

## **ABBOZZ TA' LIĠI msejjaħ**

*ATT biex jemenda l-Att dwar l-Edukazzjoni, Kap.327.*

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:-

### **TAQSIMA I**

#### **PRELIMINARI**

**1.** (1) It-titolu fil-qosor ta' dan l-Att hu l-Att ta' l-2006 li jemenda l-Att dwar l-Edukazzjoni, u għandu jinqara u jiftiehem haġa wahda ma' l-Att dwar l-Edukazzjoni, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu u bidu fis-seħh.

(2) Id-disposizzjonijiet ta' dan l-Att għandhom jibdeu isehhu f'dik id-data li l-Ministru responsabbli għall-edukazzjoni jista' jstabbilixxi fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

**2.** Minflok it- Taqsim ta' l-Att prinċipali għandu jidhol dan li ġej:

Emenda tat-Taqsim ta' l-Att prinċipali.

## “TAQSIM TA’ L-ATT

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## SKEDI”.

Thassir tat-  
Taqsimiet II u IV  
ta’ l-Att prinċipali.

**3.** Fl-Att prinċipali, it-Taqsimiet II u IV u l-artikoli relattivi minn 11 sa 15 u minn 22 sa 27 għandhom jithassru.

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

**4.** L-artikolu 2 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-kliem “mogħtija lilha bl-artikolu 18(2);” fit-tifsira “bżonnijiet edukattivi speċjali” għandhom jiġu sostitwiti bil-kliem “mogħtija lilha bl-artikolu 45(2);”;

(b) it-tifsiriet “*curriculum* minimu nazzjonali” u “Direttur ta’ l-Edukazzjoni” għandhom jithassru;”;

(ċ) minnufih qabel it-tifsira “enti morali” għandhom jidhlu dawn it-tifsiriet li ġejjin:

“ “Direttorat” tfisser kull wiehed mid-direttorati imwaqqfa skond l-artikoli 8 u 10 ta’ dan l-Att, jew xi Direttorat ieħor kif il-Prim Ministru jista’ jistabbilixxi taħt l-artikolu 131 ta’ din il-liġi jew bis-saħħa ta’ xi liġi ohra;

“Direttur Ġenerali” tfisser Direttur Ġenerali mahtur skond l-artikolu 14 jew skond xi provvediment iehor taht dan l-Att jew taht xi Att iehor;”;

(d) minnufih wara t-tifsira “enti morali” ghandha tidhol din it-tifsira ġdida li ġejja:

“ “entità” tinkludi Direttorat, Kulleġġ, il-Kummissjoni Nazzjonali ghal Edukazzjoni Oghla mwaqqfa taht Taqsima VI, l-istituzzjoni ghal Studji turistiċi msemmija fl-artikolu 132 u kull Direttorat, dipartiment, taqsima, aġenzija jew organizzazzjoni ohra li tista’ titwaqqaf bis-sahha ta’ dan l-Att jew regolamenti maghmula tahtu, jew taht; xi liġi ohra u “entitajiet” ghandha tiftiehem skond hekk;”;

(e) minnufih wara t-tifsira “età obligatorja ghall-iskola” ghandha tidhol din it-tifsira ġdida li ġejja:

“ “funzjoni” tinkludi kull responsabbiltà, setgħa u dmir;”;

(f) minnufih wara t-tifsira “korp ta’ persuni” ghandha tidhol din it-tifsira ġdida li ġejja:

“ “Kulleġġ” tfisser Kulleġġ ta’ skejjel ta’ l-Istat kif tipprovdi Taqsima V ta’ dan l-Att;”;

(g) minflok it-tifsiriet “Kunsill ghall-Edukazzjoni”, “kunsill ta’ skola” u “Ministru” ghandhom jidhlu dawn it-tifsiriet li ġejjin:

“ “Kurrikulum” tfisser il-qafas ta’ kurrikulum nazzjonali ghall-iskejjel kollha fil-livell ta’ l-edukazzjoni obligatorja kif jipprovdi l-artikolu 47 ta’ dan l-Att;

“Ministru” tfisser il-Ministru responsabbli ghall-edukazzjoni, u tinkludi, fil-limitu ta’ kull awtorità mogħtija, kull min ikun speċifikament awtorizzat mill-Ministru għal xi wiehed mill-għanijiet ta’ dan l-Att, u “Ministeru” ghandha tiftiehem skond hekk;”;

(h) minnufih wara t-tifsira “il-Ministru” ghandha tidhol din it-tifsira ġdida li ġejja:

“ “persuna” tinkludi korp ta’ persuni u kull enti morali stabbilita b’liġi;”;

(i) minnufih wara t-tifsira “preskritt” ghandhom jidhlu dawn it-tifsiriet godda li ġejjin:

“ “prinċipal” tfisser l-uffiċjal eżekuttiv ewlieni ta’ Kulleġġ mahtur taht l-artikolu 52 ta’ dan l-Att;”;

(j) minnufih wara t-tifsira “Rettur” ghandha tidhol din it-tifsira ġdida li ġejja:

“ “sena finanzjarja” tfisser il-perjodu ta’ tmax-il xahar li jtemm fil-wiehed u tletin ta’ Diċembru ta’ kull sena:

Iżda għall-finijiet ta’ dan l-Att l-ewwel sena finanzjarja għar-rigward ta’ xi entità tkun tikkonsisti fil-perjodu li jibda għaddej fid-data tad-dhul fis-seħh ta’ l-artikoli relattivi ta’ dan l-Att li jkunu jirreferu għal dik l-entità, u li jtemm fil-wiehed u tletin jum ta’ Diċembru tas-sena ta’ wara;”;

(k) fit-tifsira “skola” wara l-kliem “kemm b’kuntatt persunali dirett kif ukoll bil-korrispondenza,” ghandhom jiżdiedu l-kliem “fil-livelli tal-kindergarten, primarju, sekondarju, post-sekondarju, terzjarju, jew vokazzjonali;”;

(l) minflok it-tifsiriet “skola skedata”, “skola ta’ l-Istat” u “Tribunal Skolastiku” ghandhom jidhlu dawn it-tifsiriet godda li ġejjin:

“ “uffiċjal” u “impjegat” jinkludu uffiċjal pubbliku mqabbad jaqdi dmirijiet f’xi entità imwaqqfa taht dan l-Att;

“uffiċjal edukattiv” tfisser uffiċjal awtorizzat mid-Direttur Ġenerali tad-Direttorat għal Kwalità u Standards fl-Edukazzjoni biex jaqdi dmirijiet bħala parti mill-Ispettorat Edukattiv imwaqqaf bl-artikolu 18;

“uffiċjal pubbliku” ghandha l-istess tifsira mogħtija lilha bl-artikolu 124 tal-Kostituzzjoni;”;

(m) minflok it-tifsir “warrant”, “warrant permanenti” u “warrant temporanju” ghandha tidhol din it-tifsira ġdida li ġejja:

“ “warrant” u “warrant temporanju” tfisser warrant jew warrant temporanju li jinghata skond Taqsima III ta’ dan l-Att, u detentur ta’ warrant ghandha tiftiehem skond hekk;”.

5. Il-kliem “*curriculum* minimu nazzjonali” fil-paragrafi (a) u (ċ) ta’ l-artikolu 7 ta’ l-Att prinċipali ghandhom jiġu sostitwiti bil-kliem “Qafas ta’ Kurrikulum Nazzjonali”.

Emenda ta’ l-artikolu 7 ta’ l-Att prinċipali.

6. Minnufih wara l-artikolu 7 ta’ l-Att prinċipali ghandha tidhol din it-Taqsima ġdida li ġejja:

Żjieda ta’ Taqsima ġdida ma’ l-Att prinċipali.

## “TAQSIMA II

### KOSTITUZZJONI U FUNZJONIJIET TA’ DIRETTORATI TA’ L-EDUKAZZJONI

Direttorat ghal Kwalità u Standards fl-Edukazzjoni. 8. Ghandu jkun hemm Direttorat ghal Kwalità u Standards fl-Edukazzjoni taht ir-responsabbiltà, tmexxija u amministrazzjoni ta’ Direttur Ġenerali. Il-missjoni ta’ dan id-Direttorat tkun li jirregola, jistabbilixxi, jissorvelja u jiżgura standards u kwalità fil-programmi u s-servizzi edukattivi fil-livelli ta’ l-edukazzjoni obligatorja provduti minn skejjel, kemm ta’ l-Istat kemm mhux ta’ l-Istat, kif provdut f’dan l-Att.

Funzjonijiet tad-Direttorat ghal Kwalità u Standards fl-Edukazzjoni. 9. (1) Tkun il-funzjoni tad-Direttorat ghal Kwalità u Standards fl-Edukazzjoni li b’mod ġenerali jirregola, jiggwida, jevalwa, jivverifika, jirriċerka u jirrapporta dwar l-elementi diversi u r-riżultati tas-sistema edukattiva obligatorja bl-iskop li jiżgura edukazzjoni ta’ kwalità ghal kulhadd u jippromwovi prattiċi tajbin f’kull attività ta’ din l-edukazzjoni f’qafsa kurrikulari nazzjonali ta’ tagħlim tul il-hajja.

(2) B’mod partikolari fost il-funzjonijiet u d-dmirijiet tiegħu, dan id-Direttorat ghandu:

(a) jipproponi lill-Ministru Qafas ta’ Kurrikulum Nazzjonali li jippromwovi politika u strateġija ta’ tagħlim tul il-hajja;

(b) jipprovdi l-linji gwida mehtieġa għall-aħjar twettiq tal-politika u servizzi edukattivi, inluż għall-iżvilupp tal-pjan ta’ kull skola, sillabi, l-istabbiliment ta’ standards, l-assessjar ta’ l-iżvilupp, u eżamijiet;

(ċ) jiżgura li l-iskejjel kollha jidentifikaw il-bżonnijiet tat-tahriġ edukattiv għat-twettiq tal-

kurrikulum u jara li jiġi provdut żvilupp professjonali regolari u kontinwu fil-livell fejn dan jista' jsir bl-aktar mod effettiv;

(d) jara li jingabru, jiġu kompilati, analizzati u ricerkati l-informazzjoni, data u statistika mehtieġa ghat-tifsil u l-ippjanar ta' politika, strateġiji, linji gwida u direttivi fl-edukazzjoni, u, bla hsara għal kull liġi oħra, jiehu l-passi biex dawn isiru aċċessibbli għal kull min hu involut u jista' jkollu interess;

(e) b'appoġġ għall-evalwazzjoni u l-verifika interna ta' kull skola, iwettaq kull ispezzjoni, evalwazzjoni u verifika esterna tal-programmi u servizzi edukattivi, ta' l-operat, ta' l-ambjent fiżiku ta' kull skola, u tar-riżultati miksuba minnhom, bl-iskop li jara li l-kurrikulum ikun qieghed jiġi segwit f'kull skola, li jiġu promossi prattiċi tajbin, li tiġi żgurata l-kwalità u l-koordinament f'kull parti u f'kull livell tas-sistema edukattiva, kif ukoll biex it-tfal u l-istudenti jiġu mghejjuna bl-aħjar mod jiksbu il-miri stabbiliti tat-tagħlim u l-hiliet mehtieġa;

(f) jevalwa u jistima l-hidma u r-riżultati tal-kulleġġi u l-iskejjel u ta' kull min jgħallem u jahdem fihom;

(g) jkun responsabbli għall-harsien u t-twettiq tal-provvedimenti tal-liġijiet u r-regolamenti li jittrattaw materji li għandhom x'jaqsmu ma' l-edukazzjoni;

(h) jevalwa l-aspetti finanzjarji u ekonomiċi tas-sistema edukattiva ;

(i) jiżgura l-applikazzjoni u l-użu l-aktar wiesgħa tas-sistemi tat-teknoloġija ta' l-informatika u l-kommunikazzjoni minn kull min hu involut fit-tagħlim u fl-edukazzjoni fl-iskejjel ;

(j) jirċievi u jipproċessa applikazzjonijiet għall-hruġ ta' liċenza biex tifta' skola, jagħti parir lill-Ministru skond il-provvedimenti ta' dan l-Att, u jzomm reġistru bid-dettalji mehtieġa ta' l-iskejjel kollha li jkollhom liċenza mill-Ministru taht dan l-Att;

(k) jara li qed jiġu osservati l-hin kollu l-kundizzjonijiet minimi nazzjonali għall-iskejjel kollha u jinvestiga u jiehu l-passi mehtieġa dwar kull haġa li minhabba fiha tista' tiġi ikkunsidrata mill-Ministru s-sospensjoni jew it-tehid lura ta' liċenza ta' skola;

(l) iwettaq kull haġa ohra mehtieġa biex jintlahqu l-iskopijiet u jitwettqu d-dmirijiet ta' l-Istat li jipprovdi dan l-Att.

Direttorat  
għal Servizzi  
Edukattivi.

10. Għandu jkun hemm ukoll Direttorat għal Servizzi Edukattivi taht ir-responsabbiltà, tmexxija u amministrazzjoni ta' Direttur Ġenerali. Il-missjoni ta' dan id-Direttorat hi li jiżgura l-operat u l-provvista ta' servizzi b'mod effettiv u effiċjenti fil-Kulleġġi u l-iskejjel ta' l-Istat f'qafas stabbilit ta' deċentralizzazzjoni u awtonomija.

Funzjonijiet  
tad-Direttorat  
għal Servizzi  
Edukattivi.

11. (1) Tkun il-funzjoni ġenerali tad-Direttorat għal Servizzi Edukattivi li, f'kollaborazzjoni kontinwa mal-Kulleġġi u l-iskejjel, jippjana, jipprovdi u jalloka r-rizorsi umani u xort' ohra, s-servizzi, u l-ghodda tat-tagħlim, sew pedagogiċi, psiko-soċjali, manijerjali, operattivi u oħrajn ta' appoġġ anċillari, kif mehtieġ fil-kulleġġi, l-iskejjel u l-istituzzjonijiet edukattivi ta' l-Istat, u li jinkoraġġixxi u jiffaċilita n-nisġa u l-kooperazzjoni ta' bejniethom.

(2) B'mod partikolari dan id-Direttorat għandu:

(a) flimkien mal-Kulleġġi u l-iskejjel, jippjana, isegwi u jiżgura l-operat tal-Kulleġġi u l-iskejjel u jappoġġa bl-aktar mod shih it-twettiq tal-funzjonijiet u l-miri tad-Direttorat għal Kwalità u Standards fl-Edukazzjoni kif provdut f'dan l-Att, u dan bi priorità għal servizzi u appoġġ li jiżguraw l-iżvilupp tal-potenzjal u l-hiliet ta' l-istudenti, it-twettiq tal-Qafas tal-Kurrikulum Nazzjonali, u l-iżvilupp ta' l-identità u l-*etos* tal-Kulleġġi;

(b) jiehu hsieb l-iżvilupp ta' bini, immodernizzar u manteniment regolari ta' skejjel u faċilitajiet edukattivi, u jiżgura sistemi effettivi ta' *management* ta' proġetti kapitali u ta' manutenzjoni fil-bini ta' l-iskejjel;

(ċ) jalloka lill-Kulleġġi u lill-iskejjel il-bini, inklużi faċilitajiet sportivi, spazji ohra edukattivi u kulturali, għamara, tagħmir, laboratorji tat-teknoloġija,

tax-xjenza, tal-komunikazzjoni u l-informatika, u ghodda ohra li jkollhom bżonn bl-iskop li jsir l-akbar uzu minnhom bhala ghodda ta' tagħlim u għat-tagħlim;

(d) fil-limiti ta' dak li hu possibbli jippostja l-istudenti fi skejjel skond il-bżonnijiet u l-potenzjal tagħhom;

(e) jantiċipa l-bżonnijiet ta' persunal professjonali, inklużi għalliema u riżorsi umani ohra, u jahdem flimkien mad-Direttorat għal Kwalità u Standards fl-Edukazzjoni, ma' l-Università ta' Malta, mal-Kulleġġ Malti għall-Arti, Xjenza u Teknoloġija, u ma' istituzzjonijiet ohra, pubbliċi u privati, biex jiżgura t-taħriġ u l-iżvilupp ta' l-għalliema u ta' haddiema ohra skond il-htieġa;

(f) flimkien mal-Kulleġġi, jassigura l-ingaġġ tal-persunal professjonali, amministrattiv u ta' appoġġ fid-dawl tal-bżonnijiet ta' l-istudenti u tal-programmi partikolari ta' kull skola;

(g) jippromwovi, jinkoraġġixxi u jsegwi t-tmexxija demokratika ta' l-iskejjel permezz ta' Kunsilli fl-iskejjel bil-partecipazzjoni attiva tal-ġenituri, għalliema, u studenti;

(h) jippromwovi, jappoġġa, u jikkoordina servizzi u inizjattivi ta' tagħlim tul il-hajja, inklużi inizjattivi edukattivi u kulturali fil-komunità, tagħlim minn distanza u dak elettroniku, edukazzjoni għall-adulti, klassijiet ta' filgħaxija u inizjattivi ohra ta' edukazzjoni komplimentari u servizzi għal dawk b'diffikultajiet speċifiċi fit-tagħlim;

(i) jappoġġa u jinkoraġġixxi l-Kulleġġi u l-iskejjel fil-promozzjoni tas-servizzi tal-libreriji ta' l-iskola, ta' l-sports, id-drama, il-mużika u attivitajiet kreattivi u kulturali fl-iskejjel;

(j) jippromwovi u jipprokura programmi edukattivi u kulturali fil-kuntest ta' tagħlim tul il-hajja bil-mezzi kollha disponibbli ta' komunikazzjoni ta' massa, inkluż tagħlim minn distanza;



(k) f'kollaborazzjoni mal-Kulleġġi jiżgura l-provvista ta' servizzi effettivi ta' *counsellors*, haddiema soċjali, psikoloġi u professjonisti oħra skond il-bżonn ta' l-istudenti u l-familji tagħhom;

(l) flimkien mal-Kulleġġi u l-iskejjel jipprovdi r-riżorsi meħtieġa għal programmi ta' edukazzjoni inklużiva u speċjali u għal skemi oħra relatati ma' bżonnijiet individwali edukattivi;

(m) jiżgura l-provvista u l-koordinament ta' servizzi ta' gwida vokazzjonali u ta' karriera, inkluż it-twettiq ta' programmi li jressqu lejn xulxin id-dinja tax-xogħol u dik ta' l-edukazzjoni transizzjoni, inklużi dawk mill-iskola għax-xogħol;

(n) jiżgura l-provvista ta' servizzi meħtieġa biex jiġu trattati b'mod effettiv kwestjonijiet ta' imġieba tajba u dixxiplina, abbuż tat-tfal, ibbulljar, u abbuż ta' sustanzi;

(o) jippromwovi s-saħħa fiżika u mentali ta' l-istudenti permezz ta' informazzjoni u taqdim dwar is-saħħa, servizzi ta' programmi ta' *screening* u mediċi, u programmi dwar stili ta' hajja b'saħħitha;

(p) jiżgura l-provvista ta' programmi, servizzi u riżorsi umani meħtieġa għal ambjent bla perikli u fiż-żgur fl-iskejjel, kemm għall-istudenti, għall-ghalliema, u kull min ikun fl-iskola, inkluż l-provvista ta' servizz ta' trasport għall-iskejjel meħtieġ għall-istudenti;

(q) jappoġġa l-Kulleġġi fl-organizzazzjoni ta' inizjattivi u proġetti speċjali, inklużi dawk 'l barra mill-hin ta' l-iskola;

(r) iqis u jiddiskuti il-pjani ta' żvilupp tal-Kulleġġi u l-iskejjel fit-tnejn tal-*business plan* tad-Direttorat, jiffaċilita l-formolazzjoni tal-estimi tal-Kulleġġi, jalloka l-finanzi meħtieġa fil-limiti tal-estimi ġenerali tal-Gvern, u jiżgura li l-fondi jkunu qegħdin jiġu applikati skond prioritajiet identifikati minn qabel;

(s) ikun ultimament responsabbli li jiżgura l-osservanza meħtieġa mill-Kulleġġi u l-iskejjel tal-

*policies*, proċeduri u regolamenti finanzjari u ta' verifika tal-Gvern;

(t) jikkomunika l-qafas u l-linji gwida kif approvati mill-Ministru dwar il-kondizzjonijiet tax-xoghol tal-persunal impjegat mill-Kulleġġi u l-iskejjel u jżomm l-informazzjoni, r-records u d-dokumentazzjoni mehtieġa tal-persunal imsemmi u ta' transazzjonijiet finanzjarji, inklużi dawk relatati mal-hlas ta' salarji;

(u) jamministra l-ġhajjnuna ta' l-Istat lil skejjel li mhumiex ta' l-Istat;

(v) jiżgura l-akbar applikazzjoni u użu possibbli tas-sistemi ta' teknoloġija ta' l-informatika fit-tmexxija u l-operat tal-Kulleġġi u l-iskejjel;

(w) jiżgura servizz ta' *customer care* fuq livell nazzjonali għall-istudenti, ġenituri, u persunal ta' l-iskejjel ta' l-Istat u mhux ta' l-Istat u jipprovdi gwida u proċeduri ċari dwar kif isiru u jiġu trattati l-ilmenti b' mod effettiv fil-livell l-aktar proprju;

(x) iwettaq kull funzjoni oħra li tista' tkun mehtieġa biex jintlahqu l-iskopijiet u jitwettqu d-dmirijiet ta' l-Istat li jipprovdi dan l-Att.

Dmirijiet  
komuni għad-  
Direttorati.

12. Bla hsara għad-disposizzjonijiet preċedenti, kull Direttorat għandu wkoll:

(a) iżomm djalogu effettiv ma' kull min hu involut fis-sistema edukattiva u jimmira għall-konsensus l-aktar wiesgħa possibbli dwar kull materja rilevanti għall-edukazzjoni;

(b) jikkopera ma' l-istituzzjonijiet lokali u barranin, u jinkoraġġixxi u jiffaċilita l-aħjar partecipazzjoni fi programmi, boroż ta' studju, u skambji internazzjonali ta' studenti u persunal, b' mod partikolari fl-istituzzjonijiet u l-programmi ta' l-Unjoni Ewropea;

(ċ) jżomm informati u aġġornati lil kull min hu involut fil-funzjonijiet tad-Direttorati bil-politika, strategija u prioritajiet tal-Gvern għall-edukazzjoni tal-pajjiż, u jara li dawn qed jiġu segwiti u implimentati;

(d) b'mod ġenerali jaghti pariri lill-Ministru fuq kull kwestjoni dwar l-edukazzjoni u jaqdi kull funzjoni oħra li l-Ministru jista' minn żmien għal żmien jassenjalu bħal dawk taht din il-liġi jew kull liġi oħra.

Rispett għad-diversità ta' istituzzjonijiet edukattivi.

13. Id-Direttorati għandhom, bla hsara għall-funzjonijiet tagħhom, jirrispettaw id-diversità ta' istituzzjonijiet, servizzi u programmi edukattivi, u jiddjalogaw u jikkollaboraw ma' kulleġġi, skejjel, aġenziji u istituzzjonijiet oħra, pubbliċi u privati, lokali u barranin, dwar *policies*, inizjattivi u proġetti biex jiżguraw li s-sistema kollha fil-pajjiż topera b'mod effettiv.

Hatra ta' Diretturi Ġenerali.

14. Id-Diretturi Ġenerali tad-Direttorati msemija fl-artikoli preċedenti f'din it-Taqsima ta' dan l-Att jinhatru mill-Prim Ministru għal perjodu ta' tliet snin taht dawk il-pattijiet u kondizzjonijiet kif stabbilit fl-ittra tal-hatra. Il-hatra ta' Direttur Ġenerali ssir wara sejha pubblika li għaliha jkunu jistgħu japplikaw persuni li jkollhom il-kwalifiki, l-esperjenza edukattiva u l-kwalitajiet mehtieġa għat-tmexxija ta' dawn id-Direttorati. Meta jagħlqilha ż-żmien tal-kariga persuna tista' terġa' tinhatar għal perjodu jew perjodi ulterjuri.

Id-Diretturi Ġenerali jkunu responsabbli għall-uffiċjali eċċ.

15. Bla hsara għad-disposizzjonijiet ta' dan l-Att, it-tmexxija eżekuttiva, l-amministrazzjoni, u l-kontroll amministrattiv ta' l-uffiċjali u l-impjegati tad-Direttorati għandhom ikunu r-responsabbiltà tad-Diretturi Ġenerali.

Skambju ta' informazzjoni bejn id-Direttorati.

16. (1) Kull Direttorat jista' jitlob, jiġbor u jivverifika kull informazzjoni, data u statistika, skond kif ikun mehtieġ għall-qadi tal-funzjonijiet tiegħu.

(2) Direttorat għandu jkollu aċċess għal kull informazzjoni li jista' jkollhom Direttorat iehor, Kulleġġi u skejjel u għandu d-dritt jitlob u jikseb kull tagħrif li jinhtieġ għall-qadi tal-funzjonijiet tiegħu minn studenti, ġenituri, persunal u minn istituzzjonijiet edukattivi pubbliċi u privati u dan it-tagħrif għandu jingħatalhu fi żmien raġonevoli mid-data tat-talba.

(3) Kull Direttorat għandu jkollu aċċess għal statistika u tagħrif iehor ta' natura ekonomika u soċjali kif mehtieġ biex ikun jista' jwettaq il-funzjonijiet tiegħu skond dan l-Att.

Kumitat  
Permanenti  
ghall-  
Edukazzjoni.

17. (1) Ghandu jkun hemm kumitat li jkun maghruf bhala l-Kumitat Permanenti ghall-Edukazzjoni, presedut mill-Ministru, biex jiddiskuti u jevalwa l-politika, l-istrateġija u d-direzzjoni u l-iżviluppi fil-qasam ta' l-edukazzjoni u biex jiffaċilita u jiżgura l-kollaborazzjoni u l-koordinament effettiv bejn l-entijiet imwaqqfa taht dan l-Att, l-aġenziji taghhom, u istituzzjonijiet ohra edukattivi pubbliċi u privati, u jissorvelja u jsegwi l-implimentazzjoni tal-politika u ta' l-istrateġija edukattiva adottata mill-Gvern.

(2) Il-Kumitat ghandu jkun kompost kif muri fi Skeda IV li tinsab ma' dan l-Att, u l-Ministru jista' b'regolamenti jemenda din l-iSkeda, u jipprovdi ghal kull materja ohra jew proċedura li jidhirlu mehtieg ghall-ahjar twettiq tal-funzjonijiet tal-Kumitat.

Spettorat  
Edukattiv.

18. (1) Id-Direttorat ghal Kwalità u Standards fl-Edukazzjoni ghandu jkollu Spettorat Edukattiv li jipprovdi servizz professjonali ta' appoġġ, gwida, sorveljanza, ispezzjonar, evalwazzjoni, u rappurtagġ dwar il-proċess tat-tagħlim fl-iskejjel, dwar l-applikazzjoni tal-kurrikulum, sillabi, pedagogija, assessjar u eżamijiet, u dwar l-amministrazzjoni, u li tiġi żgurata u verifikata l-kwalità fil-Kulleġġi u l-iskejjel.

(2) Id-Direttur Ġenerali tad-Direttorat imsemmi fis-subartikolu preċedenti ghandu jkollu dawk l-Uffiċjali Edukattivi u uffiċjali ohra kif mehtieg biex jitwettqu l-funzjonijiet ta' l-iSpettorat Edukattiv, u dawk il-funzjonijiet l-ohra li ghandhom x'jaqsmu ma' l-implimentazzjoni ġenerali ta' dan l-Att jew ta' xi regolamenti magħmulin tahtu, kif ukoll biex iwettqu dak ix-xogħol mehtieg biex tiġi żgurata u verifikata l-kwalità fil-Kulleġġi u fl-iskejjel, u biex iwettqu dawk id-dmirijiet li jistgħu jiġu preskritti jew jistgħu jiġu assenjati lilhom mid-Direttur Ġenerali.

Setgħa ta'  
dhul u ta'  
spezzjoni.

19. (1) Uffiċjali, awtorizzati bil-miktub kif imiss mid-Direttur Ġenerali tad-Direttorat ghal Kwalità u Standards fl-Edukazzjoni, ikollhom is-setgħa li jidhlu f'kull kulleġġ, skola, klassi jew post fejn ikun qed isir it-tagħlim, u jispezzjonaw u jirrapportaw dwar il-proċess tat-tagħlim, l-ambjent fiżiku, u l-osservanza tal-kondizzjonijiet, standards, *policies* u regolamenti stabbiliti u magħmulin bis-saħħa ta' dan l-Att.

(2) Kulleġġi, skejjel u istituzzjonijiet edukattivi, pubbliċi u privati, għandhom jipprovdu l-informazzjoni u l-aċċess li dawn l-uffiċjali jitolbu skond kif jidhrilhom mehtieġ għat-twettiq tal-funzjonijiet tad-Direttorat għal kwalità u Standards fl-Edukazzjoni.

**7.** Minnufih wara l-artikolu ġdid 19 fit-Taqsima II ġdida ta' l-Att prinċipali, għandhom jidhlu l-artikoli 8, 9 u 10 preżenti li għandhom jiġu enumerati mill-ġdid bhala l-artikolu 20, 21 u 22 rispettivament.

L-artikoli 8, 9 u 10 jitqiesu inklużi fit-Taqsima II ġdida ta' l-Att prinċipali.

**8.** L-artikolu 20 kif enumerat mill-ġdid ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda għal artikolu 20 kif enumerat mill-ġdid ta' l-Att prinċipali.

(a) minnufih wara s-subartikolu (8), għandu jizdied dan is-subartikolu ġdid li ġej:

“(9) Fil-konsiderazzjoni ta' kull applikazzjoni għal liċenza taht dan l-artikolu, il-Ministru għandu jikkonsulta lid-Direttorat għal Kwalità u Standards fl-Edukazzjoni f'każ li t-talba hija għal skola ta' livell ta' l-edukazzjoni obbligatorja, u lill-Kummissjoni Nazzjonali għal Edukazzjoni Oghla f'każ li t-talba hi għal skola fil-livell post-sekondarju, terzjarju jew vokazzjonali.”;

(b) is-subartikoli (9) preżenti għandu jiġi enumerat mill-ġdid bhala s-subartikolu (10), u minflok il-kliem “Min japplika għal-liċenza taht is-subartikolu (2) jista' jappella lit-Tribunal Skolastiku meta –” għandhom jidhlu l-kliem “Min japplika għal-liċenza taht is-subartikolu (2) jista' jappella quddiem il-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri) skond id-disposizzjonijiet ta' l-artikolu 127 meta –” ; u

(ċ) is-subartikolu (10) preżenti għandu jiġi enumerat mill-ġdid bhala s-subartikolu (11), u minnufih wara l-kliem “d-deċiżjoni li biha ġiet miċhuda l-applikazzjoni” għandhom jizdiedu l-kliem “jew d-deċiżjoni li biha ġiet sospiża jew irtirata l-liċenza”.

**9.** Minnufih wara l-artikolu 22 kif enumerat mill-ġdid ta' l-Att prinċipali għandha tidhol din it-Taqsima ġdida li ġejja:

Żjieda ta' Taqsima III ġdida ma' l-Att prinċipali.

### “TAQSIMA III

#### IL-PROFESSJONI TA' L-GHALLIEMA

Tifsir.

23. F'din it-Taqsima ta' dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx tehtieg xort'ohra:

“ghalliem” tfisser persuna imharrġa fl-għerf tal-proċess edukattiv u fl-użu tal-hiliet pedagogiċi b'mod li jkollha l-hila tohloq ambjent li jimmotiva lil kull student u tirnexxilha tghallmu b'mod effettiv billi tqanqallu l-aspirazzjonijiet tiegħu għall-ogħla valuri fil-ħajja u tghinu jiżviluppa l-hiliet kreattivi u ta' hsieb skond l-età, l-iżvilupp fiżiku u intelletwali, u skond il-potenzjal tal-hiliet u tat-talenti tiegħu bl-iskop aħhari li l-istudent jitharreġ kif jitghallem tul ħajtu:

Iżda, għall-finijiet ta' din it-Taqsima, u sakemm mhux provdut xort'ohra f'xi liġi ohra, “ghalliem” ma tinkludix persuna li tagħti servizz ta' tagħlim f'oqsma kulturali, sportivi, u reliġjużi, sakemm dan it-tagħlim ma jkunx qed jingħata bhala parti integrali mill-edukazzjoni obbligatorja skond il-kurrikulum fi skola liċenzjata;

“ghalliem reġistrat” tfisser persuna li tkun reġistrata fir-reġistru uffiċjali ta' l-ghalliema miżmum mill-Kunsill u li tkun ingħatat *warrant* li tipprattika l-professjoni ta' ghalliem, skond l-artikolu 29;

“il-Kunsill” tfisser il-Kunsill dwar il-Professjoni ta' l-ghalliema f'Malta mwaqqaf bl-artikolu 26;

“jipprattika” dwar il-professjoni ta' ghalliem tinkludi li tittiehed jew li tiġi segwita l-professjoni ta' ghalliem f'Malta fil-livell ta' l-edukazzjoni obligatorja marbuta bil-kurrikulum;

“perjodu ta' adattament” tfisser perjodu li matulu persuna tista' teżerċita l-professjoni ta' ghalliem f'Malta taht sorveljanza fi skola liċenzjata, jew b'xi mod iehor kif jista' jiddeċiedi l-Kunsill, liema perjodu jista' jinkludi l-provdiment ta' dak it-tahriġ addizzjonali lil dik il-persuna, kif jista' jkun mehtieg mill-Kunsill, u fi tmiem dak il-perjodu għandu jsir test ta' hila;

“test ta' hila” tfisser test, kif mehtieg mill-Kunsill skond id-disposizzjonijiet ta' dan l-Att, li l-iskop tiegħu jkun li jivvaluta l-hila ta' persuna biex issegwi l-professjoni ta' ghalliem f'Malta;

“*warrant*” tfisser *warrant* mahruġ taht l-artikolu 24;

“*warrant* temporanju“ tfisser *warrant* moghti taht l-artikolu 25.

Min ikollu  
*warrant* biss  
jista' jeżerċita  
l-professjoni.

24. (1) Bla hsara għall-provvedimenti ta' din it-Taqsima, ebda persuna ma għandha tipprattika l-professjoni ta' għalliem għal rimunerazzjoni jew turi ru'ha li tkun professjonalment kwalifikata biex hekk tagħmel kemm-il darba ma tkunx id-detentur ta' *warrant* mahruġ taht dan l-Att.

(2) Persuna tikkwalifika għal *warrant* taht dan l-Att kemm-il darba –

(a) hija ċittadin ta' Malta, jew xort'ohra jkollha permess biex ta'dem f'Malta taht xi liġi; u

(b) hija ta' kondotta tajba; u

(ċ) jkollha kapacià legali shiha; u

(d) tkun kisbet -

i) Grad ta' Baċċellerat fl-Edukazzjoni; jew

ii) Grad ta' Baċċellerat flimkien ma' ċertifikat Post-Gradwat fl-Edukazzjoni; jew

iii) Grad ta' Dottorat, jew Grad ta' Baċċellerat u grad ta' *Masters*, flimkien ma' ċertifikat ta' kors pedagogiku organizzat mid-Direttorat għal Servizzi Edukattivi mwaqqaf bl-artikolu 10 ta' dan l-Att jew minn xi istituzzjoni ohra rikonoxxuta mill-Kunsill; jew

iv) xi kwalifika professjonali ohra li l-Kunsill jidhirlu li tkun komparabbli; u

(e) tissodisfa lill-Kunsill li jkollha esperjenza adegwata fil-prattika tal-professjoni ta' għalliem taht sorveljanza fi skola liċenzjata, jew b'xi mod ieħor kif jista' jiddeċiedi l-Kunsill, għal żmien aggregat ta' mill-anqas sentejn fuq bażi *full-time* jew l-ekwivalenti ta' dak iż-żmien fuq bażi *part-time* wara li tkun temmet dak il-

grad jew kwalifika professjonali ohra msemija fil-paragrafu preċedenti.

(3) Iċ-ċertifikat Post-Gradwat fl-Edukazzjoni, Grad ta' Baċċellerat, *Masters* u Dottorat msemija fil-paragrafu (d) fis-subartikolu preċedenti għandhom ikunu ċertifikat Post-Gradwat fl-Edukazzjoni, Grad ta' Baċċelerat, *Masters* u Dottorat mill-Università ta' Malta.

(4) Il-Ministru jista' jistabbilixxi, minflok xi wa' da mill-htigiet stabbiliti taht id-disposizzjonijiet ta' qabel ta' dan l-artikolu, htigiet ohra skond xi trattat jew ftehim internazzjonali jew multinazzjonali li Malta tkun parti fih jew skond id-disposizzjonijiet ta' xi leġislazzjoni li tingieb fis-sehh bis-sahha ta' xi trattat jew ftehim bhal dawk.

Kap. 451. (5) Minghajr preġudizzju għal xi disposizzjoni magħmula bl-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki, jew tahtu, meta t-tul tal-kors li jkun iwassal għall-kwalifika professjonali li jkollu l-applikant ikun anqas mit-tul tal-kors li jwassal għal Grad mogħti mill-Università ta' Malta, jew meta l-esperjenza msemija fis-subartikolu (2)(e) tkun ta' anqas minn sentejn, il-Kunsill jista' jehtieg lill-applikant li jagħmel dak il-perjodu ta' adattament li ma jkunx itwal mid-doppju tad-differenza, skond ma jista' jiġi speċifikat mill-Kunsill. Il-Kunsill jista' wkoll jgħaddi lill-applikant minn test ta' hila.

*Warrant*  
temporanju. 25. Minkejja dak kollu li jinsab fid-disposizzjonijiet ta' din it-Taqsima, il-Ministru jista' jagħti *warrant* temporanju li jkun validu għal sena u li jkun jista' jiġgedded lil kull persuna li, fid-diskrezzjoni tal-Ministru, għandha l-hila meħtieġa biex tghallem f'Malta.

Kunsill dwar  
il-Professjoni  
ta' l-Għalliem  
f'Malta. 26. (1) Għandu jkun hemm Kunsill li jkun magħruf bħala l-Kunsill dwar il-Professjoni ta' l-Għalliem f'Malta li jkun mahtur mill-Ministru u magħmul minn disa' membri kif ġej:

(a) President magħżul mill-Ministru minn fost persuni li għandhom il-kwalifiki meħtieġa biex jiġu mahtura maġistrati jew imħallfin;

(b) tliet membri magħżula mill-Ministru minn fost l-għalliem reġistrati li qed jipprattikaw u li jkollhom mhux anqas minn tmien snin esperjenza fil-prattika tat-



tagħlim u li għallinqas wiehed minnhom ikun ġej mis-settur mhux statali tat-tagħlim;

(ċ) żewġ membri nominati minn daww l-assoċjazzjonijiet reġistrati mal-Kunsill skond id-disposizzjonijiet ta' dan l-Att, minn fost l-għalliema reġistrati li qed jipprattikaw u li jkollhom mhux anqas minn tmien snin esperjenza fil-prattika tat-tagħlim;

(d) żewġ membri minn fost lista ta' mhux inqas minn erbgħa u mhux aktar minn għaxar persuni nominati mill-Università minn fost l-għalliema tal-Fakultà fejn jiġi organizzat it-tagħlim u r-riċerka fil-qasam ta' l-educazzjoni;

(e) membru minn fost lista ta' mhux anqas minn erbgħa u mhux aktar minn għaxar persuni nominati minn assoċjazzjonijiet ta' ġenituri:

Iżda dwar l-ewwel hatriet, "għalliem" tisser kull persuna li hi kwalifikata li tkun reġistrata taħt dan l-Att:

Iżda ukoll għall-fini tal-paragrafi (ċ) u (e), l-assoċjazzjonijiet li għandhom jiġu konsultati jew li għandhom jagħmlu n-nomini dwar l-ewwel hatra għandhom ikunu daww l-assoċjazzjonijiet li għandhom il-kwalifiki biex ikunu eventwalment reġistrati taħt dan l-Att.

