



MALTA

ATT Nru. XXI ta' l-1978

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

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

ACT No. XXI of 1978

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Education Act, 1974.



Naghti l-kunsens tieghi.

Anton Gattigraz

President

: 7 ta' Lulju, 1978

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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, hareġ b'liġi dan li ġej:—

Titolu fil-qosor
u bidu fis-sehh.

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

(2) Dan l-Att għandu jibda jseħh 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 jidhul dan li ġej:

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

(b) minnufih wara t-tifsira ta' "Ministru" għandha tidhul 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 jidhul 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 jidhhol dan li ġej:

" "Senat" dwar kull waħda mill-universitajiet, tisser 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;

(f) minflok it-tifsira ta' "preskritt" għandha tidhhol it-tifsira ġdida li ġejja:

" "preskritt" tisser preskritt b'xi regolament, statut, regola jew *bye-law*; "

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

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

(a) minflok il-paragrafi (ċ) u (e) tas-subartikolu (1) tiegħu għandu jidhhol 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 jiġi 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 jidhhol 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 meħtieġ 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 inkluzi) ta' l-Att prinċipali huma b'dan imħassra u minflok jidhlu l-artikoli godda li ġejjin:

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

"L-Universitajiet

Istituzzjonijiet għal edukazzjoni oghla.

29. (1) Għandu jkun hemm żewġ istituzzjonijiet għal edukazzjoni oghla: 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 separat 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 jħarrek u jiġi mħarrek, u li juża s-siġill tiegħu stess:

Iżda ebda haġa f'dan l-Att m'għandha tiftiehem li ma tħallix lill-universitajiet milli jieħdu azzjonijiet flimkien, jew milli jaqsmu faċilitajiet jew xort'oħra 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' taġħlim 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' taġħlim mogħtija lil kull waħda mill-universitajiet huma:—

(a) *accountancy*, amministrazzjoni, *business management*, arkitettura, inġinerija, medicina, kirurgija, dentristrija, farmaċija, edukazzjoni u fergħat ta' taġħlim relattivi huma mogħtija lill-Università l-Għda; 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-għoti 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 imħejjija u provduti mill-awtoritajiet ekklesjastiċi xierqa jistgħu jiġu paragonati ma' dawk 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'humix fondi pubbliċi.

(4) Dwar il-fergħat ta' taġħlim 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 lahq profiċjenza fil-fergħat rilevanti ta' l-istudju;

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

(ċ) li twaqqaf professorati, *readerships*, *lectureships* u postijiet u karigi oħra u li tagħmel ħatriet għalihom:

Iżda l-*istaff* akkademiku kollu tal-fakultà tal-medicina u tal-kirurgija, jew ta' xi fergħa ta' tagħlim ekwivalenti, u dawk il-membri l-oħra ta' l-*istaff* akkademiku ta' l-Università l-Għdida li sabiex jaqdu dmirijietom sewwa bħala għalliema jehtigilhom aċċess għal sptar tal-Gvern, għandhom ikunu maħtura jew imqab-bda għal dmirijietom mill-Prim Ministru minn fost persuni li jkollhom il-kwalifiki preskritti mill-Kunsill u li jew ikollhom kariga mal-Gvern jew xort'ohra 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 tniedi u tagħti *fellowships*, *scholarships*, wirjiet, boroż ta' studju, midalji u premijijiet oħra;

(f) li tipprovdi għal u tirregola r-residenza, id-dixpiplina u l-qagħda ta' l-uffiċjali, impjegati, għalliema u studenti ta' l-univeristà;

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

(h) li tagħmel dak kollu, sew jekk incidentali 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 akkademiċi ta' mhux iktar minn sitt xhur kull wieħed.

Statuti,
regoli u
bye-laws
ta' l-universitajiet.

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 jirreferu; statut jista' wkoll jagħti setgħa lill-Kunsill li jagħmel regoli u kull setgħa bħal dik tinkludi s-setgħa biex dawk ir-regoli jiġu emendati jew revokati:

Izda —

(a) ebda disposizzjoni ta' statut jew regola dwar xi haġa akkademika ma għandha ssir kemm-il darba l-Kunsill ma jkunx 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 akkademici, sal-limitu ta', u sugġett 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; izda ebda *bye-law*, jew xi emenda għaliha jew revoka tagħha, ma għandha tibda ssehh kemm-il darba u sakemm ma jagħtix il-kunsens tiegħu l-Kanċillier li jaġixxi fuq il-parir tal-kumitat imwaqqaf bil-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 wahda 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 ufficjali ta' l-università li għaliha tirreferi jew f'pubblikazzjoni ufficjali li ssir flimkien tkun prova *prima facie* li dak l-istatut, regola jew *bye-law* tkun valida u fis-sehh.

