

CHAPTER 327**EDUCATION ACT**

To consolidate and reform the law relating to Education in Malta.

16th August, 1988;

5th September, 1988;

16th April, 1991

ACT XXIV of 1988, as amended by Legal Notices: 98 of 1988, 63, 64, 135 and 136 of 1989, 153 and 156 of 1990 and 10 of 1991; Act X of 1991; Legal Notices: 66 and 153 of 1991, 67, 89, 90 and 105 of 1992, 21 and 117 of 1993, 5, 12, 110 and 149 of 1994; Act II of 1995; Legal Notices: 79 of 1995 and 165 of 1996; Act XVIII of 1997; and Legal Notices: 177, 181, 183, 184, 189 and 202 of 1997, 9, 30 and 172 of 1998, and 41, 101 and 102 of 1999; Acts VI of 2001, XVIII of 2002 and III of 2004; Legal Notices 144 and 363 of 2004; Acts II of 2005 and XIII of 2006; Legal Notices 293 of 2006, and 327, 391 and 424 of 2007; Act XXXII of 2007; Legal Notices 212 of 2008, and 21 and 85 of 2009; Act XXIII of 2009; and Legal Notice 102 of 2010.

ARRANGEMENT OF ACT

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SCHEDULES

Short title.

1. The short title of this Act is the Education Act.

Interpretation.

2. In this Act, unless the context otherwise requires -

*Amended by:
XIII. 2006.4;
XXXII. 2007.9.*

"body corporate" means a body having a distinct legal personality;

"body of persons" means any partnership, fellowship, society or other association of persons whether vested with legal personality or not;

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

"compulsory school age" means any age from five years to fifteen years, both inclusive, and accordingly a person shall be deemed to be of compulsory school age if he has attained the age of five years and has not attained the age of sixteen years;

"Council" means the governing body of the University established by article 76;

"*curriculum*" means the National Curriculum Framework for all schools at compulsory educational level as provided for by article 47;

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

"employment" includes employment in any labour or work exercised by way of trade or for gain, whether the gain be to the person employed or to any other person, and whether the labour or work is done for wages or other compensation or not, and "to employ" should be construed accordingly;

"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;

Cap. 93.

Cap. 58.

Provided that only for the purposes of any right pertaining to any officer or staff member under the Pensions Ordinance and the Widows and Orphans Pensions Act under Part IX of this Act, "entity" also includes the University and the Malta College of Arts, Science and Technology incorporated into this Act by Part VIII;

"Faculty Board" means the governing body of the University established by article 80;

"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:

Provided further that in the case of the University of Malta, the financial year means the period of twelve months commencing on the 1st October of any year and ending on the 30th September of the next following year, so however that the financial year which commenced on the 1st January, 2007 shall be for a period of nine months terminating on the 30th September, 2007;

"function" includes any responsibility, power and duty;

"General Estimates" means the estimates presented to the House of Representatives in respect of any financial year, of the expenditure for the service of that financial year and includes any supplementary estimates of expenditure for which it may be necessary to provide after those estimates have been presented to the House of Representatives and in this context "financial year" has the same meaning as it has for the purpose of the Constitution of Malta;

"Government" means the Government of Malta;

"head of school" includes any person holding the office of head of school or temporarily acting in that capacity;

"individual educational needs" shall have the meaning assigned to it by article 45(2);

"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;

"national minimum conditions" means the national minimum conditions for all schools mentioned in article 7;

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

"parent" means the father or the mother and includes any person who has the care and custody, whether legal or actual, of a child;

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

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

"principal" means the chief executive officer of a College appointed under article 52;

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

"Rector" means the Rector of the University elected under article

74 and any person temporarily acting in that capacity;

"remuneration" includes compensation in any form whether in money or in kind;

"scholastic day" means every day during a scholastic year not being a public holiday;

"scholastic year" means that period determined as the scholastic year in the national minimum conditions;

"school" means an institution the resources of which, both of persons and of things, are ordained towards the promotion of the education and training of other persons through the dissemination of knowledge, and, for the purposes of a licence to open a school under this Act, it includes an educational and training institution of advanced and higher education as defined in article 63, but does not include the University or the Malta College of Arts, Science and Technology incorporated by Part VIII of this Act, nor an institution for the promotion of instruction and knowledge of an exclusively or almost exclusively religious character;

"Senate" means the governing body of the University established by article 78;

"University" means the University of Malta established by article 72;

"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.