(2) In-nomini magħmula skond is-subartikolu preċedenti għandhom, għall-ewwel darba, isiru fi żmien ġimgħatejn minn talba bil-miktub magħmula għal hekk mill-Ministru, u għal kull nomina sussegwenti, fi żmien xahar minn meta tinholq xi vakanza, jew meta l-vakanza tirriżulta wara li jiskadi ż-żmien tal-kariga, dik in-nomina għandha ssir fi żmien xahar qabel dik l-iskadenza. Fin-nuqqas ta' xi nomina bħal dik, il-Ministru għandu jagħmel il-hatra minn fost l-għalliema jew ġenituri skond il-każ.

(3) Il-membri tal-Kunsill għandhom jibqgħu fil-kariga għal tliet snin.

(4) Il-membri tal-Kunsill, wara li jintemm iż-żmien tal-hatra tagħhom, ikunu elegibbli biex jergħu jinhatru, iżda ma jistgħux iservu l-Kunsill għal iktar minn tliet perjodi konsekuttivi.

(5) Fil-każ li xi membru tal-Kunsill ibattal il-kariga tiegħu qabel ma jintemm iż-żmien tal-hatra, il-persuna mahtura minfloku ghandha tinhatar ghaż-żmien li jifdal tal-hatra originali.

(6) L-ghadd ta' membri prezenti mehtieg biex ikun hemm kworum ikun ta' erbgħa, imma sakemm ikun hemm kworum, il-Kunsill jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

(7) Il-Ministru ghandu wkoll jahtar ufficjal pubbliku biex jagħmilha ta' segretarju tal-Kunsill, imma s-segretarju ma jkollux vot.

(8) Il-President tal-Kunsill ikollu kemm vot originali kemm, fil-każ ta' voti ndaqs, vot deċiżiv.

(9) Salv dak li ssemma hawn qabel u skond ma jista' jiġi preskritt, il-Kunsill jista' jagħmel ir-regoli tiegħu nnifsu u xort'ohra jirregola l-proċeduri tiegħu nnifsu.

(10) Il-laqgħat tal-Kunsill ghandhom jiġu msejha mill-President u l-Kunsill ghandu jiltaqa' kemm jista' jkun ta' spiss skond kif mehtieg, imma mill-anqas darba kull xahar.

(11) Fit-twettiq tal-funzjonijiet tiegħu taht dan l-Att, il-Kunsill jista' jikkonsulta ruhu ma' dawk il-persuni li jidhrulu xierqa. Għal dak l-iskop, il-Kunsill jista' jstieden lil kull persuna bħal dawk biex tattendi għal-laqgħat tal-Kunsill.

(12) Il-Kunsill ghandu jzomm kopja vera u korretta tal-proċedimenti tiegħu kollha u l-Kunsill ghandu jagħti lill-Ministru kull informazzjoni mitluba minnu.

Funzjonijiet tal-Kunsill.

27. (1) Mingħajr preġudizzju għas-setgħat u għall-funzjonijiet l-oħra tiegħu, il-Kunsill ghandu jirregola l-prattika tal-professjoni ta' l-ghalliema f'Malta, u partikolarment ghandu –

(a) jzomm taht attenzjoni u jivvaluta l-istandards ta' l-edukazzjoni, tat-taħriġ u ta' l-idoneità għat-tagħlim ta' kull persuna li tagħzel li tipprattika l-professjoni ta' għalliem;

(b) jagħti pariri lill-Ministru dwar dawn l-istandards u dwar l-edukazzjoni, t-taħriġ inizjali u

kontinwu ta' l-ghalliema, il-proficjenza, l-esperjenza u l-kwalifiki mehtiega biex wiehed jikseb u jzomm *warrant* taht dan l-Att;

(c) jikkonsidra u jaghti pariri lill-Ministru dwar kwistjonijiet ta' komparabilita u gharfien ta' kwalifiki ta' ghalliem;

(d) jippromowovi u jinkoraġġixxi inizjattivi li jiżguraw programm ta' tahrig u żvilupp professjonali kontinwu ghad-detenturi ta' *warrant*;

(e) jeżamina applikazzjonijiet ghal *warrant* biex persuna tipprattika l-professjoni ta' ghalliem u jaghmel rakkomandazzjonijiet lill-Ministru dwar l-ghoti jew ir-rifjut ta' *warrant*;

(f) iżomm regjistru ufficjali ta' l-ghalliema registrati u regjistru iehor ta' l-ghalliema li jkunu inghataw *warrant* temporanju taht l-artikolu 25, jinnota fih kull sospensjoni, thassir u reintegrazzjoni ta' *warrant*;

(g) iżomm regjistru ufficjali tas-soċjetajiet kollha ta' l-ghalliema;

(h) iżomm dak it-taghrif li jista' jkun mehtieg dwar assoċjazzjonijiet li jirrapprezentaw lill-ghalliema f'Malta u li jkunu registrati taht id-disposizzjonijiet ta' dan l-Att;

(i) jaghmel rakkomandazzjonijiet lill-Ministru, wara konsultazzjoni ma' l-assocjazzjonijiet registrati taht id-disposizzjonijiet ta' dan l-Att, dwar il-kodiċi ta' etika li ghandu jkun ordnat ghall-imgiba professjonali ta' ghalliema;

(j) jinvestiga kull allegazzjoni ta' mgiba professjonali hazina, negliġenza jew inkompetenza minn xi ghalliem;

(k) jaghti pariri lill-Ministru dwar kull haga li l-Kunsill ikun mitlub mill-Ministru biex jaghti l-fehma tieghu, inkluż pariri dwar persuni li jaghmlu xoghol ta' ghalliema b'*warrant* temporanju; u

(1) jaqdi dawk il-funzjonijiet l-oħra li jistgħu joriġinaw minn dan l-Att jew minn xi liġi oħra, jew li jistgħu jkunu lilu assenjati mill-Ministru.

(2) Il-Kunsill għandu, sa mhux aktar tard minn tliet xhur wara l-aħħar ta' kull sena, jippubblika fil-Gazzetta lista ta' persuni jew soċjetajiet li fil-31 ta' Diċembru ta' dik is-sena kienu reġistrati għall-ewwel darba fir-reġistru ta' l-għalliema jew fir-reġistru ta' soċjetajiet ta' l-għalliema.

(3) Il-Kunsill għandu, fil-qadi tal-funzjonijiet tiegħu, jagħti każ ta' l-interess pubbliku, u jagħmel u jippubblika rapport kull tliet snin dwar l-attivitajiet tiegħu generali.

*Warrants.*

28. (1) Kull persuna li tkun trid tikseb *warrant* biex tipprattika l-professjoni ta' għalliem f'Malta għandha tippreżenta applikazzjoni quddiem il-Kunsill flimkien ma' l-informazzjoni u d-dokumentazzjoni kollha rilevanti b'sostenn ta' l-applikazzjoni, inkluż ċertifikati mahruġa mill-awtorità kompetenti dwar komparabilità ta' kwalifiki u ċertifikati ta' l-awtentiċità tagħhom skond kif il-Kunsill jista' jiġi bżonn.

(2) Il-Kunsill għandu jagħmel rakkomandazzjoni lill-Ministru għall-hruġ ta' *warrant* hekk kif ikun sodisfatt li l-applikant jissodisfa l-htigiet minimi stabbiliti taht dan l-Att,

(3) Meta, wara l-perjodu ta' adattament skond kif ikun meħtieġ, il-Kunsill ikun sodisfatt li l-applikant ikun temm b'suċċess it-tahriġ tiegħu, il-Kunsill għandu jagħmel rakkomandazzjoni lill-Ministru għall-hruġ ta' *warrant*.

(4) Għall-fini li jiġi stabbilit jekk applikant ikunx temm b'suċċess it-tahriġ tiegħu kif hawn qabel imsemmi, il-Kunsill jista' jgħaddi lill-applikant minn test ta' hila taht id-disposizzjonijiet ta' dan l-Att jew regolamenti magħmula tahtu.

(5) Il-Kunsill għandu regolament jiġbed l-attenzjoni ta' l-għalliema reġistrati dwar l-obbligu tagħhom li perjodikament jagħmlu programmi ta' żvilupp professjonali kontinwu u ta' aġġornament meħtieġa għall-istandards u l-idoneità għat-tagħhom.

(6) Il-Kunsill ghandu wkoll perjodikament jitlob l-ghalliema reġistrati jipprovdulu t-tagħrif mehtieg li juri liema programmi ikunu segwew.

(7) Kull meta jista' jkun il-każ, il-Kunsill ghandu jiġbed l-attenzjoni ta' ghalliem reġistrat li jkun qed jonqos fl-obbligu tiegħu kif imsemmi f'dan l-artikolu u ghandu jagħtih żmien raġonevoli biex jotttempora ruhu ma' dan l-obbligu.

(8) Meta ghalliem reġistrat jibqa' jinjora t-talba tal-Kunsill biex isegwi programmi ta' żvilupp professjonali kontinwat u ta' aġġornament, il-*warrant* tad-detentur jista' jiġi sospiż sakemm id-detentur ta' *warrant* iġib prova li jkun qed jissodisfa l-htigiet ta' l-obbligu msemmi f'dan l-artikolu.

Il-Kunsill  
jikkunsidra  
applikazzjoni  
ghal *warrant*.

29. Il-Kunsill ghandu jikkunsidra u jagħmel ir-rakkomandazzjonijiet tiegħu dwar applikazzjoni ghal *warrant* għall-eżerċizzju tal-professjoni ta' ghalliem malajr kemm jista' jkun raġonevolment Prattikkabli, imma f'ebda każ aktar tard minn erba' xhur minn meta jirċievi l-applikazzjoni. Meta jagħmel ir-rakkomandazzjonijiet tiegħu lill-Ministru, il-Kunsill ghandu fl-istess hin javża lill-applikant bir-rakkomandazzjonijiet tiegħu, flimkien mal-motivazzjonijiet li fuqhom dawn kienu ibbażati.

Telfien ta'  
*warrant*.

30. (1) Ebdha persuna ma tikkwalifika li tikseb jew ma ghandha żżomm *warrant* skond dan l-Att jekk dik il-persuna tkun insabet hatja minn qorti ta' ġurisdizzjoni kriminali:

(a) ta' xi delitt li għalih hemm piena ta' iktar minn sena prigunerija; jew

(b) li abbużat mill-fiduċja ta' l-istudenti jew talli għamlet użu minn vjolenza fuqhom; jew

(ċ) ta' xi delitt li minhabba fih dik il-persuna fil-fehma tal-Kunsill tista' ma tkunx idonea li tipprattika ta' ghalliem fi skola.

(2) Meta persuna titlef il-*warrant* wara li tkun insabet hatja skond ma hemm fis-subartikolu ta' qabel dan, ghandu jinghata avviż ta' dak it-telfien mill-Ministru fil-Gazzetta u dan it-tagħrif jitwassal mill-Kunsill lill-persuna skwalifikata, kemm il-darba l-persuna ma tkunx ġiet interdotta

bis-sentenza nnifisha, u lill-Kap ta' skola li timpjegah meta jkun il-każ.

Il-Kunsill  
jista' jagħmel  
inkjesti.

31. (1) Il-Kunsill għandu jinvestiga kull allegazzjoni ta' mġieba professjonali hażina, negliġenza jew inkompetenza dwar xi għalliem.

(2) Għall-finijiet ta' dan l-artikolu, il-frazzjiet "mġieba professjonali hażina", "negliġenza", jew "inkompetenza", jinkludu dawn li ġejjin:

(a) qerq jew frodi fl-applikazzjoni jew il-proċess tal-kisba ta' *warrant*;

(b) ksur tal-Kodiċi ta' Etika preskritt taħt dan l-Att;

(c) nuqqas ta' tharis ta' regolamenti dwar standards jew prattika professjonali;

(d) prattika jew assunzjoni professjonali li dwarha l-persuna ma tkunx kwalifikata jew il-persuna inkwistjoni ma tkunx awtorizzata li tipprattika skond il-*warrant* li jkollha;

(e) imġieba li tista' tkun ta' hsara għall-professjoni ta' l-għalliema;

(f) wiri ta' nuqqas ta' hila fil-prattika tal-professjoni ta' l-għalliema jew fit-twettiq ta' dmir jew obligazzjoni fil-prattika ta' għalliema.

(3) Kull għalliem li jkun is-suġġett ta' xi investigazzjoni li ssir mill-Kunsill għandu jingħata kull opportunità biex jagħmel id-difiza tiegħu u jgħib il-provi favur tiegħu u għal dak l-iskop jista' jkun assistit minn avukat jew minn xi persuna oħra li jagħzel hu.

(4) Meta jiffinalizza l-investigazzjoni l-Kunsill għandu –

(a) jekk ir-riżultanzi jkunu favur l-għalliem, itemm il-każ; jew

(b) jekk isib lill-għalliem hati ta' mġieba professjonali hażina, negliġenza jew inkompetenza,

jagħmel rapport dwar ir-riżultanzi u jissottomettih lill-Ministru flimkien mar-rakkomandazzjonijiet tiegħu għall-imposizzjoni ta' xi penali minn dawn li ġejjin:

(i) is-sospensjoni jew it-thassir tal-*warrant* taħt dawk il-kondizzjonijiet li jistgħu jiġu rakkomandati;

(ii) is-sospensjoni jew it-thassir tar-reġistrazzjoni ta' soċjetà ta' għalliema;

(iii) l-imposizzjoni ta' xi kondizzjonijiet li għandhom ikunu marbuta ma' *warrant*;

(iv) ċanfira;

(v) hlas li jkopri l-ispejjeż ta' l-investigazzjoni;

(vi) ordni li xi drittijiet li jintalbu għal servizzi mogħtija ma jithallsux, jitnaqqsu jew jithallsu lura; jew

(vii) kull penali ohra li tista' tiġi ordnata.

(5) Mat-thassir tal-*warrant* ta' għalliem il-Kunsill għandu jaqta' isem dik il-persuna minn fuq ir-reġistru uffiċjali ta' għalliema.

(6) Id-deċiżjoni tal-Kunsill li biha jiċhad talba għal *warrant* jew li biha jiġi sospiż jew imhassar *warrant* għandha tiġi notifikata bil-miktub lill-persuna li tkun applikat jew lid-detentur ta' *warrant*, skond il-każ, u lill-Prinċipal ta' Kulleġġ u lill-kap ta' skola fejn jipprattika ta' għalliem meta jkun il-każ.

Kap. 273.

(7) Għall-finijiet ta' dan l-artikolu, il-membri tal-Kunsill ikollhom is-setgħat li jistgħu jingħataw lill-membri ta' Bord ta' Inkjesta taħt l-Att dwar l-Inkjesti, u għandhom imexxu l-investigazzjoni tagħhom kif provdut fl-istess Att.

Appelli.

32. (1) Kull persuna li thossha aggravata b'deċiżjoni tal-Ministru, li jkun iddeċieda skond ir-rakkomandazzjonijiet tal-Kunsill, li biha jiċhad talba għal *warrant*, jew li biha jiġi sospiż jew imhassar *warrant*, taħt id-disposizzjonijiet ta' din it-Taqsima, tista', fi żmien wiehed u ghoxrin jum mill-avviż

li jinghata lill-Ministru, tappella lill-Qorti ta' l-Appell fil-gurisdizzjoni inferjuri taghha.

(2) Ghalkemm ikun sar appell skond id-disposizzjonijiet ta' dan l-artikolu, il-*warrant* jitqies sospiz jew imhassar, skond il-każ, pendenti id-deċiżjoni finali tal-Qorti ta' l-Appell.

(3) Il-Ministru responsabbli għall-gustizzja jista' jagħmel regolamenti li jistabbilixxu d-drittijiet li għandhom jithallsu fir-Registru tal-Qorti dwar appelli li jsiru taht dan l-artikolu:

Iżda sakemm jiġu stabbiliti dawk id-drittijiet mill-Ministru responsabbli għall-gustizzja, id-drittijiet li għandhom jithallsu għal appelli quddiem dik il-Qorti għandhom ikunu d-drittijiet applikabbli għall-Qorti tal-Maġistrati (Malta).

Kap. 12.

(4) Il-Bord imwaqqaf bis-sahha ta' l-artikolu 29 tal-Kodiċi ta' l-Organizzazzjoni u Proċedura ċivili għandu jagħmel regolamenti li jistabbilixxu l-forma ta' dawk l-appelli u hwejjeġ li għandhom x'jaqsmu ma' dan.

Il-Ministru jista' jirrestitwixxi l-*warrant*.

33. Il-Ministru jista', fuq ir-rakkomandazzjoni tal-Kunsill, u wara li ssir applikazzjoni għaldaqstant, jerga' jagħti lura l-*warrant* lil persuna li tkun skwalifikata jew li tkun tilfet il-*warrant* skond l-artikolu 30, jew iwarrab dik is-sospensjoni jew dak it-thassir, kif rakkommandat skond artikolu 31, jekk l-applikant jissodisfa dawk il-htigiet skond ma jistgħu jiġu preskritti. Meta l-*warrant* ta' l-għalliem ikun ġie restitwit, dak l-għalliem għandu jiġi registrat mill-ġdid fir-registru uffiċjali.

Assoċjazzjoni ta' għalliema.

34. (1) Assoċjazzjoni ta' għalliema hi assoċjazzjoni ta' għalliema mwaqqfa għall-iskop ewlieni li ġġib hil quddiem il-prinċipji, valuri u standards marbuta mal-prattika tal-professjoni ta' għalliem.

(2) Assoċjazzjoni ta' għalliema tista' tagħmel applikazzjoni lill-Kunsill biex tkun registrata bħala assoċjazzjoni ta' għalliema għall-finijiet ta' dan l-Att.

(3) Assoċjazzjoni tkun kwalifikata biex tkun registrata taht dan l-artikolu jekk iġġib prova lill-Kunsill li jkollha mill-inqas għaxar għalliema registrati li jkunu membri u li tkun tikkonforma ru'ha ma' dawk il-kondizzjonijiet l-



ohra li jistghu jigu ordnati. Assoċjazzjoni ghandha, flimkien ma' l-applikazzjoni, tippreżenta lista ta' membri u kull tagħrif iehor li l-Kunsill jista' jehtieg biex jipproċessa l-applikazzjoni.

(4) Il-Kunsill ikollu s-setgħa li jehtieg minghand assoċjazzjoni li tkun registrata taht dan l-artikolu biex tipproduċi dawk ir-records u tagħrif dwar l-assocjazzjoni u l-membri tagħha skond ma l-Kunsill jista' raġonevolment jehtieg minn żmien għal żmien.

Soċjetajiet ta' ghalliema.

35. (1) Żewġ detenturi ta' warrant jew iktar jistghu jiffurmaw soċjetà ċivili, f'dan l-Att msejha "soċjetà ta' ghalliema", li jkollha bħala skop wa'dieni l-prattika tal-professjoni ta' ghalliema u dawk is-setgħat li huma mehtieġa biex jinkisbu l-ghanijiet tas-soċjetà.

(2) Hadd, barra minn detentur ta' warrant, ma jista' jkun soċju f'soċjetà ta' ghalliema.

(3) Kull soċjetà bhal dik ghandha, meta tkun iffurmata kif imiss skond il-liġi u mal-hlas tad-dritt ordnat, tkun registrata mal-Kunsill u hekk kif tiġi registrata s-soċji ghandhom, sakemm is-soċjetà tibqa' hekk registrata, ikunu awtorizzati jaġixxu f'isem u għas-soċjetà li jkollha l-jedd li tuża l-isem "Ghalliema" bħala parti minn isimha.

(4) Kull soċjetà bhal dik ghandha tagħti lill-Kunsill dak it-tagħrif li jkun raġonevolment mehtieġ mill-Kunsill jew skond ma jista' jigi ordnat, u ghandha tagħti avviz lill-Kunsill dwar kull tibdil rilevanti f'xi tagħrif mogħti qabel lill-Kunsill fi żmien hmistax-il jum wara d-data li fiha jkun sar it-tibdil.

Kondizzjonijiet li japplikaw għal soċjetà.

36. Minkejja d-disposizzjonijiet ta' kull liġi ohra jew ta' kull ftehim iehor kuntrarju, id-disposizzjonijiet li ġejjin ghandhom japplikaw għal soċjetà ta' ghalliema taht dan l-Att:

(a) is-soċji jkunu responsabbli *in solidum* għal kull ghemil u nuqqas ta' kull wiehed minnhom fil-qadi tad-dmirijiet professjonali tagħhom, għaż-żamma ta' standards u mġieba professjonali u b'mod ġenerali fit-twettiq ta' l-obbligazzjonijiet tagħhom taht dan l-Att jew taht kull liġi ohra applikabbli, u ghandhom ikunu wkoll responsabbli *in solidum* għal kull telf jew danni li jirriżultaw minn dan;

(b) kull ghemil jew haġa li tista' ssir minn detentur ta' *warrant* tista' ssir minn xi wiehed jew iżjed mis-soċji f'isem is-soċjetà; u kull ghemil jew haġa li ssir f'isem is-soċjetà ghandha ssir minn xi wiehed jew iżjed mis-soċji;

(ċ) ir-responsabbiltajiet u l-obbligazzjonijiet ghal kull haġa li tkun saret jew li tkun naqset milli ssir matul il-perjodu li fih il-persuna kienet soċju f'soċjetà ta' ghalliema ma ghandhomx jieqfu, dwar dik il-persuna, minhabba li din tkun irtirat, mietet jew għal xi raguni ohra li minhabba fiha ma tibqax aktar soċju.

Applikabilità  
ta' artikoli  
ghal  
soċjetajiet.

37. Id-disposizzjonijiet ta' l-artikoli 30, 31 u 32 ghandhom japplikaw ghal soċjetajiet ta' ghalliema *mutatis mutandis* bhalma dawn japplikaw ghal ghalliema.

Reati u multi.

38. (1) Kull persuna li, sabiex tikseb *warrant* jew reġistrazzjoni ta' soċjetà ta' ghalliema taht id-disposizzjonijiet ta' dan l-Att, taghti xi taghrif hażin jew xort'ohra taġixxi b'mod qarrieqi jew bi frodi tkun hatja ta' reat u tista', meta tinsab hatja, tehel multa ta' mhux iżjed minn elf lira jew prigunerija għal mhux iżjed minn tmax-il xahar jew dik il-multa u prigunerija flimkien.

(2) Kull persuna li tinsab hatja ta' xi reat ieħor kontra xi provediment ta' din it-Taqsima ta' dan l-Att tehel, meta tinsab hatja, multa ta' mhux iżjed minn hames mitt lira, jew prigunerija għal żmien tliet xhur, jew dik il-multa u prigunerija flimkien u fil-każ ta' reat kontinwat, multa ta' hames liri għal kull jum li matulu jkompli ir-reat, sa massimu ta' elfejn lira.

(3) Kull persuna li, meta ma tkunx id-detentur ta' *warrant* jew *warrant* temporanju mahruġ taht dan l-Att, teżercita l-professjoni ta' ghalliem jew taghmel xi xogħol ta' taghlim bi ksur tad-disposizzjonijiet ta' dan l-Att, tkun hatja ta' reat kontra dan l-Att.

(4) Kull persuna li tuża l-kliem "Ghalliema" dwar soċjetà ta' ghalliema meta dik is-soċjetà ma tkunx reġistrata skond id-disposizzjonijiet ta' dan l-Att, jew b'xi mod li jkun taghmel użu minn xi isem billi timplika b'mod qarrieqi l-eżistenza ta' soċjetà ta' ghalliema li jkunu reġistrati kif hawn qabel imsemmi, tkun hatja ta' reat kontra dan l-Att.

(5) Għall-finijiet ta' dan l-artikolu, u bla hsara għal dawk ir-regolamenti li jistgħu jiġu magħmulin, persuna ma titqiesx li tkun qed tikser id-disposizzjonijiet ta' dan l-Att jekk dik il-persuna teżerċita l-professjoni ta' għalliem waqt perjodu ta' adattament jew meta tkun qed tagħmel taħriġ, f'kull każ taħt sorveljanza fi skola liċenzjata jew b'xi mod ieħor kif jiddeciedi l-Kunsill.

(6) Bla hsara għad-disposizzjonijiet tas-subartikolu (5), ebda persuna jew organizzazzjoni oħra ma għandha timpjega lil xi persuna barra minn għalliem reġistrat jew għalliem jkollu *warrant* temporanju għall-fini li jeżerċita l-professjoni ta' għalliem.

(7) Id-disposizzjonijiet ta' dan l-Att li jistabbilixxu reati jkunu bla hsara għad-disposizzjonijiet ta' kull liġi oħra li jistabbilixxu reati u pieni dwar l-istess attijiet jew ommissjonijiet u ma għandhomx, b'mod partikolari, jolqtu l-applikazzjoni ta' xi piena oghla taħt xi liġi oħra.

Multi  
amministrati-  
tivi.

39. Meta, wara inkjesta taħt id-disposizzjonijiet ta' l-artikolu 31, il-Kunsill isib għalliem hati ta' xi ksur ta' mġieba professjonali jew tal-Kodiċi ta' Etika, il-Kunsill jista' jimponi dawk il-multi amministrattivi li jirrakkomanda lill-Ministru u li dan jista' jippreskrivi.

Il-Ministru  
jista' jagħmel  
regolamenti.

40. Il-Ministru jista', wara konsultazzjoni mal-Kunsill, jagħmel regolamenti li ma jkunux inkonsistenti mad-disposizzjonijiet ta' din it-Taqsima ta' dan l-Att, biex jagħti effett aħjar lil kull wa'da minn dawk id-disposizzjonijiet u b'mod ġenerali biex jirregola l-professjoni ta' l-għalliema, u, mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, dawk ir-regolamenti jistgħu b'mod partikolari jinkludu disposizzjonijiet dwar –

(a) it-twaqqif ta' standards, proċeduri u dmirijiet fl-eżerċizzju tal-professjoni ta' għalliema u prattiċi oħra li għandhom ikunu mharsa minn għalliema, kemm b'mod ġenerali kemm f'oqsma ta' attività partikolari;

(b) l-imġieba professjonali u l-kodiċi ta' etika ta' għalliema u l-livelli ta' kompetenza u integrità li għandhom jinżammu mill-professjoni;

(ċ) il-htigiet, l-kondizzjonijiet u l-frekwenza dwar programmi ta' żvilupp professjonali kontinwu biex ikun jista' jinżamm *warrant*;

(d) ix-xogħol li jista' jsir u s-servizzi li jistghu jinghataw skond il-*warrant*, u l-pattijiet u l-kondizzjonijiet li jistghu jkunu marbuta ma' dak il-*warrant*;

(e) id-drittijiet li jistghu jingabru mill-Kunsill b'konnessjoni mal-hruġ ta' *warrant*, għal kull registrazzjoni taht dan l-Att, u għal kull xogħol iehor li jista' jsir mill-Kunsill skond id-disposizzjonijiet ta' dan l-Att;

(f) id-drittijiet li jistghu jingabru minn għalliema għas-servizzi professjonali tagħhom;

(g) il-proċeduri li għandhom jiġu segwiti f'kazijiet ta' mgieba professjonali hażina;

(h) l-ingaġġ ta' persuni biex ja'dmu fi skola bis-saħħa ta' *warrant* temporanju;

(i) il-formoli, ċertifikati ta' kondotta u hwejjeġ ohra konnessi ma' l-applikazzjoni għal *warrant*, test biex tiġi stabbilità l-kapaċità legali, il-proċeduri konnessi man-nomini ta' membri għall-Kunsill, u dwar kull proċedura ohra li tista' tkun adottata mill-Kunsill;

(j) il-hatra, komposizzjoni u proċeduri ta' kumitati jew sotto-kumitati li l-Kunsill jista' jhoss il-htieġa li jahtar għal xi wa'da mill-funzjonijiet tiegħu;

(k) kull haġa ohra li tkun meħtieġa jew awtorizzata b'dan l-Att li tiġi ordnata;

Riservi.

41. (1) Kull persuna li fid-data tal-bidu fis-seħħ ta' din it-Taqsima tkun id-detentur ta' *warrant* permanenti miksub taht Taqsima II ta' l-Att prinċipali qabel id-dhul fis-seħħ ta' din it-Taqsima għandha titqies li hi detentur ta' *warrant* bl-istess drittijiet u obbligi daqslikieku dak il-*warrant* ġie mogħti skond id-disposizzjonijiet u l-kondizzjonijiet ta' din it-Taqsima.

(2) Kull persuna li fid-data tal-bidu fis-sehh ta' din it-Taqsima:

(a) tikkwalifika ghal *warrant* permanenti taht il-provvedimenti ta' l-artikolu 11 (3) (b) ta' l-Att qabel ma gie emendat; jew

(b) tkun qed tipprattika l-professjoni ta' ghalliem f'xi skola bis-sahha ta' *warrant* temporanju u tkun ilha hekk tipprattika ghal mhux anqas minn 8 snin skolastici u hi eligibbli li tapplika ghal *warrant* permanenti taht il-provvedimenti ta' l-artikolu 11 (3) (d) ta' l-Att qabel ma gie emendat minhabba li tkun ghallmet fi skola f'Malta ghall-perjodu ta' mhux anqas minn hmistax-il sena u fl-opinjoni tal-Ministru tkun ta' hila akkademika mehtiega, tibqa' tikkwalifika ghal *warrant* daqslikieku hi kwalifikata taht il-provvedimenti ta' din it-Taqsima wara li tkun ghalqet hmistax il-sena tipprattika.

Detentur  
jista'  
jirritorna  
l-*warrant*.

42. Detentur ta' *warrant* jista' jirritorna l-*warrant* lill-Ministru u jitlob li ismu jitnehha mir-registru ta' l-ghalliema.”.

**10.** (a) L-intestatura “Taqsimha III – Skejjel ta' l-Istat” fl-Att prinċipali ghandha tigi enumerata mill-gdid u minflokha ghandha tidhol l-intestatura gdida “Taqsimha IV – Dmir ta' l-Istat li jipprovdi edukazzjoni”, u l-artikoli 16 sa 21 ghandhom jigu enumerati mill-gdid bhala l-artikoli 43 sa 48 ta' l-istess Taqsima.

Emenda ta' l-intestatura ta' Taqsima III, enumerazzjoni mill-gdid ta' l-artikoli 16 sa 21 ta' l-Att prinċipali, emenda ta' l-artikoli 43 sa 45 kif enumerati mill-gdid ta' l-Att prinċipali.

(b) Il-kliem f'artikolu 43(1) kif enumerati mill-gdid “u m'ghandhomx bzonnijiet edukattivi speċjali, jew li ma kkwalifikawx ghall-edukazzjoni sekondarja” ghandhom jithassru.

(c) Il-kliem f'artikolu 44 kif enumerati mill-gdid fl-Att prinċipali “u li m'ghandhomx bzonnijiet edukattivi speċjali” ghandhom jithassru.

(d) (i) Minflok is-subartikolu (1) ta' l-artikolu 45 kif enumerat mill-gdid ta' l-Att prinċipali ghandu jidhol dan li gej:

“Bla hsara ghall-provvedimenti ta' l-artikolu 58 ta' dan l-Att, ikun id-dover ta' l-Istat li jipprovdi centri ta' rizorsi, b'funzjoni speċjalizzata li tipprovdi ghal tfal bi bzonnijiet edukattivi individuwal li jistghu jibbenefikaw aktar jekk ikunu f'centri bhal dawk milli fi skejjel regolari, ghal dak iz-żmien kif jista' jkun adatt skond il-bzonnijiet taghhom.”; u

(ii) Minflok il-kliem fis-subartikolu 2 ta' l-artikolu 45 kif enumerat mill-gdid ta' l-Att prinċipali “meta dak il-minuri ghandu

diffikultajiet speċjali ta' xorta fiżika, mentali jew psikoloġika” għandhom jidhlu l-kliem “meta dak il-minuri għandu diffikultajiet speċjali ta' xorta fiżika, senorja, intelletwali jew psikoloġika.”.

Emenda ta' l-  
artikolu 47 ta' l-Att  
prinċipali

**11.** L-artikolu 47 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

(a) minflok il-kelma “*curriculum*” kull fejn tidher fin-nota marginali u fis-subartikoli (2) u (3) preżenti għandha tidhol il-kelma “kurrikulum”;

(b) minflok is-subartikolu (1) għandu jidhol dan li ġej:

“(1) Bla hsara għad-dispozizzjonijiet tas-subartikolu (2), ikun id-dover tal-Ministru li, wara li jirċievi l-proposti u l-pariri ta' l-entitajiet mwaqqfa b'dan l-Att, u wara konsultazzjoni ma' kull min għandu x'jaqsam ma' l-iżvilupp tal-pajjiż, jistabbilixxi l-qafas tal-kurrikulum nazzjonali għall-iskejjel sew ta' l-Istat sew daww mhux ta' l-Istat fil-livell ta' l-edukazzjoni obbligatorja u jkun l-obbligu ta' l-iskejjel kollha li jwettqu dan il-kurrikulum skond il-potenzjal u l-hiliet diversi ta' l-istudenti li jattendu fihom u skond l-*etos*, l-identità u l-karattru ta' l-iskola jew tal-Kulleġġ konċernat.”;

(ċ) is-subartikoli (2), (3) u (4) għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (3),(4) u (5) rispettivament;

(d) minnufih wara s-subartikolu (1) għandu jidhol dan is-subartikolu ġdid li ġej:

“(2) Il-Ministru għandu jsegwi l-hidma kurrikulari tad-Direttorati ta' l-edukazzjoni u ta' kull Kulleġġ u skola u għandu dritt jitlob kull tagħrif u rapport u li jiehu daww il-miżuri li jirriżultaw meħtieġa biex jiżgura li t-tagħlim fl-iskejjel isegwi l-filosofija, viżjoni, strateġija, prinċipji, objettivi, standards, u marki-bażi stabbiliti mill-kurrikulum.”;

u

(e) fis-subartikolu (4) kif enumerat mill-ġdid minflok il-kliem “Kunsill ta' skola jista' jagħmel talba lill-Ministru biex idahhal fil-*curriculum* ta' dik l-iskola” għandhom jidhlu l-kliem “Kulleġġ jew skola jistgħu jagħmlu talba lill-Ministru biex idahhal fil-kurrikulum ta' dak il-Kulleġġ jew skola”.

Żjieda ta' Taqsima  
V ġdida ma' l-Att  
prinċipali.

**12.** Minnufih wara l-artikolu 48 ta' l-Att prinċipali għandha tidhol din it-Taqsima ġdida li ġejja:

## “TAQSIMA V

## KULLEĠĠI TA' L-ISKEJJEL TA' L-ISTAT

Kulleġġi.

49. Bl-iskop li jitjiebu l-kwalità, l-istandards, l-operat, l-inizjattiva u r-riżultati ta' l-edukazzjoni fl-iskejjel ta' l-Istat, ghandu jkun hemm dawk il-Kulleġġi, hekk kif il-Ministru minn żmien għal żmien jidhirlu li jkun mehtieg f'Malta u f'Għawdex, li jinsgu fihom l-iskejjel ta' l-Istat, tal-bniet u tas-subien, u li jkunu jiżguraw esperjenza u servizzi edukattivi fi proċess shih u kontinwu sa mill-edukazzjoni bikrija, u tul il-livell primarju u sekondarju. Kull Kulleġġ jkun taht ir-responsabbiltà, tmexxija u amministrazzjoni ta' Prinċipal.

Personalità  
ġuridika u  
rappreżentanza  
legali tal-  
Kulleġġi.

50. (1) Kull wiehed mill-Kulleġġi mwaqqaf taht din it-Taqsima ta' dan l-Att huwa korp magħqud li jkollu personalità ġuridika u distinta u li jkun jista', bla hsara għad-disposizzjonijiet ta' dan l-Att, jagħmel kuntratti, jikseb, iżomm u jiddisponi minn kull xorta ta' propjetà għall-finijiet tal-funzjonijiet tiegħu, jew li jharrek jew li jiġi mharrek, u li jagħmel dawk l-affarijiet u dawk l-operazzjonijiet kollha li huma inċidentali jew li jwasslu għall-esercizzju jew it-twettiq tal-funzjonijiet tiegħu taht dan l-Att.

(2) Ir-rappreżentanza legali u ġudizzjarja ta' kull Kulleġġ imsemmi f'dan l-artikolu tvesti fil-Prinċipal rispettiv, iżda kull Prinċipal jista' jahtar lil xi wiehed jew aktar mill-uffiċjali jew impjegati tal-Kulleġġ rispettiv, biex jidher f'ismu u għalih f'kull proċediment ġudizzjarju u fuq kull att, kuntratt, istrument jew dokument iehor ta' liema xorta jkun.

Funzjonijiet  
ta' Kulleġġ.

51. Tkun il-funzjoni ta' kull Kulleġġ li:

a) Jiżgura li l-istudenti fdati lill-iskejjel fi hdan il-Kulleġġ jirċievu d-dritt tagħhom fl-edukazzjoni skond il-potenzjal tagħhom fi proċess shih, kontinwu u bla skossi ta' edukazzjoni minn età bikrija sa tmiem l-edukazzjoni obbligatorja f'perspettiva ta' tagħlim tul il-hajja u ispirata mill-oghla valuri umani.

b) Jiżgura r-responsabbiltà u l-kontabilità ta' kull min fl-iskejjel hu involut fil-proċess edukattiv ta' l-istudenti.

ċ) Isawwar il-karattru u l-identità tiegħu u jara li titjeb il-kwalità tas-servizz edukattiv fl-iskejjel billi

jippromwovi, jikseb u jzomm rizultati u standards gholjin mill-membri u l-istudenti kollha tal-Kulleġġ.

d) Jippromwovi djalogu u kultura ta' tim fost il-Kapijiet u l-persunal ta' l-iskejjel permezz ta' hidma flimkien, inkluż f'inizjattivi u problemi li jirrigwardaw il-Kulleġġ kollu.

e) Jara li l-Qafas tal-Kurrikulum Nazzjonali jiġi tradott f'kurrikulum adatt għall-istudenti tal-Kulleġġ u li dan jiġi implimentat fl-iskejjel kollha tiegħu bl-aħjar metodoloġiji, inkluż bit-thaddim estensiv tat-teknoloġiji ta' l-informatika u l-komunikazzjoni bhala għodda pedagogika.

f) Jassigura l-promozzjoni u d-disseminazzjoni ta' kultura ta' evalwazzjoni fi hdan l-iskejjel tal-Kulleġġ, inkluża l-implimentazzjoni ta' proċess ta' verifika edukattiva interna u ta' parteċipazzjoni shiha fi proċessi esterni ta' assikurazzjoni ta' kwalità.

g) Jassigura proċess ta' żvilupp professjonali għall-ghalliema u jissorvelja t-tmexxija, l-amministrazzjoni u l-kondotta ġenerali ta' l-iskejjel fi hdan il-Kulleġġ.

h) Jassigura l-provvediment ta' riżorsi, servizzi u faċilitajiet meħtieġa għal kull min irid jitgħallem u kull min irid jgħallem inklużi libreriji u ċentri speċjalizzati ta' riżorsi, filwaqt li jiffaċilita kull fejn ikun opportun l-użu komuni ta' dawn ir-riżorsi, servizzi u faċilitajiet.

i) Jassigura li kull min jahdem fl-iskejjel tal-Kulleġġ jahdem b'mod effettiv halli jiżguraw kultura b'saħħitha ta' imġieba tajba u ta' dixxiplina kif ukoll ambjent żgur u bla perikli.

j) Flimkien mad-Direttorat għal Servizzi Edukattivi, jiżgura r-reklutaġġ fil-hin tar-riżorsi umani li l-iskejjel ikollhom b'zonn, l-organizzazzjoni ta' korsijiet ta' tagħrif lill-haddiema godda u ta' żvilupp professjonali kontinwu tal-persunal kollu ta' l-iskejjel, inklużi għalliema, amministraturi, professjonisti inkarigati mis-servizzi psiko-soċjali u ta' appoġġ.



k) Jassigura politika u strateġija għall-iżvilupp ta' l-iskejjel fi hdanu bhala ċentri ta' tagħlim tul il-hajja u ta' kultura għall-komunitajiet li minnhom ikunu ġejjin it-tfal u studenti fl-iskejjel.

l) Jippromwovi l-implimentazzjoni tal-politika nazzjonali ta' tishib tal-ġenituri fl-iżvilupp ta' l-iskola u fl-esperjenza edukattiva ta' uliedhom u johloq shubija effettiva bejn l-iskola u d-dar.

m) Jassigura li l-*policies* tal-Kulleġġ jiġu segwiti w mplimentati.

n) Jorganizza servizz effettiv ta' *customer care*, iwettaq programm effettiv ta' komunikazzjoni, u jittratta l-ilmenti ta' studenti, ġenituri u għalliema skond il-linji gwida u *policies* mahruġa mid-Direttorati.

o) Jippromwovi u jiffaċilita l-organizzazzjoni ta' attivitajiet komuni f'oqsma bħal sports u edukazzjoni fiżika, kultura, drama, mużika u arti, u *crafts*, ambjent, stili ta' hajja b'saħħithom, kreattività u imprenditorija.

p) Jassigura l-koordinazzjoni ta' hidma ta' riċerka, inkluż *action research*, sew bejn l-iskejjel tal-Kulleġġ sew bejn il-Kulleġġi.

q) Jippromwovi kuntatt ma' ċentri għall-harsien tat-tfal zghar biex jiffaċilita transizzjoni bla skossi bejn it-trobbija bikrija u d-dhul fiċ-ċentri tal-kindergarten u l-iskejjel.

r) Jippromwovi u jinkoraġġixxi kultura u mentalità shiha favur il-kreattività, l-imprenditorija, il-proattività u l-attitudni pożittiva għall-bidla.