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

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

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

(c) korsijiet ta' studju u eżamijiet;

(d) il-kondizzjonijiet għall-għoti ta' *scholarships*, premijiet u xort'oħra ta' thegġiġ jew għajjnuna lil studenti;

(e) l-użu ta' libreriji, laboratorji, hwienet 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-sehh 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.

(8) Il-kumitat imwaqqaf bil-paragrafu (b) tas-subartikolu (2) ta' dan l-artikolu, jista' jaġixxi minkejja kull nuqqas fin-numru tal-membri tiegħu, iżda n-numru tal-membri meħtieġ biex ikun hemm *quorum* ikun tlieta hliet kif intqal qabel, il-Kumitat jista' jagħmel ir-regoli tiegħu jew xort'ohra jirregola l-proċedura tiegħu.

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-ogħla korp tat-tmexxija ta' l-università;
- (b) is-Senat; u
- (ċ) 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 waħda mill-universitajiet għandu jkollha wkoll Rettur li, bla hsara għall-istatuti u r-regoli ta' l-università u tad-deċiżjonijiet u l-awtorità li tiġi fuq tal-Kunsill u tas-Senat, ikun l-awtorità prinċipali akkademika u amministrattiva ta' l-università. Dak l-uffiċjal ikun maħtur 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 maħtur 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 jitneħħa 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-Gdida u r-Rettur ta' l-Università l-Qadima jkollhom ir-rappreżentanza ġuridika ta' l-universitajiet rispettivi tagħhom.

Twaqqif tal-Kunsilli ta' l-universitajiet.

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

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

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

(b) ir-Rettur;

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

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

(e) membru maħtur 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:

Izda 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-Għdida; 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 tinzamm 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 iehor 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 ħsara għad-disposizzjonijiet ta' dan l-Att, u ta' kull statut jew regola magħmula bis-saħħa tiegħu, kull wiehed mill-Kunsilli jirregola l-proċedura tiegħu stess.

Funzjoni-
jiet u
setgħat
tal-Kunsill.

34. (1) Il-Kunsill ta' kull waħda mill-universitajiet, barra milli huwa l-ogħla 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-setgħa 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 id-disposizzjonijiet ta' l-artikolu 31 ta' dan l-Att u li tis-sottometti dawk l-istatuti, regoli u *bye-laws* għall-kunsens tal-Kanċillier;

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

(d) li tistabbilixxi, 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 tistabbilixxi l-*fees* li jstgħu jithallsu lil dawk l-eżaminaturi;

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

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

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

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

(k) li tkun parti u, bil-kunsens komuni tal-partijiet f'kuntratt jew xort'ohra skond il-ligi, li tibdel u tħassar 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-ġhoti jiġi pubblikat min-ghajr dewmien fil-Gazzetta;

(m) li teżerċita s-setgħat 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 waħda mill-universitajiet bħala *fees*, ghotjiet, donazzjonijiet jew investimenti, jew minn x'imkien iehor, għandu jiffirma parti mill-proprjetà ta' l-università li fiha jidhlu, flimkien ma' kull bini jew somom kapitali oħra li jistgħu jingħatawliha.

(3) Sabiex jistabbilixxi l-ammont li għandu jiġi rakkomandat li jithallas lill-universitajiet bħala h̄las, u għal kull wiehed mill-ghanijiet ta' dan l-Att, il-Gvern jista' jagħmel arrangamenti għal zjarat ta' l-universitajiet.

(4) Il-Kunsill ta' kull waħda mill-universitajiet għandu jippubblika rapport annwali, flimkien ma' dikjarazzjoni finanzjarja verifikata, u għandu jiehu h̄sieb li kopja tagħhom tintbagħat lill-Ministru li għandu kemm jista' jkun malajr wara li jirċeviha jqiegħed 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 h̄sieb 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 jitqiegħdu 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, iġhid lill-Kumitat x'somma l-Gvern bi h̄siebu jdaħħal fl-estimi annwali li jkun imisshom jitqiegħdu quddiem il-Kamra bħala vot ta' nfiq dwar kull waħda mill-universitajiet. Is-sottomissjoni lill-Kumitat issir b'dik il-mozzjoni li l-imsemni 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-tweġibiet u l-ispjegazzjonijiet tagħhom.

