorships, readerships, lectureships and other posts and offices in the university;

(d) to determine, with the approval of the Standing Committee of the Commission, the emoluments of the academic and non-academic staff of the university;

(e) subject to the provisions of this Act and in manner therein provided, to appoint the academic and non-academic staff of the university;

(f) after considering the recommendations of the Senate, to appoint examiners and to determine any fees that may be paid to such examiners;

(g) to determine subdivisions in each faculty or school, and the head, if any, of any such subdivision;

(h) to accept bequests, donations and grants made to the university;

(i) to award scholarships, prizes and other forms of encouragement or assistance to students;

(j) to provide the buildings, premises, furniture, apparatus and other material needed for the furtherance of the functions of the university;

(k) to enter into and, by mutual consent of the parties or otherwise according to law, vary or cancel contracts made on behalf of the university;

(l) to vest in any one or more of its members the legal representation of the university, provided a notice of such vesting is published without delay in the Gazette;

(m) to exercise all other powers of the university not otherwise provided for by this Act or by any statute or rule of the university made thereunder.

(2) All revenue accruing to each of the universities from fees, grants, donations or investments, or from any other cause whatsoever, shall form part of the property of the university to which they accrue, together with any buildings or capital sums that may be assigned to it.

(3) For the purposes of determining the amount to be recommended for payment to the universities by way of grant, and for any of the other purposes of this Act, the Government may arrange for visitations of the universities.

(4) The Council of each of the universities shall publish an annual report, accompanied by an audited financial statement, and shall cause a copy thereof to be transmitted to the Minister who shall as soon as practicable thereafter lay a copy of the report on the table of the House of Representatives.

Estimates
of
expenditure
and
budgetary
allocations.

35. (1) The Council of each of the universities shall, not later than the end of July of each year, cause to be prepared and approve estimates of its financial requirements for the following financial year commencing on 1st April, and proposals for the allocation of its resources; and shall submit such estimates and proposals to the Commission.

(2) The Commission shall, not later than the end of October of the same year, make a report to the Minister containing its recommendations on the estimates and proposals submitted to it.

(3) The estimates and proposals of each university shall be submitted for consideration and decision by a Committee of the whole House by the Minister responsible for finance who shall, together with such comments or

recommendations as he may deem appropriate to make, indicate to the Committee the sum the Government proposes to include in its next annual estimates to the House as a vote of expenditure in respect of each of the universities. The submission to the Committee shall be made by such motion as the said Minister may deem appropriate.

(4) The Committee shall devote three sittings to the debate on a motion moved under this section, and shall so regulate its procedure that representatives of the Councils of the universities and of the Commission may make their submissions and may give answers and explanations.

(5) Any sum voted by the House for expenditure by either of the universities shall be expended in accordance with the estimates and proposals approved by the Committee of the House under this section.

The
Senates
and
Faculty
Boards.

36. (1) The Senate of each of the universities shall consist of the following members —

(a) the Rector, who shall be *ex-officio* chairman of the Senate;

(b) a representative from each of the faculties of the university, being a head of a department or division of that faculty, elected by and from the academic staff of the faculty;

(c) the secretary to the Commission;

(d) a representative of the student body of the university elected by and from that body:

Provided that whenever matters are to be discussed and decided by the Senate which, in the opinion of the chairman, concern a particular faculty and it is the opinion of the chairman that this proviso shall apply, the member mentioned in this sub-paragraph shall be replaced by the representative of the student body on the Board of the faculty concerned.

(2) The Board of each faculty shall consist of the following members:

(a) the representative of the faculty on the Senate, who shall be *ex-officio* chairman of the Board;

(b) three representatives of the academic staff of the faculty, of which two at least shall be heads of a department or division of that faculty, elected by and from such staff;

(c) a representative of the student body of the faculty elected by and from that body.

(3) The members referred to in paragraph (d) of subsection (1) and paragraph (c) of subsection (2) of this section shall be elected as provided in subsection (4) of section 33 of this Act; and the provisions of that subsection shall also apply, with the necessary modifications and

adaptations, to the election of the members mentioned in paragraph (b) of subsections (1) and (2) of this section. All such members shall be elected for a period of one year.

(4) Subject to the provisions of this Act and of any statute or rule made thereunder and subject also to the over-riding authority of the Council in all matters affecting the university, the Senate shall have the general direction of the academic matters of the university, and the Board of each faculty shall be the advisory body to the Senate and to the Council on academic matters concerning that faculty:

Provided that nothing in this Act shall be construed as precluding the Council from initiating or determining any matter it may deem appropriate to deal with.

(5) The Senate and a Faculty Board shall not be disqualified from transacting business by reason of any vacancy among its members.