Prinċipal ta' Kulleġġ.

52. (1) Kull Kulleġġ għandu jkollu Prinċipal li jkun l-Uffiċjal Eżekuttiv Ewlieni tal-Kulleġġ u li jkun iwieġeb lid-Diretturi Ġenerali dwar il-qadi tal-funzjonijiet tiegħu u tal-Kulleġġ skond il-materja rispettiva, u lill-Bord tal-Kulleġġ fejn jispetta lill-Bord skond il-funzjonijiet tiegħu.

(2) Il-Prinċipal għandu jiġi mahtur mill-Ministru fuq bażi ta' kuntratt definit li jista' jiġġedded, bi proċess ta' għażla, wara sejha pubblika mnedija mid-Direttorat għal Servizzi Edukattivi, u li għaliha jistgħu japplikaw persuni li

jkollhom il-kwalifiki professjonali u l-esperjenza edukattiva mehtieġa kif ukoll il-hiliet manigerjali u ta' tmexxija għan-nisġa u l-koordinament effettiv ta' l-iskejjel fi hdan il-Kulleġġ.

Funzjonijiet ta' Prinċipal ta' Kulleġġ.

53. Ikun id-dmir ta' kull Prinċipal ta' Kulleġġ li jara li l-funzjonijiet tal-Kulleġġ kif provdut fl-artikoli 51 ikunu qeghdin jitwettqu, u b'mod partikolari għandu:

a) Johloq opportunitajiet sabiex il-Kapijiet, għalliema u persunal ieħor fl-iskejjel jikkontribwixxu u jiskambjaw ideat, esperjenzi u prattici tajbin u li jaħdmu flimkien fuq programmi, proġetti, attivitajiet u inizjattivi edukattivi komuni.

b) Jhejji pjan ta' hidma għal tliet snin kif ukoll l-estimi annwali tal-Kulleġġ u l-iskejjel tiegħu u jqassam l-fondi allokati mid-Direttorat għal Servizzi Edukattivi skond il-bżonnijiet ta' l-iskejjel fi hdan il-Kulleġġ kif indikat fl-estimi.

c) Ikun il-mentor tal-Kapijiet ta' l-iskejjel sew meta mitlub sew meta mehtieġ.

d) Jikkollabora ma' l-ufficjali tad-Direttorati u ma' l-istituzzjonijiet ta' edukazzjoni oghla, lokali u barranin, fit-taħriġ inizjali u l-iżvilupp professjonali kontinwu ta' l-għalliema u l-persunal ta' l-iskejjel.

e) Jippreżenta b'mod regolari rapporti dwar il-hidma tal-Kulleġġ u jipprovdi t-tagħrif mehtieġ lill-Bord tal-Kulleġġ.

f) Jippresjedi l-laqgħat tal-Kunsill tal-Kapijiet ta' l-iskejjel, u fit-tnejn ta' l-aġenda tal-Kunsill għandu jagħti konsiderazzjoni lill-proposti tal-Kapijiet ta' l-Iskejjel li l-Prinċipal jista' jidhirlu opportun li jinkludi fl-Agenda.

Bord ta' Kulleġġ.

54. (1) Kull Kulleġġ għandu jkollu Bord mahtur mill-Ministru u li jkun magħmul minn mhux anqas minn hames, iżda mhux aktar minn seba', membri u li persuna minnhom tkun mahtura President. Il-membri tal-Bord jinhatru għal tliet snin iżda meta membru jagħlaqlu ż-żmien tal-hatra jista' jerga' jinhatar għal perjodu jew perjodi ulterjuri.

(2) Il-Ministru ghandu jahtar lill-membri tal-Bord minn fost persuni li fil-fehma tiegħu jistgħu jservu ta' kontribut għall-Kulleġġ u f'din l-ghażla ghandu jfittex tahlita ta' hiliet u esperjenzi, bhal inizjattiva personali, impenn fl-edukazzjoni bhala ġenitur, *leadership* edukattiv jew fil-komunità, hila fin-negozju, u spirtu ċiviku.

(3) Il-Bord tal-Kulleġġ huwa Bord konsultattiv, bil-funzjoni li jappoġġa lill-Kulleġġ jakkwista s-servizzi u r-rizorsi mehtieġa għat-twettiq tal-funzjonijiet tiegħu, u li jsegwi dawn il-funzjonijiet ikunu qeghdin jitwettqu.

(4) Il-Prinċipal ghandu jirrapporta regolarment lill-Bord fuq l-andament u l-hidma tal-Kulleġġ u jindika kwestjonijiet li dwarhom ikun jinhtieg parir. Il-Bord ghandu dritt jitlob informazzjoni dwar l-operat u l-iżvilupp tal-Kulleġġ u l-Prinċipal hu fid-dmir li jipprokura t-tagħrif mitlub. Il-Bord ghandu jiddiskuti l-*Business Plan* u l-Estimi Finanzjarji tal-Kulleġġ qabel ma dawn jiġu preżentati lid-Direttorati għall-konsiderazzjoni tagħhom. Il-Bord ghandu jahdem biex il-Kulleġġ ikun qrib id-dinja tax-xogħol u ta' l-ekonomija kif ukoll tal-komunitajiet li minnhom jiġu l-istudenti.

(5) Il-Prinċipal jiehu sehem bi dritt f'kull laqgħa tal-Bord filwaqt li uffiċjal tal-Kulleġġ ikun is-Segretarju, iżda dawn għandhom jirtiraw minn laqgħa fejn il-Bord jiddiskuti hwejjeġ li għandhom x'jaqsmu ma' l-imġieba u l-*performance* tagħhom. Il-Prinċipal u s-Segretarju jkollhom dejjem id-dritt li jipprezentaw il-każ tagħhom.

Kunsill ta'  
Kapijiet ta'  
Skejjel.

55. Ikun hemm f'kull Kulleġġ Kunsill tal-Kapijiet ta' l-Iskejjel li jiffurmaw il-Kulleġġ u li jkun presedut mill-Prinċipal. Il-Kunsill ghandu:

a) Jikkoltiva spirtu ta' kolleġjalità fit-tmexxija tal-Kulleġġ bhala nisġa ta' skejjel filwaqt li jiżviluppa karattru u identità komuni.

b) Jidentifika l-bżonnijiet ta' taħriġ tal-persunal ta' l-iskejjel u jippjana opportunitajiet ta' żvilupp ta' persunal li jkun jista' jsir fuq livell ta' Kulleġġ għall-iskejjel tiegħu.

ċ) Jara li jiġu skambjati l-esperjenzi tal-Pjani ta' żvilupp ta' l-Iskola, l-*Performance Management*

*Programmes*, u *policies* u prattiċi bil-parteeċipazzjoni tal-komunità ta' l-iskola kif ikun opportun.

d) Jara li l-*policies* nazzjonali dwar materji ta' edukazzjoni, inklużi dawk dwar imġieba tajba u dixxiplina fl-iskejjel, harsien kontra l-abbuż tat-tfal u kontra l-abbuż ta' sustanzi, l-assentejiżmu, l-edukazzjoni inklużiva, u kull *policy* nazzjonali l-Ministru minn żmien għal żmien jista' jadotta, huma magħrufa sew minn kull għalliem jew haddiema fi skola, u li jkunu qegħdin jiġu segwiti b'mod effettiv.

e) Jinkoraġġixxi u jiffaċilita l-iżvilupp ta' skambji u proġetti fi shubija ma' skejjel oħra fl-Ewropa u pajjiżi oħra fid-dinja.

f) Jaħdem biex il-ġenituri jissiehbu u jsiru kollaboraturi attivi fl-edukazzjoni ta' uliedhom u fl-iskola u jippromwovi t-tagħlim tul il-hajja fost il-ġenituri u l-komunità in ġenerali.

g) Jiżgura li l-iskejjel jużaw b'mod tajjeb flimkien r-riżorsi, faċilitajiet u servizzi u li jiżviluppaw s-shubija meħtieġa għall-provvista ta' appoġġi partikolari jew assistenza teknika.

h) Jara li l-iskejjel jipparteċipaw u jappoġġaw il-hidma ta' l-Ispettorat Edukattiv.

i) Jirċievi u jiddiskuti rapporti preżentati mill-Prinċipal jew minn xi Kap ta' Skola kif ukoll rapporti oħra li l-Prinċipal jew il-Kunsill jitlob jew jirċievi.

j) Iżomm *record* tal-hidma u d-deċiżjonijiet adottati fil-laqgħat tal-Kunsill.

Shubija fil-Kulleġġi.

56. (1) Prinċipal ta' Kulleġġ għandu jfittex li jinseg shubija ma' kulleġġi jew skejjel mhux ta' l-Istat u jasal għal ftehim ta' hidma flimkien b'risq l-edukazzjoni ta' l-istudenti.

(2) Il-prinċipali jew kapijiet ta' dawk il-kulleġġi jew skejjel mhux ta' l-Istat li jilhqu ftehim ta' shubija ma' Kulleġġ ikollhom id-dritt li jieħdu sehem fil-Kunsill tal-Kapijiet tal-Kulleġġ u li jaħdmu flimkien mal-kapijiet ta' l-iskejjel ta' l-Istat fi hdan il-Kulleġġ fuq materji edukattivi ta' interess u benfiċċju reċiproku.

(3) Ftehim ta' shubija bhal dak imsemmi f'dan l-artikolu ghandu jipprovdi ghal opportunitajiet ta' hidma flimkien, użu ta' rizorsi komuni, u skambji ta' esperjenzi, prattika tajba u programmi edukattivi.

L-awtonomija tal-Kulleġġi.

57. (1) Il-Ministru u d-Direttorati ghandhom jippromwovu l-applikazzjoni tal-prinċipju tas-sussidjarjetà fit-tmexxija u l-amministrazzjoni tal-Kulleġġi, f'qafas ta' decentralizzazzjoni u awtonomija ta' l-operat u s-servizzi edukattivi tal-Kulleġġi u l-iskejjel tagħhom skond il-prioritajiet, miri u strategiji nazzjonali adottati mill-Gvern.

(2) Bla hsara għall-provvedimenti ta' dan l-Att, il-Ministru jista' jagħti dawk id-direttivi u jagħmel dawk ir-regolamenti li jidhirlu meħtieġa biex jiddelega b'mod ċar il-funzjonijiet edukattivi lill-Kulleġġi u jistabilixxi l-parametri tal-funzjoni u l-kontabilità effettiva ta' kull ufficjal jew impjegat involut fl-eżerċizzju tad-delega, tad-decentralizzazzjoni u l-awtonomija ta' l-applikazzjoni tal-funzjonijiet fdati lill-Kulleġġi u l-iskejjel.

Edukazzjoni inklużiva.

58. (1) Il-Ministru ghandu jara li l-politika nazzjonali dwar l-edukazzjoni inklużiva qed tiġi applikata f'kull skola u li jkun hemm ir-rizorsi, l-ghodda u l-facilitajiet meħtieġa biex din tingħata b'mod effettiv.

(2) Il-Ministru ghandu jara li jkun hemm centri speċjalizzati ta' rizorsi li jappoġġaw il-Kulleġġi u l-iskejjel fit-twettiq tal-politika ta' edukazzjoni inklużiva, li jagħtu servizz lil studenti b'diffikultajiet speċifiċi fit-tagħlim, u ohrajn li jipprovdu servizzi ta' edukazzjoni u taħriġ lil studenti bi bżonnijiet speċjali li jistgħu jiksbu d-drittijiet tagħhom edukattivi aħjar f'centri bhal dawn.

(3) Għall-iskopijiet tas-subartikoli preċedenti f'dan l-artikolu, il-Ministru jista' jagħti dawk id-direttivi u jagħmel dawk ir-regolamenti li fil-fehma tiegħu jkunu meħtieġa biex jipprovdi għal studenti bi bżonnijiet speċjali, inkluż l-assessjar multi-dixxiplinarju tal-kondizzjoni tagħhom, il-proċess ta' *statementing*, it-tifsil u l-applikazzjoni ta' programm ta' edukazzjoni individwali, arrangamenti speċjali dwar l-assessjar, testijiet u eżamijiet ta' l-istudenti konċernati, il-programmi f'centri speċjalizzati ta' rizorsi jew skejjel speċjali, l-applikazzjoni ta' terapiji jew l-ghoti ta' medicini kif preskritti mill-professjonisti kompetenti skond xi liġi lil studenti bi bżonnijiet speċjali waqt li dawn ikunu f'xi skola

jew ċentru, mezzi għal rikonsiderazzjoni ta' u appelli minn deċizzjoni dwar applikazzjoni għal *statementing* ta' student, u għal kull materja oħra konnessa ma' l-implimentazzjoni tal-politika dwar edukazzjoni inklużiva.

Arti, mużika,  
drama u sport  
fl-  
edukazzjoni.

59. (1) Kull Kulleġġ u kull skola għandhom, sa mill-età bikrija ta' l-istudenti, jiżguraw programmi u attivitajiet ta' arti, mużika, drama u sport bl-iskop li jsawwru fl-istudenti l-imhabba u l-apprezzament għalihom, u biex jisfruttaw l-elementi kollha possibbli ta' l-arti, l-mużika, d-drama u l-isport għall-finijiet ta' l-ghodda pedagogika u l-esperjenza edukattiva għall-aħjar żvilupp tal-hiliet, it-talenti u kull potenzjal divers ta' l-istudenti.

(2) Il-Ministru għandu jara li jkun hemm skejjel għall-edukazzjoni ta' l-arti, mużika, drama u sport, u jara wkoll li dawn jaħdmu f'nisġa effettiva bejniethom u f'kooperazzjoni effettiva mal-kulleġġi, skejjel u ma' istituzzjonijiet u ċentri ta' l-arti, mużika, drama u sport imwaqqfa fil-pajjiż sew bil-liġi sew xort' oħra.

Skejjel bhala  
ċentri ta'  
tagħlim fil-  
komunità.

60. Il-Ministru jista' jagħti dawk id-direttivi, jistitwixxi dawk il-programmi u jagħmel dawk ir-regolamenti li jidhirlu meħtieġa biex il-faċilitajiet tal-Kulleġġi u l-iskejjel ta' l-Istat ikunu jistgħu jintużaw bhala ċentri għal tfal żgħar, u biex ikunu jistgħu jintużaw ukoll f'kull hin barra mill-hin normali ta' l-iskola għal programmi ta' appoġġ edukattiv komplimentari u supplimentari, għal kull attività ta' eserċizzju u edukazzjoni fiżika u sportiva, u għal kull attività kulturali ta' arti, mużika u drama, għat-tfal, studenti u persuni adulti.

Kunsill ta'  
Skola u  
Kunsill ta'  
Studenti.

61. Kull skola, sew jekk hi skola fi hdan Kulleġġ sew jekk le, għandu jkollha Kunsill ta' l-Iskola magħmul minn ġenituri u għalliema, u Kunsill ta' Studenti li jkunu komposti u magħzula, u li jkollhom il-funzjonijiet, dmirijiet, setgħat u proċeduri hekk kif il-Ministru jista' minn żmien għal żmien jistabbilixxi permezz ta' regolamenti.

Imġieba  
tajba u  
dixxiplina fl-  
iskejjel.

62. (1) Bla hsara għad-disposizzjonijiet ta' dan l-Att, il-Kap u l-għalliema ta' skola, inkluż kull min b'mod dirett jew indirett għandu x'jaqsam mal-proċess edukattiv ta' l-istudenti fl-iskola, għandhom ikunu responsabbli għat-tagħlim u l-edukazzjoni ta' l-istudenti u biex tinżamm id-dixxiplina fl-iskola u jkunu jirrispondu għal dan lill-Prinċipal, lill-uffiċjali tad-Direttorati, u lill-Ministru.

(2) Il-ġenituri ghandhom l-ewwel dmir biex jiżguraw il-motivazzjoni ta' uliedhom għall-edukazzjoni u d-disposizzjoni għall-osservanza ta' mgieba tajba u dixxiplina, u għal dan l-iskop huma obbligati li jikkoperaw bis-shih u b'rispett mal-Kap u l-ghalliema.

(3) Il-Ministru jista', biex jiżgura l-ahjar effett u implimentazzjoni tad-dmirijiet imsemmija f'dan l-artikolu, jagħmel regolamenti u *policies* u jagħti direttivi dwar diffikultajiet emozzjonali u ta' imġieba li jiltaqghu magħhom l-istudenti, inkluż biex jipprovdi għas-servizzi u r-rizorsi meħtieġa, għat-twaqqif ta' żoni ta' appoġġ fit-tagħlim fl-iskola u ta' ċentri ta' appoġġ tagħlim barra mill-iskola, għat-trasferiment ta' student mill-klassi u l-iskola regolari għal dawn iż-żoni u ċentri, għas-sospensjoni u l-esklużjoni ta' student mill-klassi u l-iskola bhala parti minn proċess ta' dixxiplina u ri-integrazzjoni, għal mezzi ta' appell u ta' rikonsiderazzjoni ta' deċiżjonijiet dwar dixxiplina mehuda minn awtoritajiet kompetenti, għall-adozzjoni minn Kulleġġ u skola tal-kodiċi ta' dixxiplina, u għal kull haġa ohra ancillari għal dan skond kif ikun meħtieġ.

(4) Bla hsara għad-disposizzjonijiet ta' dan l-Att jew ta' xi liġi ohra, ir-regolamenti u l-kodiċi ta' dixxiplina msemmeja fis-subartikolu ta' qabel ta' dan l-artikolu jistgħu jinkludu provvedimenti dwar imġieba u dixxiplina li jirrigwardaw lill-ghalliema, lil kull min jahdem jew jidhol fi skola, u lill-ġenituri.”.

**13.** Minnufih wara l-artikolu 62 ta' l-Att prinċipali għandha tidhol din it-Taqsima ġdida li ġejja:

Żjieda ta' Taqsima VI ġdida ma' l-Att prinċipali.

#### “TAQSIMA VI

#### TWAQQIF U FUNZJONIJIET TAL-KUMMISSJONI NAZZJONALI GĦAL EDUKAZZJONI OGHLA

Tifsir. 63. F'din it-Taqsima ta' dan l-Att, kemm il-darba r-rabta tal-kliem ma teħtieġx xort'ohra –

“akkreditament ta' programmi jew ta' istituzzjoni”  
tirriferi għall-proċess, bl-ghajnuna ta' verifika interna jew esterna, fejn tiġi żgurata l-kwalità, ta' akkreditament ta' istituzzjoni ta' edukazzjoni jew, u ta' taħriġ, jew ta' programm ta' studju jew ta' servizz, li juri li hemm l-approvazzjoni ta' l-awtoritajiet kompetenti u

professionali li jkunu intlahqu standards nazzjonali u internazzjonali;

“approvazzjoni” tinkludi l-proċess amministrattiv skond id-disposizzjonijiet ta’ dan l-Att jew ta’ xi liġi oħra għal-liċenzjar u rappurtagġ perjodiku mehtieġ dwar it-twaqqif ta’ istituzzjonijiet jew il-kisba jew il-manteniment ta’ status speċifiku minn xi istituzzjoni, dwar deċizjoni jekk kors jew programm jikkwalifikax għal grad akkademiku, jew jekk istituzzjoni għandhiex id-dritt li tagħti kwalifiki nazzjonali u gradi;

“awtorizzazzjoni” tirreferi għad-deċizjoni uffiċjali li programm edukattiv u ta’ tahrig jagħti d-dritt għall-prattika ta’ professjoni, sengħa jew xogħol partikolari;

“edukazzjoni avvanzata” tfisser *further education* u tinkludi kull edukazzjoni formali għal persuni ta’ età aktar mill-età obbligatorja għall-iskola u li tista’ twassal sal-livell 4 ta’ l- *ISCED* jew 5 ta’ *NQF*;

“edukazzjoni oghla” tinkludi l-attivitajiet u programmi ta’ taġlim, tahrig u riċerka ta’ livell terziarju, u fir-rigward tat-taġlim tinkludi l-livelli li jwasslu sa Diploma, Baċċellerat, *Masters*, u dak post-gradwat ta’ Dottorat, u tinkludi wkoll edukazzjoni provduta minn universitajiet, istituzzjonijiet, kulleġġi, u *franchises* ta’ edukazzjoni oghla li jipprovdu korsijiet li jwassalu sal-livell *ISCED* 5 jew aktar, jew *NQF* 6 jew aktar; u “settur ta’ edukazzjoni oghla” għandha tiftiehem skond hekk;

“evalwazzjoni” tirreferi għall-proċess ta’ assessjar perjodiku dwar it-titjib ta’ l-azzjonijiet, strutturi, programmi, riżultati, ċertifikazzjoni, sistemi ta’ kontabilità u akkreditar ta’ l-istituzzjonijiet jew korsijiet;

“istituzzjoni għal edukazzjoni avvanzata” tirreferi għal kull skola, kulleġġ jew istitut, pubbliku jew privat, li jipprovdi edukazzjoni avvanzata, inkluża edukazzjoni ġenerali jew vokazzjonali, u tinkludi skola sekondarja oghla, skola jew kulleġġ għas-*sixth form*, kulleġġ vokazzjonali, u *franchise* ta’ korsijiet ta’ edukazzjoni avvanzata; u “settur ta’ edukazzjoni avvanzata” għandha tiftiehem skond hekk;



“istituzzjoni għal edukazzjoni oghla” tirreferi għal kwalunkwe istitut, pubbliku jew privat, li jipprovdi edukazzjoni oghla, u “settur ta’ edukazzjoni oghla” għandha tiftiehem skond hekk;

“istituzzjonijiet” tfisser istituzzjonijiet ta’ edukazzjoni avvanzata jew ta’ edukazzjoni oghla;

“Kummissjoni” tfisser il-Kummissjoni Nazzjonali għal Edukazzjoni Oghla mwaqqfa bl-artikolu;

“li tiġi żgurata l-kwalità” tirreferi għal sistemi –

(a) li jiggarantixxu l-kwalità ta’ edukazzjoni avvanzata u edukazzjoni oghla f’kuntest ekonomiku, soċjali u kulturali, fuq livell nazzjonali, Ewropew u internazzjonali;

(b) li jiżguraw l-użu ta’ kejl xieraq bhala għodda għat-titjib ta’ min jitgħallem u min jgħallem, tat-taħriġ u tar-riċerka; u

(ċ) li jikkomunikaw ir-rizultat ta’ dan il-proċess f’qafas intern u estern ta’ kontabilità;

“livell *ISCED*” tfisser livell ta’ *l-International Standard Classification of Education (ISCED)* adottata fid-29 Sessjoni tal-Konferenza Ġenerali ta’ l-Organizzazzjoni tan-Nazzjonijiet Uniti għall-Edukazzjoni, Xjenza u Kultura (*UNESCO*) fl-1997;

“livell *NQF*” tfisser il-livelli ta’ kwalifiki u kompetenzi adottati mir-Regolamenti ta’ l-2005 dwar il-Kunsill Malti għall-Kwalifiki u li bejniethom jiffurmaw il-Qafas Nazzjonali tal-Kwalifiki, *National Qualifications Framework, NQF*;

“marka-bażi” tirreferi għal punt ta’ riferenza biex tqabbel riżultati bejn suġġetti, programmi, temi jew istituzzjonijiet u li jwassal għal skambju ta’ esperjenza u ta’ l-aħjar Prattika;

“rikonoxximent” tfisser il-proċess ta’ l-ghoti ta’ status uffiċjali lil hili u, jew kompetenzi permezz ta’ l-ghoti ta’ ċertifikati jew permezz ta’ l-ghotja ta’

komparabilità, unitajiet ta' kredit, tishih ta' hiliel u, jew kompetenzi miksuba;

“verifika tal-kwalità” tirreferi għall-proċess ta' evalwazzjoni esterna tal-mekkanizmi li jiżguraw il-kwalità interna, adottata minn istituzzjoni għall-użu tagħha biex kontinwawwent issegwi u ttejjeb il-hidma u s-servizzi tagħha dwar suġġett, programm, tema, jew l-istituzzjoni nnifisha.

Twaqqif tal-Kummissjoni Nazzjonali għall-Edukazzjoni Oghla.

64. (1) Għandu jkun hemm Kummissjoni Nazzjonali għal Edukazzjoni Oghla li permezz ta' djalogu strutturat:

(a) taċċerta il-bżonnijiet u l-aspirazzjonijiet ta' l-istituzzjonijiet ta' edukazzjoni avvanzata u oghla,

(b) tinforma lill-pubbliku dwar il-kwistjonijiet li għandhom x'jaqsmu ma' l-iżvilupp sostennibbli tas-setturi ta' l-edukazzjoni avvanzata u oghla f'Malta biex jintlahqu l-bżonnijiet tas-soċjetà, u

(ċ) taghti pariri lill-Gvern dwar kull materja li għandha x'taqsam mas-settur ta' l-edukazzjoni avvanzata u oghla.

(2) Il-hwejjeġ u x-xogħol tal-Kummissjoni huma taht id-direzzjoni tal-Kummissjoni u jitmexxew mill-membri tal-Kummissjoni, u għal dan l-iskop, il-Kummissjoni tkun rappreżentata mill-President li jkun jista' jittellem u jaġġixxi għan-nom tagħha.

Skop u funzjonijiet tal-Kummissjoni.

65. Il-Kummissjoni għandha:

(a) Tifformula prinċipji gwida għall-edukazzjoni avvanzata u oghla, u tipproponi viżjoni, objettivi u miri strateġiċi ċari u sostennibbli għas-settur ta' l-edukazzjoni avvanzata u oghla.

(b) Tirriċerka, tanalizza, tirrevedi u, permezz tal-Ministru, taghti pariri lill-Gvern dwar l-iżvilupp, l-ippjanar u t-tmexxija tal-politika ta' l-edukazzjoni avvanzata u oghla.

(ċ) Tevalwa, tapprova, takkredita, tawtorizza u tirrikonoxxi sistemi u *policies* fejn tiġi żgurata l-kwalità ta' l-istituzzjonijiet u l-programmi tagħhom.

(d) Tirrakkomanda *policies* ta' finanzjar, u ta' sistemi alternattivi ta' finanzjar, tas-settur ta' edukazzjoni avvanzata u oghla, filwaqt li tindirizza l-kwestjoni ta' l-adeqwatezza ta' dan il-finanzjament u tal-kontabilità tas-settur.

(e) Tipproponi *policies* relatati ma' l-istudenti dwar ghazliet sostenibbli, aċċess ekwu u mobilità fl-istituzzjonijiet, appoġġ finanzjarju, servizzi ta' informazzjoni u gwida dwar passagġi ta' żvilupp għall-istudenti.

(f) Tirrakkomanda *policies* relatati mar-riċerka, l-innovazzjoni, l-proprjetà intellettuali, u t-trasferiment ta' l-għerf.

(g) Tfassal *policies* relatati mad-dimensjoni internazzjonali ta' edukazzjoni avvanzata u oghla u ma' l-espansjoni u d-diversifikazzjoni tal-provvediment tagħhom.

(h) Taghti pariri, u fejn ikun il-każ tagħmel dawk ir-rakkomandazzjonijiet li jidhirlha meħtieġa, lill-Gvern u lill-istituzzjonijiet, dwar kull materja jew kwestjoni oħra relatata ma' l-edukazzjoni avvanzata u oghla.

Dmirijiet tal-Kummissjoni.

66. Fil-qadi ta' dmirijietha l-Kummissjoni għandha:

a) Tizviluppa u tippromwovi djalogu strutturat fost l-istituzzjonijiet ta' l-edukazzjoni avvanzata u oghla u dawk involuti b'mod rilevanti fl-iżvilupp soċjo-ekonomiku, inklużi l-istudenti u l-organizzazzjonijiet tagħhom.

b) Iżzomm djalogu regolari ma' esperti internazzjonali dwar *policies*, strateġiji u żviluppi settorjali li jkunu qegħdin isehhu.

c) Tiġbor l-informazzjoni, *data* u statistika skond kif meħtieġ għall-qadi tal-funzjonijiet tagħha.

d) Tippubblika studji u rapporti tematiċi li tqis importanti dwar:

i) Strateġija Nazzjonali dwar l-Edukazzjoni Avvanzata u Oghla;

ii) Indikaturi Ewlenin dwar ir-Rizultati ta' l-Edukazzjoni Avanzata u Oghla f' Malta; u

iii) Kejl tar-rizultati mqabbel ma' żviluppi f' pajjizi ohra.

e) Tikkompila u tibghat lill-Ministru rapport annwali, mhux aktar tard minn sitt ġimgħat wara l-gheluq tas-sena finanzjarja, dwar il-hidma tagħha f' dik is-sena.

f) Iżzomm u tippubblika reġistru aġġornat ta' l-istituzzjonijiet u l-programmi awtorizzati u akkreditati f' Malta.

g) Tagixxi fuq kull talba speċifika magħmula lilha mill-Ministru dwar l-iskopijiet u l-funzjonijiet tagħha kif imfissra f' dan l-Att.

Poteri tal-Kummissjoni. 67. (1) Il-Ministru għandu jikkonsulta mal-Kummissjoni dwar kull tibdil propost f' leġislazzjoni li jkollha x'taqsam ma' l-edukazzjoni avanzata u oghla.

(2) Il-Kummissjoni tista' tagixxi fuq inizjattiva tagħha u tagħmel dawk ir-rakkomandazzjonijiet lill-Gvern li jidhirlha xierqa fuq dan is-settur ta' l-edukazzjoni.

68. (1) Il-Kummissjoni għandu jkollha aċċess shih għal kull informazzjoni disponibbli għall-istituzzjonijiet pubbliċi ta' l-edukazzjoni avanzata u oghla u għandha d-dritt titlob kull tagħrif li jinhtieġilha sew minn istituzzjonijiet pubbliċi u privati u dan it-tagħrif għandu jingħatalha fi żmien raġonevoli mid-data meta jintalab.

(2) Il-Kummissjoni għandu jkollha aċċess għal statistika u *data* ekonomika u soċjali kif meħtieġ biex il-Kummissjoni u s-Segretarjat tagħhom jkunu jistgħu jwettqu il-funzjonijiet tagħhom skond dan l-Att.

Kompożizzjoni tal-Kummissjoni. 69. (1) Il-Kummissjoni tkun komposta minn mhux anqas minn seba' u mhux aktar minn disa' membri nominati mill-Ministru u mahtura mill-Prim Ministru għall-perjodu ta' tlett snin u l-membri għandhom ikunu eliġibbli biex jerġghu jiġu mahtura wara li jiskadi ż-żmien tal-hatra tagħhom. Il-membri kollha jservu fil-Kummissjoni fil-kapaċità personali tagħhom.

(2) Il-Prim Ministru ghandu jahtar minn fost il-membri President u Viċi President. F'każ li l-President ikun imsiefer jew għal xi raġuni oħra, għal xi żmien, ma jkunx f'pożizzjoni li jwettaq il-qadi tal-funzjonijiet tiegħu, il-Viċi President ghandu jaġixxi ta' President u ghandu jwettaq is-setgħat u l-funzjonijiet tal-President.

(3) Il-membri tal-Kummissjoni għandhom ikunu persuni li jkollhom grad mogħti minn Università rikonossuta, u li, fl-opinjoni tal-Ministru, jipposjedu kwalitajiet ta' mexxej, u jkollhom għarfien ta' l-edukazzjoni avvanzata u oghla fil-kuntest ta' l-iżvilupp soċjo-ekonomiku in ġenerali.

(4) Persuna ma tkunx eliġibbli li tiġi mahtura jew li tokkupa l-kariga ta' membru tal-Kummissjoni jekk:

- a) tkun membru tal-Kamra tad-Deputati; jew
- b) tkun imhalled jew maġistrat li jkun qiegħed jokkupa dik il-kariga; jew
- c) tkun legalment inkapaċitata; jew
- d) tkun iddikjarata fi stat ta' falliment jew tkun għamlet kompożizzjoni jew ftehim mal-kredituri tagħha; jew
- e) tkun instabet hatja ta' xi reat kontra dan l-Att jew li jaffettwa l-fiduċja pubblika jew ta' serq jew frodi jew li tkun bil-hsieb laqgħet għandha propjetà akkwistata b'serq jew frodi; jew
- f) ikollha xi interess finanzjarju jew xort' oħra f'xi intrapriża jew attività li tista' taffettwa l-qadi tal-funzjonijiet tagħha bħala membru fil-Kummissjoni:

Iżda l-Ministru jista' jwarrab l-iskwalifika ta' persuna taht dan il-paragrafu jekk tali persuna tiddikjara li jkollha interess u dik id-dikjarazzjoni u dak it-twarrib ta' skwalfika jiġu pubblikati fil-Gazzetta.

(5) Bla hsara għad-disposizzjonijiet ta' dan l-artikolu, il-post ta' membru tal-Kummissjoni jiġi meqjus vakanti:

- (a) meta jiskadi ż-żmien tal-hatra tiegħu, jew

(b) jekk jinqalghu ċirkostanzi li, f'każ li din il-persuna ma tkunx membru tal-Kummissjoni, tkun skwalifikata milli tinhatar bhala tali.

(6) Membru tal-Kummissjoni jista' jiġi mneħhi mill-kariga tiegħu mill-Prim Ministru għal raġuni li jkun inkapaċi li jwettaq il-funzjonijiet tal-kariga tiegħu, sew minhabba mard mentali jew fiżiku, sew għal raġunijiet oħra li minhabba fihom il-membru ma jibqax idoneu li jokkupa dik il-kariga jew minhabba f'imġieba hażina.

(7) Membru tal-Kummissjoni jista' jirriżenja mill-kariga tiegħu permezz ta' ittra indirizzata lill-Prim Ministru. Jekk xi membru jirriżenja jew jiġi mneħhi mill-kariga tiegħu mill-Prim Ministru jew jekk il-post ta' xi membru tal-Kummissjoni jsir b'xi mod vakanti, il-Prim Ministru jista' jahtar persuna kwalifikata għal din il-hatra; u kull persuna hekk mahtura tibqa' tokkupa dik il-kariga sakemm tiskadi l-hatra tal-persuna li tkun qeghda tissostitwixxi u tkun eliġibbli biex terga' tiġi mahtura.

(8) Membru tal-Kummissjoni li jkollu xi interess dirett jew indirett f'xi kuntratt magħmul jew propost li jsir mill-Kummissjoni, sakemm dan l-interess ma jkunx ta' xorta li minhabba fih il-membru jista' jiġi skwalifikat milli jkompli f'dik il-kariga, għandu jiżvela x-xorta ta' l-interess tiegħu fl-ewwel seduta tal-Kummissjoni wara li jkun sar jaf bil-fatti rilevanti. Dan l-iżvelar għandu jkollu fil-minuti tas-seduta tal-Kummissjoni, u dak il-membru għandu jirtira mis-seduta waqt li dak il-kuntratt ikun qiegħed jiġi diskuss. Dak l-iżvelar għandu jiġi mgħoddi lill-Ministru minghajr dewmien. Meta l-interess tal-membru jkun tali li jista' jwassal li jitneħha mill-kariga tiegħu, il-membru għandu immedjatament jirrapporta l-fatt lill-Ministru u, minghajr preġudizzju għas-subartikolu (4)(f) ta' dan l-artikolu, joffri r-riżenja tiegħu.

(9) Kull assenza jew vakanza fost il-membri tal-Kummissjoni, jew kull parteċipazzjoni fil-laqgħat tagħha minn xi persuna li ma jkollhix jedd tagħmel dan, ma tinvalidax il-proċeduri tal-Kummissjoni, sakemm ikun hemm *quorum* ta' mhux anqas minn nofs l-ghadd tal-membri tal-Kummissjoni.

(10) Bla hsara għad-disposizzjonijiet ta' dan l-Att u tar-regolamenti magħmulin tahtu, il-Kummissjoni tista' tahtar kumitati u b'mod ġenerali tirregola l-proċeduri tagħha nnifisha.

(11) Il-Kummissjoni ghandha tahtar Segretarju li jzomm il-minuti u *record* tal-laqghat u tad-decizjonijiet taghha.

(12) Il-Kummissjoni ghandha tiehu l-prekawzjonijiet kollha biex tittratta taghrif dwar kwistjonijiet kummerċjali bl-aktar mod konfidenzjali fir-relazzjonijiet taghha ma' istituzzjonijiet kemm pubbliċi kemm privati.

(13) Il-Ministru, wara li jikkonsulta lill-President tal-Kummissjoni, jista' jaghmel regolamenti dwar il-proċeduri li l-Kummissjoni ghandha tadotta fil-hidma taghha.

Segretarjat  
tal-  
Kummissjoni.

70. (1) Il-Kummissjoni ghandha twaqqaf Segretarjat li jwieġeb lill-Kummissjoni biex isegwi u jeseqwixxi d-decizjonijiet taghha, jipprovi kull informazzjoni u l-appoġġ amministrattiv, tekniku, u ta' riċerka mehtieġa mill-Kummissjoni biex twettaq il-funzjonijiet taghha.

(2) Is-Segretarjat ghandu jipprepara pjan ta' azzjoni annwali għall-konsiderazzjoni u approvazzjoni tal-Kummissjoni. Il-pjan ghandu jfisser il-*policies* ta' tmexxija u operat li l-Kummissjoni tkun ser tadotta u juri l-hidma u l-attivitajiet tal-Kummissjoni u s-Segretarjat.

Hatra u  
dmirijiet ta'  
Kap Uffiċjal  
Eżekuttiv u  
uffiċjali tas-  
Segretarjat.

71. (1) L-ingaġġ u t-temm ta' l-ingaġġ ta' l-uffiċjali u l-impjegati tal-Kummissjoni u s-Segretarjat ghandha tkun il-funzjoni tal-Kummissjoni li taġixxi permezz tal-President wara konsultazzjoni xierqa mal-Kap Uffiċjal Eżekuttiv.

(2) Bla hsara għad-disposizzjonijiet ta' dan l-Att u għal kull direttiva tal-Kummissjoni, it-tmexxija eżekuttiva u l-amministrazzjoni u l-organizzazzjoni tal-Kummissjoni u tas-Segretarjat, u l-kontroll amministrattiv ta' l-uffiċjali u impjegati, għandhom ikunu r-responsabbiltà tal-Kap Uffiċjal Eżekuttiv.