PART I

General Provisions

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|-------------------------------------|--|
| Right to education and instruction. | <p>3. It is the right of every citizen of the Republic of Malta to receive education and instruction without any distinction of age, sex, belief or economic means.</p> |
| Obligations of the State. | <p>4. It is the duty of the State -</p> <ul style="list-style-type: none"> (a) to promote education and instruction; (b) to ensure the existence of a system of schools and institutions accessible to all Maltese citizens catering for the full development of the whole personality including the ability of every person to work; and (c) to provide for such schools and institutions where these do not exist. |
| Duties of parents. | <p>5. It shall be the duty of every parent of a minor to cause him-</p> <ul style="list-style-type: none"> (a) to be registered in a school for the first scholastic year starting when he is of a compulsory school age; (b) to continue to attend school up to the end of the scholastic year during which the minor ceases to be of compulsory school age, or up to the end of such further |

period as the Minister may prescribe by regulations;
and

- (c) to attend school regularly on each scholastic day, unless the minor has a good and sufficient cause to be absent from school.

6. It is the right of every parent of a minor to give his decision with regard to any matter concerning the education which the minor is to receive.

Right of choice of parents.

7. It shall be the right of the State -

Right of the State to regulate education.
Amended by:
XIII. 2006.5.

- (a) to establish a National Curriculum Framework of studies for all schools;
- (b) to establish the national minimum conditions for all schools; and
- (c) to secure compliance with the National Curriculum Framework of studies and the national minimum conditions for all schools.

PART II

Added by:
XIII. 2006.6.

Constitution and Functions of Directorates of Education

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

Directorate for Quality and Standards in Education.
Added by:
XIII. 2006.6.

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.

Functions of the Directorate for Quality and Standards in Education.
Added by:
XIII. 2006.6.

(2) In particular the functions and duties of this Directorate shall include:

- (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 the better implementation of the education policy and services, including each school's development plan, 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 the provision of regular and continuous professional development at a 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 may 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 possible use 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.
Added by:
XIII. 2006.6.

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 and

delivery of services to the Colleges and State schools within an established framework of decentralisation and autonomy.

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 the State colleges, schools and educational institutions, and to encourage and facilitate their networking and cooperation.

Functions of the Directorate for Educational Services.
*Added by:
XIII. 2006.6.*

(2) In particular, 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 the 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, 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 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 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, coordinate and ensure 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 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 healthy life-style programmes;
 - (p) ensure the provision of programmes, services and human resources required for a safe and secure environment in schools, for students, teachers and any person who are in the school, the provision of a school transport 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 concerning 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 possible application and use 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 dealt with in an effective manner at the proper level;
- (x) carry out any other function as may be necessary for the attainment of the objectives and the fulfilment of the duties pertaining to the State as provided for by this Act.

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 the 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.

Common duties for
all Directorates.
Added by:
XIII. 2006.6.

Respect for the diversity of educational institutions.
Added by:
XIII. 2006.6.

13. The Directorates shall, subject to their functions, respect the diversity of educational institutions, services and programmes, and 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.
Added by:
XIII. 2006.6.

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 re-appointed for a further period or periods.

Directors General to be responsible for Officers, etc.
Added by:
XIII. 2006.6.

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.
Added by:
XIII. 2006.6.

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 from students, parents, personnel and from public and private educational institutions, and this data should be given to it within a reasonable time from the date of request.

(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.
Added by:
XIII. 2006.6.

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, to 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 to 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, 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.
Added by:
XIII. 2006.6.