(6) The number of members required to form a quorum, whether in the case of the Senate or of a Faculty Board, shall be a majority of the number of members for the time being appointed as members.

(7) Subject to the provisions of this Act and of any statute or rule made thereunder, the Senate and a Faculty Board may regulate its own procedure.

Appoint-
ment of
academic
and
non-
academic
staff of the
universities.

37. (1) Subject to the other provisions of this Act the appointment of professors, lecturers and other members of the academic staff of either of the universities shall be made on the recommendation of a selection board consisting of five members, namely, a chairman appointed by the Minister from a panel of persons agreed between the Minister and the Rector, two members of the academic staff of the university for which the appointment is intended chosen by the Council of that university and two other members appointed by the Minister.

(2) The appointment of members of the non-academic staff shall, unless made in pursuance of examinations held in accordance with rules made under section 31 of this Act, be made on the recommendation of a selection board consisting of five members namely the Rector, as chairman, a member of the academic staff of the university for which the appointment is intended and three other members appointed by the Minister, of whom one shall be so appointed from among the non-academic staff of that university.

Admission
to the
universities.

38. (1) Admission to the universities may be allowed only as provided in this Act and, subject to those provisions, in accordance with the applicable statutes and rules of the university to which admission is sought.

(2) Except as provided in this Act, admission shall be made on the basis of the worker-student system,

that is to say on the system whereby a worker having the necessary qualifications to join one of the courses in accordance with the statutes and rules of the university providing that course is selected, in manner provided by this Act, for admission and alternates a period of work at his place of work with a period of studies at the university.

(3) The Minister may, after consulting the Councils of the universities, from time to time determine which faculties or courses shall be reserved for worker-students only and in which faculties or courses the admission of other students may be allowed; and in respect of the latter, the Minister may also, after consultations as aforesaid, determine the number or proportion of places that are to be reserved for non-worker-students:

Provided that in respect of students who were already attending a course at the Old University or at the Malta College of Arts, Science and Technology on 31st March, 1978, other special arrangements may be made, either in the Old or in the New University, with the concurrence of the Minister:

Provided further that where students, other than worker-students and other than those referred to in the immediately preceding proviso, are admitted to a university they shall, unless the Minister otherwise directs, attend the university against the payment of such fees as the Minister with the concurrence of the Minister responsible for finance and after consulting the Council of the university, may from time to time determine.

(4) A person may be admitted as a student only if —

(a) he is in possession of the necessary qualifications required by the applicable statutes and rules; and

(b) he has been selected for admission by the Students Selection Board.

Students
Selection
Board.

39. (1) There shall be a Students Selection Board (hereinafter referred to as the Selection Board) whose function shall be to select persons for admission to the universities as students and to perform such other duties as are ancillary or incidental thereto or are assigned to it by the Minister.

(2) The Selection Board shall consist of a Chairman appointed by the Prime Minister and of ten other members appointed by the Prime Minister, after consultation with such bodies or organizations as he may deem appropriate, from among persons who, in his opinion, may adequately represent parents, unions, employers, the universities and the education authorities.

(3) The employer of a candidate for selection as a worker-student and a representative of the relevant workers' committee or union referred to in section 40 of this Act shall be entitled to sit with the Selection Board during their deliberations affecting such candidates, except where the Selection Board is considering a request made to it under subsection (2) of section 40 of this Act; but they shall in no case have the right to vote.

(4) Subject to the provisions of this Act and to any rules which the Minister may from time to time make for that purpose, the Selection Board may make its own rules or otherwise regulate its own procedure and may seek such advice as it may deem appropriate.

Procedure
for selection
of worker-
students.

40. (1) Worker-students shall be nominated by their employers, but the nominations for selection shall be made by agreement between the employer and the workers' committee elected by the employees of that employer, if any, or if there is no such workers' committee, by agreement with the trade union having the largest membership among the employees of that employer and representing at least thirty per cent of such employees; and if there is no such committee or union, the nominations shall be made by the employer alone.

(2) The employer shall cause a list of the employees nominated as aforesaid to be posted up in a prominent place accessible to his employees and to be kept there for a period of not less than five working days. The list shall also show the date of its first publication.

(3) Any employee of an employer who has made nominations as aforesaid whose name has not been submitted for selection may, not later than ten working days after the publication of the list aforesaid, request the Selection Board to consider him for selection and shall be given the opportunity to make such representations to the Board as may be appropriate. Upon any such request the Selection Board shall also give an opportunity to the employer and to the workers' committee or union submitting the nomination of the other employees to make their representations.

(4) The number of nominations shall, as far as practicable, be twice the number of worker-students the employer is prepared to employ.

(5) Where an employer wishes to employ as worker-students a number larger than there are employees within his establishment that are qualified and willing to become worker-students, a call for applications shall be made by, or in a manner determined by, the Selection Board.