(3) Il-Kap Uffiċjal Eżekuttiv ghandu jkun responsabbli wkoll għall-implimentazzjoni ta' l-għanijiet u l-funzjonijiet tal-Kummissjoni, u mingħajr pregudizzju għall-generalità ta' dak hawn qabel imsemmi għandu jiżviluppa dawk l-istrateġiji, politika, u regolamenti mehtieġa għall-implimentazzjoni ta' l-għanijiet tal-Kummissjoni, jipprovi informazzjoni u jaghti pariri lill-Bord dwar kull materja skond ma jara li jkun mehtieġ jew spedjenti, u jwettaq dmirijiet ohra lilu assenjati minn żmien għal żmien mill-Kummissjoni.

(4) Il-Kap Uffiċjal Eżekuttiv jiġi mahtur mill-Kummissjoni, bl-approvazzjoni tal-Ministru, taht dawk il-pattijiet u kondizzjonijiet li l-Kummissjoni tistabilixxi bi qbil mal-Ministru.

(5) Il-Kap Uffiċjal Eżekuttiv jirrapporta lill-President u lill-Kummissjoni u jattendi l-laqghat taghha meta jkun mistieden.”.

Emenda ghal  
Taqsimha V ta' l-Att  
prinċipali.

**14.** L-intestatura “Taqsimha V – L-Università ta’ l-Istudji ta’ Malta” fl-Att prinċipali għandha tiġi enumerata mill-ġdid u minflokha għandha tidhol l-intestatura ġdida “Taqsimha VII – L-Università ta’ Malta,” u l-artikoli minn 28 sa 39A li hemm fiha għandhom jiġu enumerati mill-ġdid bħala l-artikoli minn 72 sa 84 rispettivament.

Żjieda ta’ Taqsimha  
VIII ġdida ma’ l-Att  
prinċipali.

**15.** Minnufih wara l-artikolu 84 ta’ l-Att prinċipali għandha tidhol din it-Taqsimha ġdida li ġejja:

#### “TAQSIMA VIII

#### IL-KULLEĠĠ MALTĠ TA’ L-ARTI, XJENZA U TEKNOLOĠIJA

Tifsir.

85. (1) F’din it-Taqsimha ta’ dan l-Att, kemm il-darba r-rabta tal-kliem ma tkunx tehtieg xort’ohra –

“Bord tal-Gvernaturi” tfisser il-Bord tal-Gvernaturi mwaqqaf bl-artikolu 92;

“Bord ta’ Studji” tfisser il-Bord ta’ Studji ta’ l-Istitut imwaqqaf bl-artikolu 98;

“*Bureau*” tfisser il-*Bureau* Amministrattiv imwaqqaf bl-artikolu 96;

“Direttur Amministrattiv” tfisser il-persuna mahtura mill-Bord tal-Gvernaturi biex taqdi d-dmirijiet kif imfisser fl-artikolu 105;

“Istitut” tfisser kull Istitut mwaqqaf bis-sahha ta’ artikoli 90 (d) u 93;

“Kulleġġ” f’din it-Taqsimha tfisser il-Kulleġġ Malti ta’ l-Arti Xjenza u Teknoloġija inkorporat bl-artikolu 86;



“Kunsill” tfisser il-Kunsill ta’ l-Istituti mwaqqaf bl-artikolu 91;

“President” tfisser il-President tal-Bord tal-Gvernaturi mahtur bis-sahha ta’ l-artikolu 91 (2) u kull persuna li temporanjament taġixxi f’ dik il-kariga;

“Prinċipal” tfisser il-Prinċipal tal-Kulleġġ mahtur mill-Bord tal-Gvernaturi biex jaqdi d-dmirijiet imfissra f’ artikolu 91(2) u kull persuna li temporanjament taġixxi f’ dik il-kariga.

Inkorporazzjoni tal-Kulleġġ Malti ta’ l-Arti, Xjenza u Teknoloġija. 86. Il-Kulleġġ Malti ta’ l-Arti, Xjenza u Teknoloġija, mwaqqaf b’Att Pubbliku fil-11 ta’ Awissu, 2000, qiegħed b’dan jerga’ jiġi mwaqqaf u inkorporat f’dan l-Att biex iwettaq il-missjoni li jipprovdi studji u taħriġ għall-edukazzjoni fl-oqsma vokazzjonali u professjonali.

Personalità ġuridika u rappreżentanza legali tal-Kulleġġ. 87. (1) Il-Kulleġġ huwa korp magħqud li jkollu personalità ġuridika u distinta u li jkun jista’, bla hsara għad-disposizzjonijiet ta’ dan l-Att, jagħmel kuntratti, jikseb, iżomm u jiddisponi minn kull xorta ta’ proprjetà għall-finijiet tal-funzjonijiet tiegħu, jew li jħarrek jew li jiġi mħarrek, u li jagħmel dawk l-affarijiet u dawk l-operazzjonijiet kollha li huma inċidentali jew li jwasslu għall-esercizzju jew it-twettiq tal-funzjonijiet tiegħu taħt dan l-Att.

(2) Ir-rappreżentanza legali u ġudizzjarja tal-Kulleġġ tvesti fil-Prinċipal, iżda l-Bord tal-Gvernaturi jista’ jahtar lil xi wiehed jew aktar mill-membri tiegħu jew mill-uffiċjali jew impjegati tal-Kulleġġ, biex jidher f’ ismu u għalih f’kull proċediment ġudizzjarju u fuq kull att, kuntratt, istrument jew dokument iehor ta’ liema xorta jkun.

Lingwi uffiċjali. 88. Il-Malti u l-Ingliz huma l-lingwi uffiċjali tal-Kulleġġ. L-amministrazzjoni tal-Kulleġġ tista’ tuża kull wiehed miż-żewġ ilsna għal skopijiet uffiċjali.

Skop tal-Kulleġġ. 89. (1) Il-Kulleġġ għandu b’mod ġenerali jiżgura li jkun hemm sistema ta’ istituzzjonijiet edukattivi li jkunu miftuħa għal kulhadd, u li jistabbilixxi dawk il-facilitajiet u programmi ta’ edukazzjoni u taħriġ u ta’ esperjenza Prattika u ta’ xogħol li jidhirlu meħtieġa biex jipprovdi lil kulhadd bl-opportunità li jikkwalifika fis-snajjja, mestieri, attivitajiet artigjanali, tekniċi jew kummerċjali, u fil-professjonijiet skond

il-bżonn soċjo-ekonomiku fil-pajjiż, f'qafas kurrikulari ta' tagħlim tul il-hajja u ta' żvilup shiħ tal-persuna.

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(2) Il-Kulleġġ għandu jorganizza t-tagħlim u t-taħriġ tiegħu fil-livelli meħtieġa, inklużi l-livelli stabbiliti mill-Kunsill Malti għall-Kwalifiki.

(3) Il-Kulleġġ għandu jiżgura l-ogħla kwalità fil-livelli kollha, u għandu jara li kull min itemm b'suċċess it-tagħlim u t-taħriġ li jwassal għal ċertifikazzjoni ta' kwalunkwe livell ikollu l-bażi edukattiva meħtieġa biex jissodisfa l-istandards stabbiliti qabel ma jkun jista' jimxi għal-livell li jmiss.

(4) Il-Kulleġġ għandu, f'dawk l-oqsma fejn dan jista' jsir u skond il-possibilitajiet tal-Kulleġġ, jiżgura aċċess għal kulhadd fl-ewwel livell indipendentement mill-kwalifiki akkademiċi, u għandu jkollu programmi apposta biex jgħin lil dak li jkun jikseb il-bażi edukattiva meħtieġa biex ikun jista' jkompli u jtemm b'suċċess dak il-livell skond l-istandards stabbiliti, u għal dan l-iskop il-Kulleġġ għandu jipprovdi skemi għall-akkreditar ta' l-esperjenza edukattiva diġà.

(5) Il-Kulleġġ għandu jipprovdi programmi ta' tagħlim u taħriġ biex jgħin persuni jiksbu kwalifiki skond il-bżonnijiet tagħhom, inkluż permezz ta' tagħlim mill-bogħod u ta' programmi oħra li jinghataw b'kull mezz effettiv u minn kull post adatt skond l-iskop tal-programm partikolari.

(6) B'mod partikolari il-Kulleġġ għandu:

(a) jipromwovi l-viżjoni li Malta thaddan bhala centru ta' attività kulturali, industrijali, kummerċjali u ta' servizzi għar-regġuni kollha fid-dinja u b'mod partikolari għar-regġun ewro-mediterranju;

(b) iħarreg l-istudenti tiegħu fil-hila li japprezzaw u jisfruttaw l-isfidi u l-opportunitajiet li l-proċess mgħaġġel ta' l-ekonomija internazzjonali qed iġib miegħu frott ta' l-avvanzi fl-oqsma tal-komunikazzjoni, it-teknoloġija ta' l-informazzjoni u x-xjenza;

(ċ) jxettel kultura ta' kreattività, innovazzjoni, imprenditorjalità, eċċellenza u flessibilità sostnuti mill-

valuri ta' impenn, dedikazzjoni u integrità tax-xoghol u l-professjoni li wiehed iwettaq;

(d) irawwem fl-istudenti impenn favur is-sahha u s-sigurtà fuq il-post tax-xoghol, u favur il-professjonalizmu;

(e) jirrispondi b'mod u fhhin rilevanti għall-bżonnijiet tas-suq tax-xoghol billi f'kull livell ta' l-esperjenza edukattiva u ta' tahriġ jinsegħ shubija effettiva mas-setturi ekonomiċi, industrijali u tas-servizzi, fl-għarfien li l-biċċa l-kbira ta' l-imprizi huma ta' daqs żgħir jew medju;

(f) jiżgura t-twettiq tal-prinċipji ta' edukazzjoni inklużiva billi jipprovdi aċċess ekwu għal kulhadd b'rispett shiħ għad-diversità;

(g) jaghti l-importanza mehtieġa lir-riċerka u żvilupp fl-oqsma ta' l-arti applikata, x-xjenza u t-teknoloġija;

(h) juri li l-edukazzjoni akkademika u dik vokazzjonali huma parti integrali minn proċess ta' edukazzjoni għall-iżvilupp shiħ tal-bniedem, u li għaldaqstant għandu jkollhom parità fl-istima;

(i) jiżviluppa kurrikulum ta' studju u tahriġ mibni fuq il-kuncett ta' tagħlim tul il-hajja u li jwassal għal ċertifikati li jkunu ibbażati fuq tagħrif u kompetenzi mehtieġa fis-suq tax-xoghol;

(j) jiżgura li l-kwalità u l-istandards tal-korsijiet u ċertifikati mogħtija huma rikonoxxuti fuq livelli nazzjonali u internazzjonali;

(k) jiggwida ruħu mill-politika u l-istrateġija nazzjonali li l-Gvern jadotta minn żmien għal żmien f'kull qasam;

(l) jieħu sehem shiħ fi programmi ta' skambji bilaterali u reġjonali u b'mod partikolari fil-programmi edukattivi u ta' tahriġ ta' l-Unjoni Ewropea li Malta tkun minn żmien għal żmien imsieħba fihom.

(7) Il-Kulleġġ ghandu jahdem f'koordinament proattiv ma' l-Entitajiet l-oħra edukattivi msemmija f'dan l-Att, mal-Korporazzjoni tax-Xogħol u Tahriġ, mal-korpi kostitwiti, *trades unions*, u l-aġenziji l-oħra nazzjonali li ghandhom sehem fl-iżvilupp soċjali u ekonomiku tal-pajjiż.

Setgħat u  
funzjonijiet  
tal-Kulleġġ.

90. Il-Kulleġġ ghandu:

(a) permezz ta' tagħlim u tahriġ fis-suġġetti ta' l-arti, tax-xjenza, tat-teknoloġija, tal-hiliet tekniċi u tas-sinjura, jiggwida lill-istudenti tiegħu fl-iżvilupp tal-hiliet, kompetenzi u profiċjenza meħtieġa għall-eżerċizzju ta' mestieri, professjonijiet u vokazzjonijiet fis-setturi ekonomiċi, industrijali u tas-servizz;

(b) wahdu, jew flimkien ma' istituzzjonijiet oħra, sew pubbliċi kif ukoll privati, lokali jew barranin, jorganizza dawk il-korsijiet ta' tagħlim u tahriġ li jidhirlu meħtieġa jew spedjenti;

(ċ) wahdu, jew flimkien ma' istituzzjonijiet jew għaqdiet oħra, jorganizza dawk l-attivitajiet kulturali, sportivi u pastorali għall-aħjar formazzjoni u arrikiment tal-personalitá ta' l-individwu;

(d) iwaqqaf dawk l-Istituti u dawk l-entijiet, skejjel, dipartimenti, ċentri u programmi li jidhirlu meħtieġa, u jissorvelja l-amministrazzjoni tagħhom;

(e) bla hsara għad-disposizzjonijiet ta' l-artikolu 89 (4), jistabbilixxi l-kundizzjonijiet għad-dhul fl-Istituti u f'xi programm iehor ta' studju u tahriġ u ta' esperjenza pratiika jew ta' xogħol, jagħmel ir-regolamenti meħtieġa għall-eżamijiet u l-modalitá ta' tagħlim u tahriġ f'dawn il-korsijiet;

(f) jipprovdi għal proċeduri xierqa biex jiġu identifikati l-persuni li laħqu l-profiċjenza neċessarja fid-diversi oqsma ta' studju u tahriġ;

(g) jagħti dawk il-gradji, diplomi, ċertifikati jew distinzjonijiet oħra li jidhirlu xierqa lil kandidati li jissodisfaw il-kundizzjonijiet stabbiliti wara li segwu l-korsijiet ta' studji meħtieġa;

(h) jistitwixxi l-karigi tat-tagħlim u t-taħriġ jew xort'ohra kif meħtieġ minn żmien għal żmien u jahtar persuni għal dawk il-karigi;

(i) jwaqqaf u jzomm kif imiss libreriji, laboratorji, *workshops*, servizzi u faċilitajiet ohra meħtieġa għat-tagħlim, taħriġ, sperimentazzjoni, riċerka u tixrid ta' l-għerf, xjenza u teknoloġija;

(j) jwaqqaf skemi interni ta' verifika li jiżguraw il-kwalità ta' l-edukazzjoni u t-taħriġ u l-użu effettiv tar-riżorsi;

(k) jagħmel regolamenti dwar il-hidma u l-imġieba ta' l-istudenti, għalliema u persuni ohra li jkunu inkarigati jagħtu servizzi fil-Kulleġġ, sew jekk ingaġġati b'kuntratt ta' servizz indefinit jew definit, sew jekk b'kuntratt għal servizz, sew jekk sekondati jew mislufa lilu minn entijiet governattivi, pubbliċi jew privati;

(l) jamministra l-propjetà, ir-riżorsi u l-fondi mghoddija lilu minn żmien għal żmien mill-Gvern biex jitwettqu l-programmi tal-Kulleġġ, kif ukoll dawk il-fondi l-ohra li jista' jirċievi jew jiġġenera minn ghejjun ohra;

(m) jagħmel dak kollu meħtieġ sabiex iwettaq l-għanijiet tiegħu skond dan l-Att.

Korpi ta' tmexxija u uffiċjali tal-Kulleġġ.

91. (1) Il-korpi ta' tmexxija tal-Kulleġġ huma dawn li ġejjin:

- a) il-Bord tal-Gvernaturi;
- b) il-Kunsill ta' l-Istituti;
- ċ) il-*Bureau* Amministrattiv;
- d) il-Bordijiet ta' Studji ta' l-Istituti;
- e) l-Uffiċċju ta' Shubija (*Partnership Office*).

(2) L-uffiċjali ewlenin tal-Kulleġġ huma:

- a) il-President tal-Bord tal-Gvernaturi;

- b) il-Prinċipal;
- ċ) il-Viċi Prinċipali;
- d) ir-Registratur;
- e) id-Direttur Amministrattiv;
- f) il-Kapijiet ta' l-Istituti;
- g) il-Kap ta' l-Uffiċċju tas-Shubija;
- h) il-Librar; u
- i) il-Kontrollur Finanzjarju.

(3) Jista' jkun hemm uffiċjali ohra skond kif jista' jiġi stabbilit minn żmien għall-iehor mill-Bord tal-Gvernaturi. Dawn l-uffiċjali jkunu responsabbli lejn il-Prinċipal fil-qadi tad-dmirijiet rispettivi tagħhom.

Kompozzizzjoni  
tal-Bord tal-  
Gvernaturi.

92. (1) Il-Bord tal-Gvernaturi għandu jkun kompost minn mhux anqas minn seba' iżda mhux aktar minn disa' membri mahtura mill-Ministru għal perjodu ta' tlett snin u l-membri għandhom ikunu eliġibbli biex jerġghu jiġu mahtura wara li jiskadi ż-żmien tal-hatra tagħhom. Il-membri kollha jservu fil-Bord fil-kapaċità personali tagħhom.

(2) Il-Ministru għandu jahtar minn fost il-membri President u Viċi President. F'kaz li l-President ikun imsiefer jew għal xi raġuni ohra, għal xi żmien, ma jkunx f'posizzjoni li jwettaq il-qadi tal-funzjonijiet tiegħu, il-Viċi President għandu jaġixxi ta' President u għandu jwettaq is-setgħat u l-funzjonijiet tal-President.

(3) Il-Prinċipal għandu dritt jattendi għal-laqgħat tal-Bord minghajr id-dritt għall-vot, iżda għandu jirtira minn kull laqgħa fejn jiġu diskussi materji konnessi mar-rendiment tax-xogħol tiegħu jew mal-kuntratt tax-xogħol.

(4) Il-membri tal-Bord tal-Gvernaturi għandhom ikunu persuni "b'kompetenza jew esperjenza fil-qasam ta' l-educazzjoni, tat-tahriġ vokazzjonali, ta' l-ekonomija, tas-setturi ta' l-industrija u s-servizzi u dak soċjali, u li, fl-opinjoni tal-Ministru, ikollhom kwalitajiet ta' mexxej, u jkunu jagħrfu

l-importanza ta' l-edukazzjoni vokazzjonali u tat-tahriġ fil-kuntest ta' l-iżvilupp soċjo-ekonomiku in ġenerali.

(5) Membru tal-Bord tal-Gvernaturi jista' jiġi mnehhi mill-kariga tiegħu mill-Ministru għal raguni li jkun inkapaċi li jwettaq il-funzjonijiet tal-kariga tiegħu, sew minhabba mard mentali jew fiżiku, sew għal raġunijiet oħra li minhabba fihom il-membru ma jibqax idoneu li jokkupa dik il-kariga jew minhabba f'imgieba hażina.

(6) Membru tal-Bord jista' jirriżenja mill-kariga tiegħu permezz ta' ittra indirizzata lill-Ministru. Jekk xi membru jirriżenja jew jiġi mnehhi mill-kariga tiegħu mill-Ministru jew jekk il-post ta' xi membru tal-Bord isir b'xi mod vakanti, il-Ministru jista' jahtar persuna kwalifikata għal din il-hatra; u kull persuna hekk mahtura tibqa' tokkupa dik il-kariga sakemm tiskadi l-hatra tal-persuna li tkun qeghda tissostitwixxi u tkun eliġibbli biex terġa' tiġi mahtura.

(7) Membru tal-Bord tal-Gvernaturi li jkollu xi interess dirett jew indirett f'xi kuntratt magħmul jew propost li jsir mill-Bord tal-Gvernaturi, jew xi interess finanzjarju jew xort' oħra f'xi intrapriża jew attività li tista' taffettwa l-qadi tal-funzjonijiet tiegħu bhala membru f'dan il-Bord, għandu jiżvela x-xorta ta' l-interess tiegħu fl-ewwel seduta tal-Bord wara li jkun sar jaf bil-fatti rilevanti. Dan l-iżvelar għandu jitnizzel fil-minuti tas-seduta tal-Bord, u dak il-membru għandu jirtira mis-seduta waqt li dak il-kuntratt jew materja li fiha huwa jkollu dan l-interess ikun qiegħed jiġi diskuss. Tali iżvelar għandu jiġi mgħoddi lill-Ministru mingħajr dewmien. Meta l-interess tal-membru jkun tali li jista' jwassal li jitnehha mill-kariga tiegħu, il-membru għandu immedjatement jirrapporta l-fatt lill-Ministru u joffri r-riżenja tiegħu u dan mingħajr preġudizzju għas-setgħa tal-Ministru li jnehhi lil dan il-membru mill-Bord.

(8) Kull assenza jew vakanza fost il-membri tal-Bord tal-Gvernaturi, jew kull parteċipazzjoni fil-laqgħat tagħha minn xi persuna li ma jkollhiex jedd tagħmel dan, ma jinvalidawx il-proċeduri tal-Bord, sakemm ikun hemm kworum ta' mhux anqas minn nofs l-ghadd tal-membri tal-Bord.

(9) Bla hsara għad-disposizzjonijiet ta' dan l-Att u tar-regolamenti magħmulin tahtu, il-Bord tal-Gvernaturi

jista' jahtar kumitati u b'mod ġenerali jirregola l-proċeduri tiegħu nnifsu.

(10) Il-Bord tal-Gvernaturi għandu jahtar Segretarju li jzomm il-minuti u *record* tal-laqgħat u tad-deċiżjonijiet tiegħu.

(11) Il-Bord tal-Gvernaturi għandu jiehu l-prekawżjonijiet kollha biex jittratta tagħrif dwar kwestjonijiet kummerċjali bl-aktar mod konfidenzjali fir-relazzjonijiet tiegħu ma' istituzzjonijiet kemm pubbliċi kemm privati.

(12) Il-Ministru, wara li jikkonsulta lill-President tal-Bord tal-Gvernaturi, jista' jagħmel regolamenti dwar il-proċeduri li l-Bord għandu jadotta fil-hidma tiegħu.

Funzjonijiet u setgħat tal-Bord tal-Gvernaturi.

93. (1) Il-Bord tal-Gvernaturi jkun l-ogħla korp ta' tmexxija tal-Kulleġġ u jkollu d-dmir li jwettaq l-għanijiet u jeżerċita s-setgħat tal-Kulleġġ kif indikat fid-disposizzjonijiet ta' dan l-Att, u b'mod partikolari jkollu l-funzjoni li:

(a) jakkwista, jamministra u jikkontrolla r-rizorsi, faċilitajiet u l-proprjetà, mobbli u immobbli, tal-Kulleġġ;

(b) jistabilixxi Istituti, dipartimenti, ċentri, programmi u enti oħra edukattivi u ta' taħriġ għat-twettiq kif imiss tax-xogħol edukattiv u ta' taħriġ u tal-kollaborazzjoni interdixxiplinari;

(ċ) iqassam bejn id-diversi Istituti u enti oħra edukattivi u ta' taħriġ fi hdanu r-rizorsi kemm bhala fondi, kif ukoll bhala imkejjen, faċilitajiet, servizzi, tagħmir u nies, illi jkunu f'idejn il-Kulleġġ;

(d) jissorvelja l-infieq u l-amministrazzjoni tal-Kulleġġ f'kull livell u japprova l-proposti annwali ta' l-Estimati sabiex dawn jiġu ippreżentati lill-Ministru fiż-żmien indikat;

(e) jahtar il-Prinċipal u, wara li jisma l-pariri tiegħu, jahtar ukoll lil-Viċi Prinċipali, il-Kapijiet ta' l-Istituti u ta' enti edukattivi u ta' taħriġ oħra, fuq bażi ta' kuntratt definit, u jistabilixxi, u jnehhi, kull kariga ta' xorta akkademika, teknika jew ta' kull xort'oħra;



(f) jagħmel statuti, regoli u proċeduri oħra skond id-disposizzjonijiet ta' dan l-Att;

(g) jahtar eżaminaturi Maltin jew barranin skond statuti u proċeduri stabbiliti minn qabel, u jiehu hsieb li jithallsu għas-servizz tagħhom;

(h) jara li jinżammu u jitjiebu l-livelli akkademiċi u ta' taħriġ, u li jwaqqaf u jissorvelja skemi interni ta' verifika edukattiva li jiżguraw il-kwalità;

(i) jidhol f'kull ftehim li jidhirlu meħtieġ mas-setturi ta' l-attività ekonomika fil-pajjiż u ma' istituzzjonijiet f'Malta u barra biex jintlaħqu aħjar l-iskopijiet tal-Kulleġġ;

(j) jagħmel dak kollu meħtieġ biex jilhaq l-iskop tal-Kulleġġ u biex jesegwixxi s-segħat u l-funzjonijiet tal-Kulleġġ li ma humiex diġà vestiti f'korp ieħor ta' tmexxija tal-Kulleġġ;

Iżda l-Istituti, Dipartimenti, ċentri, programmi jew enti oħra ta' edukazzjoni u taħriġ kif imsemmi fil-paragrafu (b) ta' dan is-subartikolu jistgħu jitwaqqfu mill-Bord tal-Gvernaturi, wara konsultazzjoni mal-Kunsill ta' l-Istituti, u t-twaqqif, l-istatut u r-regoli tagħhom għandu jitqies li jkunu daħlu fis-seħħ f'dik id-data li l-Ministru jista' jistabilixxi b'avviż fil-Gazzetta.

(2) Il-Bord tal-Gvernaturi għandu wkoll japprova l-kurrikulum u s-sillabi li jiġu ippreżentati mill-Istituti u kull enti edukattiva u ta' taħriġ fi hdanu u, fejn jidhirlu meħtieġ, jibgħathom lura lil dawk l-Istituti jew enti konċernati bil-pariri tiegħu għat tibdil indikat.

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(3) Il-Bord tal-Gvernaturi għandu, fejn jiġi hekk approvat mill-Kunsill Malti għall-Kwalifiki, jiċċertifika il-hiliet għall-eżerċizzju ta' mestieri, vokazzjonijiet u professjonijiet, kif ukoll ta' profiċjenza fi snajja, teknika, teknoloġija, jew f'kull attività oħra kummerċjali jew ekonomika.

(4) Il-Bord tal-Gvernaturi għandu jara li l-grad, diplomi, distinzjonijiet, u ċertifikati ta' kwalifikazzjoni tal-Kulleġġ ikunu rikonoxxuti kemm nazzjonalment kif ukoll internazzjonalment, u li, kull fejn dan japplika, jkunu relatati

mal-livelli u l-istandards stabbiliti mill-Kunsill Malti għall-Kwalifiki.

(5) Il-Bord tal-Gvernaturi għandu jiltaqa' għall-anqas darba kull xahrejn bil-*quorum* għal-laqgħat ikun ta' hames membri.

Kompożizzjoni tal-Kunsill ta' l-Istituti.

94. Il-Kunsill ta' l-Istituti jkun magħmul mill-membri li ġejjin:

- (a) il-Prinċipal li jippresjedi *ex officio*;
- (b) il-Viċi Prinċipali *ex officio*;
- (ċ) ir-Registratur;
- (d) id-Direttur Amminisrattiv *ex officio*;
- (e) il-Kapijiet ta' l-Istituti *ex officio*;
- (f) il-Kap ta' l-Uffiċċju ta' Shubija *ex officio*;
- (g) il-Librar *ex officio*;
- (h) żewġ membri eletti mill-ghalliema tal-Kulleġġ u minn fosthom;
- (i) żewġ membri eletti mill-istudenti tal-Kulleġġ u minn fosthom;
- (j) erba' membri mahtura mill-Ministru.

Funzjonijiet tal-Kunsill.

95. (1) Il-Kunsill ikollu d-direzzjoni ġenerali ta' l-educazzjoni u tat-taħriġ vokazzjonali u professjonali tal-Kulleġġ, u jkollu l-funzjonijiet li ġejjin:

- (a) li b'regolamenti jirregola l-programmi ta' studji, taħriġ, riċerka, dokumentazzjoni u l-eżamijiet fil-Kulleġġ u jistabbilixxi dawk il-grad, diplomi, ċertifikati u distinzjonijiet għal dawk il-kandidati li jkunu jissodisfaw l-kundizzjonijiet preskritti wara li jsegwu l-korsijiet ta' studji u taħriġ meħtieġa;
- (b) li jiddeċiedi lil min għandhom jingħataw il-grad, diplomi, ċertifikati, u distinzjonijiet akkademiċi, vokazzjonali u professjonali ohra;

(c) li, bla hsara ghad-disposizzjonijiet ta' dawn ir-regolamenti, jistabbilixxi l-kundizzjonijiet ghad-dhul fil-Kulleġġ;

(d) li, fuq rakkomandazzjoni ta' l-awtoritajiet kompetenti skond il-liġi, jaghti għarfien lil dawk il-gradati, diplomi, ċertifikati u distinzjonijiet ta' universitajiet jew istituzzjonijiet edukattivi oħra;

(e) li jaghti parir lill-Bord tal-Gvernaturi dwar kull haġa li għandha x'taqsam ma' l-edukazzjoni jew it-taħriġ vokazzjonali u professjonali;

(f) li jittratta dwar kull haġa oħra li tirreferi għall-edukazzjoni u t-taħriġ li tinqala fl-amministrazzjoni tal-Kulleġġ.

(2) Il-Kunsill għandu jiltaqa' għall-anqas darba kull sitt ġimghat u l-*quorum* tal-laqgħat ikun ta' tlettax il-membri.

Komposizzjoni tal-*Bureau* Amministrattiv. 96. Għandu jkun hemm *Bureau* Amministrattiv tal-Kulleġġ li jkun magħmul minn dawn il-persuni kif ġej:

- (a) il-Prinċipal li jippresjedi;
- (b) il-Viċi Prinċipali;
- (c) ir-Registratur;
- (d) id-Direttur Amministrattiv;
- (e) il-Kap ta' l-Uffiċċju ta' Shubija; u
- (f) il-Kontrollur Finanzjarju.

Funzjonijiet tal-*Bureau*. 97. Il-*Bureau* għandu jiltaqa' mill-anqas darba kull erba' ġimghat biex:

- (a) jara li l-*policies*, l-istrateġija, u d-deċiżjonijiet kif adottati mill-Bord tal-Gvernaturi u l-Kunsill jiġu mwettqa;
- (b) jiżgura djalogu, koordinament u l-funzjonament effettiv tal-korpi ta' tmexxija u ta' l-istrutturi, l-uffiċjali u l-funzjonarji tal-Kulleġġ;

(c) bla hsara ghal xi disposizzjoni ta' din it-Taqsima, jiehu hsieb, taht id-direzzjoni tal-Principjal kull haġa li ghandha x'taqsam mal-proċess ta' l-għażla u l-ingaġġ tal-persunal li l-kulleġġ ikun jinhtieg minn żmien għal żmien, u jressaq għall-approvazzjoni tal-Principjal n-nomini tal-persuni magħzula fil-proċess ta' l-għażla;

(d) iħallas il-pagi, is-salarji jew ir-remunerazzjonijiet tal-membri tal-persunal tal-Kulleġġ skond skali li jstabbilixxi il-Bord tal-Gvernaturi bl-approvazzjoni tal-Ministru;

(e) jiehu l-miżuri mehtieġa biex japplika l-proċeduri ta' dixxiplina, u l-iskemi ta' verifika u assikurazzjoni ta' kwalità fix-xogħol kollu tal-Kulleġġ;

(f) jara li jinżammu relazzjonijiet hajjin u proattivi bejn il-Kulleġġ u l-ishab tieghu f'Malta u barra minn Malta.

Komposizzjoni  
tal-Bord ta'  
Studji ta' l-  
Istituti.

98. (1) Kull Istitut għandu jkollu Bord ta' Studji li jkun magħmul mill-membri li ġejjin:

(a) il-Kap ta' dak l-Istitut li jkun president *ex officio*;

(b) wiehed mill-Viċi Principali kif jiddeċiedi l-Principjal li jkun viċi-president *ex officio*;

(c) il-Kapijiet tad-Dipartimenti ta' l-Istitut *ex officio*;

(d) membru elett minn u minn fost l-għalliema kollha ta' l-Istitut;

(e) membru elett minn u minn fost l-istudenti ta' l-Istitut;

(f) żewġ membri mahtura mill-Ministru minn fost persuni rikonoxxuti għall-kompetenza u l-esperjenzi tagħhom fil-qasam ta' l-edukazzjoni u t-taħriġ ta' l-Istitut partikolari;

(g) rappreżentanti ta' istituti barranin li magħhom il-Kulleġġ jista' jkollu ftehim ta' shubija;

(h) rappreżentant magħżul mill-Ministru mis-settur ekonomiku li fil-fehma tal-Ministru jkun l-aktar konness mal-qasam ta' studji u taħriġ ta' l-Istitut partikolari;

(i) rappreżentant ta' korp professjonali rikonoxxut mill-Ministru fil-qasam ta' studji u taħriġ ta' l-Istitut partikolari.

(2) Il-Prinċipal ikollu d-dritt li kull meta jidhirlu xieraq isejjah laqgħa tal-Bord ta' Studji ta' kwalunkwe Istitut u laqgħa bħal din jippresidiha il-Prinċipal.

Funzjonijiet  
tal-Bord ta'  
Studji.

99. (1) Il-Bord ta' Studji jkollu dawn il-funzjonijiet li ġejjin:

(a) li jmexxi x-xogħol edukattiv u ta' taħriġ ta' l-Istitut;

(b) li jstabilixxi l-istudji, it-tagħlim, it-taħriġ u r-riċerka fi-Istitut u f'xi centru jew programm li jista' jkollu fi hdanu, u li jipprovdi għall-amministrazzjoni, pubblikazzjoni u tixrid tax-xogħol akkademiku u ta' riċerka u żvilupp ta' l-Istitut u li jqassam ix-xogħol f' dawn l-attivitajiet;

(ċ) li jfassal u jipproponi ordinamenti li jolqtu lill-Istitut skond id-disposizzjonijiet ta' dan l-Att;

(d) li jinnomina eżaminaturi Maltin jew barranin skond proċeduri stabbiliti minn qabel u approvati mill-Bord tal-Gvernaturi;

(e) li jhejji pjanijiet għall-iżvilupp ta' l-Istitut u jippreżenthom għall-approvazzjoni tal-Kunsill u tal-Bord tal-Gvernaturi.

(2) L-ordinamenti li jagħmel il-Bord ta' Studji għandhom jintbagħtu lill-Kunsill għall-approvazzjoni tiegħu u ma għandhomx jinġiebu quddiem il-Bord tal-Gvernaturi biex jiġu promulgati kemm il-darba ma jkunux ġew hekk approvati mill-Kunsill.

(3) Il-Bord ta' Studji għandu jiltaqa' għall-anqas kull sitt ġimgħat u l-*quorum* tal-laqgħat ikun ta' hames membri.

L-Uffiċċju ta' Shubija.

100. Ghandu jkun hemm Uffiċċju ta' Shubija li jkollu bhala Kap tiegħu persuna mahtura apposta mill-Bord tal-Gvernaturi u li jkun responsabbli wkoll għar-relazzjonijiet bilaterali u internazzjonali tal-Kulleġġ, inklużi dawk il-hwejjeg li huma relatati ma' l-Unjoni Ewropea. Il-funzjonijiet ta' l-Uffiċċju ta' Shubija huma:

(a) li jiżviluppa r-relazzjonijiet mehtieġa għall-akbar kooperazzjoni u sinerġiji bejn il-Kulleġġ u istituzzjonijiet edukattivi u tahrig sew pubbliċi kif ukoll privati li jkunu qed operaw f'Malta;

(b) li jiżviluppa bi ftehim u miżuri adatti shubija proattiva bejn il-Kulleġġ u l-Istituti tiegħu min-naħa, u s-setturi ekonomiċi industrijali u tas-servizzi min-naħa l-oħra;

(ċ) li jiżviluppa ftehim ta' shubija bejn kull Istitut tal-Kulleġġ min-naħa, u Università, Kulleġġ jew Istituti barrani li jkun akkwista rikonoxximent fil-qasam partikolari ta' studji u tahrig vokazzjonali u professjonali li għalih l-Istitut ikun responsabbli min-naħa l-oħra;

(d) li jiżgura sehem shih fi programmi ta' skambji lokali u internazzjonali u f'dawk ta' l-Unjoni Ewropea li fihom Malta tiehu sehem;

(e) li ja'dem biex igib għall-istudent tal-Kulleġġ boroż ta' studju u li jamministra boroż ta' studju li jistgħu jiġu offruti lil studenti barranin;

(f) li jhaddem skemi li jattiraw studenti barranin għall-korsijiet tal-Kulleġġ.

Setgħat u dmirijiet tal-President.

101. (1) Il-President ikun l-oghla uffiċjal tal-Kulleġġ u jkun responsabbli li jiżgura li l-Kulleġġ ikun jikkonforma ma' dan l-Att.

(2) Il-President jippromulga l-istatuti, regolamenti u ordinamenti tal-korpi ta' tmexxija tal-Kulleġġ u jista' jibgħat lura għal darba wa'da lill-korp ta' tmexxija li jkun, dawk l-istatuti, regolamenti u ordinamenti (*bye-laws*) li fil-fehma tiegħu ma jkunux skond il-liġi.

(3) Il-President ikollu wkoll is-setgħa li kull meta hekk jidhirlu b'zonjuż ilaqqa' u jippresjedi l-Bord tal-

Gvernaturi, il-Kunsill, il-Bureau Amministrattiv u l-Bord ta' Studji.

(4) Kull meta l-kariga ta' President tkun temporanjament vakanti, u sakemm jiġi mahtur President ġdid, u kull meta d-detentur tal-kariga jkun assenti minn Malta jew ikun bil-vakanzi jew għal xi raġuni ma jkunx jista' jaqdi l-funzjonijiet mogħtija lilu b'dan l-Att, dawk il-funzjonijiet għandhom jiġu moqdiya mill-Viċi President tal-Bord tal-Gvernaturi.

Setgħat tal-  
Prinċipal.

102. (1) Il-Prinċipal għandu jkun il-Kap Uffiċjal Eżekuttiv tal-Kulleġġ.

(2) Il-Prinċipal, bla hsara għas-setgħat vestiti f'xi korp ta' tmexxija tal-Kulleġġ bid-disposizzjonijiet ta' dan l-Att, ikollu s-setgħa meħtieġa għat-tmexxija u għall-amministrazzjoni tal-Kulleġġ, inkluża s-setgħa li jagħmel dawk il-hatriet meħtieġa ta' uffiċjali u impjegati akkademiċi, tekniċi, jew ta' kull xort'ohra, għal dak il-perjodu, taht dawk il-kondizzjonijiet u skond proċeduri stabbiliti mill-Bord tal-Gvernaturi, kif ukoll li jiddeċiedi fuq kull haġa urġenti ta' xorta edukattiva jew xort'ohra:

Iżda kull deċiżoni bħal dik imsemmija li tolgot xi setgħa jew funzjoni vestita b'dan l-Att f'korp ta' tmexxija tal-Kulleġġ għandha tiġi reġistrata mill-Prinċipal li tingieb quddiem dak il-korp ta' tmexxija fl-ewwel laqgħa tiegħu wara dik id-deċiżjoni.

(3) Il-Prinċipal jeżerċita l-awtorità u l-kontroll fuq l-għalliema, l-eżaminaturi, l-istudenti, il-kandidati għall-eżamijiet, l-impjegati tal-Kulleġġ, u fuq kull min jiġi inkarigat jagħti xi servizz lill-Kulleġġ, u jzomm id-dixxiplina u jiehu hsieb li jiġu mharsa d-disposizzjonijiet ta' l-Att, ta' l-Istatut ta' l-Istituti, ordinamenti u regoli ohra magħmulin mill-korpi kompetenti tal-Kulleġġ;

(4) Il-Prinċipal jikkonferixxi l-grad, diplomi, ċertifikati u distinzjonijiet ohra tal-Kulleġġ.

(5) Il-Prinċipal għandu jiżgura li, safejn jiddependi minnu, il-korpi ta' tmexxija huma regolarment kostitwiti, u li jipprovdi għall-organizzazzjoni ta' dawk l-elezzjonijiet meħtieġa b'dan l-Att, inkluż li fil-fatt dawn isiru kif stabbilit u mingħajr dewmien bla bżonn.