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 assigned to them by the Director General.

19. (1) Such officers, with relevant qualifications as may be necessary and 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.

Power of entry and of inspection.
Added by:
XIII. 2006.6.

(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.

20. (1) Any person shall have the right to apply to the Minister for the grant of a licence to establish a school.

Licences to establish schools.
Amended by:
XIII. 2006.7, 8;
XXIII. 2009.63.

(2) The Minister shall grant the licence mentioned in sub-article (1) where -

- (a) the applicant is the Catholic Church or any other voluntary society, religious or otherwise, of a non-profit making character; and
- (b) the school conforms with the national minimum conditions.

(3) In the case of any other application for a licence under this article, being an application not falling under the provisions of sub-article (2), the Minister may grant the licence if he deems this to be in the public interest.

(4) The applicant for a licence under this article who intends to establish a school which is to be a body corporate with a separate statute shall make a declaration to that effect in his application, which shall be accompanied by a copy of the statute, and the grant of a licence to the applicant who makes such a declaration will be deemed conclusive evidence that the school is a body corporate.

(5) Any licence granted under the provisions of this article shall be in the name of the head of school in his personal capacity or in representation of a body of persons, as the case may be, and

for this purpose the applicant for a licence shall indicate in the application the particulars of the head of school and whether the licence is to be granted in the name of that head of school in his personal capacity or in representation of a body of persons:

Provided that the head of school in whose name a licence is granted shall be personally responsible to ensure that all the obligations attached to that licence are observed at all times whether that licence has been granted in his name personally or in representation of a body of persons.

(6) The decision of the Minister to grant or to refuse an application for a licence shall be notified in writing to the applicant within three months from the date the application was received by the Minister. A decision to refuse an application for a licence shall be accompanied with the reasons for refusal. Failure to notify the applicant about the decision regarding an application for a licence within the time established in this sub-article shall, for reasons of public interest, be deemed to be a refusal of the licence applied for:

Provided that an application for a licence to establish a school shall not be deemed to have been filed by an applicant unless it is duly filled in and accompanied with all required information and documentation:

Provided further that in the case of an application made under subarticle (2), an application for a licence to establish a school shall not be deemed to have been submitted by the Catholic Church if such application is not signed by the Bishops in Ordinary of these Islands or authorised by them in writing.

(7) Where the head of school in whose name there is a licence under the provisions of this article ceases to be the head of school for any reason whatsoever, the following provisions of this sub-article shall apply:

- (a) where the licence is in the name of that head of school in his personal capacity, a fresh application for a licence shall be made in accordance with the provisions of this article;
- (b) where the licence is in the name of that head of school in representation of a body of persons, that body shall without delay give notice in writing to the Minister of the change in that office and submit the particulars of the person who has assumed that office and thereafter the licence shall be deemed to be in the name of that person in representation of that body of persons.

(8) Where no application as required by sub-article (7)(a) or no notice as required by paragraph (b) of that sub-article is made or given within three months from the date on which the head of school in whose name is the licence ceases to hold that office, that licence shall be deemed to have been cancelled on the date of the lapse of that period of three months.

(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

at an early or compulsory education level, and the National Commission for Higher Education should the request be in respect of a school at a further or higher education level:

Provided that where an applicant for a licence is already licensed or otherwise legally established in a Member State, the Minister, in compliance with Directive 2006/123 of the European Parliament and of the Council of 12 December, 2006 on services in the internal market, shall not duplicate requirements or controls which are equivalent or essentially comparable as regards their purpose to which the applicant may already be subject to in another Member State.

(10) Where an application has been refused, suspended or cancelled, the applicant for a licence may appeal to the Court of Appeal (Inferior Jurisdiction) according to the provisions of article 127.

(11) An appeal under sub-article (10) shall be made in writing within two months from the date on which the decision refusing the application or the decision suspending or withdrawing the licence was notified to the applicant or from the date of the lapse of the period of three months mentioned in sub-article (6), as the case may be.