(6) The admission of other students shall be made following applications made in a manner determined by the Selection Board or as provided in the applicable

statutes and rules of the university to which admission is sought.

(7) The Selection Board shall consider and decide all nominations, all requests for consideration and all applications made as aforesaid, and in making the selection each member of the Board shall be guided exclusively by the qualifications, merits and aptitudes of each candidate.

Relations
between
worker-
student and
employer.

41. (1) Every employer accepting to assume a number of worker-students shall be bound to keep in employment, or to employ, the person or persons selected for that employer, and, subject only to availability of posts, shall give him such employment and pay him such salary or wage as is commensurate with the progress made and the qualifications obtained by such student:

Provided that an employer may require a worker-student to bind himself to continue in employment with him for such period and under such penalties as may be approved by the Minister.

(2) All questions between an employer and a worker-student concerning his employment shall, notwithstanding any other law, fall exclusively under the jurisdiction of the Industrial Relations Act, 1976, in the same manner and procedure and to the same extent as is provided by the said Act for cases of alleged unfair dismissals.

Official
languages.

42. The Maltese and English languages shall be the official languages of the universities.

Supplemental

General
provision
regarding
membership
of bodies
referred to
in this
Act.

43. (1) The following provisions of this section shall have effect in regard to membership of any council, senate, board, commission, committee or other body established or re-established by or under this Act, as from time to time in force.

(2) Where a person is appointed to an office the holder of which is, by reason of that office, *ex-officio*, the chairman or a member of any of the aforesaid bodies, the person acting in such an office shall, for so long as he is so acting and if he is otherwise qualified, also act as *ex-officio* chairman or member of such body.

(3) Where a person is appointed or elected as a member of any of the bodies aforesaid by reason of his membership of the House of Representatives, or because he is a registered student of a university, or is a member of the academic or non-academic staff of a university, or because of any similar or analogous qualification, such person shall cease to be a member of any of the bodies aforesaid if he ceases to possess the qualification by reason or in view of which he was so appointed or elected.

(4) Any member of any of the bodies aforesaid, other than members *ex-officio*, may resign by notice in writing to the authority by which he was appointed or to the chairman of the body concerned.

(5) Any retiring member of any of the bodies aforesaid shall be eligible for re-appointment if he is otherwise qualified.

Constitution
of bodies
referred to
in this
Act.

44. All bodies established or re-established by or under this Act shall be constituted as provided by the provisions of this Act as they are from time to time in force; but any appointment or election as a member of any such body shall not be effected by reason only of an amendment or substitution of a provision of this Act, and every such appointment or election shall, unless the contrary intention appears and subject to the relevant provisions of this Act as then in force, continue in operation for the remaining period of the then current term."

7. Section 39 of the principal Act shall be re-numbered as section 45.

Amendment
of section 39
of the
principal Act.

8. (1) Notwithstanding anything contained in the provisions of sections 29 to 44 (both inclusive) of the principal Act as substituted by section 6 of this Act —

Transitory
provisions.

(a) all appointments and elections to the Council, the Senate and the Faculty Boards of the Old University as re-established by the principal Act, shall be made as soon as practicable after the date of commencement of the relevant provisions of the principal Act, and in any case not later than three months from such date; but until the said Council, Senate and Boards are so reconstituted or until the expiration of the said period of three months, whichever is the earlier date, the Council, the Senate and the Faculty Boards of the Old University as established under the principal Act before the coming into force of the provisions aforesaid, shall be the Council, the Senate and the Faculty Boards of that university for the purposes of this Act;

(b) the statutes and rules of the New University, as well as the Senate and Faculty Boards of that university, shall be made, established or constituted as soon as practicable after the coming into force of the relevant provisions of the principal Act, but until such time as this is done, and to the extent that it is not done —

(i) all references in the aforesaid provisions of the principal Act to statutes and rules shall, in so far as they apply to the New University, be construed as references to decisions of the Council of that university; and

(ii) all references in the said provisions to the Senate and Faculty Boards and to their functions shall, in so far as they apply to the New University be omitted;

(c) for a period of six months commencing on the coming into force of section 33 of the principal Act, the Council of the New University shall consist of such members, not exceeding thirteen, as the Prime Minister may, after taking into account the composition of the Council as set out in that section, appoint.

(2) Notwithstanding the provisions of subsection (3) of section 32 of the principal Act as substituted by section 6 of this Act, the person who holds the office of Rector Magnificus of the University immediately before the coming into force of that section shall be deemed to have been appointed Rector of the Old University under the subsection aforesaid with effect from the said date.

Objects and Reasons

The Objects of the Bill are those set out in the White Paper published on 12th June, 1978.