(6) Il-Prinċipal għandu jiżgura li l-korpi ta' tmexxija jiltaqghu regolarment kif jistabbilixxi dan l-Att u jkun responsabbli għall-ippjanar u l-koordinament tax-xogħol tal-korpi u ta' istituzzjonijiet ta' l-edukazzjoni u taħriġ differenti u għat-twettiq tad-deċiżjonijiet ta' l-awtoritajiet kompetenti tal-Kulleġġ.

Viċi  
Prinċipali.

103. Il-Viċi Prinċipali għandhom jaqdu dawk il-funzjonijiet li jiddelegalhom il-Prinċipal, inklużi dawk li jaġixxu minfloku skond kif jidhirlu meħtieġ.

Ir-Registratur.

104. Ir-Registratur għandu:

(a) iġin lill-Prinċipal fl-amministrazzjoni ta' kuljum tal-programmi akkademiċi, edukattivi u ta' taħriġ tal-Kulleġġ, u huwa jkun responsabbli għat-twettiq ta' l-istruzzjonijiet tar-Registratur;

(b) iżomm is-sigill tal-Kulleġġ u jiffirma wkoll id-dokumenti kollha li fuqhom jiġi mqiegħed is-sigill tal-Kulleġġ;

(ċ) jiffirma d-dokumenti li jiċċertifikaw l-ghotjiet akkademiċi u vokazzjonali mogħtija mill-Kulleġġ u jzomm *record* shih tagħhom;

(d) jaġmilha ta' segretarju għall-Kunsill u, direttament jew permezz ta' delegat, għal Bordijiet ta' Studji;

(e) ikun responsabbli għar-*records* ta' l-eżamijiet kollha magħmulin mill-Kulleġġ u għal harsien xieraq ta' dawn ir-*records*, u li jzomm kopji aġġornati ta' l-istatuti, ir-regolamenti u l-ordinamenti;

(f) iżomm l-elenki tal-membri tal-Bord tal-Gvernaturi, tal-Kunsill, tal-Bordijiet ta' Studji, ta' l-eżaminaturi, u ta' l-istudenti;

(g) iżomm *records* ta' l-attivitajiet edukattivi u ta' taħriġ ta' kull student;

(h) ikun responsabbli, wara konsultazzjoni mal-Kapijiet ta' l-Istituti, għall-arranġamenti xierqa ta' l-orarju tat-tagħlim; u



(i) jaqdi dmirijiet ohra skond kif jista' jkun mitlub jagħmel mill-Prinċipal minhabba l-htigijiet tal-Kulleġġ.

Id-Direttur  
Amministrattiv.

105. Id-Direttur Amministrattiv għandu, taht id-direzzjoni tal-Prinċipal, ikun responsabbli għall-amministrazzjoni u l-operat minn jum għall-iehor tal-Kulleġġ, l-impjegati u l-proprjetajiet mobbli u immobbli, u, kull fejn japplika, iwettaq deċizjonijiet mehudin mill-korpi ta' tmexxija tal-Kulleġġ. Mingħajr preġudizzju għad-disposizzjonijiet ta' dan l-Att, id-Direttur Amministrattiv għandu jaqdi dawk id-dmirijiet l-ohra kif minn żmien għal żmien jiġi mitlub jagħmel mill-Prinċipal minhabba l-htigiet tal-Kulleġġ.

Il-Librar.

106. Il-Librar għandu l-imkarigu li jamministra l-Librerija u għandu:

(a) jkun responsabbli għall-ikkatalogar xieraq tal-kotba, kemm skond l-awtur u kemm skond is-suġġett, għall-mod kif jinżammu u għall-harsien tagħhom, u biex kotba li jkun nhargu b'self jitreggghu lura;

(b) jghin l-istudenti fit-tiftix tagħhom;

(c) jiehu hsieb il-korrispondenza kollha li tolqot lill-Librerija;

(d) iżomm lista tal-mezzi viżivi u ohrajn li hemm għat-tagħlim u jikkontrolla s-self ta' dan il-materjal skond ir-regolamenti ri levanti;

(e) jipprezenta rapport lill-Kumitat tal-Librerija fuq ix-xogħol tal-Librerija fi tmiem kull sena akkademika.

Finanzjament  
u kontroll tal-  
finanzi tal-  
Kulleġġ.

107. (1) Il-Bord tal-Gvernaturi għandu f'kull sena finanzjarja jara li jiġu mhejjija u għandu jadotta estimi tad-dhul u l-infiq tal-Kulleġġ għas-sena ta' wara.

(2) Il-Bord tal-Gvernaturi għandu jara li jinżammu sew kontijiet u dokumentazzjoni ohra dwar l-operazzjonijiet u t-transazzjonijiet tiegħu, u għandu jara li jiġi preparat rendikont tal-kontijiet tiegħu għal kull sena finanzjarja.

(3) Il-kontijiet tal-Kulleġġ għandhom jiġu verifikati minn awditur jew awdituri mahtura mill-Bord tal-

Gvernaturi minn żmien għal żmien, filwaqt li l-amministrazzjoni finanzjarja tal-Kulleġġ għandha tkun soġġetta għall-verifika min-naħa ta' l-Awditur Ġenerali.

(4) Il-Bord tal-Gvernaturi, mhux aktar tard minn sitt xhur wara l-gheluq ta' kull sena finanzjarja, għandu jara li kopja tar-rendikont tal-kontijiet verifikati tal-Kulleġġ, flimkien ma' rapport ta' l-attivitajiet tiegħu matul dik is-sena, jintbagħat lill-Ministru flimkien ma' kopja tar-rapport ta' l-awditur jew awdituri dwar dak ir-rendikont, u l-Ministru għandu bla dewmien iqiegħed dawk ir-rendikonti u rapporti fuq il-Mejda tal-Kamra tad-Deputati.

Il-Kontrollur  
Finanzjarju.

108. (1) Il-Kontrollur Finanzjarju għandu taħt id-direzzjoni tal-Prinċipal ikun responsabbli għall-amministrazzjoni ta' kuljum tal-finanzi tal-Kulleġġ, u jirraporta dwar dan lill-Prinċipal.

(2) B'mod partikolari, il-Kontrollur Finanzjarju għandu –

(a) ihejji –

(i) l-estimi ta' kull sena tad-dhul u l-infiq;

(ii) id-dikjarazzjoni komparata ta' kull sena tad-dhul u l-infiq;

(iii) il-bilanċ ta' kull sena u dikjarazzjoni tal-kontijiet;

(b) ikun responsabbli għall-ġbir tad-dhul u l-flus dovuti lill-Kulleġġ;

(ċ) iżomm kontroll immedjat fuq l-infiq skond id-disposizzjonijiet approvati;

(d) iżomm sistema xierqa ta' kontijiet li thaddan l-operazzjonijiet finanzjarji kollha tal-Kulleġġ;

(e) ikun responsabbli għall-ordnijiet kollha, għax-xiri kollu, u għall-kontroll ta' l-imhażen u l-inventarji;

(f) jagħmel il-verifika tal-kontijiet u l-kontroll intern kollu li jhoss li jkun meħtieġ;

(g) flimkien mal-Prinċipal jew mad-Direttur Amministrattiv jiffirma l-kambjali, ċekkijiet, *bank drafts*, ittri ta' kreditu u d-dokumenti bankarji, finanzjarji u kummerċjali l-oħra kollha, bla hsara għal kull restrizzjoni li ssir mill-Bord tal-Gvernaturi;

(h) jaqdi dmrijiet oħra skond kif jista' jkun mitlub jagħmel mill-Prinċipal minhabba l-htigijiet tal-Kulleġġ.

Hatriet ta' persunal bi dmrijiet formali ta' tagħlim jew ta' riċerka.

109. (1) Hatriet ta' staff bi dmrijiet ta' tagħlim, ta' taħriġ u, jew ta' riċerka jsiru fil-grad ta' professur, professur assoċjat, lettur anzjan, lettur, assistent lettur, assistent għalliem, assistent fir-riċerka jew fi gradi oħra approvati mill-Bord tal-Gvernaturi skond il-kwalifiki tal-persuni li jkunu qegħdin jinhatru.

(2) Il-postijiet jistgħu jkunu reklamati għal hatriet fi gradi speċifiċi.

(3) Hatra għal post bi dmrijiet formali ta' tagħlim u, jew riċerka ssir mill-Prinċipal u tiġi konfermata mill-Bord tal-Gvernaturi.

Lbjes ufficiali.

110. L-ilbies xieraq ufficjali li l-ufficjali ewlenin tal-Kulleġġ, l-għalliema, il-gradwati, l-istudenti u l-membri l-oħra tal-Kulleġġ huma mistennija li jilbsu fl-okkażjonijiet ufficjali jiġi stabbilit b'regolamenti magħmulin mill-Bord tal-Gvernaturi wara konsultazzjoni mal-Kunsill.

L-ghoti ta' gradi u diplomi.

111. (1) Il-gradi u d-diplomi jinghataw f'ċerimonja pubblika jew, bl-approvazzjoni tal-Bord tal-Gvernaturi, f'ċerimonja privata jew *in absentia*.

(2) Kandidat ikun eliġibbli biex jinghata grad jew diploma biss wara li l-Prinċipal jiċcertifika li l-kundizzjonijiet kollha stabbiliti fl-Istatuti, mir-regolamenti u mill-ordinamenti rilevanti għal dak il-grad jew għal dik id-diploma jkunu ġew sodisfatti u sakemm l-obbligu u r-responsabbiltajiet l-oħra kollha tal-kandidat lejn il-Kulleġġ ikunu ġew ukoll sodisfatti.

(3) Ebda persuna ma titqies li għandha grad jew diploma tal-Kulleġġ jekk dan il-grad jew dik id-diploma ma tkunx inghatat kif hemm imfisser fis-subartikolu (1) ta' dan l-artikolu.

Disposizzjonijiet komuni għall-korpi ta' tmexxija tal-Kulleġġ.

112. (1) Kull persuna li għandha kariga f'korp ta' tmexxija tal-Kulleġġ għandha żżomm dik il-kariga għal żmien sentejn kemm il-darba mhux espressament provdut xort'ohra f'xi artikolu iehor ta' dan l-Att:

Iżda kull persuna li jkollha kariga f'korp ta' tmexxija tal-Kulleġġ għandha tkompli żżomm dik il-kariga, minkejja li tkun temmet iż-żmien tagħha, sakemm issir l-elezzjoni jew il-hatra ta' persuna ohra biex tiehu post dik il-persuna.

(2) Kull korp ta' tmexxija tal-Kulleġġ jista' jaġixxi nonostanti kull vakanza fost il-membri tiegħu u l-*quorum* jinhadem daqs li kieku ma kien hemm ebda vakanza bhal dik.

(3) Kull kwistjoni mressqa għal deċiżjoni f'xi laqgħa ta' xi korp ta' tmexxija tal-Kulleġġ għandha tiġi deċiża b'maġġoranza tal-voti ta' dawk preżenti u li jivvotaw, u jekk fuq xi kwistjoni bhal dik il-voti jkunu maqsuma ndaqs il-membri li jkun jippresjedi għandu jkollu u għandu jeżerċita vot deċiżiv.”.

Żjieda ta' Skeda ġdida ma' l-Att prinċipali.

**16.** Minnufih wara Skeda III li tinsab ma' l-Att prinċipali, għandha tizdied Skeda IV ġdida li hemm fi Skeda A li tinsab ma' dan l-Att.

Żjieda ta' Taqsima IX ġdida ma' l-Att prinċipali.

**17.** Minnufih wara l-artikolu 112 ta' l-Att prinċipali għandha tidhol din it-Taqsima ġdida li ġejja:

#### “Taqsima IX

##### Uffiċjali u persunal ta' l-entitajiet

Hatriet ta' persunal.

113. (1) Bla hsara għad-disposizzjonijiet tal-Kostituzzjoni u ta' kull liġi ohra li tapplika għal dan, inkluż dan l-Att, kull entità, bi qbil mal-Ministru, tista' tahtar u timpjega dawk l-uffiċjali u impjegati ohra li jistgħu minn żmien għal żmien ikunu mehtieġa għat-twettiq kif dovut u effiċjenti tal-funzjonijiet tagħha.

(2) Il-hatra u l-impjieg ta' l-uffiċjali u impjegati msemija għandhom isiru b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u kondizzjonijiet hekk kif dik l-entità tista', bi ftehim mal-Ministru, minn żmien għal żmien tiddeċiedi.

Status ta' uffiċjali pubbliċi li jaqdu dmirijiet ma' xi entità.

114. (1) Il-Prim Ministru jista', fuq talba ta' xi entità u bi qbil mal-Ministru, minn żmien għal żmien, jordna li xi uffiċjal pubbliku jiġi mqabbad jaqdi dmirijiet ma' xi entità f'dik il-kariga u minn dik id-data u għal tul ta' żmien li tista' tkun speċifikata fl-ordni tal-Prim Ministru.

(2) Il-perjodu li matulu ordni, kif hawn aktar qabel imsemmi, ghandu japplika ghal xi ufficjal specifikat fiha ghandu, kemm il-darba l-ufficjal ma jirtirax mis-servizz pubbliku jew jekk xort'ohra ma jibqax fil-kariga f'data li tigi qabel, ikun dak li jista' jigi specifikat fl-ordni, kemm il-darba l-ordni ma tigix revokata qabel mill-Prim Ministru.

(3) Meta xi ufficjal jigi mqabba jaqdi dmirijiet ma' xi entità skond id-disposizzjonijiet ta' dan l-artikolu, dak l-ufficjal ghandu fiz-żmien li matulu dak l-ordni jkollu effett dwaru, jkun taht l-awtorità amministrattiva u l-kontroll ta' l-entità, imma ghal kull skop ieħor ghandu jibqa' u jitqies u jkun ittrattat bhala ufficjal pubbliku.

(4) Minghajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, ufficjal pubbliku mqabba jaqdi dmirijiet kif hawn aktar qabel imsemmija –

(a) m'ghandux filwaqt li dak l-ufficjal ikun hekk imqabba jagħmel –

(i) ikun prekluz milli japplika ghal trasferiment f'xi dipartiment tal-Gvern skond il-pattijiet u l-kondizzjonijiet ta' servizz marbuta mal-hatra mal-Gvern li dak l-ufficjal pubbliku kellu f'data meta jkun ġie hekk imqabba jaqdi dmirijietu; jew

(ii) ikun hekk impjegat li r-rimunerazzjoni u l-kondizzjonijiet ta' servizz ikun inqas favorevoli minn dawk marbuta mal-hatra mal-Gvern li kellu dak l-ufficjal pubbliku fid-data meta jkun ġie mqabba jaqdi dmirijiet kif hawn aktar qabel imsemmi jew li kienu jkunu marbuta ma' dik il-hatra, matul il-perjodu msemmi, li kieku dak l-ufficjal ma jkunx ġie mqabba jaqdi dmirijietu ma' l-entità; u

(b) ikollu jedd li jkollu s-servizz tieghu ma' xi entità meqjus bhala servizz mal-Gvern għall-iskop ta' kull pensjoni, gratwità jew benefiċċju taht l-Ordinanza Kap. 93. dwar il-Pensjonijiet, u l-Att dwar il-Pensjonijiet lil Nisa Kap. 58. Romol u Tfal Iltiema, u ta' kull dritt jew privileġġ ieħor li dak l-ufficjal pubbliku ikun intitolat għalih, u jkun responsabbli għal dak kollu li jkun responsabbli għalih,

hliet għall-fatt li jkun qiegħed jiġi mqabbaq jaqdi dmirijiet ma' xi entità.

(5) Meta ssir applikazzjoni kif hemm provdut fis-subartikolu (4)(a)(i), għandha tingħata l-istess konsiderazzjoni għal dan daqslikieku l-applikant ma kienx ġie mqabbaq jaqdi dmirijiet ma' l-entità.

(6) Kull entità għandha thallas lill-Gvern, fejn dan japplika, dawk il-kontribuzzjonijiet li jistghu minn żmien għal żmien jiġu deċiżi mill-Ministru responsabbli għall-finanzi dwar in-nefqa tal-pensjonijiet u gratwitajiet li jinqalghu minn uffiċjal imqabbaq jaqdi dmirijiet ma' xi entità kif hawn aktar qabel imsemmija matul il-perjodu li fih dak l-uffiċjal ikun hekk imqabbaq jagħmel.

Offerti ta' impjieg permanenti lil uffiċjali pubbliċi mqabbaq jagħmlu dmirijiet ma' l-Entitajiet

115. (1) Kull entità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil xi uffiċjal mqabbaq jaqdi dmirijiet ma' dik l-entità taħt id-disposizzjonijiet ta' l-artikolu 114 impjieg permanenti magħha b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u kondizzjonijiet li ma jkunux inqas favorevoli minn dawk gawduti minn dak l-uffiċjal fid-data ta' dik l-offerta.

(2) Il-pattijiet u l-kondizzjonijiet li jkun hemm f'xi offerta magħmula kif hawn aktar qabel imsemmi m'għandhomx ikunu hekk li jitqiesu li jkunu inqas favorevoli għaliex biss ma jkunux f'kull rigward identiċi ma', jew superjuri għal dawk gawduti mill-uffiċjal involut fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet, kollha flimkien, fil-fehma tal-Prim Ministru jkunu joffru benefiċċji sostanzjalment ekwivalenti jew ikbar.

(3) Kull uffiċjal li jaċċetta impjieg permanenti offrut lilu minn xi entità, taħt id-disposizzjonijiet tas-subartikolu (1), ta' dan l-artikolu għandu għall-finijiet kollha minbarra dawk ta' l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lin-Nisa Romol u Tfal Iltiema, jitqies li jkun temm li jkun fis-servizz tal-Gvern u li jkun dahal għas-servizz ma' dik l-entità fid-data ta' dik l-aċċettazzjoni u għall-finijiet ta' l-Ordinanza msemmija u ta' l-Att imsemmi, sakemm dawn japplikaw għal dak l-uffiċjal, servizz ma' xi entità jitqies li jkun servizz mal-Gvern fil-parametri tat-tifsiriet tagħhom rispettivament.

(4) Kull uffiċjal bħal dak kif hawn aktar qabel imsemmi li minnufih qabel ma jaċċetta impjieg permanenti

ma' xi entità kellu jedd li jibbenifika taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, ghandu jibqa' hekk intitolat li jibbenefika kif hawn aktar qabel indikat ghal kull fini bhallikieku s-servizz ma' l-entità kien servizz mal-Gvern.

(5) Kull entità ghandha thallas lill-Gvern, fejn dan japplika, daww il-kontribuzzjonijiet li jistghu minn żmien ghal żmien jigu decizi mill-Ministru responsabbli għall-finanzi dwar in-nefqa ta' pensjonijiet u gratwitajiet li jinqalghu minn uffiċjal li jkun aċċetta impjeg permanenti ma' l-entità kif hawn aktar qabel imsemmi matul il-perjodu li jibda' għaddej mid-data meta dak l-uffiċjal jaċċetta.

(6) Għall-fini ta' l-Ordinanza dwar il-Pensjonijiet, is-salarju pensjonabbli ta' dak l-uffiċjal pubbliku meta jirtira għandu jitqies li jkun is-salarju pensjonabbli li jithallas lil uffiċjal fis-servizz tal-Gvern fi grad u f'livell ta' żieda li jikkorrispondi mal-kariga u l-livell ta' żieda li fiha l-uffiċjal jirtira minn ma' l-entità.

(7) (a) Għall-finijiet ta' dan l-artikolu l-karigi u gradi ta' salarji ma' l-entità għandhom ikunu klassifikati fil-gradi li l-aktar jikkorrispondi fil-vicin u livell inkrementali fis-servizz mal-Gvern ta' Malta b'riferenza għall-*job description*, kapaċitajiet, responsabbiltajiet u fatturi ohra analogi.

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) għandha ssir minn Bord magħmul minn *Chairperson* mahtur mill-Ministru responsabbli għall-finanzi u minn żewġ membri ohra, wiehed mahtur mill-Ministeru responsabbli ċentralment għall-politika dwar il-persunal fis-servizz pubbliku u l-iehor mahtur mill-entità konċernata. Il-klassifikazzjoni għandha tkun soġġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(ċ) Dik il-klassifikazzjoni għandha ssir fi żmien tliet xhur minn kull aġġustament ta' salarji ta' l-impjegati fis-servizz tal-Gvern u, jew ta' l-impjegati ta' xi entità.

(d) Ebda kariga ma tkun klassifikata fi grad oghla minn dik ta' Grad 3 fis-servizz tal-Gvern jew dak il-grad iehor li l-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien b'avviż fil-Gazzetta jiddeciedi.

(e) Minghajr preġudizzju ghad-disposizzjonijiet ta' l-artikolu 113 tal-Kostituzzjoni, hadd ma jista', minhabba fi klassifikazzjoni kif hawn aktar qabel imsemmi, ikun intitolat ghal drittijiet taht l-Ordinanza dwar il-Pensjonijiet hawn qabel imsemmija li jkunu anqas favorevoli minn dawk li dwarhom dik il-persuna kienet tkun intitolata qabel dik il-klassifikazzjoni.”.

Żjieda ta' Taqsima X ġdida ma' l-Att prinċipali.

**18.** Minnufih wara l-artikolu 115 ta' l-Att prinċipali ghandha tidhol din it-Taqsima ġdida li ġejja:

#### “TAQSIMA X

##### Disposizzjonijiet Finanzjarji

Dhul u nfieq ta' l-entitajiet.

116. (1) Minghajr preġudizzju ghad-disposizzjonijiet ta' din it-Taqsima, kull entità ghandha hekk tmexxi l-affarijiet tagħha li, fejn ikun possibbli, u skond kemm ikun prattiku, tkopri parti min-nefqa mehtieġa ghat-twettiq adatt tal-funzjonijiet tagħha mid-dhul tagħha.

(2) F'każ li xi entità jkollha xi eċċess ta' dhul fuq l-infieq, dan l-eċċess ghandu, bla hsara ghal dawk id-direttivi li l-Ministru jista' minn żmien ghal żmien jagħti wara li jikkonsulta mal-Ministru responsabbli għall-finanzi, jkun applikat mill-entità ghal kull formazzjoni ta' fondi ta' riserva li jiġu użati għall-finijiet tal-funzjonijiet ta' l-entità;

(3) Dawk il-fondi ta' xi entità li ma jkunux minnufih mehtieġa biex minnhom issir in-nefqa jistgħu jiġu investiti b'dak il-mod li jista' minn żmien ghal żmien ikun approvat mill-Ministru.

Flus li jinghataw bil-quddiem mill-Gvern.

117. Il-Ministru responsabbli għall-finanzi jista', wara li jikkonsulta mal-Ministru, jgħaddi flus bil-quddiem lil xi entità f'dawk l-ammonti li l-Ministru responsabbli għall-finanzi jista' jaqbel li jkunu mehtieġa mil-entità ghat-twettiq ta' xi funzjoni tagħha taht dan l-Att, u jista' jgħaddi dawk il-flus bil-quddiem b'dawk il-pattijiet u kondizzjonijiet li l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni kif hawn aktar qabel imsemmi, jidhirlu li jkun xieraq. Il-flus hekk mgħoddija bil-quddiem jistgħu hekk jinghaddu mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u minghajr ebda approprjazzjoni ulterjuri hlief ghal dan l-Att, b'ordni li tkun tawtorizza lill-*Accountant General* li jgħaddi dawk il-flus bil-quddiem.



Poter ta' self  
jew li tigbor  
kapital.

118. (1) Għall-finijiet tat-twettiq ta' xi funzjoni tagħha taht dan l-Att, l-entità tista', bl-approvazzjoni bil-miktub tal-Ministru f'konsultazzjoni mal-Ministru responsabbli għall-finanzi, tissellef jew tikseb flus b'dak il-mod, mingħand dik il-persuna, korp, jew awtorità, u taht dawk il-pattijiet u kondizzjonijiet li l-Ministru, wara konsultazzjoni kif hawn aktar qabel imsemmi, jista' japprova bil-miktub.

(2) Entità tista' wkoll minn żmien għal żmien tissellef, permezz ta' *overdraft* jew xort' ohra, dawk l-ammonti li tista' tehtieg għat-twettiq tal-funzjonijiet tagħha taht dan l-Att:

Iżda għal kull ammont li jeċċedi tletin elf lira, tkun mehtieġa l-approvazzjoni bil-miktub tal-Ministru.

Tisliif  
mingħand il-  
Gvern.

119. (1) Il-Ministru responsabbli għall-finanzi jista', għal kull htieġa ta' xorta kapitali ta' xi entità, jikkuntrattja jew jagħmel flus disponibbli, jew jidhol f'passiv, għal dawk il-perjodi u b'dawk il-pattijiet u kondizzjonijiet li huwa jista' jqis li jkunu xierqa; u kull ammont dovut dwar jew f'konnessjoni ma' xi tali self jew passività jkun nefqa fuq il-Fond Konsolidat.

(2) Avviż dwar kull self, passività jew flus li jingħataw bil-quddiem, li jsiru jew jiġu magħmulin taht id-disposizzjonijiet ta' dan l-artikolu għandhom jiġu mogħtija lill-Kamra tad-Deputati kemm jista' jkun malajr.

(3) Sakemm isir disponibbli xi self bħal dak imsemmi fis-subartikolu (1), jew bil-ghan li xi entità tiġi provduta b'kapital attiv, il-Ministru responsabbli għall-finanzi jista', b'ordni, u mingħajr ebda approprjazzjoni ulterjuri hlief għal dan l-Att, jawtorizza lill-*Accountant General* li jgħaddilha flus bil-quddiem mit-*Treasury Clearance Fund* taht dawk il-pattijiet li jistghu jkunu speċifikati mill-Ministru malli jsir dan.

(4) Ir-rikavat ta' xi self li jsir disponibbli għall-finijiet li jingħataw flus bil-quddiem lil xi entità, u kull ammont ta' flus iehor li jkun se jingħadda lil xi entità taht dan l-artikolu, għandu jithallas lil dak il-Fond imwaqqaf speċifikament għal dan il-ghan.

(5) Ammonti ta' flus li l-*Accountant General* jirċievi mingħand xi entità dwar flus li jingħataw bil-

quddiem taht dan l-artikolu, ghandhom jithallsu f'dawk li huma ammonti li jiġu riċevuti bhala hlas lura, fit-*Treasury Clearance Fund* u, f'dawk li huma ammonti li jiġu riċevuti bhala mgħax, fil-Fond Konsolidat.

Estimi ta' entità.

120. (1) Kull entità għandha tara li jiġu mhejjija f'kull sena finanzjarja, u ma għandhiex aktar tard minn l-ahhar ta' Settembru ta' kull sena finanzjarja tadotta, estimi tad-dhul u infieq tagħha għas-sena finanzjarja li tiġi minnufih wara:

Izda l-estimi ta' kull entità għall-ewwel sena finanzjarja tagħha għandhom jithejjew u jiġu adottati f'dak iż-żmien li l-Ministru jista' jispeċifika lill-entità b'avviż bil-miktub.

(2) Fit-thejjija ta' dawk l-estimi, l-entità għandha tqis kull fond u flus oħra li jistgħu ikunu dovuti li jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, jew bis-sahha ta' dan l-Att jew ta' Att ta' approprjazzjoni jew ta' kull liġi oħra; u l-entità għandha hekk thejji dawk l-estimi b'mod li tiżgura li kull dhul totali tagħha ikun mill-inqas suffiċjenti biex minnu jinharġu l-ammonti ta' flus kollha li għandhom jithallsu kif dovut fil-kont tad-dhul tagħha inklużi, imma mingħajr preġudizzju għall-ġeneralità ta' dik il-frazi, id-deprezzament.

(3) L-estimi għandhom isiru f'dawk is-suriet u jkun fihom dik l-informazzjoni u dawk il-paraguni ma' l-estimi ta' qabel hekk kif il-Ministru jista' jordna.

(4) Kopja ta' l-estimi għandha, meta dawn jiġu adottati mill-entità, tintbagħat minnufih lill-Ministru u lill-Ministru responsabbli għall-finanzi. Il-Ministru għandu ma' l-ewwel opportunità li jkollu u mhux aktar tard minn sitt ġimgħat wara li jkun irċieva kopja ta' l-estimi ta' l-entità, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, japprovhom bi jew mingħajr emendi. Il-Ministru għandu jara li l-ammonti globali ta' dawn l-estimi approvati jiffirmaw parti integrali mill-Estimi Ġenerali tal-Gvern.

In-nefqa skond l-estimi approvati.

121. (1) M'għandha ssir jew tiġġarrab ebda nefqa minn xi entità kemm-il darba din ma tkunx ġiet approvata kif provdut fl-artikolu 120.

(2) Minkejja d-disposizzjonijiet tas-subartikolu (1) –

(a) sa l-iskadenza ta' sitt xhur mill-bidu ta' xi sena finanzjarja, jew sakemm issir l-approvazzjoni ta' l-estimi mill-Ministru, skond liema data tiġi l-ewwel, l-entità tista' tagħmel jew iġġarrab in-nefqa għat-twettiq tal-funzjonijiet tagħha taht dan l-Att f'ammont li b'kollox ikun ta' mhux iżjed minn nofs l-ammont approvat għas-sena finanzjarja li tiġi minnufih qabel;

(b) in-nefqa approvata għar-rigward ta' xi kap jew sotto-kap ta' l-estimi tista', bl-approvazzjoni tal-Ministru, mogħtija wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tiġġarrab dwar xi kap jew sotto-kap iehor ta' l-estimi;

(c) dwar l-ewwel sena finanzjarja, l-entità tista' tagħmel jew iġġarrab nefqa li b'kollox ma tkunx teċċedi dawk l-ammonti li l-Ministru responsabbli għall-finanzi jista', wara li jikkonsulta mal-Ministru, jippermetti;

(d) jekk dwar xi sena finanzjarja jinsab li l-ammont approvat mill-Ministru ma jkunx suffiċjenti, jew jekk tqum neċċessità li ssir nefqa għal xi għan li ma jkunx hemm provdut dwaru fl-estimi, l-entità tista' tadotta estimi supplimentari għall-approvazzjoni tal-Ministru, u f'kull każ bħal dak id-disposizzjonijiet ta' dan l-Att li japplikaw għall-estimi għandhom, skond kemm ikun prattiku, japplikaw għall-estimi supplimentari.

Kontijiet u  
verifika.

122. (1) Kull entità għandha tara li jinżammu kotba ta' kontijiet u reġistrazzjonijiet ohra kif imiss dwar l-operazzjonijiet tagħha u għandha tara li tithejja dikjarazzjoni ta' kontijiet dwar kull sena finanzjarja.

(2) Il-kontijiet ta' kull entità għandhom ikunu verifikati minn awditur jew awdituri li jinhatru mill-entità u li jkunu approvati mill-Ministru:

Iżda l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jeħtieġ li l-kotba u reġistrazzjonijiet ohra ta' kull entità jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għal dan l-għan ikollu poter li jagħmel dik il-verifika fiżika u kull verifika ohra li jista' jqis li tkun meħtieġa.

(3) Wara tmiem kull sena finanzjarja, u mhux aktar tard mid-data li l-estimi ta' kull entità jintbagħtu lill-

Ministru taht l-artikolu 120(4), kull entità ghandha tara li kopja tad-dikjarazzjoni ta' kontijiet verifikata kif imiss tkun mibghuta lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-awditur jew awdituri dwar dik id-dikjarazzjoni jew dwar il-kontijiet ta' kull entità.

(4) Il-Ministru għandu, malajr kemm jista' jkun, jara li kopja ta' kull dikjarazzjoni u rapport bħal dawk titqiegħed fuq il-Mejda tal-Kamra tad-Deputati.

Depożitu ta' kull dhul u hlas mill-entitajiet.

123. (1) Il-flejjes kollha ta' kull entità għandhom jitqiegħdu f'bank jew banek li jinhatru bankiera mill-entità bl-approvazzjoni tal-Ministru. Dawk il-flejjes għandhom, skond kemm ikun prattiku, jitqiegħdu fil-banek minn jum għall-iehor, hlief għal dak l-ammont li l-entità tista' tawtorizza li żżomm biex thallas minnu nefqiet żgħar u ta' minnufih.

(2) Il-hlasijiet kollha li jsiru mill-fond ta' xi entità, hlief għal nefqiet żgħar ta' mhux iżjed minn dak l-ammont li jista' jkun stabbilit mill-entità minn żmien għal żmien, għandhom isiru minn dak l-uffiċjal jew uffiċjali ta' l-entità li jistgħu jiġu mahtura jew imsemmija mill-entità għal dak l-iskop.

(3) ċekkijiet li jiġu mahruġa u flejjes li jiġu rtirati minn xi kont tal-banek ta' xi entità għandhom ikunu iffirmati minn dak l-uffiċjal ta' l-entità li jista' jiġi mahtur jew imsemmi mill-entità għal dak l-għan u għandu jkun iġib il-kontrofirma ta' xi membru ta' l-entità jew xi uffiċjal iehor tagħha kif jista' jkun awtorizzat minn min hu kompetenti f'dik l-entità għal dak il-għan.

(4) Kull entità għandha tagħmel disposizzjonijiet dwar:

(a) il-mod kif, u l-uffiċjal jew uffiċjali li għandhom is-setgħa, jawtorizzaw jew japprovaw il-hlasijiet;

(b) it-titolu ta' xi kont li jinżamm fil-bank jew banek fejn għandhom jithallsu l-flejjes ta' l-entità, u t-trasferimenti ta' fondi minn kont għall-iehor;

(ċ) il-metodu li ghandu jiġi adottat biex isiru hlasijiet mill-fondi ta' l-entità u b'mod ġenerali għar-rigward ta' kull haġa li hija rilevanti għaż-żamma kif imiss u l-kontroll tal-kontijiet, kotba u *records* ohra u l-kontroll tal-finanzi ta' l-entità.

Kuntratti ta' provvista u ta' xoghlijiet.

124. Kull entità m'għandhiex hlief bl-approvazzjoni tal-Ministru mogħtija għal raġunijiet speċjali u wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jalloka jew jidhol f'xi kuntratt għall-provvista ta' oġġetti jew materjali jew għall-eżekuzzjoni ta' xogħol, jew għall-ghoti ta' servizzi lil jew għall-benefiċċju ta' xi entità, li l-entità tistma li jkun jinvolvi nefqa ta' aktar minn tliet elef lira, jew ta' xi ammont ieħor kif il-Ministru responsabbli għall-finanzi jista' permezz ta' regolamenti taħt dan l-artikolu jippreskrivi, hlief wara li avvizz dwar l-intenzjoni li jkollha l-entità li tagħmel dak il-kuntratt ikun ġie pubblikat u jkunu nharġu sejhiet għal offerti kompetittivi.

**19.** Minflok l-intestatura “Taqsuma VI” li tinsab minnufih wara l-artikolu 124 ġdid ta' l-Att prinċipali, din għandha tiġi enumerata mill-ġdid bhala l-intestatura “Taqsuma XI”, u l-artikoli 40 sa 48 li hemm fiha għandhom jiġu enumerati mill-ġdid bhala l-artikoli 125 sa 135 rispettivament.

Emenda ta' l-intestatura ta' Taqsuma VI ta' l-Att prinċipali.

**20.** L-artikolu 127 kif enumerat mill-ġdid għandu jiġi mhassar u minflok għandu jidhol dan l-artikolu ġdid li ġej:

Sostituzzjoni ta' l-artikolu 127 kif enumerat mill-ġdid ta' l-Att prinċipali.

“Appelli.

127. (1) Meta min japplika għal-liċenza biex jiftaħ skola taħt l-artikolu 20 ta' dan l-Att ikollu l-applikazzjoni tiegħu miċhuda, jew meta l-applikant ma jkunx ġie notifikat bil-miktub bid-deċiżjoni tal-Ministru kif maħsub fis-subartikolu (6) ta' l-artikolu 20, jew meta liċenza ta' skola tiġi sospiza jew mehuda lura mill-Ministru, l-applikant jew id-detentur tal-liċenza jista', fi żmien stabbilit fis-subartikolu (11) ta' artikolu 20, jappella lill-Qorti ta' l-Appell fil-ġurisdiżjoni inferjuri tagħha.

(2) Ghalkemm ikun sar appell skond id-disposizzjonijiet ta' dan l-artikolu, il-liċenza għandha titqies sospiza jew imhassra, skond il-każ, pendent id-deċiżjoni finali tal-Qorti ta' l-Appell.

(3) Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti li jippreskrivu d-drittijiet li għandhom

jithallsu fir-Registru tal-Qorti dwar appelli maghmula taht dan l-artikolu:

Izda sakemm jiġu stabbiliti dawk id-drittijiet mill-Ministru responsabbli għall-ġustizzja, id-drittijiet li għandhom jithallsu għal appelli quddiem dik il-Qorti għandhom ikunu d-drittijiet applikabbli għall-Qorti tal-Maġistrati (Malta).

Kap. 12. (4) Il-Bord imwaqqaf bis-saħha ta' l-artikolu 29 tal-Kodiċi ta' l-Organizzazzjoni u Proċedura ċivili, għandu jagħmel regolamenti li jistabbilixxu l-forma ta' dawk l-appelli u hwejjeġ li għandhom x'jaqsmu ma' dan.”.

Emenda ta' l-artikolu 128 kif enumerat mill-ġdid ta' l-Att prinċipali.

**21.** L-artikolu 128 kif enumerat mill-ġdid ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1), minflok il-kliem “Ebda persuna, minghajr il-permess bil-miktub tal-Ministru,” għandhom jidhlu l-kliem “Ebda persuna, minghajr il-permess bil-miktub tad-Direttur Ġenerali tad-Direttorat għal Servizzi Edukattivi,”;

(b) is-subartikoli (2), (3) u (4) għandhom jiġu enumerati mill-ġdid bhala s-subartikoli (3), (4) u (5) u kull fejn f'dawn il-paragrafi tinsab il-kelma “il-Ministru” din għandha tiġi sostitwita bil-kliem “id-Direttur Ġenerali tad-Direttorat imsemmi f'dan l-artikolu”; u

(ċ) minnufih wara s-subartikolu (1), għandu jidhol dan is-subartikolu ġdid li ġej:

“(2) Id-Direttur Ġenerali ta' dan id-Direttorat jista' jagħti l-permess tiegħu taht is-subartikolu (1) meta l-minuri konċernat minkejja li ma jkunx għalaq l-eta obligatorja għall-iskola ikun temm il-kors shih obligatorju fil-livell sekondarju u jipprova li għandu offerta bil-miktub ta' esperjenza ta' xogħol esklussivament għall-vaganzi tas-sajf.”.

Emenda ta' l-artikolu 129 kif enumerat mill-ġdid ta' l-Att prinċipali.

**22.** L-artikolu 129 kif enumerat mill-ġdid ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

(a) fil-proviso tas-subartikolu (1), minflok il-kliem “minghand id-Direttur ta' l-Edukazzjoni” għandhom jidhlu l-kliem “minghand id-Direttur Ġenerali tad-Direttorat għal Servizzi Edukattivi”; u

(b) is-subartikolu (3) u l-proviso tas-subartikolu (6) ghandhom jithassru, u s-subartikolu (4), (5) u (6) ghandhom jiġu enumerati mill-ġdid bhala s-subartikolu (3), (4) u (5) rispettivament.

**23.** Minnufih wara l-artikolu 129 kif enumerat mill-ġdid ta' l-Att prinċipali, ghandhom jiziedu dawn l-artikoli ġodda li ġejjin:-

Żjieda ta' artikoli 130 sa 132 ġodda ma' l-Att prinċipali.

“Persuni meqjusa uffiċjali pubbliċi.  
Kap. 9.

130. Għall-iskopijiet tal-Kodiċi Kriminali u ta' kull disposizzjoni ta' xorta penali, il-membri ta' xi Bord, Direttorat, Kulleġġ, Kumitat, Kummissjoni, Kunsill u kull uffiċjal jew impjegat ta' xi entità, ghandhom ikunu meqjusa u jiġu trattati bhala uffiċjali pubbliċi.

Twaqqif ta' entitajiet ohra.