21. The Minister, for the purposes of this Act, shall have the right to inspect every school and shall have the right to supervise the administration of every school.

Minister's right to supervise schools.
Amended by:
XIII. 2006.7.

22. Wherever under the provisions of this Act a right or a duty is vested in or imposed on the State, that right or duty shall be exercised or fulfilled by the Minister.

Minister to represent State.
Amended by:
XIII. 2006.7.

PART III

The Teachers' Profession

Added by:
XIII. 2006.9.

23. Without prejudice to the provisions of this Act, in this Part, insofar as the context does not otherwise require:

Interpretation.
Added by:
XIII. 2006.9.

"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 a proficiency test 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 education level bound by the *curriculum* in a licensed school;

"professional and ethical standards" includes standards relating to the general conduct of a member of the teaching profession,

including the behaviour of such member towards his students, during or consequential to the exercise of his profession, and behaviour of such member towards other members of his profession, towards other persons assisting teachers in the exercise of their profession, and towards society;

"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 is trained 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 a Kindergarten or Learning Support Assistant, a teacher in a school teaching a language as a foreign language, or any person who renders a teaching service in cultural, sport and religious sectors, insofar as this teaching is not being imparted as an integral part of compulsory education in terms of the *curriculum* in a licensed school;

"warrant" means a warrant issued under article 24;

"temporary warrant" means a temporary warrant issued under article 25.

Warrant required to practise profession.
Added by:
XIII. 2006.9.

24. (1) Subject to the provisions of this Part, no person shall exercise the teaching profession against remuneration or hold himself to be professionally qualified to do so unless such person is the holder of a warrant 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) a Degree of Bachelor in Education; or
 - (ii) a Degree of Bachelor together with a Post-Graduate Certificate in Education; or
 - (iii) a Doctorate, or a 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 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 scholastic years full-time or its equivalent in part-time following the completion of such degree or such other professional qualification as hereabove mentioned, and for the purposes of this paragraph the practice by such teacher of the profession to acquire the above mentioned experience shall be deemed to be practice in accordance with this Act.

(3) The Post-Graduate Certificate in Education, Bachelor's Degree, Masters Degree and Doctorate mentioned in paragraph (d)(i), (ii) and (iii) in 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, instead of any of the requirements established under the foregoing provisions of this article, other requirements in terms of any international or multinational treaty or agreement entered into by Malta or with the provisions of any legislation the binding force of which derives from any such treaty or agreement.

(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.

Cap. 451.

25. Notwithstanding anything contained in the provisions of this Part, the Minister may award a temporary warrant having a validity of one year, that may be renewed to any person who, in the discretion of the Minister, has the necessary proficiency to teach in Malta.

Temporary
warrant.
Added by:
XIII. 2006.9.

26. (1) There shall be a Council to be known as the Council for the Teaching Profession, which shall be composed of the following members:

Council for the
Teaching
Profession in
Malta.
Added by:
XIII. 2006.9.

- (a) a President appointed by the Minister from amongst persons who have served, or who have the

- qualifications to serve, as magistrate or judge;
- (b) three registered teachers who have practised the profession of teacher for not less than eight years, appointed by the Minister, two of whom will be chosen in respect of one of them from among the officials of the Directorate for Quality and Standards in Education and the other from among the officials of the Directorate for Educational Services established under Part II of this Act;
 - (c) four registered teachers who have practised the profession of teacher for not less than eight years, elected by and from among all registered teachers, provided that two of whom shall be teaching at the primary level and the other two at the secondary level of education, and in either case one shall be teaching in the State school sector and the other in the non-State school sector, and for the purposes of this paragraph the voting for the election of these members shall be by post according to those procedures as may be prescribed;
 - (d) two practising registered teachers from among registered teachers and who have practised the profession of teacher for not less than eight years, nominated by that association registered with the Council in accordance with the provisions of this Act and which satisfies the Council that the majority of the registered teachers are its members;
 - (e) two members nominated by the University from among the permanent academic staff of the Faculty responsible for the education and training of teachers;
 - (f) a parent nominated by the 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 paragraph (d), the association or associations to make nominations in relation to the first appointment shall be that association or those associations that have the qualifications 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) The members of the Council shall hold office for a term of three years.