(5) Kull somma ivvotata mill-Kamra għall-infieq 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 taqsima ta' dik il-fakultà, elett minn u minn fost l-*istaff* akkademiku tal-fakultà;

(ċ) segretarju tal-Kummissjoni;

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

Izda 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*;

(ċ) 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 (ċ) 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 hsara għad-disposizzjonijiet ta' dan l-Att u ta' kull statut jew regola magħmula bis-saħħa tiegħu u bla hsara wkoll għall-awtorità tal-Kunsill li hija fuqu fil-hwejjeġ kollha li jolqtu l-università, is-Senat ikollu t-tmexxija tal-hwejjeġ akkademici ta' l-università, u l-Bord ta' kull

fakultà jkun il-korp konsultattiv tas-Senat u tal-Kunsill fuq hwejjeg akkademiċi li jolqtu dik il-fakultà:

Izda ebda haġa f'dan l-Att m'għandha tiftiehem li ma tħallix lill-Kunsill milli jagħti bidu għal jew jiddeċiedi hwejjeg li jidhirlu xierqa li għandu jittratta.

(5) Is-Senat u Bord ta' Fakultà ma jkunux skwalifikati milli jmessu x-xogħol tagħhom minhabba xi nuqas 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.

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

37. (1) Bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-ħatra 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 miftehma bejn il-Ministru u r-Rettur, żewġ membri ta' l-istaff akkademiku ta' l-università li għaliha tkun maħsuba l-ħatra magħżula mill-Kunsill ta' dik l-università u żewġ membri oħra maħtura mill-Ministru.

(2) Il-ħatra 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-ħatra 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 ħsara 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-baži 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 tippovdi l-kors jiġi magħżul, 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) Fid-dhul għal xi kors, l-universitajiet għandhom jagħtu preferenza lil haddiema-studenti; u l-istudenti l-oħra jithallew jidhlu biss jekk in-numru ta' studenti li b'mod xieraq jista' jiġi aċċettat għal dak il-kors ikun iżjed

min-numru ta' haddiema-studenti magħżula biex jidhlu għalih.

(4) Meta student li ma jkunx haddiem-student jidhlo kif intqal qabel dan għandu, jekk il-Ministru hekk jordna dwar il-kors li għalih dak l-istudent jidhlo, jattendi għal dak il-kors bil-ħlas ta' dawk il-*fees* li jkunu applikabbli għall-każ tiegħu u kif il-Ministru, wara konsultazzjoni mal-Kunsill ta' l-Università u bi ftehim mal-Ministru responsabbli għall-finanzi, jista' minn żmien għal żmien jiddeciedi b'regolament taht dan l-artikolu.

(5) Persuna tista' tidhlo bħala student biss jekk —

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

(b) tkun magħżula għad-dhul mill-Bord ta' l-Għażla ta' l-Istudenti.

(6) Ebda haġa f'dan l-artikolu ma għandha tiftiehem li ma tħallix lill-universitajiet mill-jaġhmlu, bi ftehim mal-Ministru, arrangamenti differenti dwar studenti li jkunu diġà qed jattendu kors fl-Università l-Qadima, jew fil-Kulleġġ ta' Malta ta' l-Arti, Xjenza u Teknoloġija fil-31 ta' Marzu, 1978; lanqas ma għandu s-subartikolu (4) ta' dan l-artikolu jiftiehem li jneħhi s-setgħat ta' l-universitajiet li jippreskrivu *fees*.

Bord ta' l-Għażla ta' l-Istudenti.