131. Bla hsara għad-disposizzjonijiet ta' dan l-Att jew ta' xi liġi ohra, il-Prim Ministru jista' b'Ordni fil-Gazzetta jwaqqaf entitajiet ohra, inkluż dawk l-aġenziji, direttorati, dipartimenti, jew istituzzjonijiet ohra edukattivi skond kif jidhirlu mehtieġ għall-ahjar kwalità u provvista ta' servizzi ta' edukazzjoni u tahrig fil-pajjiż u il-Prim Ministru jista' wkoll b'Ordni fil-Gazzetta jikkostitwixxi xi entità mwaqqfa bis-sahha ta' dan l-Att f'korp magħqud bil-personalità ġuridika u distinta tiegħu, u l-Prim Ministru għandu f'każ bhal dan, permezz ta' regolamenti, jipprovdi għal kull materija li tkun mehtieġa għat-tmexxija effettiva ta' l-entità msemmija fl-Ordni relattiva.

Istituzzjoni għal studji turistiċi.

132. (1) Il-Ministru għandu jara li jkun hemm istituzzjoni li tipprovdi korsijiet u programmi ta' edukazzjoni, tahrig u esperjenza Prattika ta' xogħol, fil-livell ta' edukazzjoni vokazzjonali avvanzata u oghla, li jwasslu għal kwalifiki rikonoxxuti fis-snaġġa, mestieri, u professjonijiet kif jista' jkun mehtieġ fl-industrija u s-servizzi tat-turiżmu, ristoranti u *catering* f'qafas kurrikulari ta' tagħlim tul il-hajja u ta' żvilupp shih tal-persuna.

(2) Bla hsara għad-disposizzjonijiet ta' dan l-Att, jew ta' xi liġi ohra, il-Ministru jista' jagħmel regolamenti biex jirregola u jipprovdi għal kull materja li għandha x'taqsam ma' l-organi tat-tmexxija, l-amministrazzjoni u kontroll; mal-*policies* edukattivi, ta' tahrig; mal-funzjonijiet, ma' hatriet u kondizzjonijiet ta' xogħol ta' għalliema, uffiċjali u impjegati mal-finanzjament ta' l-istituzzjoni, ma' verifika interna u esterna ta' kwalità; u ma' kull haġa ohra li tista' tkun mehtieġa

ghall-ahjar andament u rżultati ta' l-istituzzjoni msemmija fis-subartikolu (1) ta' dan l-artikolu.

Żjieda ta' artikolu 134 ġdid ma' l-Att prinċipali.

**24.** Minnufih wara l-artikolu 133 kif enumerat mill-ġdid ta' l-Att prinċipali, għandu jidhol dan l-artikolu ġdid li ġej:-

“Relazzjonijiet mal-Ministru.

134. (1) Il-Ministru jista', minn żmien għal żmien, jagħti lil di entità jew lil xi uffiċjal jew impjegat tagħha dawk id-direttivi u ordnijiet, li ma jkunux inkonsistenti mad-disposizzjonijiet ta' dan l-Att, kif il-Ministru jidhirlu opportun dwar il-politika li għandha tiġi segwita minnhom u dwar l-operat u it-twettiq tal-funzjonijiet tagħhom, u dwar kull haġa oħra li l-Ministru jkun jidhirlu li għandha x'taqsam ma' l-educazzjoni, u l-entità, uffiċjal jew impjegat konċernat għandhom, kemm jista' jkun bla dewmien, iharsu u jagixxu fuq dawn id-direttivi u ordnijiet u għandhom imexxu l-operat tagħhom skond dan.

(2) Kull entità għandha tagħti lill-Ministru l-faċilitajiet meħtieġa biex ikun jista' jikseb kull informazzjoni li għandha x'taqsam mal-hwejjeġ u l-attivitajiet ta' xi entità jew uffiċjal jew impjegat tagħha, u għal dan il-ghan għandha tforni lill-Ministru bi prospetti, kontijiet u kull informazzjoni oħra li għandha x'taqsam ma' dan, jew mal-funzjonijiet tagħhom, u tagħtih il-faċilitajiet kollha meħtieġa għall-verifika ta' kull informazzjoni mogħtija, f'dak il-mod u f'dawk iż-żminijiet li l-Ministru jista' raġonevolment jeħtieġ.”.

Sostituzzjoni ta' l-artikolu 135 kif enumerat mill-ġdid ta' l-Att prinċipali:

**25.** Minflok l-artikolu 135 kif enumerat mill-ġdid ta' l-Att prinċipali, għandu jidhol dan li ġej:-

“Setgħa biex isiru regolamenti.

135. Il-Ministru jista', bla hsara għad-disposizzjonijiet ta' dan l-Att, jagħmel regolamenti biex jagħti seħħ lil kull disposizzjoni ta' dan l-Att, jew biex jirregola jew xort'oħra jipprovdi dwar kull haġa għar-rigward tal-funzjonijiet u l-attivitajiet li jaffettwaw l-educazzjoni skond dan l-Att, u jista' b'mod partikolari, imma mingħajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, jagħmel regolamenti għal kull għan minn dawn li ġejjin:

a) biex, bla hsara għall-provvedimenti tal-Kostituzzjoni jew ta' kull liġi oħra li tista' tkun tapplika, jipprovdi, skond kif meħtieġ, għal kull materja, inklużi reklami, proċess ta' applikazzjonijiet, bordijiet ta' għażla, intervisti, eżamijiet, assessjar u evalwazzjoni ta' kandidati, pubblikazzjoni ta' rżultati, konnessa mal-



proċess ta' hatra jew promozzjoni ta' , jew assenjazzjoni ta' posizzjoni lil, xi uffiċjal u impjegat ta' xi entità, u biex jinkiseb dak it-tagħrif mehtieġ għar-rekords tal-persunal ta' l-entitajiet;

b) biex jipprovdi għall-hatra, kundizzjonijiet ta' l-impjeg, dmirijiet u setghat ta' għalliema, uffiċjali u impjegati ta' l-entitajiet, kif ukoll ta' uffiċjali u impjegati ta' Dipartiment jew aġenzija ohra li jista' jkollhom funzjonijiet b'kull ligi ohra li tirrigwarda s-sahha u l-kura tat-tfal u l-istudenti, inklużi disposizzjonijiet biex jagħtu setgha lil kull wiehed mill-imsemmija uffiċjali biex iżuru lit-tfal fi djarhom u biex jeżaminawhom jew jagħmlu stharrig iehor:

Izda f'regolamenti li jirrigwardaw uffiċjali u impjegati ta' Dipartiment jew aġenzija li taqa' taht ir-responsabbiltà ta' xi Ministru iehor, il-Ministru għandu jagħmel dawk ir-regolamenti bl-approvazzjoni ta' dak il-Ministru l-iehor;

c) biex jipprovdi ahjar għad-dmirijiet u funzjonijiet ta' kapijiet, uffiċjali u impjegati u għall-assenjazzjoni ta' dmirijiet f'xi post jew f'di entità skond il-grad jew il-posizzjoni tagħhom u għat-trasferiment minn għall-iehor f'xi entità;

d) biex jesigi mill-ġenituri li jagħtu lill-Ministru, lid-Diretturi Ġenerali, u lil kull Direttur, Prinċipal, Kap ta' skola, uffiċjal jew impjegat ta' xi entità, kif ikunu debitament awtorizzati mill-Ministru jew mid-Diretturi Ġenerali jew minn Prinċipal dak it-tagħrif dwar it-tfal tagħhom li jkun mehtieġ għall-qadi kif imiss tal-funzjonijiet u d-dmirijiet ta' kull entità u l-uffiċjali tagħha, inkluż dak it-tagħrif li jista' jiġi speċifikat fir-regolamenti;

e) biex jistabilixxi, jikkomunika u jesigi t-twettiq ta' qafas ta' kurrikulum nazzjonali ta' studji minghajr hsara għan-natura reliġjuża speċifika ta' xi skola;

f) biex jistabilixxi l-kwalifiki tal-professjonisti, uffiċjali u impjegati ohra ta' l-entitajiet u skejjel, il-

kurrikula, *it-terms*, il-ġranet u l-hinijiet ta' l-iskola, l-uniformi ta' l-istudenti, jum il-ġenituri, il-kundizzjonijiet minimi nazzjonali ta' skola, u kull haġa oħra li għandha x'taqsam ma' jew li hi inċidentali għat-twettiq tal-funzjonijiet jew għat-thaddim u l-amministrazzjoni ta' entitajiet u skejjel ta' l-Istat u għad-dixxiplina li għandha tinzamm ġo fihom;

g) biex jippreskrivi dak it-tagħrif, rapporti u reżokonti li għandhom jintbagħtu lill-Ministru jew lid-Diretturi Ġenerali mill-Prinċipali, mill-Kapijiet ta' skejjel, u minn dawk l-uffiċjali u persuni l-oħra li għandhom x'jaqsmu ma' l-educazzjoni skond ma' l-Ministru jidhirlu meħtieġ li jitlob, u b'dak il-mod, f'dik il-forma, f'dak iz-żmien, u fuq dawk is-sugġetti li hu jista' jispeċifika fir-regolamenti;

h) biex jistabilixxi kull dritt u hlas li jistgħu ikollhom jingabru minn jew taħt dan l-Att, jew għas-servizzi mogħtijin konformi mad-disposizzjonijiet ta' dan l-Att;

i) biex jagħti direzzjoni għall-aħjar prattika ta' xi professjoni li għandha x'taqsam ma' l-educazzjoni;

j) biex jipprovdi dwar kull formola jew proċedura li jistgħu jkunu meħtieġa jew spedjenti u li dwarhom ma jkun hemm ebda proċedura speċifika f'dan l-Att;

k) biex jiġu stabbiliti regoli li bihom il-Gvern jista' jirratifika u jagħti seħħ lil kull konvenzjoni internazzjonali li tirrigwarda l-educazzjoni u li tkun diġà ratifikata mill-Gvern ta' Malta; jew biex ikun hemm konformità ma' kull obbligu internazzjonali tal-Gvern ta' Malta jew mad-Direttivi ta' l-Unjoni Ewropea dwar xi materja jew qasam li għandu x'jaqsmu ma' l-educazzjoni u t-taħriġ;

l) biex jistabbilixxi, meta ma jkunx xort' oħra provdut f'dan l-Att, jew f'xi Att ieħor, statut u regoli li jirregolaw il-missjoni, skop, funzjonijiet, setgħat u dmirijiet, il-kontabilità finanzjarja jew xort' oħra, u kull proċedura oħra li għandhom ilkoll jiġu segwiti, mwettqa

u osservati minn xi entità, kumitat jew kunsill imwaqqfin b'dan l-Att jew tahtu;

m) biex, bla hsara wkoll ghad-disposizzjonijiet ta' kull liġi oħra, jagħti lil persuna li thoss ruhha aggravata minn xi deċiżjoni ta' xi entità, aġenzija, Kunsill, il-Kulleġġ Malti għall-Arti, Xjenza u Teknologija, l-Università, jew xi korp jew organizzazzjoni mwaqqfa taht dan l-Att, mezz u proċeduri biex jew twassal l-ilmenti u l-aggravju tagħha dwar, jew tikkontesta jew tappella minn, dik id-deċiżjoni u biex tottjeni sodisfazzjon jekk tinghata raġun;

n) biex jirregola laqgħat ta' xi entità, bord, jew kumitat, inklużi proċeduri dwar *quorum*, tehid ta' deċiżjonijiet b'votazzjoni, żamma ta' minuti u kull haġa oħra anċillari għal dan ;

o) biex jipprovdi għal kull haġa inċidentali jew supplimentari, inkluża s-setgħa ta' dhul u spezzjoni ta' kull fond jew post fejn isir jew jista' jsir it-tagħlim skond dan l-Att, kif il-Ministru jidhirlu spedjenti sabiex tiġi infurzata jew tagħti aktar affett lil kull disposizzjoni ta' dan l-Att u regolamenti magħmulin bis-sahha tiegħu;

p) biex jistabilixxi kull haġa li għandha jew li tista' tiġi stabbilita taht dan l-Att u biex jipprovdi dwar kull haġa oħra kif jidhirlu xieraq;

q) biex jisitabilixxi l-pieni għal kull kontravvenzjoni jew ksur ta' kull disposizzjoni ta' kull regolament magħmul taht dan l-Att, jew għal nuqqas ta' tharis ta' xi disposizzjoni bħal dik jew ta' xi htieġa magħmula tahtha:

Izda regolamenti magħmulin taht dan l-artikolu jistgħu jiddisponu b'mod differenti għal skopijiet jew ċirkostanzi differenti, għal klassijiet jew xorta differenti ta' skejjel, u għal klassijiet differenti ta' tfal;

r) biex iġib fis-sehh id-disposizzjonijiet ta' l-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u r-

regolamenti kollha magħmulin tahtu, dwar ir-  
rikonoxximent reċiproku ta' kwalifiki ta' għalliem.”.

Emenda ġenerali ta'  
enumerazzjoni mill-  
ġdid ta' diversi  
artikoli.

**26.** Sakemm ma jissemiex mod iehor, fit-tabella li ġejja, fid-  
disposizzjonijiet li hemm taht l-Ewwel Kolonna, minflok il-kliem u l-  
frazzjiet li hemm fit-Tieni Kolonna għandhom jidhlu l-kliem u l-frazzjiet  
li hemm fit-Tielet Kolonna.

**TABELLA CAUCHI PASTE UP**

SKEDA A

“ SKEDA I

(Artikolu 17(2)

Il-Kumitat Permanenti għall-Edukazzjoni jkun kompost hekk:

- (a) il-Ministru, bhala President;
- (b) is-Segretarju Permanent fil-Ministeru, bhala Vici-President;
- (ċ) id-Direttur Ġeneral tad-Direttorati mwaqqfa taht dan l-Att;
- (d) il-Kap Uffiċjal Eżekuttiv tal-Kummissjoni Nazzjonali għall-Edukazzjoni Oghla msemmija fit-Taqsima VI;
- (e) dwak id-Diretturi jew uffiċjali ohra li l-Ministru minn żmien għal żmien jitlob li jiehdu sehem;
- (f) uffiċjal mahtur mill-Ministru biex jaġixxi ta' Segretarju.”

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**Għanijiet u Raġunijiet**

L-għan ta' dan l-Abbozz hu biex jipprovdi għal żewġ Direttorati komplimentari iżda distinti minflok id-Divizjoni ta' l-Edukazzjoni u jiddistingwi ahjar il-funzjonijiet regolatorji u operattivi ta' l-Istat fil-qasam ta' l-edukazzjoni, biex johloq il-qafas għar-riorganizzazzjoni ta' l-iskejjel ta' l-Istat f'Kulleġġi, biex iwaqqaf il-Kunsill għall-Professjoni ta' l-Għalliema, biex iwaqqaf Kummissjoni Nazzjonali għal Edukazzjoni Oghla, biex jinkorpora l-Kulleġġ Malti għall-Arti, Xjenza u Teknoloġija fl-Att dwar l-Edukazzjoni, u biex jipprovdi dwar hwejjeġ ohra ancillari għal dan jew li għandhom x'jaqsmu ma' dan.

**A BILL  
entitled**

*AN ACT to amend the Education Act, Cap.327.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

PART I  
PRELIMINARY

**1.** (1) The short title of this Act is the Education (Amendment) Act, 2006, and it shall be read and construed as one with the Education Act, hereinafter referred to as “the principal Act”. Short title and commencement.

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

**2.** For the Arrangement of the principal Act, there shall be substituted the following†: Amendment of Arrangement of the principal Act.

“ARRANGEMENT OF ACT

		Articles
	Short title	1
	Interpretation	2
Part I.	General Provisions	3-7

Part II.	Constitution and Functions of Directorates of Education	8-22
Part III.	The Teachers' Profession	23-42
Part IV.	Duty of the State to provide Education	43-48
Part V.	Colleges of State Schools	49-62
Part VI.	Establishment and Functions of the National Commission for Higher Education	63-71
Part VII.	The University of Malta	72-84
Part VIII.	The Malta College of Arts, Science and Technology	85-112
Part IX.	Officers and Staff of the Entities	113-115
Part X.	Financial Provisions	116-124
Part XI.	Other Provisions	125-136

### SCHEDULES".

Deletes Parts II and IV of the principal Act.

**3.** In the principal Act, Parts II and IV and the relative articles 11 to 15 and 22 to 27 shall be deleted.

Amendment of article 2 of the principal Act.

**4.** Article 2 of the principal Act shall be amended as follows:

(a) immediately after the definition "Code of Behaviours" there shall be inserted the following new definition:

“ “College” means a College of State schools as provided for in Part V of this Act;”;

(b) for the definitions "Council for Education" and "Director of Education" there shall be inserted the following definitions:

“ “*curriculum*” means the National Curriculum Framework for all schools at compulsory educational level as provided for by article 47 of this Act;

“Directorate” means any Directorate set up in terms of articles 8 and 10 of this Act or any other Directorate as the Prime Minister may establish under article 131 of this Act or under any other law;

“Director General” means the Director General appointed in terms of article 14 or in terms of any other provision of this Act or of some other Act;



“education officer” means such officer as is authorised by the Director General of the Directorate for Quality and Standards in Education to perform his duties as an officer in the Education Inspectorate set up in terms of article 18;”;

(c) immediately after the definition “employment” there shall be inserted the following new definition:

“ “entity” includes a Directorate, a College, the National Commission for Higher Education established under Part VI, the institution for tourism studies referred to in article 132, and any Directorate, department, unit, agency or other organisation as may be established by virtue of this Act or regulations made thereunder, or under any other law, and “entities” shall be construed accordingly;”;

(d) immediately after the definition “Faculty Board” there shall be inserted the following new definitions:

“ “financial year” means the period of twelve months ending on the thirty-first of December of any year:

Provided that for the purposes of this Act the first financial year in respect of any entity shall consist of the period which starts running on the date of the coming into force of the relative articles of this Act relating to such entity, and ending on the thirty-first day of December of the following year;

“function” includes any responsibility, power and duty;”;

(e) for the definition “Minister” there shall be substituted the following definition:

“ “the Minister” means the Minister responsible for education, and includes, within the limits of any given authority, any person who is specifically authorised by the Minister for any of the purposes of this Act, and “Ministry” shall be construed accordingly;”;

(f) for the definition “national minimum *curriculum*” there shall be substituted the following definition:

“ “officer” and “employee” include a public officer who is engaged to perform duties with any entity established under this Act;

(g) for the definition “permanent warrant” there shall be inserted the following new definition:

“ “person” includes a body of persons and any moral entity established by law;”;

(h) immediately after the definition “prescribed” there shall be inserted the following new definitions:

“ “principal” means the chief executive officer of a College appointed under article 52 of this Act;

“public officer” has the same meaning as is given to it by article 124 of the Constitution ;”;

(i) the definitions “scheduled school”, “Scholastic Tribunal”, “School Council” and “State School” shall be deleted, and in the definition “school” after the words “whether by direct personal contact or through correspondence,” there shall be added the words “at kindergarten level, primary, secondary, post-secondary, tertiary, or vocational levels,”;

(j) the words “assigned to it by subsection (2) of section 1 of this Act;” in the definition “special education needs” shall be substituted by the words “assigned to it by article 45(2);”;

(k) for the definitions “temporary warrant” and “warrant” there shall be substituted the following new definition:

“ “warrant” and “temporary warrant” means a warrant or temporary warrant granted in terms of Part III of this Act, and warrant holder shall be construed accordingly;”.

Amendment of article 7 of the principal Act.

**5.** For the words “national minimum *curriculum*” in paragraphs (a) and (c) of article 7 of the principal Act there shall be substituted the words “National Curriculum Framework”.

Addition of new Part to the principal Act.

**6.** Immediately after article 7 of the principal Act there shall be inserted the following new Part:

“PART II

CONSTITUTION AND FUNCTIONS  
OF DIRECTORATES OF EDUCATION

Directorate  
for Quality  
and  
Standards  
in  
Education.

8. There shall be established a Directorate for Quality and Standards in Education under the responsibility, guidance and administration the Director General. The mission of this Directorate shall be to regulate, establish, monitor and assure standards and quality in the programmes and educational services in the compulsory educational levels provided by schools, whether State schools or not, as provided for in this Act.

Functions  
of the  
Directorate  
for Quality  
and  
Standards  
in  
Education.

9. (1) It shall be the function of the Directorate for Quality and Standards in Education to generally regulate, guide, evaluate, verify, research and report on the various elements and the results of the compulsory education system with the aim of assuring quality education for all and in order to promote good practices in all activities related to such education in a national curricular framework of lifelong learning.

(2) In particular this Directorate has the function and duty:

(a) to propose to the Minister a National Curriculum Framework which promotes a lifelong learning policy and strategy;

(b) to provide the required guidelines, among other things, for each school's development plan for the better implementation of the education policy and services, including the syllabi, the establishment of standards, performance assessment, and examinations;

(c) to ensure that all schools identify the educational training needs for the implementation of the curriculum and to ensure that there is provided professional development that is regular and continuous at the level where this may be achieved in the most effective manner;

(d) to ensure that all information, data and statistics required for the drafting and the planning of policy, strategies, guidelines and directives in education are collated, compiled, analysed and researched, and, subject to any other law, take all necessary steps so that these may be accessible to whosoever is involved and who may have an interest;

(e) in support of the evaluation and the internal audit of every school, to implement every inspection, evaluation and external audit of educational programmes and services, of the operations undertaken, of the physical environment of every school, and of the results obtained by them, with an aim of ensuring that the curriculum is being followed in every school, that good practices are being promoted, that the quality in and the coordination of each part and at every level of the educational system are ensured, and also so that children and students are helped so that they might obtain in the best possible manner the set learning targets and necessary skills;

(f) to evaluate and assess the operation and the results of colleges and schools and of any person teaching and working therein;

(g) to be responsible for the compliance with and implementation of the provisions of laws and regulations dealing with matters relating to education;

(h) to evaluate the financial and economic aspects of the educational system;

(i) to ensure the application and the maximum use possible of information technology systems by whosoever is involved in teaching and in imparting education in schools ;

(j) to receive and process applications for the issuing of a licence for the opening of a school, to advise the Minister on this matter according to the provisions of this Act, and to keep a register containing the required details of every school which has a licence issued by the Minister under this Act;

(k) to ensure that the national minimum conditions for all schools are being constantly observed and to investigate and take all necessary steps required on any matter about which the Minister may consider the suspension or the withdrawal of a school licence;

(l) to implement any other matter required for the attainment of objectives and the execution of

duties pertaining to the State as provided for by this Act.

Directorate  
for  
Educational  
Services.

10. There shall also be established a Directorate for Educational Services under the responsibility, guidance and administration of a Director General. The mission of this Directorate is to ensure the effective and efficient operation of and delivery of services to the Colleges and State schools within an established framework of decentralisation and autonomy.

Functions  
of the  
Directorate  
for  
Educational  
Services.

11. (1) It shall be the general function of the Directorate for Educational Services, in constant collaboration with the Colleges and schools, to plan, provide and allocate the resources, human and otherwise, services, and learning tools, both of a pedagogical, psychosocial, managerial and operative nature and other ancillary support tools, as required in State schools and educational institutions, and to encourage and facilitate their networking and cooperation.

(2) In particular, among its functions and duties, this Directorate shall:

(a) in conjunction with the Colleges and schools, plan, monitor and ensure the operation of Colleges and schools and shall strongly support the fulfilment of the functions and the targets of the Directorate for Quality and Standards in Education as provided for in this Act, giving priority to both services and support that ensure the development of students' potential and skills, the implementation of the National Curriculum Framework, and the development of the identity and the ethos of the Colleges;

(b) ensure the development of the building, the modernisation and regular maintenance of schools and educational facilities, and ensure effective systems of capital projects management and maintenance in school buildings;

(c) allocate to the Colleges and to the schools such buildings, including sports facilities, educational and cultural spaces, furniture, equipment, and the tools for technology, science, communications and

information technology laboratories, and other tools, which would be needed with an aim of making the best use of them as teaching and learning tools;

(d) within the limits of that which is possible done, to place students in schools according to their needs and potential;

(e) anticipate the needs of professional staff, including teachers and other human resources, and to collaborate with the Directorate for Quality and Standards in Education, with the University of Malta, with the Malta College of Arts, Science and Technology, and with other institutions, public and private, in order to ensure the training and development of teaching and non-teaching personnel according to their needs;

(f) in conjunction with the Colleges, to ensure the engagement of the professional, administrative and support personnel in the light of the students' needs and of the particular programmes of each school;

(g) promote, encourage and monitor the democratic governance of schools through school Councils with the active participation of parents, teachers and students;

(h) promote, support and coordinate lifelong learning services and initiatives, including educational and cultural initiatives within the community, e-learning and distance learning, adult education, evening classes and other initiatives relating to complementary education and services for persons having specific learning difficulties;

(i) support and encourage schools and Colleges in the promotion of school library services, sports, drama, music and creative and cultural activities within schools;

(j) promote and procure educational and cultural programmes within the context of lifelong learning with all available means of mass communications, including distance learning;

(k) in collaboration with the Colleges, ensure the provision of effective services of counsellors, social workers, psychologists and other professional persons according to the needs of students and their families;

(l) in conjunction with Colleges and schools, provide the resources required for inclusive and special educational programmes and for other schemes related to disability and special individual educational needs;

(m) ensure the supply and the coordination of vocational and career guidance services, including the implementation of programmes aimed at achieving improved school-workplace correlation and assist in the transition stages, including those from school to work;

(n) ensure the provision of services required to deal effectively with issues of good conduct and discipline, of child abuse, of bullying and of drug abuse;

(o) promote the physical and mental health of students through health information and promotion, medical screening services and to healthy life-styles programmes;

(p) ensure the provision of programmes, services and human resources required for a safe and secure environment in schools, both for students, teachers and any person who is in the school, including the supply of a transport school service which may be required for the students;

(q) support the Colleges in the organisation of special initiatives and projects, including those after school-hours;

(r) in the course of the preparation of the business plan of the Directorate, consider and discuss the development plans of colleges and schools, facilitate formal budgeting of the Colleges, allocate the necessary finances within the limits of Government's general estimates, and ensure that the

allocated funds are being used to finance pre-identified priorities;

(s) be ultimately responsible to ensure the necessary compliance by Colleges and schools with the government financial and audit policies, procedures and regulations;

(t) communicate the framework and the guidelines as approved by the Minister about the working conditions of the personnel employed by Colleges and schools and keep the necessary information, records and documentation of such personnel and of financial transactions, including those relating to the payment of salaries;

(u) administer State aid to non-State schools;

(v) ensure the fullest application and use possible of systems of information technology in the administration and operation of Colleges and schools;

(w) ensure a customer care service at national level for students, parents and staff of State and Non-State schools and provide guidance and clear procedures on how complaints should be made and be treated in an effective manner at the proper level;

(x) carry out any other function as may be other necessary for the attainment of the objectives and the fulfilment of the duties pertaining to the State as provided for by this Act.

Common  
duties for  
all  
Directorates.

12. Subject to the preceding provisions, every Directorate shall also:

(a) sustain an effective dialogue with whosoever is involved in the educational system and aim for widest consensus possible about any matter which may be relevant to education;

(b) cooperate with local and foreign institutions, and encourage and facilitate a better participation in programmes, scholarships, and the international exchange of students and personnel,



particularly in the institutions and programmes of the European Union;

(c) keep informed and updated any person who is involved in the workings of the Directorates with Government policy, strategy and priorities related to education within the country, and verify that these are being followed and implemented;

(d) generally give advice to the Minister on any matter relating to education and perform any other function, such as those provided under this law or under any other law that the Minister may from time to time assign to the Directorate.

Respect  
for the  
diversity  
of  
educational  
institutions.

13. The Directorates shall, subject to their functions, respect the diversity of educational institutions, services and programmes, and conduct a dialogue and collaborate with other colleges, schools, agencies and institutions, public and private, local and foreign, about policies, initiatives and projects in order to ensure that the whole system operates effectively within the country.

Appointment  
of  
Directors  
General.

14. The Directors General of the Directorates mentioned in the preceding articles in this Part of this Act shall be appointed by the Prime Minister for a period of three years under such terms and conditions as may be stated in the letter of appointment. The appointment of a Director General shall be made after a public call for which there may apply such persons who have the qualifications, the educational experience and the qualities necessary for the management of these Directorates. When a term of office expires, such person may be reappointed for a further period or periods.

Directors  
General to  
be  
responsible  
for  
Officers  
etc.

15. Without prejudice to the provisions of this Act, the executive management, the administration and the administrative control of the officers and employees of the Directorates shall be the responsibility of the Directors General.

Exchange  
of  
information  
between  
the  
Directorates.

16. (1) Every Directorate may request, collect and verify any information, data and statistics, as may be required for the performance of its functions.

(2) A Directorate shall have access to all information which another Directorate, the Colleges and schools may possess and is entitled to request and obtain all data it may require in order to be able to perform its functions from students, parents, personnel and from public and private educational institutions and this data should be given to him within a reasonable time from when the request is made.

(3) Every Directorate shall have access to other statistics and data of an economic and social nature as required in order that it may perform its functions according to this Act.

Permanent  
Committee  
for  
Education.

17. (1) There shall be a Committee to be known as the Permanent Committee for Education, presided by the Minister, to discuss and evaluate the policy, the strategy and the direction and the developments in the education sector and shall facilitate and ensure the effective collaboration and coordination between the entities established under this Act, their agencies, and other public and private educational institutions, and monitor and follow the implementation of the educational policy and strategy adopted by the Government.

(2) The Committee shall be composed as provided for in Schedule IV attached to this Act, and the Minister may by regulations amend this Schedule, and provide for any other matter or procedure he may deem necessary for the better implementation of the functions of the Committee.

Education  
Inspectorate.

18. (1) The Directorate for Quality and Standards in Education shall have an Educational Inspectorate which provides a professional service of support, guidance, monitoring, inspection, evaluation and reporting on the process of teaching in schools, on the application of the *curriculum*, syllabi, pedagogy, assessment and examinations, and on the administration, and on the assurance and auditing of quality in Colleges and schools.

(2) The Director General of the Directorate mentioned in the preceding subarticle shall have such Education Officers and other officers as necessary for the execution of the functions of the Education Inspectorate

and those other functions which are related to the general implementation of this Act or of any regulations made thereunder, and also to perform such work as may be necessary to assure and audit the quality in Colleges and schools, and to perform such duties as may be ordered or as may be assigned to them by the Director General.

Power of entry and of inspection.

19. (1) Such officers, as may be duly authorised in writing by the Director General of the Directorate for Quality and Standards in Education, shall have the power to enter in any College, school, class or place of instruction, and inspect and report on the teaching process, the physical environment, and the observance of the conditions, standards, policies and regulations established and made by virtue of this Act.

(2) Colleges, schools and educational institutions, public and private, shall provide any information and access requested by these officers as they may deem necessary for the implementation of the functions of the Directorate for Quality and Standards in Education.

7. Immediately after new article 19 in new Part II of the principal Act, there shall be inserted present articles 8, 9 and 10 which shall be renumbered as articles 20, 21 and 22 respectively.

Articles 8, 9 and 10 deemed to be included in new Part II of the principal Act.

8. Article 20 as renumbered of the principal Act shall be amended as follows:

Amendment of article 20 as renumbered of the principal Act.

(a) immediately after subarticle (8), there shall be added the following new sub-article:

“(9) In considering any application for a licence under this article, the Minister shall consult the Directorate for Quality and Standards in Education should the request be in respect of a school of a compulsory educational level, and the National Commission for Higher Education should the request be in respect of a school in the post-secondary, tertiary or vocational level.”;

(b) the present subarticle (9) shall be renumbered as subarticle (10), and for the words “The applicant for a licence under sub-article (2) may appeal to the Scholastic Tribunal where – ” there shall be substituted the words “The applicant for a licence under the subarticle (2) may appeal to the Court of

Appeal (Inferior Jurisdiction) according to the provisions of article 127 where – ”; and

(c) the present subarticle (10) shall be renumbered as subarticle (11), and immediately after the words “the decision refusing the application” there shall be added the words “or the decision suspending or withdrawing the licence”.

Addition of new Part III to the principal Act.

9. Immediately after article 22 as renumbered of the principal Act there shall be inserted the following new Part:

“PART III  
THE TEACHERS’ PROFESSION

Inter-pretation.

23. In this Part of this Act, insofar as the context does not otherwise require:

“adaptation period” means a period during which a person may exercise the teaching profession in Malta under supervision in a licensed school, or in any other manner as the Council may decide, which period may include the provision of such further training to such person, as may be required by the Council, and at the end of which an assessment shall be carried out;

“the Council” means the Council for the Teaching Profession in Malta established by article 26;

“to practise” in relation to the teaching profession includes the taking up or pursuit of the teaching profession in Malta at compulsory educational level linked with the *curriculum*;

“proficiency test” means a test, as may be required by the Council in accordance with the provisions of this Act, having the aim of assessing a person’s ability to pursue the teaching profession in Malta;

“registered teacher” means a person who is registered in the official register of teachers kept by the Council and who has been granted a warrant to practise the teaching profession, in accordance with article 29;

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

Provided that, for the purposes of this Part, and insofar as not otherwise provided in any other law, “teacher” does not include any person who renders a teaching service in cultural, sport and religious sectors, insofar as this teaching is not being imparted as an integral part of compulsory education in terms of the *curriculum* in a licensed school;

“warrant” means a warrant issued under article 24;

“temporary warrant” means a temporary warrant issued under article 25.

Warrant  
required to  
practise  
profession.

24. (1) Subject to the provisions of this Part, no person can exercise the teaching profession against remuneration or hold himself to be professionally qualified to do so unless such person is the holder of a warrant issued under this Act.

(2) A person shall not qualify for a warrant unless such person –

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

(b) is of good conduct; and

(c) has full legal capacity; and

(d) is in possession of

i) the Degree of Bachelor in Education; or

ii) the Degree of Bachelor together with a Post-Graduate Certificate in Education; or

iii) the Doctorate, Master's or Bachelor's Degree and a Master's Degree, together with a certificate of a pedagogical course organised by the Directorate for Educational Services established by article 10 of this Act or by any other institution which is recognised by the Council; or

iv) any other professional qualification as the Council may deem comparable; and

(e) satisfies the Council that he has received adequate experience in the practice of the teaching profession under supervision in a licensed school, or in any other manner as the Council may decide, for an aggregate period of at least two years full-time or its equivalent in part-time following the completion of such degree or such other professional qualification as hereabove mentioned.

(3) The Post-Graduate Certificate in Education, Bachelor's Degree, Masters Degree and Doctorate mentioned in paragraph (d) in the the preceding subarticle shall be a Post-Graduate Certificate in Education, a Bachelor's Degree, a Master's Degree and a Doctorate awarded by the University of Malta.

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

Cap. 451.

(5) Without prejudice to any provision made by or under the Mutual Recognition of Qualifications Act, where the duration of a course leading to the professional qualification possessed by an applicant is less than the duration for the course leading to the Degree conferred by the University of Malta or when the experience referred to in subarticle (2)(e) is less than two years, the Council may require the applicant to undertake such adaptation period

not exceeding twice the shortfall, as the Council may specify. In addition the Council may also submit the applicant to a proficiency test.

Temporary  
warrant.

25. Notwithstanding anything contained in the provisions of this Part, the Minister may give a temporary warrant having a validity of one year, that can be renewed to any person who, in the discretion of the Minister, has the necessary proficiency to teach in Malta.

Council for  
the  
Teaching  
Profession  
in Malta.

26. (1) There shall be a Council to be known as the Council for the Teaching Profession in Malta to be appointed by the Minister and which shall consist of nine members as follows:

(a) a Chairman selected by the Minister from among persons who have the necessary qualifications to be appointed as magistrates or judges;

(b) three members selected by the Minister from among practising registered teachers and who have at least eight years experience in teaching and at least one of whom shall be from the non-State teaching sector;

(c) two members nominated by such associations registered with the Council according to the provisions of this Act, from among practising registered teachers and who at least have eight years experience in teaching practice;

(d) two members from among a list of not less than four and not more than ten persons nominated by the University from among the teachers of the Faculty where teaching and research are organised in the educational sector;

(e) a member from among a list of not less than four and not more than ten persons nominated by parents' associations:

Provided that in relation to the first appointments, "teacher" means any person who is qualified to be registered under this Act:

Provided further that for the purpose of paragraphs (c) and (e), the associations to be consulted or to make nominations in relation to the first appointment shall be associations that have the qualification to be eventually registered under this Act.

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

(3) Members of the Council shall hold office for a term of three years.

(4) Members of the Council shall, on the expiration of their term of office, be eligible to be reappointed, but they may not serve the Council for more than three consecutive terms.

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

(6) The number of members attending necessary to form a quorum shall be four, but subject to the presence of a quorum, the Council may act notwithstanding any vacancy among its members.

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

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

(9) Save as aforesaid and as may be prescribed, the Council may make its own rules and otherwise regulate its own procedures.



(10) The meetings of the Council shall be summoned by the Chairperson and the Council shall meet as often as may be necessary, but at least once every three months.

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

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

Functions  
of the  
Council.

27. (1) Without prejudice to its other powers and functions, the purpose of the Council is to regulate the practice of, the teaching profession in Malta, and in particular to –

(a) keep under review and assess education and training standards and on the fitness to teach of each person who chooses to practise the teaching profession;

(b) advise the Minister in relation to standards and on education, the initial and continuing training of teachers, proficiency, experience and qualifications required for holding and retaining a warrant under this Act;

(c) consider and advise the Minister with regard to applications for comparability and recognition of teaching qualifications;

(d) promote and encourage initiatives which ensure a continuing professional training and development programme for warrant holders;

(e) examine applications for a warrant to practise the teaching profession and make recommendations to the Minister on the award or refusal thereof;

(f) keep an official register of all registered teachers and another register of those holding a temporary warrant given under article 25, note therein

any suspension, cancellation and reinstatement of a warrant;

(g) keep an official register of all teachers' partnerships;

(h) keep such information as may be required in relation to associations representing teachers in Malta and which are, registered under the provisions of this Act;

(i) make recommendations to the Minister, following consultation with the associations registered under the provisions of this Act, on the code of ethics to be prescribed for the professional behaviour of teachers;

(j) inquire into any allegation of professional misconduct, gross negligence or incompetence by a teacher;

(k) advise the Minister on any matter on which the opinion of the Council is sought by the Minister, including any advice on persons who practise the teaching profession while holding a temporary warrant;

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

(2) The Council shall, not later than three months after the end of each year, publish in the Gazette a list of persons or partnerships who on the 31<sup>st</sup> December of the said year, were registered for the first time in the register of teachers or in the register of partnerships of teachers.

(3) The Council shall, in the performance of its functions, keep in consideration the public interest, and draw up and publish an annual report concerning its general operations.

Warrants.

28. (1) Any person seeking to obtain a warrant to practise the teaching profession in Malta shall make an application to the Council which shall be accompanied by

all information and relevant documents in support of the application, including certificates issued by the competent authority about the comparability of qualifications and certificates of their authenticity as the Council may require.

(2) The Council shall make a recommendation to the Minister for the issue of a warrant as soon as it is satisfied that the applicant satisfies the minimum requirements established under this Act.

(3) Where, following an adaptation period where necessary, the Council is satisfied that the applicant has successfully completed his training, the Council shall make a recommendation to the Minister for the issue of a warrant.

(4) For the purpose of establishing whether an applicant has successfully completed his training as aforesaid, the Council may submit the applicant to a proficiency test under the provisions of this Act or under regulations issued thereunder.

(5) The Council shall regularly draw the attention of registered teachers to their obligation to periodically carry out programmes of continual professional development and of up-dating necessary for the standards and fitness to teach.

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

(7) Whenever the case may be, the Council shall draw the attention of a registered teacher of his failure to fulfil this obligation as provided for in this article and shall give him reasonable time to comply therewith.

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

The Council to assess application for warrant.

29. The Council shall consider and make its recommendations on an application for a warrant to practise the teaching profession as soon as is reasonably practicable, but in no case later than four months from the receipt of the application. On making its recommendations to the Minister, the Council shall concurrently notify the applicant of its recommendations, together with the reasons upon which these were based.

Loss of warrant.

30. (1) A person shall not be qualified to obtain or shall not retain a warrant in terms of this Act if such person has been convicted by any court of criminal jurisdiction:

(a) for any crime liable to imprisonment for a term exceeding one year; or

(b) of having abused the students' trust or having used violence in their regard; or

(c) of any crime because of which such person may not, in the Council's opinion, be fit to practise the teaching profession in a school.

(2) Where a person loses his warrant following a conviction as is referred to in the preceding subarticle, notice of such loss shall be given by the Minister in the Gazette and shall be communicated by the Council to the person disqualified, unless such person has been interdicted by the judgement itself, and to the Head of school where such person is employed as the case may be.

The Council may conduct inquiries.

31. (1) The Council shall inquire into any alleged professional misconduct, gross negligence or incompetence in relation to a teacher.

(2) For the purposes of this article, the terms "professional misconduct", "gross negligence", or "incompetence", include the following:

(a) obtaining a warrant in a deceitful or fraudulent manner;

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

(c) failure to comply with regulations with respect to professional standards or practice;

(d) practice or assumption of professional competence for which the person is not qualified or the person concerned is not authorised to practise in terms of his warrant;

(e) acting in a manner which may be detrimental to the teaching profession;

(f) displaying lack of skill in the practice of the teaching profession or in carrying out of a duty or obligation undertaken in teaching practice.

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

(4) On finalising the inquiry the Council shall –

(a) if it finds in favour of the teacher, dismiss the case; or

(b) if it finds the teacher guilty of the alleged professional misconduct, gross negligence or incompetence, make a report of its findings and submit it to the Minister together with its recommendation for the imposition of any of the following penalties:

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

(ii) suspension or cancellation of the registration of a partnership of teachers;

(iii) imposition of conditions to be attached to a warrant;

(iv) reprimand;

(v) payment to cover the costs of the inquiry;

(vi) order the waiver, reduction or refund of any fees charged for services rendered; or

(vii) any other penalty as may be prescribed.

(5) On the cancellation of the warrant of a teacher the Council shall strike off the name of such person from the official register of teachers.

(6) The Council's decision whereby an application for a warrant is refused or whereby a warrant is suspended or cancelled shall be notified in writing to the person who has filed the application or to the warrant holder, as the case may be, and to the College Principal and to the Head of school where such teacher practises his profession as the case may be.

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

Cap. 273.

32. (1) Any person who feels aggrieved by the decision of the Minister, following the recommendations of the Council to refuse an application for the issuing of a warrant, or whereby a warrant is to be suspended or cancelled, under the provisions of this Part, may, within twenty-one days of the notification given to the Minister, appeal to the Court of Appeal in its inferior jurisdiction.

Appeals.

(2) Notwithstanding that an appeal has been instituted in accordance with the provisions of this article, the warrant shall be considered as suspended or cancelled, as the case may be, pending the final decision of the Court of Appeal.

(3) The Minister responsible for justice may make regulations prescribing the fees that shall be payable in the Registry of the Court in connection with appeals under this article:

Provided that until such time as fees are so prescribed by the Minister responsible for justice, the fees payable with respect to appeals to that Court shall be the fees applicable to the Court of Magistrates (Malta).

**Cap. 12.** (4) The Board established under article 29 of the Code of Organization and Civil Procedure shall make rules establishing the form of such appeals and any other matters related thereto.

Minister  
may  
reinstate  
warrant.

33. The Minister may, on the recommendation of the Council, and upon application to this effect, restore the warrant to a person who is disqualified to hold or who forfeits such warrant in terms of article 30, or remove such suspension or cancellation as recommended in terms of article 31, if the applicant meets such requirements that may be prescribed. Where the warrant of the teacher has been reinstated, such teacher is to be again registered in the official register.

**Association  
of teachers.**

34. (1) An association of teachers is an association of teachers established with the primary aim of promoting the principles, values and standards related to the practice of the teaching profession.

(2) Any association of teachers may make an application to the Council to be registered as an association of teachers for the purposes of this Act.

(3) An association shall be qualified to be registered under this article if it proves to the Council that it has a membership of at least ten registered teachers and that it conforms with such other conditions as may be prescribed. An association shall submit together with the application a list of members and such other information as the Council may require to process the application.

(4) The Council shall have the power to require any association registered under this article to produce such records and information regarding the association and its members as the Council may reasonably require from time to time.

Partnerships  
of teachers.

35. (1) Two or more warrant holders may form a civil partnership, in this Act referred to as a “partnership of teachers”, having for its exclusive object the practice of the teaching profession and such powers as are necessary for the attainment of the objects of the partnership.

(2) No person, other than a warrant holder, may be a partner in a partnership of teachers.

(3) Any such partnership shall, when duly formed according to law and on payment of the prescribed fee, be registered with the Council and upon registration the partners shall, for as long as it is so registered, be authorised to act in the name and on behalf of the partnership which shall be entitled to the designation “Teachers” as part of its name.

(4) Every such partnership shall give to the Council such information as the Council may reasonably require or as may be prescribed, and shall give notice to the Council of any relevant changes in any information previously given to the Council within fifteen days after the date on which the change occurs.

Conditions  
applying to  
a  
partnership.

36. Notwithstanding the provisions of any other law or any other agreement to the contrary, the following provisions shall apply to a partnership of teachers under this Act:

(a) the partners shall be jointly and severally responsible for the actions and omissions of each and every one of them in the performance of their professional duties, the maintenance of the required professional standards and conduct and generally in the fulfilment of their obligations under this Act or any other applicable law, and shall also be jointly and severally liable for any loss or damage resulting therefrom;

(b) any act or thing that may be done by a warrant holder may be done by one or more of the partners in the name of the partnership; and any act or thing done in the name of the partnership shall be done by one or more of the partners;



(c) the responsibilities and liabilities for anything done or omitted to be done during the period in which a person was a partner in a partnership of teachers shall not cease, in respect of such person, by his retirement, death or other cause by which he ceases to be a partner.

Applicability  
of articles  
to  
partnerships.

37. The provisions of articles 30, 31 and 32 shall apply to partnerships of teachers as they apply *mutatis mutandis* to teachers.

Offences  
and  
penalties.

38. (1) Any person who, for the purpose of obtaining a warrant or registering a partnership of teachers under the provisions of this Act, knowingly gives any false information or otherwise acts in a deceitful or fraudulent manner, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand liri or to imprisonment not exceeding twelve months or to both such fine and imprisonment.

(2) Any person who is found guilty of any other offence against any provision of this section of this Act shall be liable on conviction to a fine (*multa*) not exceeding five hundred liri, or to three months imprisonment or to both such fine and imprisonment, and in the case of a continuing offence to a fine (*multa*) of five liri for each day during which the offence continues, subject to a maximum of two thousand liri.

(3) Any person who, not being the holder of a warrant or a temporary warrant issued under this Act, practises the teaching profession or carries out any education practice in contravention of the provisions of this Act, shall be guilty of an offence against this Act.

(4) Any person who uses the words “Teachers” in relation to a partnership of teachers where such partnership is not registered in accordance with the provisions of this Act, or in any manner whatsoever makes use of a name falsely implying the existence of a partnership of teachers registered as aforesaid shall be guilty of an offence against this Act.

(5) For the purpose of this article and subject to such regulations as may be prescribed, a person shall not be deemed to be in contravention of the provisions of

this Act if such person is practising the teaching profession during an adaptation period or when in training, in any case under supervision in a licensed school or in any other manner as the Council may decide.

(6) Subject to the provisions of subarticle (5), no person or any other organisation shall employ any person other than a registered teacher or a person holding a temporary warrant for the purpose of practising the teaching profession.

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

Administrative  
fines.

39. Where, following an inquiry under the provisions of article 31, the Council finds a teacher guilty of any breach of professional conduct or of the Code of Ethics, the Council may impose such administrative fines as recommended to the Minister and that the Minister may prescribe.

Minister  
may make  
regulations.

40. The Minister may, after consultation with the Council, make regulations not inconsistent with the provisions of this Part of this Act, to give better effect to any of such provisions and generally to regulate the teaching profession, and, without prejudice to the generality of the foregoing, such regulations may in particular include provisions with respect to –

(a) the establishment of education practice, standards, procedures and other duties and practices to be followed by teachers, either generally or in particular fields of activity;

(b) the professional conduct and code of ethics of teachers and the standards of competency and integrity to be kept by the profession;

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

(d) the work which can be performed and the services which can be rendered in terms of a warrant, and the terms and conditions which can be attached to such warrant;

(e) the fees that may be charged by the Council in connection with the issue of a warrant, for the making of any registration under this Act, and for any other operations that may be carried out by the Council in accordance with the provisions of this Act;

(f) the fees that may be charged by teachers for their professional services;

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

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

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

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

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

Saving.

41. (1) Any person who on the coming into force of this Part is in possession of a permanent warrant obtained under Part II of the principal Act before the entry into force of this Part shall be deemed to be a warrant holder with the same rights and obligations inasmuch as such warrant had been issued in accordance with the provisions and conditions of this Part.

(2) Any person who on the date of the coming into force of this Part

(a) qualified for a permanent warrant under the provisions of article 11 (3) (b) of this Act before having been amended; or

(b) was practising the teaching profession in any school by virtue of a temporary warrant and had been practising as such for not less than eight scholastic years, and is eligible to apply for a permanent warrant under the provisions of article 11 (3) (d) of this Act before having been amended due to the fact that such person had practised the teaching profession in a school in Malta for a period of not less than fifteen years and in the opinion of the Minister such person has the necessary academic skill, shall still be qualified to be given a warrant inasmuch as such person was qualified under the provisions of this Part after having completed fifteen years practice.

Warrant holder may return warrant. 42. A warrant holder may return his warrant to the Minister and request that his name is cancelled from the register of teachers.”

Amendment of the heading to Part III, renumbering of articles 16 to 21 of the principal Act and amendment of articles 43 to 45 as renumbered of the principal Act.

**10.** (a) The heading “Part III – State Schools” in the principal Act shall be renumbered and there shall be substituted therefor the new heading “Part IV – Duty of the State to provide education”, and articles 16 to 21 shall be renumbered as articles 43 to 48 of the said Part.

(b) The words in article 43 (1) as renumbered of the principal Act “and who do not have special educational needs, or who have not qualified for secondary education” shall be deleted.

(c) The words in article 44 as renumbered of the principal Act “and who do not have special educational needs” shall be deleted.

(d) (i) For sub-article (1) of article 45 as renumbered of the principal Act, there shall be substituted the following words:

“(1) “Without prejudice to the provisions of article 58 of this Act, it shall be the duty of the State to provide resource centres, whose specialised role will include provision for children with individual educational needs who would benefit more from being in such centres than in mainstream schools, for such time as may be appropriate depending on their needs.”; and

(ii) For the words in subarticle (2) of article 45 as renumbered of the principal Act “when that minor has special difficulties of a physical, mental or psychological nature.” there shall be substituted the words “when that minor has special difficulties of a physical, sensory, intellectual or psychological nature.”.

**11.** Article 47 of the principal Act shall be amended as follows:- Amendment of article 47 of the principal Act.

(a) in the Maltese text thereof, for the word “*curriculum*” wherever it appears in the marginal note and in the present subarticles (2) and (3) thereof, there shall be substituted the word “*kurrikulum*”;

(b) for subarticle (1) thereof there shall be substituted the following:

“(1) Subject to the provisions of subarticle (2), it shall be the duty of the Minister, after receiving the proposals and the advice of the entities established by this Act, and after consultation with whosoever is involved in the development of the country, to establish the framework of the national curriculum both for State schools and for non-State schools at compulsory educational level and it shall be the duty of all schools to accomplish this curriculum according to the potential and the various skills of students attending thereat and according to the ethos, the identity and the character of the particular school or College.”;

(c) subarticles (2), (3) and (4) shall be renumbered as subarticles (3),(4) and (5) respectively;

(d) immediately after subarticle (1) there shall be substituted the following new sub-article:

“(2) The Minister shall monitor the curricular activity of the educational Directorates and of every College and school and has a right to request any data and report and to take such measures as may result to be required in order to ensure that school teaching is being imparted according to the philosophy, vision, strategy, principles, objectives, standards, and bench-marks established by the curriculum.”; and

(e) in subarticle (4) as renumbered for the words “school council may request the Minister to include in the curriculum of that school” there shall be substituted the words “College or school council may request the Minister to include in the curriculum of that College or school”.

Addition of new Part V to the principal Act.

**12.** Immediately after article 48 of the principal Act, there shall be inserted the following new Part:

“PART V

COLLEGES OF STATE SCHOOLS

Colleges. 49. With an aim of improving the quality, standards, operation, initiatives and educational results in State schools, there shall be established those Colleges, in such manner as it may from time to time appear to the Minister to be necessary in Malta and in Gozo, which shall network within them State boys and girls schools, and which would ensure educational experience and services in a full and continuous process starting from early childhood education, and through the primary and secondary levels. Every College shall be under the responsibility, guidance and administration of a Principal.

Legal personality and juridical representation of the Colleges. 50. (1) Each of the Colleges established under this Part of this Act is a body corporate having a legal and distinct personality and which may, subject to the provisions of this Act, enter contracts, acquire, hold and dispose of any kind of property for the purposes of its functions, or to sue or to be sued, and to perform all such matters and such operations which are incidental or conducive to the exercise or the execution of its functions under this Act.

(2) The juridical and judicial representation of every College mentioned in this article shall vest in its Principal, provided that each Principal may appoint any one or more of the officers or employees of the respective College, to appear on his behalf and in his name in any judicial proceedings and on any deed, contract, instrument or other document of whatsoever nature.

Functions of the College.

51. It shall be the function of each College to:

a) Ensure that students entrusted to the schools within the College receive their educational entitlement according to their potential in a full, continuous and smooth process of education from an early age to the end of compulsory education in the perspective of lifelong learning and inspired by the highest human values.

b) Ensure the responsibility and the accountability of whosoever is involved in the schools in the educational process of the students.

c) Develop the character and identity thereof and ensure the improvement of the quality of the educational provision in schools by promoting, achieving and maintaining high results and standards by all College members and students.

d) Promote dialogue and a team culture among the Heads and school staff through cooperation, especially with regard to initiatives and problems relating to the College as a whole.

e) Ensure that the National Curriculum Framework is translated into an appropriate curriculum for College students and that this is implemented in all its schools with the best methodologies, including an extensive use of the information and communication technology as a pedagogical tool.

f) Ensure the promotion and dissemination of a culture of evaluation within the schools of the College, including the implementation of a process of internal educational auditing and of a full participation in the external quality assurance processes.

g) Ensure a professional development process for teachers and monitor the operation, administration and general conduct of the schools within the College.

h) Ensure the supply of resources, services and facilities needed by those who are involved in teaching and learning, including libraries and specialised centres of resources, while facilitating, wherever it is

deemed to be opportune, the common use of these resources, services and facilities.

i) Ensure that whosoever works in the schools of the College functions effectively in such manner to ensure a healthy culture of good conduct and of discipline and also a secure and safe environment.

j) In conjunction with the Directorate for Educational Services Directorate, ensure the timely recruiting of human resources which schools require, the organisation of induction courses for new employees and of continuous professional development programmes for all school staff, including teachers, administrators, professional persons entrusted with psychosocial and support services.

k) Ensure a policy and strategy for the development of schools within it as centres of lifelong learning and culture for the communities of the children and students attending the schools of the College.

l) Promote the implementation of the national partnership policy of parents in school development and in the educational experience of their children and create an effective home-school partnership.

m) Ensure that the College policies are followed and implemented.

n) Organise an effective customer care service, implement an effective communication programme, and treat the complaints of students, parents and teachers according to the guidelines and policies issued by the Directorates.

o) Promote and facilitate the organisation of common activities in such sectors like sports and physical education, culture, drama, music and arts, and crafts, the environment, healthy life-styles, creativity and entrepreneurship.



p) Ensure the coordination of research activity, including action research, both between the College schools and between the Colleges.

q) Promote contact with child care centres to facilitate the smooth transition between early childhood and the entry into kindergarten centres and schools.

r) Promote and encourage culture and a wholesome mentality in favour of creativity, entrepreneurship, proactivity and a positive attitude towards change.

College  
Principal.

52. (1) Every College shall have a Principal who shall be the Chief Executive Officer of the College and who shall be responsible to the Directors General as regards the performance of his functions and of the College according to respective issues, and to the College Board where matters are incumbent on the Board according to its functions.

(2) The Principal shall be appointed by the Minister on the basis of a definitive and renewable contract, with a selection process, following a public call made by the Directorate for Educational Services, and for which there may apply persons having the professional qualifications and the required educational experience and also the managerial and leadership skills for the networking and effective coordination of schools falling within the College.

Functions  
of the  
College  
Principal.

53. It shall be the duty of every College Principal to ensure that the functions of the College as provided for in articles 51 are being accomplished, and he shall in particular:

a) Create opportunities so that the Heads, teachers and other staff in schools may contribute to and exchange ideas, experiences and good practice and collaborate on common educational programmes, projects, activities and initiatives.

b) Prepare a business plan for three years as well as the annual estimates of the College and its schools and apportion the funds allocated by the

Directorate for Educational Services according to the needs of the schools within the college as indicated in the estimates.

c) Be the mentor of the Heads of schools both when required to act in such manner and when it is so required of him.

d) Collaborate with the officers of the Directorates and with local and foreign institutions, in the initial training and continuous professional development of teachers and staff of the schools.

e) Regularly present reports on the activity of the College and provide the necessary data to the College Board.

f) Preside over the Council meetings of Heads of schools and in the drawing up of the Council agenda he should give due consideration to the proposals of the Heads of Schools which the Principal may deem to be opportune to include in the Agenda.

The  
College  
Board.

54. (1) Every College shall have a Board appointed by the Minister and which shall be composed of not less than five, but not more than seven, members one of whom shall be appointed President. The members of the Council shall be appointed for three years provided that when the term of office of a member expires he may be reappointed for a further term or terms.

(2) The Minister shall appoint the members of the Board from among persons who in his opinion may give a valid contribution to the College and that in making such appointments he should seek to ensure a balanced mix of skills and experiences, such as personal initiative, commitment in education as a parent, educational leadership or leadership in the community, business skills, and a civic spirit.

(3) The College Board is a consultative Board, with the function of supporting the College, to acquire the services and the resources required for the implementation of its functions, and to monitor that these functions are being performed.

(4) The Principal shall report regularly to the Board on the performance and operation of the College and point out any matter about which advice would be required to be given. The Board is entitled to request information about the functioning and the development of the College and the Principal is duty bound to procure the required data. The Board shall discuss the Business Plan and the Financial Estimates of the College prior to their presentation to the Directorates for their consideration. The Board shall contribute towards keeping the College close to the world of work, the economy, and the communities to which the students belong.

(5) The Principal shall participate as of right in every Board meeting while an officer of the College shall be the Secretary, provided that either or both shall withdraw from the meeting should the Board discuss matters connected with their conduct and performance. The Principal and the Secretary shall always have the right to make their case.

Council of  
Heads of  
Schools.

55. In each College there shall be a Council of Heads of Schools forming the College to be presided by the Principal. The Council shall:

a) Nurture a spirit of collegiality in the running of the College as a network of schools while developing a common ethos and identity.

b) Identify the training needs of school staff and plan staff development opportunities which may be achieved at College level for its schools.

c) Ensure an exchange of experiences of the School Development Plans, Performance Management Programmes, and policies and practices with the participation of the school community as required.

d) Ensure that the national policies on matters of education, including those relating to good conduct and discipline in the schools, the safeguarding against child and substance abuse, absenteeism, inclusive education, and any national policy which the Minister may from time to time adopt, are well understood by all the teaching and non-teaching staff, and that they are being effectively followed.

e) Encourage and facilitate the development of exchanges and projects in partnerships with other schools in Europe and in any other country.

f) Ensure that parents become partners and active collaborators in the education of their children and at school and promote lifelong learning among both parents and the community generally.

g) Ensure that schools make proper use and share the resources, facilities and services and that they develop the partnerships required for the provision of particular technical support or assistance.

h) Ensure that schools participate and support the operations performed by the Education Inspectorate.

i) Receive and discuss reports presented by the Principal or by any Head of School and also other reports which the Principal or the Council requests or receives.

j) Keep record of the proceedings and decisions adopted during the Council meetings.

Partnership  
within  
Colleges.

56. (1) The College Principal shall seek to create partnerships with other non-State colleges or schools and conclude an agreement of collaboration in favour of the education of students.

(2) The Principals or Heads of such non-State colleges or schools which reach a partnership agreement with the College shall be entitled to participate in the Council of the Heads of the College and to work in conjunction with the Heads of State schools within the College on educational matters of reciprocal interest and benefit.

(3) A partnership agreement such as the aforementioned agreement shall provide for opportunities of collaboration, the use of common resources, and exchanges of experience, good practice and educational programmes.

Autonomy  
of  
Colleges.

57. (1) The Minister and the Directorates shall promote the application of the principle of subsidiarity in the management and administration of the Colleges, within a framework of decentralisation and autonomy of the educational operation and services given by the Colleges and their schools according to the priorities, targets and national strategies adopted by the Government.

(2) Subject to the provisions of this Act, the Minister may give such directives and make such regulations as he may deem to be required in order to delegate in a clear manner educational functions to the Colleges and establish the parameters of the function and the effective accountability of every officer or employee involved in the exercise of the delegated function, of the decentralisation and the autonomy of the application of the functions entrusted to schools and Colleges.

Inclusive  
education.

58. (1) The Minister shall ensure that the national policy on inclusive education is being applied in all schools and that there are available the resources, tools and facilities required so that this might be given as effectively as possible.

(2) The Minister shall ensure the existence of specialised centres of resources which support schools and Colleges in the implementation of the policy of inclusive education, which give a service to students having specific learning difficulties, and others which provide education and training services to students with special needs whose educational entitlement may be better achieved in such centres.

(3) For the purposes of the preceding subarticles hereof, the Minister may give such directives and make such regulations as may in his opinion be required to provide students with special needs, including the multi-disciplinary assessment of their condition, the process of statementing, the formulating and the application of an individual educational programme, special arrangements on the assesment, tests and examinations of concerned students, the programmes in specialised centres of resources or special schools, the application of therapies or the giving of medicines as prescribed by competent professional persons according to any law in force to students with special needs while at a school or centre,

means for the reconsideration of and appeals from decisions on an application for the statementing of a student, and on any other matter connected with the implementation of the policy on inclusive education.

Arts,  
music,  
drama and  
sports in  
education.

59. (1) Every College and school shall, since early childhood, ensure programmes and activities of arts, music, drama and sport with an aim of fostering in students an inclination and appreciation towards them, and to exploit all possible elements of the arts, music, drama and sports for the purposes of the pedagogical tools and the educational experience for the better development of the skills, talents and all various capabilities of the students.

Schools as  
community  
learning  
centres.

(2) The Minister shall ensure the existence of schools for the teaching of the arts, music, drama and sport, and also ensure that these work in an effective network between them and in effective cooperation with Colleges, schools and with institutions and centres of the arts, music, drama and sports established by law or in any other manner.

School  
Council  
and  
Students'  
Council.

60. The Minister may give such directives, institute such programmes and make such regulations as he may deem to be required so that the facilities of the Colleges and of the State schools can be used as community centres for young children, and so that they may also be used at all times outside normal school working hours for programmes of complementary and supplementary educational support, for each activity of physical exercise and sports education, and for cultural activities of arts, music and drama, for children, students and adult persons.

61. Every school, whether it is a school within the College or not, shall have a School Council which shall be composed of parents and teachers, and a Students' Council which shall be composed of and selected, and which shall have the functions, duties, powers and procedures such as the Minister may from time to time establish by means of regulations .

Good  
behaviour  
and  
discipline  
in the  
schools.

62. (1) Subject to the provisions of this Act, the Head and the teaching and non-teaching staff of a school, including whosoever directly or indirectly is involved in the educational process of students in the school, shall be responsible for the teaching and the education of students and for the keeping of discipline in the school and they

shall be responsible for the foregoing to the Principal, the officers of the Directorates and to the Minister.

(2) It shall be the duty in the first instance of parents to ensure the motivation of their children for education and their disposition for good behaviour and discipline, and for this reason they are bound to cooperate fully and with due respect with the Head and teachers.

(3) The Minister may, in order to give the best effect and ensure the implementation of the duties mentioned in this article, make regulations and policies and give directives about the emotional and behavioural difficulties encountered by students, including those to provide for the services and the resources required, for the establishment of learning support zones in the school and of learning support centres outside the school, for the transfer of students from the class and the school to these zones and centres, for the suspension and the exclusion of students from the class and the school as part of a process of discipline and reintegration, for the means of making an appeal and for the reconsideration of decisions on discipline taken by competent authorities, for the adoption by the College and school of the code of discipline, and for any other matter ancillary thereto as may be required.

(4) Subject to the provisions of this Act or of any other law, the regulations and the code of discipline mentioned in the preceding subarticle hereof may include provisions about the conduct and the discipline regarding teachers, other school staff, visitors to a school and parents.”.

**13.** Immediately after article 62 of the principal Act there shall be inserted the following new Part.

Addition of new Part VI to the principal Act.

#### “PART VI

#### ESTABLISHMENT AND FUNCTIONS OF THE NATIONAL COMMISSION FOR HIGHER EDUCATION

*Interpretation.* 63. In this Part of this Act, unless the context otherwise requires –

“advanced education” means further education and it includes all formal education of persons above the compulsory school age generally up to ISCED level 4 or NQF level 5;

“advanced education institution” refers to any public or private school, college or institute, providing further education, including a general or vocational education, and it includes higher secondary schools, sixth form schools or colleges, vocational colleges, and further education franchises;

and “advanced education sector” shall be construed accordingly;

“accreditation of programmes or institutions” refers to the process, relying on internal quality assurance processes as well as external quality audits, of accrediting an institution of education and, or training, or a programme of study, or a service, showing it has been approved by the competent authorities by having met local and international standards;

“approval” includes the administrative process in accordance with the provisions of this Act or of any other law for the licensing and periodic reporting required from institutions to establish themselves or to attain or maintain a specific institution status, about decisions whether a course or programme qualifies or not for an academic degree, or whether an institution has the right to confer national qualifications and degrees;

“authorisation” refers to an official decision that an education and training programme gives the right to practise a certain profession, trade or other work;

“benchmark” refers to a point of reference whereby a comparison of results between subjects, programmes, themes or institutions and leading to an exchange of experience and best practice;

“the Commission” means the National Commission for Higher Education established by article 64;



“evaluation” refers to periodic appraisals on the improvement of actions, structures, programmes, outcome, certification, systems of accountability, accreditation of institutions or courses;

“higher education” includes activities and programmes of teaching, training and research at tertiary level, and in terms of teaching includes the Diploma, Bachelors, Masters and postgraduate Doctorate levels, and also comprises education provided by universities, institutions, colleges, and franchises of higher education providing courses at and above ISCED level 5, or at and above NQF level 6; and “higher education sector” shall be construed accordingly;

“higher education institution” refers to any public or private institution providing higher education, and “higher education sector” shall be construed accordingly;

“institutions” means institutions of advanced education or of higher education;

“ISCED level” means the level of the International Standard Classification of Education (ISCED) adopted in the 29<sup>th</sup> Session of the General Conference of the United Nations Organisation for Education, Science and Culture (UNESCO) in 1997;

“NQF level” means the levels of qualifications and competences adopted by the Malta Qualifications Council Regulations, 2005 which among them form the National Qualifications Framework, NQF;

“quality assurance” refers to systems which:

(a) safeguard the quality of an further and higher education within the economic, social and cultural context, both on a national, European and international level;

(b) ensure the use of appropriate measures as a means of improving the quality of teaching, learning and training in research;

and (c) to communicate the outcome of such findings within an internal and external framework of accountability;

“quality audit” refers to an external evaluation process of internal quality assurance mechanisms, adopted by an institution for its own use in order to continuously monitor and improve the activities and services of a subject, a programme, theme or the whole institution;

“recognition” means the process of granting official status to skills and, or competences either through the award of certificates or through the grant of comparability, credit units, validation of gained skills and, or competences.

Establishment  
of the  
National  
Commission  
for Higher  
Education.

64. (1) There shall be established the National Commission for Higher Education, which through a structured dialogue:

(a) ascertains the needs and the aspirations of further and higher education institutions,

(b) informs the public of issues connected with sustainable development of further and higher education sectors in Malta in order to meet the needs of society, and

(c) gives advice to the Government on any matter which is connected with the further and higher education sector.

(2) The affairs and activities of the Commission are under the direction of the Commission and are dealt with by the members of the Commission and for this purpose shall be represented by the President who shall be able to speak and act on its behalf.

Aim and  
functions  
of the  
Commission.

65. (1) The Commission shall:

(a) Formulate the guiding principles for further and higher education, and propose a clear vision and sustainable strategic targets and objectives for the further and higher sector of education.

(b) Research, analyse, review and, through the Minister, give advice to the Government on the development, planning and governance of the further and higher education policy.

(c) Evaluate, approve, accredit, authorise and recognise systems and policies where the quality of the institutions and their programmes is assured.

(d) Recommend financing policies, and alternative financing systems, of the further and higher sector of education, while addressing the issue of the adequacy of this financing and of the accountability of the sector.

(e) Propose policies which are related to students on sustainable options, equity in access and mobility in the institutions, financial support, services of information and guidance about pathway development for students.

(f) Recommend policies related to research, innovation, intellectual property, and knowledge transfer.

(g) Draft policies related to the international dimension of further and higher education and to the expansion and diversification of their provisions.

(h) Advise and, where the case shall so require, make such recommendations as may appear to be required, to the Government and to the institutions, on any matter or other issue related to further and higher education.

Duties of  
the  
Commission.

66. In reaching its aims, the Commission shall:

a) Develop and promote a structured dialogue among the institutions in the further and higher education sector and with relevant stakeholders in the socio-economic development, including students and their organisations.

b) Keep a regular dialogue with international experts on policies, strategies and current sectoral developments.

c) Collect information, data and statistics as required for the performance of its functions.

d) Publish studies and thematic reviews which it deems to be important as relating to:

i) National Strategy for Further and higher Education;

ii) Key Performance Indicators on the Further and higher Education Sectors in Malta; and

iii) Benchmarking performance against international developments.

e) Compile and send to the Minister an annual report, not later than six weeks after the end of each financial year, on its activities during that year.

f) Maintain and publish an updated register of authorised and accredited institutions and programmes available in Malta.

g) Act on specific requests made to it by the Minister on its objectives and functions as explained in this Act.

Powers of the Commission.

67. (1) The Minister shall consult with the Commission on all proposed changes in legislation connected with further and higher education.

(2) The Commission may act on its own initiative and make such recommendations to the Government which it deems to be fit on this educational sector.

Commission to have full access to required information.

68. (1) The Commission shall have full access to all information available to further and higher public educational institutions and it shall have the right to request all data it may require both from public and private institutions and this data shall be transmitted to it within a reasonable time from when it was requested.

(2) The Commission shall have access to statistics and to economic and social data as required so

that the Commission and its Secretariat may be able to perform their functions in accordance with this Act.

Composition  
of the  
Commission.

69. (1) The Commission shall be composed of not less than seven and not more than nine members to be nominated by the Minister and appointed by the Prime Minister for a period of three years and the members shall be eligible to be re-appointed after their term of office expires. All members of the Commission shall serve in their personal capacity.

(2) The Prime Minister shall appoint from among the members a Chairman and a Deputy Chairman. In the case when the Chairman is abroad or for any other reason, for a temporary period, is unable to perform his functions, the Deputy Chairman shall act as Chairman and shall perform the powers and functions of the Chairman.

(3) The members of the Commission shall be persons holding a degree from a recognised University, and whom, in the opinion of the Minister, possess leadership qualities, and have an understanding in further and higher education within the context of the general socio-economic development.

(4) A person shall not be qualified to be appointed or hold office as member of the Commission if such person:

- a) is a member of the House of Representatives;
- or
- b) is serving as a judge or magistrate; or
- c) is legally incapacitated; or
- d) has been declared to be in a state of bankruptcy or has entered into a composition or agreement with its creditors; or
- e) has been convicted of an offence against this Act or affecting public trust or theft or fraud, or having knowingly received property which had been acquired by theft or fraud;

f) has any financial or other interest in any enterprise or activity which may affect the performance of its functions as a member of the Commission:

Provided that the Minister may set aside such disqualification of a person under this paragraph if such person declares having any such interest and both that declaration and that setting aside of the disqualification are published in the Gazette.

(5) Subject to the provisions of this article, the office of member of the Commission shall be deemed to be vacant:

(a) on termination of the term of his appointment, or

(b) should there arise circumstances which, were this person not to be a member of the Commission, such person would be disqualified from being appointed as such.

(6) A member of the Commission may at any time be removed or suspended from office by the Prime Minister on the grounds of inability to perform the functions of his office as required, either because of mental or physical illness, or for any other reason due to which the member would no longer be fit to occupy such office or due to bad conduct.

(7) A member of the Commission may resign from his office through a letter addressed to the Prime Minister. If any member tenders his resignation or is removed from his office by the Prime Minister or should the office of any member of the Commission become in any manner vacant, the Prime Minister may appoint a qualified person to take up this post; and any person who is so appointed shall keep on occupying that post up to the termination of the term of office of the person being so substituted and such person shall be eligible to be re-appointed.

(8) A member of the Commission having a direct or indirect interest in any contract made or proposed to be made by the Commission, insofar as such interest is

not of a kind due to which the member may be disqualified from continuing to hold that office, shall reveal the kind of his interest in the first sitting of the Commission after having come to know of the relevant facts. Such matters as are revealed are to be registered in the minutes of the sitting of the Commission, and the member concerned shall withdraw from the sitting while such contract is being discussed. Such matters as have been revealed are to be forwarded to the Minister without delay. When such interest as the member may have is such that it may lead to his removal from office, the member shall immediately report the fact to the Minister and, without prejudice to the provisions of subarticle (4) (f) of this article, he shall offer to tender his resignation.

(9) Any absence or vacancy among the members of the Commission, or any participation in its meetings by any person who is not entitled to such act, does not invalidate the procedures of the Commission, insofar as there is a quorum of not less than one-half of the number of members of the Commission.

(10) Subject to the provisions of this Act and of any regulations made thereunder, the Commission may appoint committees and generally regulate its own procedures.

(11) The Commission shall appoint a Secretary to keep minutes and a record of the meetings and of its decisions.

(12) The Commission shall take all necessary precautions and treat information on commercially sensitive matters in a highly confidential manner in its relations with both public and private institutions.

(13) The Minister may, after consulting the Chairman of the Commission, make regulations regarding the procedures to be adopted by the Commission in its operations.

Commission  
Secretariat.

70. (1) There shall be established by the Commission a Secretariat which shall be answerable to the Commission to follow up and execute its decisions, provide the necessary information and administrative, technical, and research support required by the Commission to perform its functions.

(2) The Secretariat shall annually prepare a business plan for the consideration and approval of the Commission. Such plan shall explain the guidance and operative policies which the Commission would be adopting and outline the planned work and activities of the Commission and its Secretariat.

Appointment and duties of the Chief Executive Officer and other officers of the Secretariat.

71. (1) The engagement and the termination of the engagement of the officers and the employees of the Commission and of the Secretariat shall be a function of the Commission which acts through the Chairman after due consultation with the Chief Executive Officer.

(2) Subject to the provisions of this Act and to all directives of the Commission, the executive and administrative affairs and the organisation of the Commission and of the Secretariat, and the administrative control of its officers and its employees, shall fall within the responsibility of the Chief Executive Officer .

(3) The Chief Executive Officer shall also be responsible for the implementation of the purposes and the functions of the Commission, and without prejudice to the generality of the aforesaid he shall develop such strategies, policy and regulations required for the implementation of the purposes of the Commission, provide information and give advice to the Council on any matter according to such matters as he may deem necessary or expedient, and perform such other duties as are assigned to him from time to time by the Commission.

(4) The Chief Executive Officer shall be appointed by the Commission, with the approval of the Minister, under such terms and conditions as the Commission may establish in agreement with the Minister.

(5) The Chief Executive Officer shall report to the President and to the Commission and attend the Commission's meetings whenever he is invited to do so.”.

Amendment of Part V of the principal Act.

**14.** The title “Part V – The University of Studies of Malta” of the principal Act shall be renumbered and there shall be substituted therefore the new title “Part VII – The University of Malta”, and articles from 28 to 39A included therein shall be renumbered as articles from 72 to 84 respectively.



15. Immediately after article 84 of the principal Act there shall be inserted the following new Part:

Addition of new Part VIII to the principal Act.

“PART VIII

THE MALTA COLLEGE OF ARTS, SCIENCE  
AND TECHNOLOGY

Interpretation. 85. (1) In this Part of this Act, unless the context otherwise requires–

“Administrative Director” means the person appointed by the Board of Governors to perform such duties as are indicated in article 105;

“Board of Governors” means the Board of Governors established by article 92;

“Bureau” means the Administrative Bureau established by article 96;

“the College” in this Part means the Malta College of Arts, Science and Technology incorporated by article 86;

“the Council” means the Council of the Institute established by article 91;

“Board of Studies” means the Council of Studies of the Institute established by article 98;

“Institute” means every Institute established by virtue of articles 90(d) and 93;

“President” means the President of the Board of Governors appointed by virtue of article 91 (2) and any person who temporarily occupies that office;

“Principal” means the College Principal appointed by the Board of Governors to perform the duties indicated in article 91 (2) and any person who temporarily occupies that office.

Incorporation of the Malta College of Arts, Science and Technology.

86. The Malta College of Arts, Science and Technology, established by Public Deed of the 11<sup>th</sup> August, 2000, is being re-established and incorporated in this Act

to implement the mission to provide studies and training for education in the vocational and professional sectors.

Legal  
personality  
and  
juridical  
representaton  
of the  
College.

87. (1) The College shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, or suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

(2) The legal and juridical representation of the College shall jointly vest in the Principal, provided that the Board of Governors may appoint any one or more of its members or of the officers or employees of the College to appear in the name and on behalf of the College in any judicial proceedings and in any act, contract, instrument or other document whatsoever.

Official  
languages.

88. Maltese and English are the official languages of the College. The College administration may use either of both languages for official purposes.

Purpose of  
the College.

89. (1) The College shall in a general manner ensure the existence of educational institutions accessible to all, and to establish such facilities and such programmes of education and training, and of work and practical experience which the College may deem necessary to provide all with the opportunity to qualify in trades, skills, artisan or technical or commercial activities, and in the professions according to the socio-economic needs of the country in a lifelong learning curriculum framework and holistic personal development.

(2) The College shall organise instruction and training at the required levels, including the levels established by a National Council for Vocational and Professional Qualifications when it is set up.

(3) The College shall ensure optimum quality at all levels, and shall therefore ensure that whosoever successfully terminates any instruction and training leading to the attainment of a certificate at any level shall have the required educational basis so as to be able to satisfy the

established standards before proceeding any further to the next level.

(4) The College shall ensure, in such areas as may be possible and according to the possibilities of the College, access to each person at first level independently from any academic qualifications, and shall have special programmes to serve as an aid for any person to achieve the required basic education so that such person may continue and terminate successfully such level according to established standards, and with this aim the College shall provide accreditation of prior learning schemes.

(5) The College shall provide teaching and training programmes to help persons acquire qualifications according to their needs, including by distance learning and other programmes which are imparted by any effective means and from any suitable place whatsoever according to the objective of the particular programme.