39. (1) Għandu jkun hemm Bord ta' l-Għażla ta' l-Istudenti (hawnhekk iżjed 'il quddiem imsejjaħ il-Bord ta' l-Għażla) li l-funzjoni tiegħu tkun li jaġhmel 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-Għażla jkun magħmul minn *Chairman* u minn għaxar membri oħra maħtura mill-President fuq ir-rakkomandazzjoni tal-kumitat imwaqqaf bil-paragrafu (b) tas-subartikolu (2) ta' l-artikolu 31 ta' dan l-Att; u dak il-kumitat għandu jaġhmel l-għażla tiegħu, barra minn dik ta' *Chairman*, minn fost persuni li fil-fehma tiegħu, jistgħu b'mod xieraq jirrapprezentaw genituri, *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* imsemija fl-artikolu 40 ta' dan l-Att ikollhom jedd li joqogħdu fuq il-Bord ta' l-Għażla fil-waqt li jkunu qed jiġu diskussi dawk il-kandidati, hliet meta l-Bord ta' l-Għażla 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 ħsara għad-disposizzjonijiet ta' dan l-Att u ta' kull regoli li l-Ministru jista' minn żmien għal żmien jaġhmel għal hekk, il-Bord ta' l-Għażla jista' jaġhmel ir-regoli tiegħu stess jew xort'oħra jirregola l-proċedura tiegħu stess u jista' jitlob dawk il-pariri li jidhirlu xierqa.

Proċedura
għall-
għażla ta'
haddiema-
studenti.

40. (1) Il-haddiema-studenti jiġu nominati mill-prinċipali tagħhom, iżda n-nominazzjonijiet għall-għażla 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' daww l-impjegati; u jekk ma jkun hemm ebda kumitat jew *union* bħal daww, 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 jidhru l-impjegati tiegħu u din għandha tinzamm hekk imwawhla għal perijodu ta' mhux inqas minn tliet 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-Għażla biex hu jiġi kunsidrat għall-għażla u għandu jingħata l-opportunità li jagħmel daww is-sottomissjonijiet lill-Bord kif jidhirlu xieraq. Meta jirċievi xi talba bħal dik il-Bord ta' l-Għażla 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 għandu, 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-istabbiliment tiegħu li jkunu kwalifikati u li jkunu jixtiequ jsiru haddiema-studenti, għandha ssir sejha għal applikazzjonijiet minn, jew skond kif jiġi deċiż mill-Bord ta' l-Għażla.

(6) Id-dhul ta' studenti oħra jsir wara li jinharġu 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 għandu jikkonsidra u jiddeciedi 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.

Relazzjoni-
jiet 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, sugġett 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 u dak is-salarju jew dik il-paga ma għandhomx ikunu inqas mis-salarju jew mill-paga li minn żmien għal żmien ikunu stabbiliti mill-Ministru b'ordni fil-Gazzetta:

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

(2) It-tilwimiet kollha li jinqalgħu bejn prinċipal u haddiem-student dwar l-impieg tiegħu għandhom, min-kejja kull liġi oħra, jaqgħu biss taħt 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 Maltj u l-ilsien Inġliż ikunu l-ilsna uffiċjali ta' l-universitajiet.

Supplementali

Disposizzjoni
generalj
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 ieħor imwaqqaf jew imwaqqaf mill-ġdid b'dan l-Att jew tahtu, kif minn żmien għal żmien ikunu fis-seħħ.

(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 bħala *chairman* jew membru *ex-officio* ta' dak il-korp.

(3) Meta persuna tkun mahtura jew eletta bħala 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 ġiet hekk mahtura jew eletta.

(4) Kull membru ta' l-imsemmija korpjiet, barra minn membri *ex-officio*, jista' jirriżenja b'avviz bil-miktub lill-awtorità li tkun hastritu 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'oħra jkun kwalifikat.

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

44. Il-korpjiet kollha mwaqqfa jew imwaqqfa mill-
ġdid b'dan l-Att jew taħtu għandhom ikunu kostitwiti kif
provdu t bid-disposizzjonijiet ta' dan l-Att kif ikunu fis-
seħħ minn żmien għal żmien; iżda kull haħra jew elezzjoni
bħala membru ta' xi korp bħal daww ma tkunx milquta
minhabba biss emenda jew sostituzzjoni ta' disposizzjoni
ta' dan l-Att, u kull haħra jew elezzjoni bħal daww għandha,
sakemm ma jkunx jidher ħsieb kuntrarju u skond id-dis-
posizzjonijiet rilevanti ta' dan l-Att kif ikunu fis-seħħ dak
iż-żmien, tibqa' sseħħ għall-bqija taż-żmien li jkun
fadlilha.”.

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

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

Disposizzjonijiet
tranzitorji.

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 sostit-
witi bl-artikolu 6 ta' dan l-Att —

(a) il-ħatriet u l-elezzjonijiet kollha tal-Kunsill, tas-Senat u
tal-Bordijiet tal-Fakultà ta' l-Università l-Qadima kif imwaqqfa
mill-ġdid bl-Att prinċipali, għandhom isiru kemm jista' jkun
malajr wara d-data tal-bidu fis-seħħ tad-disposizzjonijiet rile-
vanti 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 jergħu jiġu hekk imwaqqfa jew sakemm jgħaddi
l-imsemmi żmien ta' tliet xhur, skond liema tkun l-ewwel data,
il-Kunsill, is-Senat u l-Bordijiet tal-Fakultà ta' l-Università
l-Qadima kif imwaqqfa taħt l-Att prinċipali qabel il-bidu fis-
seħħ ta' l-imsemmija disposizzjonijiet, ikunu l-Kunsill, is-Senat
u l-Bordijiet tal-Fakultà ta' dik l-università għall-finijiet ta' dan
l-Att;

(b) l-istatuti u r-regoli ta' l-Università l-Gdida, kif ukoll
is-Senat u l-Bordijiet tal-Fakultà ta' dik l-università, għandhom
jiġu magħmula, imwaqqfin jew kostitwiti kemm jista' jkun
malajr wara li jibdeu isseħħu 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 jap-
plikaw għall-Università l-Gdida, 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-Gdida, jitqiesu
bħala ma kienux hemm;

(ċ) għal perijodu ta' sitt xhur li jibda mal-bidu fis-seħħ ta'
l-artikolu 33 ta' l-Att prinċipali, il-Kunsill ta' l-Università l-Gdida
jkun magħmul minn daww 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-seħħ ta' dak l-artikolu għandha titqies li għet mahtura Rettur ta' l-Università l-Qadima taħt l-imsemmi sub-artikolu b'seħħ mill-imsemmija data.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 187 ta' l-4 ta' Lulju, 1978.



Skrivan tal-Kamra tad-Deputati



Speaker



I assent.

Anton Gutierrez
President

7 July, 1978

ACT No. XXI of 1978

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:—

Short title and commencement.

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".

(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.

Amendment of section 2 of the principal Act.

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

(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;

(f) for the definition of "prescribed" there shall be substituted the following new definition:

" "prescribed" means prescribed by any regulation, statute, rule or bye-law;".

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

Amendment of section 4 of the principal Act.

(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.

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

Amendment of section 5 of the principal Act.

(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".

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

Amendment of section 6 of the principal Act.

(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."

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:

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

"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, architecture, 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 established by 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.

(8) The committee established by paragraph (b) of subsection (2) of this section may act notwithstanding any vacancy among its members but the number of members required to form a quorum shall be three. Save as aforesaid the committee may make its own rules or otherwise regulate its own procedure.

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, act-

ing 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.

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) In allowing admission to any course, the universities shall give preference to worker-students; and other students may be allowed admission only where the number of students that may be properly accepted for that course exceeds the number of worker-students selected for admission thereto.

(4) Where a student other than a worker-student is admitted as aforesaid he shall, if the Minister so directs in respect of the course to which such student is admitted, attend that course against the payment of such fees as may be applicable to his case and as the Minister, after consulting the Council of the University and with the concurrence of the Minister responsible for finance, may from time to time by regulation under this section determine.

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

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

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

(6) Nothing in this section shall be construed as precluding the universities from making, with the concurrence of the Minister, different arrangements with respect to students who are already attending a course at the Old University or at the Malta College of Arts, Science and Technology on 31st March, 1978; nor shall subsection (4) of this section be construed as depriving the universities of the power to prescribe fees.

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 and of ten other members appointed by the President acting on the recommendation of the committee established by paragraph (b) of subsection (2) of section 31 of this Act; and such committee shall make its selection, other than that of the Chairman, from among persons who in its 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 and any such salary or wage shall be not less than the applicable salary or wage from time to time fixed by the Minister by order in the Gazette:

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."

Amendment
of section 39
of the
principal Act.

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

Transitory
provisions.

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 —

(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 —

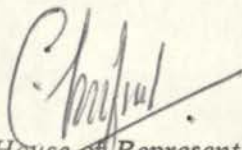
(i) all references in the aforesaid provisions of the principal Act to statutes and rules shall, in so far as they apply to the New University, be construed as references to decisions of the Council of that university; and

(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.

Passed by the House of Representatives at Sitting No. 187 of the 4th July, 1978.



Clerk to the House of Representatives



Speaker