(6) The College shall in a particular manner:

(a) promote Malta's vision as a hub of cultural, industrial, commercial and services activity for all regions of the world and in particular for the Euro-Mediterranean region;

(b) train its students in being able to appreciate and exploit the challenges and opportunities which the accelerated process of the global economy is bringing along with it as a result of the advances being made in the areas of communication, information technology and science;

(c) cultivate a culture of creativity, innovation, entrepreneurship, excellence and flexibility sustained by the values of commitment, dedication and integrity at a person's place of work and in the exercise of a profession;

(d) foster among students a commitment towards health and safety at the place of work, and towards professionalism;

(e) respond at a relevant time and in a relevant manner to the needs of the labour market by

networking an effective partnership at all levels of educational and training experience with the economic, industrial and services sectors, while being aware that the greater part of enterprises are small or medium sized;

(f) ensure the implementation of the principles of inclusive education by providing an equitable access to all persons in full respect of any diversity;

(g) attribute the necessary importance to research and development in the areas of applied arts, science and technology;

(h) show that both academic and vocational education form an integral part of an educational process for the holistic development of a person, and that they should enjoy parity of esteem;

(i) develop *curricula*, syllabi, modules, a methodology and programmes of study and training leading to certificates based on the knowledge and competences demanded by the labour market:

(j) ensure that the quality and standards of courses and of certificates awarded are recognised at both national and international levels;

(k) be guided by the national policies and strategies as adopted from time to time by Government in each and every section;

(l) participate in bilateral and regional exchange programmes and particularly in the educational and training programmes of the European Union in which Malta participates from time to time.

(7) The College shall function in proactive co-ordination with the other educational Entities referred to in this Act, the Employment and Training Corporation, constituted bodies, trade union organisations and the other national organs and agencies which participate in the social and economic development of the country.

Powers and  
functions of  
the College.

90. The College shall:

(a) through instruction and training in the subjects of arts, science, technology, technical knowledge and trades, to guide students enrolled in any of its courses in the development of the required skills, competences and proficiency for the exercise of jobs, professions and callings in the economic, industrial and services sectors;

(b) on its own, or together with other institutions, whether public or private, local or foreign, organise such courses of instruction and training as it may deem necessary or expedient;

(c) on its own, or together with other institutions, organise such cultural, sports and pastoral activities for the better formation and enrichment of an individual's personality;

(d) establish such Institutes, and such entities, schools, departments, centres and programmes which it may deem necessary and it shall supervise the administration thereof;

(e) subject to the provisions of article 89 (4), establish the conditions for entrance to the Institute and to any other programme of studies and training, and of practical and work experience and prescribe the required regulations concerning examinations and the modalities of instruction and training in such courses;

(f) provide for adequate procedures for the identification of persons who have reached the necessary proficiency in the several areas of study and training;

(g) award such degrees, diplomas, certificates or other distinctions which it may deem suitable to such candidates who satisfy the prescribed conditions after following the required study courses;

(h) establish the teaching and training posts or act otherwise as may be required from time to time and appoint persons to such posts;

(i) establish and maintain as due, libraries, laboratories, workshops, services and other facilities required for teaching, training, experimentation, research and the dissemination of knowledge, science and technology;

(j) establish internal auditing schemes which ensure the quality of education and training being imparted and the effective use of resources;

(k) make regulations concerning the performance and the conduct of students, teachers and other persons entrusted with rendering any service at the College, whether engaged by an indefinite or a definite contract of service, or by a contract for services, or if seconded or on loan to the College by government, public or private entities;

(l) administer the property, resources and funds allotted to it from time to time by the Government with an aim of accomplishing the College programmes, including such other funds as it may receive or raise from other sources;

(m) do anything required to be done so as to accomplish its objects according to this Act.

Governing  
body and  
officers of  
the  
College.

91. (1) The governing bodies of the College shall be the following:

- (a) the Board of Governors;
  - (b) the Council of the Institutes;
  - (c) the Administrative Bureau;
  - (d) the Boards of Studies of the Institutes;
  - (e) the Partnership Office.
- (2) The principal officers of the College are:
- (a) the President of the Board of Governors;
  - (b) the Principal;

- (c) the Deputy Principal;
- (d) the Registrar;
- (e) the Administrative Director;
- (f) the Heads of the Institutes;
- (g) the Head of the Partnership Office;
- (h) the Librarian; and
- (i) the Financial Controller.

(3) There shall be other officers as may be established by the Board of Governors from time to time. Such officers shall be responsible to the Principal for the conduct of their respective duties.

Composition  
of the Board  
of  
Governors.

92. (1) The Board of Governors shall be composed of not less than seven and not more than nine members to be appointed by the Minister for a period of three years and the members shall be eligible to be re-appointed after their term of office expires. The members of the Board shall serve in their personal capacity.

(2) The Minister shall appoint from among the members a President and a Deputy President. In the case when the President is abroad or for any other reason, for a temporary period, is unable to perform his functions, the Deputy President shall act as President and shall perform the powers and functions of the President.

(3) The Principal has a right to attend the meetings of the Board without having a right to vote, provided that he shall withdraw from each meeting where matters connected with his performance or contract of work are discussed.

(4) The members of the Board of Governors shall be persons having competence or experience in the education sector, vocational training, the economy, industry and services sectors or in the social sectors, and who, in the opinion of the Minister, possess leadership qualities, and have an understanding of the importance of

vocational education and training within the context of general socio-economic development.

(5) A member of the Board of Governors may at any time be removed or suspended from office by the Minister on the grounds of inability to perform the functions of his office as required, either because of mental or physical illness, or for any other reason due to which the member would no longer be fit to occupy such office or due to bad conduct.

(6) A member of the Board may resign from his office through a letter addressed to the Minister. If any member tenders his resignation or is removed from his office by the Minister or should the office of any member of the Board become in any manner vacant, the Minister may appoint a qualified person to take up this post; and any person who is so appointed shall keep on occupying that post up to the termination of the term of office of the person being so substituted and such person shall be eligible to be re-appointed.

(7) A member of the Board of Governors having a direct or indirect interest in any contract made or proposed to be made by the Board of Governors, or any financial interest or otherwise in any enterprise or activity which may affect the performance of his functions as a member in this Board, shall reveal the kind of his interest in the first sitting of the Board of Governors after having come to know of the relevant facts. Such matters as are revealed are to be registered in the minutes of the sitting of the Board, and the member concerned shall withdraw from the sitting while such contract or matter in which he has an interest is being discussed. Such matters as have been revealed are to be forwarded to the Minister without delay. When such interest as the member may have is such that it may lead to his removal from office, the member shall immediately report the fact to the Minister and offer to tender his resignation, without prejudice to the Minister's power to remove such member from the Board.

(8) Any absence or vacancy among the members of the Board of Governors, or any participation in its meetings by any person who is not entitled to such act, does not invalidate the procedures of the Board, insofar



as there is a quorum of not less than one-half of the number of members of the Board.

(9) Subject to the provisions of this Act and of any regulations made thereunder, the Board of Governors may appoint committees and generally regulate its own procedures.

(10) The Board of Governors shall appoint a Secretary to keep minutes and a record of the meetings and of its decisions.

(11) The Board of Governors shall take all necessary precautions and treat information on commercially sensitive matters in a highly confidential manner in its relations with both public and private institutions.

(12) The Minister may, after consulting the President of the Board of Governors, make regulations regarding the procedures to be adopted by the Board of Governors in the course of its operations.

Functions  
and powers  
of the  
Board of  
Governors.

93. (1) The Board of Governors shall be the highest governing body of the College and shall have the duty of performing the objectives and to exercise the powers of the College as laid down in the provisions of this Act, and shall in particular have the following functions;

(a) to acquire, administer and control the resources, facilities and property, both movable and immovable, of the College;

(b) to establish Institutes, departments, centres, programmes and other educational and training entities for the due performance of the educational and training tasks and of interdisciplinary co-operation;

(c) to distribute between the several Institutes and other educational and training entities within it the resources available to the College by way of funds and by way of premises, facilities, services, equipment and persons;

(d) to supervise the expenditure and the administration of the College at all levels and to approve the annual budget proposals to be submitted to the Minister within a given time;

(e) to appoint a Principal, and on his advice, also to appoint two Deputy Principals, the Heads of the Institutes and of other educational and training entities, on the basis of a definitive contract, and to set up, and abolish, any post of an academic, technical or other nature;

(f) to make statutes, rules and other procedures in terms of the provisions of this Act;

(g) to appoint Maltese or foreign examiners according to pre-established statutes and procedures, and to ensure that payment is effected for their services;

(h) to ensure that proper academic and training levels are retained and improved on, and to establish and supervise internal auditing schemes which ensure the quality of education;

(i) to enter into such agreements as appear to it necessary with sectors of economic activity in the country and with institutions in Malta and overseas for the better achievement of the objectives of the College;

(j) to do anything which it may deem necessary to be done to achieve the objectives of the College and to execute the powers and functions of the College which have not been previously vested in another governing body of the College:

Provided that the Institutes, departments, centres, programmes on other education and training entities as referred to in paragraph (b) of this sub-article may be established by the Board of Governors, following consultation with the Council of Institutes, and their establishment, statutes and regulations are to be deemed to have come in force on that date that the Minister may by notice establish in the Gazette.

(2) The Board of Governors shall also approve the curricula and the syllabi submitted by the Institute and by each educational and training entity within it and, where it deems it so necessary, to revert same to such Institutes or entities together with its advice about any proposed amendments.

(3) The Board of Governors shall, where so approved by the National Council for Qualifications, certify the capabilities for the exercise of a trade, calling and profession, and also of proficiency in any trade, technical work, technology, or any other commercial or economic activity.

(4) The Board of Governors shall ensure that the qualification degrees, diplomas, distinctions and certificates of the College are recognised both at a national and at an international level, and that, wherever applicable, are related to the standards established by the National Council for Qualifications.

(5) The Board of Governors shall meet at least once every two months with a quorum for meetings of five members.

Composition  
of the  
Council of  
the  
Institutes.

94. The Council of the Institutes shall be constituted of the following members:

- (a) the Principal who presides *ex officio*;
- (b) the Deputy Principals *ex officio*;
- (c) the Registrar *ex officio*;
- (d) the Administrative Director *ex officio*;
- (e) the Heads of the Institutes *ex officio*;
- (f) the Head of the Partnership Office *ex officio*;
- (g) the Librarian *ex officio*;
- (h) two members elected by and from among the College teaching staff;

(i) two members elected by and from among the College students; and

(j) four members appointed by the Minister.

Functions  
of the  
Council.

95. (1) The Council shall be responsible for the general direction of the vocational and professional education and training of the College, and shall have the following functions;

(a) to regulate by means of regulations the programmes of studies, training, research, documentation and examinations at the College and by regulations to establish such degrees, diplomas, certificates and distinctions for such candidates satisfying the prescribed conditions after following the required courses of studies and training;

(b) to decide about the persons to whom the academic degrees, diplomas, certificates and other distinctions shall be awarded;

(c) to establish, subject to the provisions of this Act, the entry conditions to the College;

(d) to give recognition, following a recommendation by the competent authorities according to law, to such degrees, diplomas, certificates and distinctions of other universities or educational institutions;

(e) to give advice to the Board of Governors on any matter related to vocational and professional education or training;

(f) to deal about any other matter which refers to education and training and as may arise in the administration of the College.

(2) The Council shall meet at least every six weeks and the quorum for the meetings shall be thirteen members.

Composition  
of the  
Administrative  
Bureau.

96. There shall be an Administrative Bureau of the College which shall be constituted of the following persons:

- (a) the Principal who shall be Chairperson;
- (b) the Deputy Principals;
- (c) the Registrar;
- (d) the Administrative Director;
- (e) the Head of the Partnership Office; and
- (f) the Financial Controller.

Functions  
of the  
Bureau.

97. The Bureau shall meet at least every four weeks in order to:

- (a) ensure that the policies, strategy and decisions adopted by the Board of Governors and by the Council are actuated;
- (b) ensure dialogue, co-ordination and the effective functioning of the governing bodies, structures, officers and employees of the College;
- (c) under the direction of the Principal, and without prejudice to any of the provisions of this Part, take care of all the matters related to the process of selection and engagement of the personnel the College may from time to time require, and to propose for the approval of the Principal the nominations of the persons so selected;
- (d) to pay any wage, salary or remuneration to the members of the College staff according to scales which the Board of Governors establishes with the approval of the Minister;
- (e) adopt all necessary measures to apply the disciplinary procedures and the auditing and quality assurance schemes of all operations within the College;
- (f) ensure the keeping of lively and proactive relations between the College and its partners in Malta and overseas.

Composition  
of the Board  
of Studies of  
the  
Institutes.

98. (1) Each Institute shall have a Board of Studies to be constituted of the following members:

(a) the Head of such Institute who shall be president *ex officio*;

(b) one of the two Deputy Principals as may be decided by the Principal who shall be vice-president *ex officio*;

(c) the Heads of the Departments of the Institute *ex officio*;

(d) a member elected by and from among all the teaching staff of the Institute;

(e) a member elected by and from among the students of the Institute;

(f) two members appointed by the Minister from among persons recognised for their competence and experience in the educational and training area of such particular Institute;

(g) representatives of foreign institutes with which the College may have partnership agreements;

(h) a representative who is selected by the Minister from an economic sector having close ties with the area of studies and research of such particular Institute;

(i) a representative of a professional body which is recognised by the Minister in the area of studies and training of such particular Institute.

(2) The Principal shall have the right to convene a meeting of the Board of Studies of any Institute whenever he may deem necessary and in such cases he shall preside the meeting.

Functions of  
the Board of  
Studies.

99. (1) The Board of Studies shall have the following functions:

(a) to conduct the educational and training work of the Institute;

(b) to establish the studies, the instruction to be imparted, the training and the research at the Institute, centre or programme for which it may be responsible, and to provide for the administration, publication and dissemination of the academic, training and development operations of the Institute and to allot the work to be done in such activities;

(c) to draft and propose bye-laws relating to the Institute in terms of the provisions of this Act;

(d) to nominate Maltese or foreign examiners in terms of previously established and approved procedures by the Board of Governors;

(e) to prepare plans for the development of the Institute and to present them for the approval of the Council and of the Board of Governors.

(2) Bye-laws which are made by the Board of Studies shall be sent to the Council for its approval and shall not be presented to the Board of Governors to be issued unless they are so approved by the Council.

(3) The Board of Studies shall meet at least once every six weeks and the quorum of the meetings shall be of five members.

Partnership  
Office.

100. There shall be a Partnership Office whose head shall be a person appointed for the purpose by the Board of Governors and who shall also be responsible for the bilateral and international relations at the College, including such matters as are related to Europe. The functions of the Partnership Office are:

(a) to develop the necessary relations for the greater co-operation and synergy between the College and educational and training institutions, both public and private, operating in Malta;

(b) to develop by agreement and suitable measures a proactive partnership between the College and its Institutes on one part, and the industrial and services economic sectors on the other;

(c) to develop a partnership agreement between each Institute of the College on one part, and a foreign University, College or Institute which acquired recognition in the particular area of vocational and professional studies and training for which the Institute is responsible, on the other;

(d) to ensure full participation in local and international exchange programmes and those of the European Union in which Malta participates;

(e) to seek to obtain scholarships for the College students and to administer those scholarships which may be offered to foreign students;

(f) to operate schemes which attract foreign students to College courses.

Powers and duties of the President.

101. (1) The President shall be the highest officer of the College and shall be responsible for ensuring that the College complies with this Act.

(2) The President shall issue the statutes, regulations and bye-laws of the governing bodies of the College and may revert once to any governing body such statutes, regulations and bye-laws which in his opinion are not in terms of the law.

(3) The President shall whenever he deems it necessary, have the power to convene and preside the Board of Governors, the Council, the Administrative Bureau and the Board of Studies.

(4) Whenever the office of President is temporarily vacant, and until a new President is appointed, and whenever the holder of such office is absent from Malta or on vacation or is for any reason unable to perform the functions conferred upon him by this Act, those functions shall be performed by the Deputy President of the Board of Governors.

Powers of the Principal.

102. (1) The Principal shall be the Chief Executive Officer of the College.



(2) The Principal, without prejudice to the powers vested in the governing bodies of the College by the provisions of this Act, shall have all the powers necessary for the governance and administration of the College, including the power to make such necessary appointments of officers and employees having an academic or technical background or of any other kind, for such period, under such conditions and in accordance with procedures established by the Board of Governors, including the power to decide upon any urgent matter of an educational or other nature:

Provided that any such aforementioned decision effecting any power or function vested by this Act in a governing body of the College shall be registered by the Principal and put on the agenda of that governing body in its first meeting after such decision.

(3) The Principal shall exercise authority over the teaching staff, examiners, students, examination candidates, College employees, and whosoever is entrusted with rendering any service to the College, and he shall enforce discipline and the strict observance of the provisions of the Act, of the Statute of the Institutes, by-laws and other rules made by the competent bodies of the College.

(4) The Principal shall confer the degrees, diplomas, certificates and other distinctions of the College.

(5) The Principal shall ensure that, insofar as it depends on him, the governing bodies are regularly constituted, and that he provides for the organisation of such elections required by this Act, including that they actually be held as established and without undue delay.

(6) The Principal shall ensure that the governing bodies meet regularly as established by this Act and he shall be responsible for the planning and co-ordination of the activities of the different educational and training bodies and institutions and for the performance of the decisions of the competent authorities of the College.

Deputy  
Principals.

103. The Deputy Principals shall perform such functions as are delegated to them by the Principal, including that they act on his behalf as may be necessary.

The Registrar.

104. The Registrar shall:

(a) assist the Principal in the day to day administration of the academic, educational and training programmes of the College, and he shall be responsible for the execution of the Registrar's instructions;

(b) keep the College seal and also sign all documents on which the College seal is applied;

(c) sign the documents which certify the academic and vocational awards given by the College and keep a full record thereof;

(d) act as secretary to the Council and, either directly or through a delegate, to the Board of Studies;

(e) be responsible for the records of all examinations held by the College and for the proper safekeeping of such records, and for keeping updated copies of the statutes, regulations and bye-laws;

(f) keep the rolls of the members of the Board of Governors, Council, Board of Studies, examiners and students;

(g) keep records of the educational and training activities of each student;

(h) be responsible, after consultation with the Heads of the Institutes, for suitable arrangements about the teaching time-table; and

(i) carry out such other duties as may be called for by the Principal according to the exigencies of the College.

The  
Administrative  
Director.

105. The Administrative Director shall, under the direction of the Principal, be responsible for the administration and the day to day functioning of the College, its employees and all movable and immovable property, and, wherever applicable, he shall execute decisions made by the governing bodies of the College. The Administrative Director shall perform all other duties as he may from time to time be requested to perform by the Principal owing to the exigencies of the College.

The Librarian. 106. The Librarian is entrusted with the administration of the Library and he shall:

(a) be responsible for the proper cataloguing of books, both by author and by subject, for their maintenance and safe-keeping, and for the return of books issued on loan;

(b) assist students in their research work;

(c) undertake all correspondence concerning the Library;

(d) keep a list of all visual and other aids available for teaching purposes and control the loan of such material in accordance with the relevant regulations;

(e) present a report to the Library Committee on the working of the Library at the end of each academic year.

Financing  
and control  
of the  
College  
finances.

107. (1) The Board of Governors shall during each financial year ensure the preparation and adoption of a budget of the revenue and expenditure of the College for the following year.

(2) The Board of Governors shall ensure the proper keeping of accounts and other records concerning its operations and transactions, and shall ensure that a relative statement of accounts is prepared for each financial year.

(3) The College accounts shall be audited by one or more auditors appointed by the Board of Governors from time to time, while the financial administration of the College shall be subject to auditing by the Auditor General.

(4) The Board of Governors shall, not later than six months from the closing of each financial year, ensure that a copy of the audited statement of accounts, together with a report of the activities during that year of the College, is sent to the Minister together with a copy of the report made by the auditor or auditors about that statement, and the Minister shall without undue delay cause such statements and reports to be laid on the Table of the House of Representatives.

The Financial  
Controller.

108. (1) The Financial Controller shall, under the direction of the Principal, be responsible for the day to day administration of the College finances, reporting to the said Principal.

(2) In particular, the Financial Controller shall:

(a) prepare –

(i) the annual budget of revenue and expenditure;

(ii) the annual comparative statement of revenue and expenditure;

(iii) the annual balance sheet and statement of accounts;

(b) be responsible for the collection of revenue and moneys due to the College;

(c) exercise immediate control over expenditure out of approved provisions;

(d) maintain adequate accounting systems embracing the whole of the financial operations of the College;

(e) be responsible for all ordering and purchasing and for the control of stores and inventories;

(f) carry out such internal auditing and control as he deems necessary;

(g) in conjunction with the Principal or the Administrative Director, countersign bills of exchange, cheques, bank drafts, letters of credit and all other banking, financial and commercial documents, subject to any restrictions made by the Board of Governors;

(h) discharge such other duties as may be called for by the exigencies of the College.

Staff appointments with formal duties of instruction or research.

109. (1) The appointment of staff with duties of teaching, training and, or research shall be made in the grades of professor, associate professor, senior lecturer, lecturer, assistant lecturer, teaching assistant, research assistant or in any other grade approved by the Board of Governors according to the qualifications of the person being appointed.

(2) Posts may be advertised for appointments within specified grades.

(3) An appointment to a post with formal duties of teaching and, or, research shall be made by the Principal and confirmed by the Board of Governors.

Official dress.

110. The proper official dress which the principal officers of the College, instructors, graduates, students and other members of the College are expected to wear on official occasions shall be prescribed by regulations made by the Board of Governors following consultations with Council.

Award of degrees and diplomas.

111. (1) Degrees and diplomas shall be awarded at a public ceremony or, with the consent of the Board of Governors, at a private ceremony or *in absentia*.

(2) A candidate shall be eligible for the award of a degree or diploma only after certification by the Principal that all the conditions prescribed by statutes, regulations and bye-laws relevant to that degree or diploma have been fulfilled, and insofar as all other obligations and responsibilities of the candidate towards the College have also been satisfied.

(3) No person may be described as holding a degree or diploma of the College unless such degree or diploma has been conferred as prescribed in subarticle (1) hereof.

Common provisions for the governing bodies of the College.

112. (1) Any person holding office on a governing body of the College shall, unless otherwise specifically provided elsewhere in this Act, hold such office for a period of two years:

Provided that any person holding office on a governing body of the College shall continue to hold that office, notwithstanding such person having terminated the

relative period, until the time when an election is held or another person is appointed to occupy that office in his stead.

(2) Any governing body of the College may act notwithstanding any vacancy in its membership and quorum shall be computed as if there were no such vacancy.

(3) Any matter proposed for decision at any meeting of any governing body of the College shall be determined by a majority of the votes of the members present and voting, and if, on any such question the votes are equally divided, the presiding member shall have and exercise a casting vote.”.

Addition of new Schedule to the principal Act.

**16.** Immediately after Schedule III to the principal Act, there shall be substituted new Schedule IV contained in Schedule A to this Act.

Addition of new Part IX to the principal Act.

**17.** Immediately after article 112 of the principal Act there shall be inserted the following new Part:

“Part IX

Officers and staff of the Entities

Staff appointments.

113. (1) Subject to the provisions of the Constitution and of any other enactment applicable hereto, including this Act, any entity, acting with the concurrence of the Minister, may appoint and employ such officials and other employees which may from time to time be required for the due and efficient performance of its functions.

(2) Such appointment and employment of the said officials and employees shall be effected with such remuneration and upon such terms and conditions as the entity may, in concurrence with the Minister, from time to time, determine.

Status of public officers detailed for duty with an entity.

114. (1) The Prime Minister may, at the request of any entity made with the concurrence of the Minister, from time to time direct that any public officer be detailed for duty with an entity in such capacity and with effect from such date and for such duration as may be specified in the Prime Minister’s direction.

(2) The period during which an order, as herebefore mentioned, shall apply in regard of an officer specified therein, unless the officer retires from public service or

otherwise does not remain in office as from an earlier date, shall be such as may be specified in the order, unless such order is previously revoked by the Prim Minister.

(3) Where any officer is detailed for duty with an entity according to the provisions of this article, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the entity, but he shall for other intents and purposes remain and be considered and treated as a public officer.

(4) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid –

(a) shall not during the time in respect of which he is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the entity; and

(b) shall be entitled to have his service with the entity considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and liable to any liability to which he would be liable, but for the fact of his being detailed for duty with an entity.

Cap. 93.  
Cap. 58.

(5) Where an application is made as provided in subarticle (4)(a)(i), the same consideration shall be given thereto as if the applicant had not been detailed for service with the entity.

(6) The entity shall pay to the Government, where applicable, such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the entity as aforesaid during the period in which he is so detailed.

Offer of permanent employment to public officers detailed for duty with the entities.

115. (1) An entity may, with the approval of the Prime Minister, offer to any officer detailed for duty with the said entity under the provisions of article XX permanent employment with the entity at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister, offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the entity, offered to him under the provisions of subarticle (1) of this article, shall for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the entity on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the entity shall be deemed to be service with the Government within the meanings thereof respectively.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the entity was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the entity were service with the Government.

(5) The entity shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Entity as



aforesaid during the period commencing on the date of such officer's acceptance.

(6) For the purpose of the Pensions Ordinance the pensionable emoluments of such public officer on retirement shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post and incremental level at which the officer retires from the entity.

(7) (a) For the purposes of this article posts and salary grades with the entity shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) shall be carried out by a Board composed of a Chairperson appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the entity. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or of employees of the Entity.

(d) No post shall be classified in a grade higher than that of a Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(e) Without prejudice to the provisions of article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.”.

Addition of new Part X to the principal Act.

**18.** Immediately after article 115 of the principal Act there shall be inserted the following new Part:

“PART X

Financial Provisions

Entities to meet expenditure out of revenue.

116. (1) Without prejudice to the following provisions of this article, the entity shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as possible and practicable, be met out of its revenue.

(2) In case an entity registers any excess of revenue over expenditure, this excess shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the entity to the formation of reserve funds to be used for the purposes of the functions of the entity;

(3) Any funds of the entity not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

Advances from Government.

117. The Minister responsible for finance may, after consultation with the Minister, make advances to the entity of such sums as he may agree to be required by the entity for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Power to borrow or raise capital.

118. (1) For the purpose of carrying out any of its functions under this Act, the entity may, with the approval in writing of the Minister, given after consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) The entity may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require by way of working capital for carrying out its functions under this Act:

Provided that for any facility in an amount exceeding thirty thousand liri, there shall be required the approval of the Minister in writing.

Borrowing  
from  
Government.

119. (1) The Minister responsible for finance may, for any requirements of the entity of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in subarticle (1), or for the purpose of providing the entity with working capital, the Minister responsible for finance may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Entity out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the entity, and any other moneys to be advanced to the entity under this article, shall be paid into a fund specially established for the purpose.

(5) Sums received by the Accountant General from the entity in respect of advances made to the entity under this article, shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects amounts received by way of interest into the Consolidated Fund.

Estimates of  
entity.

120. (1) An entity shall cause to be prepared in every financial year, and shall not later than the end of September of each such year adopt, estimates of the income and expenditure of the entity for the next following financial year:

Provided that the estimates for the first financial year of each entity shall be prepared and adopted within such

time as the Minister may by notice in writing to the entity specify.

(2) In the preparation of such estimates the entity shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and the entity shall so prepare the said estimates as to ensure that the total revenues of the entity are at least sufficient to meet all sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparison with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the entity, be sent forthwith by the Entity to the Minister and to the Minister responsible for finance. The Minister shall at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the entity, after consultation with the Minister responsible for finance, approve the same with or without amendment. The Minister shall as soon as practicable cause the total amount of these approved estimates to form an integral part of the Government General Estimates.

Expenditure  
to be  
according to  
approved  
estimates.

121. (1) No expenditure shall be made or incurred by the entity unless provision therefor has been made in the estimates approved as provided in article 120.

(2) Notwithstanding the provisions of subarticle (1) –

(a) until the expiry of six months from the beginning of a financial year, or until the approval of the estimates for that year by the Minister, whichever is the earlier date, the entity may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved by the Minister for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the entity may make or incur expenditure not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;

(d) if in respect of any financial year it is found that the amount approved by the Minister is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the entity may adopt supplementary estimates for approval by the Minister, and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

Accounts and  
audit.

122. (1) The entity shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the entity shall be audited by an auditor or auditors to be appointed by the entity and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the entity to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other verifications as he may deem necessary.

(3) After the end of each financial year, and not later than the date on which the estimates of the entity are forwarded to the Minister under article 120 (4), each Entity shall cause a copy of the statement of account duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditors on that statement or on the accounts of the entity.

(4) The Minister shall, as soon as practicable, cause a copy of every such statement and report to be laid on the Table of the House of Representatives.

Deposit of  
revenues  
and payment  
by the  
Entity.

123. (1) All monies accruing to the entity shall be paid into a bank or banks appointed as bankers by the entity with the approval of the Minister. Such monies shall, as far as practicable, be paid into any such banks from day to day, except for such sum as the entity may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the entity, other than petty disbursements not exceeding a sum as from time to time may be fixed by the entity, shall be made by such officer or officers of the entity as the entity shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the entity shall be signed by such officer of the entity as may be appointed or designated by the entity for that purpose and shall be countersigned by the Chairperson, or such other member or officer of the entity as may be authorised by the entity for that purpose.

(4) Each entity shall also make provision with respect to:

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the entity are to be paid, and the transfer of funds from one account to the other;

(c) the method to be adopted in making payments out of funds of the entity and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the entity.

Contracts of  
supply or  
work.

124. No entity shall, except with the approval of the Minister granted for special reasons and after consultation with the Minister responsible for finance, award or enter

into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the entity, which is estimated by the entity to exceed three thousand liri in value, or such other amount as the Minister responsible for finance may by regulations under this article prescribe, except after notice of the intention of the entity to enter into the contract has been published and competitive tenders have been issued.

**19.** The heading “Part VI” immediately after new article 124 of the principal Act, shall be renumbered as the heading “Part XI”, and articles 40 to 48 which are contained therein shall be renumbered as articles 125 to 136 respectively.

Amendment of the heading of Part VI of the principal Act.

**20.** Article 127 as renumbered of the principal Act shall be deleted and there shall be substituted therefor the following new article:

Substitution of article 127 as renumbered of the principal Act.

“Appeals.

**127.** (1) When a person who applies for a licence to open a school under article 20 of this Act has his application refused, or when the applicant has not been served notice in writing of the decision of the Minister as established in subarticle (6) of article 20, or when a school licence is suspended or withdrawn by the Minister, the applicant or the licence holder may, within the time prescribed in subarticle (11) of article 20, appeal to the Court of Appeal in its Inferior Jurisdiction.

(2) Notwithstanding that an appeal would have been lodged in accordance with the provisions of this article, a licence shall be considered as having been suspended or cancelled, as the case may be, pending the final decision of the Court of Appeal.

(3) The Minister responsible for justice may make regulations which establish the fees to be paid in the Court registry with regard to appeals made under this article:

Provided that until such fees are established by the Minister responsible for justice, the fees that are due to be paid for appeals before that Court shall be the same fees as apply to the Court of Magistrates (Malta).

Kap. 12. (4) The Board established by virtue of article 29 of the Code of Organisation and Civil Procedure, shall make regulations which establish the form of such appeals and other matters relating thereto.”.

Amendment of article 128 as renumbered of the principal Act.

**21.** Article 130 as renumbered of the principal Act shall be amended as follows:-

(a) in subarticle (1) thereof, for the words “without the written permission of the Minister,” there shall be substituted the words “without the written permission of the Director General of the Directorate for Educational Services”;

(b) subarticles (2), (3) and (4) thereof shall be renumbered as subarticles (3), (4) and (5) and wherever in these subarticles the word “Minister” occurs there shall be substituted the words “Director General of the Directorate referred to in this article”; u

(c) immediately after subarticle (1) thereof, there shall be inserted the following new sub-article:

“(2) The Director General of this Directorate may give his permission under subarticle (1) when the minor concerned, notwithstanding that he is under the compulsory age to start attending school, would have terminated the full obligatory courses at secondary level and produces evidence that he has an offer in writing for him to make a work experience exclusively during the summer holiday period.”.

Amendment of article 129 as renumbered of the principal Act.

**22.** Article 129 as renumbered of the principal Act shall be amended as follows:-

(a) in the proviso to subarticle (1) thereof, for the words “from the Director of Education” there shall be substituted the words “from the Director General of the Directorate for Educational Services”; and

(b) subarticle (3) and the proviso to subarticle (6) shall be deleted, and subarticles (4), (5) and (6) shall be renumbered as subarticles (3), (4) and (5) respectively.

Addition of new articles 130 to 132 to the principal Act.

**23.** Immediately after article 129 as renumbered of the principal Act, there shall be added the following new articles:-



“Persons considered to be public officers. Kap. 9.

130. For the purposes of the Criminal Code and of any provision relating to a criminal offence, the members of any Board, Directorate, College, Committee, Commission, Council and any officer or employee of any entity, shall be considered and be treated as public officers.

Establishment of other entities.

131. Without prejudice to the provisions of this Act or of some other law, the Prime Minister may by Order in the Gazette establish other entities, including those agencies, directorates, departments or other educational institutions as he may deem necessary for the better quality and provision of education and training services in the country, and the Prime Minister may also by an Order in the Gazette constitute any entity established under this Act a body corporate with its own juridical and distinct personality, and the Prime Minister shall in such a case, by means of regulations, provide for any matter that may be necessary for the effective management of the entity mentioned in the relative Order.

Institution for tourism studies.

132. (1) The Minister shall ensure the existence of an institution to provide courses and programmes of education and training, including practical and work experience, at the levels of further and higher education, that lead to recognised qualifications in trades, skills, and professions as may be necessary in the tourism, restaurants and the catering industry and services, and all this in a curricular framework of lifelong learning and the holistic development of the person.

(2) Without prejudice to the provisions of this Act or of some other law, the Minister may make regulations to regulate and to provide for any matter related to the bodies, administration and control, the education and training policies, functions, appointments and conditions of work of teachers, officers and employees, the financing of the institution, internal and external educational quality audit and assurance, and any other matter that may be necessary for the performance and results of the institution referred to in sub-article (1) of this article.”.

**24.** Immediately after article 133 as renumbered of the principal Act, there shall be substituted the following new article:-

Addition of new article 134 to the principal Act.

“Relations with the Minister.

134. (1) The Minister may, from time to time give to any of the entities on to any of its officers or employees such directives and orders, not being inconsistent with the provisions of this Act, as the Minister may deem opportune with regard to the policy that has to be followed by them and to the operation and implementation of their functions, and on any other matter which appears to the Minister to be connected with the education, and the entity, officer or employee concerned shall, as much as possible without delay, comply with and act in accordance with these directives and orders and shall conduct their functioning in accordance with these principles.

(2) Every entity shall give the Minister all required facilities so that he may obtain all information connected with their affairs and activities of any entity, officer or employee, and for this purpose they shall supply the Minister with returns, bills and any other information connected thereto, or with their functions, and give him all required facilities to audit all given information, in such manner and within such times as the Minister may reasonably require.”.

Substitution of article 135 as renumbered of the principal Act.

25. For article 135 as renumbered of the principal Act, there shall be substituted the following:-

“Power to make regulations.

135. The Minister may, subject to the provisions of this Act, make regulations to give effect to any of the provisions of this Act, or to regulate or otherwise provide about any thing in respect of the functions and the activities which affect education according to this Act, and may in particular, but without prejudice to the generality of the aforesaid, make regulations for any of the following purposes:

(a) subject to the provisions of the Constitution or of any other law which may be applicable, provide for any matter as may be necessary, including advertisements, the process of applications, selection boards, interviews, examinations, the assessment and evaluation of candidates, publication of results, connected with the process of appointment or promotion or assignment of position to any officer and employee of an entity, and to acquire such necessary data for the records of the staff of the entities;

(b) to provide for the appointment, conditions of employment, duties and powers of teachers, officers and employees of the entities, and also of officers and employees of a Department or other agency who may have functions by any other law which regard the health and the treatment of children and students, including provisions to empower each one of such officers to visit children at their homes and to examine them or to make other investigations:

Provided that in regulations relating to officers and employees of a Department or agency falling under the responsibility of another Minister, the Minister shall make such regulations with the approval of such other Minister;

(c) to better provide for the duties and functions of Heads, officers and employees and for the assignment of duties in a place or an entity according to their grade or position and for their transfer from one place to another within an entity†;

(d) to require the parents to give to the Minister, the Directors General, and to each Director, Principal, Head of school, officer or employee of any entity, as duly authorised by the Minister or by the Directors General, or by a Principal such data about their children as is necessary for the due performance of the functions and the duties of each entity and its officers, including such data as may be specified in the regulations;

(e) to establish, communicate and require the execution of a National Curriculum Framework of studies subject to the specific religious nature of any school;

(f) to establish the qualifications of professional persons, officers and other employees of the entities and schools, the curricula, terms, school days and times, students' uniforms, parents' days, the national minimum conditions of schools, and any other matter connected with or incidental to the implementation of the functions or to the operation and administration of entities and of State schools and to the discipline to be kept thereat;

(g) to prescribe such data, reports and statement of accounts which have to be sent to the Minister or to the Directors General by the Principals, Heads of schools and such other officers and persons relating to education as the Minister may deem necessary to request, and in such manner, in such form, time and on such subjects as he may specify in the regulations;

(h) to establish any fee and payment which may be due by or under this Act, or for the services given in compliance with the provisions of this Act;

(i) to give direction for the better practice of any profession connected with education;

(j) to provide about any form or procedure which may be required or expedient and about which there would be no specific procedure in this Act;

(k) to establish rules by means of which the Government may ratify and give effect to international conventions relating to education and which has already been ratified by the Government of Malta; or in order to achieve compliance with every international obligation pertaining to the Government of Malta or with European Union Directives on any matter or field concerning education and training;

(l) to establish, unless otherwise provided in this Act or in any other law, a statute and rules to regulate the mission, scope, functions, powers and duties, financial accountability or otherwise, and any other procedure which has to be followed, performed and observed by any entity, Committee or Council established by or under this Act;

(m) to afford, subject also to the provisions of any other law, to a person aggrieved by the decision of any entity, agency, the Malta College of Arts, Science and Technology, the University, or any body or organisation established under this Act, means and procedures either to lodge its complaints and aggravation about a decision or to contest or appeal from such a decision and to be so satisfied if its aggravation is upheld;

(n) to regulate the meetings of any entity, board, or committee, including procedures relating to a quorum, making decisions by means of voting, keeping of minutes and any other matter ancillary thereto;

(o) to provide on any incidental or supplementary matter, including the power of entry and inspection of any premises or place where instruction and teaching take place or may take place in accordance with this Act, as the Minister may deem expedient for the enforcement of any provision of this Act and regulations made thereunder or to give greater effect thereto;

(p) to establish anything which is due to be or may be established under this Act and to provide on any other matter as may be deemed to be appropriate;

(q) to establish the fines for any contravention or breach of any provision of regulations made under this Act, or for non-compliance with any provision or any requirement imposed under such provision:

Provided that regulations made under this article may provide differently for different aims or circumstances, for different classes or kinds of schools, and for different classes of children;

(r) to bring into force the provisions of the Mutual Recognition of Qualifications Act and all regulations made thereunder, on the mutual recognition of qualifications of a teacher.”.

**26.** Unless otherwise stated, in the following table, in the provisions under the First Column thereof, for the words and phrases in the Second Column thereof there shall be substituted the words and phrases in the Third Column thereof.

General  
amendment  
renumbering  
several articles.

**PASTE UP TABLE CAUCHI**

## SCHEDULE A

## “Schedule IV

(Article 17(2))

The Permanent Committee for Education shall be composed as follows:

- (a) the Minister, as Chairperson;
- (b) the Permanent Secretary in the Ministry, as Deputy Chairperson;
- (c) the Directors General of the Directorate established under this Act;
- (d) the Chief Executive Officer of the National Commission for Higher Education established in Part IV of the Act;
- (e) those other Directors or officers as the Minister may from time to time request to attend;
- (f) an officer appointed by the Minister to act as secretary.”

**Objects and Reasons**

The object of this Bill is to provide for two complimentary yet distinct Directorates instead of the Education Division and to better distinguish the regulatory and operative functions of the State in the education sector, so as to create the framework for the reorganisation of the State schools into Colleges, to establish the Council for the Teaching Profession, to establish a National Commission for Higher Education, to incorporate the Malta College of Arts, Science and Technology in the Education Act, and to provide for other matters ancillary thereto or connected therewith.