(4) The members of the Council shall, on the expiration of their term of office, be eligible to be re-appointed, 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 remaining period of the original appointment.

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

(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) Without prejudice to the aforesaid and to what 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 month.

(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.

27. (1) Without prejudice to its other powers and functions, the Council shall 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 these standards, 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, and record therein any

Functions of the
Council.
Added by:
XIII. 2006.9.

- 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 professional standards and ethics that may be prescribed for the professional behaviour of teachers which among other things shall include references to the respect towards and the promotion of fundamental values in life that are enshrined in the Constitution and in the laws of the land;
 - (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 31st 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 a report every three years concerning its activities in general.

Warrants.
 Added by:
 XIII. 2006.9.
 Amended by:
 XXIII. 2009.64.

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:

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

(2) The Council 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 continuous professional development and of up-dating necessary for the standards and the fitness to teach.

(6) The Council shall also periodically request registered teachers to provide it with the necessary information showing which 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.

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.

The Council to assess application for warrant.
Added by:
XIII. 2006.9.

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:

Loss of warrant.
Added by:
XIII. 2006.9.

- (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 Principal of the College and to the Head of school where such person is employed as the case may be.

The Council may
conduct inquiries.
Added by:
XIII. 2006.9.

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", shall 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 the practice of teaching.

(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.

(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 where no decision has been notified to the applicant within the time established in article 29, 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.

Added by:

XIII. 2006.9.

Amended by:

XXIII. 2009.65.

(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).

(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.

Cap. 12.

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.

Minister may
reinstate warrant.

Added by:

XIII. 2006.9.

33A. Any person established in a Member State may practise the profession of teacher in Malta on a temporary and occasional basis provided that the provisions of Part II of the Recognition of Professional Qualifications Regulations, 2007 are satisfied.

Temporary
provision of
services.

Added by:

XXIII. 2009.66.

L.N. 422 of 2007.

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.

Association of
teachers.

Added by:

XIII. 2006.9.

(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.
Added by:
XIII. 2006.9.

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.
Added by:
XIII. 2006.9.

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.

37. The provisions of articles 30, 31 and 32 shall apply to partnerships of teachers as they apply *mutatis mutandis* to teachers.

Applicability of articles to partnerships.
Added by:
XIII. 2006.9.

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 two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to imprisonment not exceeding twelve months or to both such fine and imprisonment.

Offences and penalties.
Added by:
XIII. 2006.9.
Amended by:
L.N. 424 of 2007.

(2) Any person who is found guilty of any other offence against any provision of this article of this Act shall be liable on conviction to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69), 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 eleven euro and sixty-five cents (11.65) for each day during which the offence continues, subject to a maximum of four thousand and six hundred and fifty-eight euro and seventy-five cents (4,658.75).

(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.
Added by:
XIII. 2006.9.

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.
Added by:
XIII. 2006.9.

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 standards, practices, procedures and other duties in the exercise of the profession of a teacher;
- (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, those annual or periodic fees that the Council may deem necessary for its operation under 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.
Added by:
XIII. 2006.9.

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

this 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) A person shall be deemed to remain eligible for a permanent warrant under the provisions of this Act before having been amended if on the date of the coming into force of this Part:

- (a) would have already been enrolled in a course leading to a Masters' degree from the University or so a comparable degree, and would have been eligible to apply for a permanent warrant under the provisions of article 11(3)(a) before having been amended; or
- (b) qualified for a permanent warrant under the provisions of article 11(3)(b) before having been amended; or
- (c) 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) 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.

42. A warrant holder may return his warrant to the Minister and request that his name be cancelled from the register of teachers.

Warrant holder
may return
warrant.
Added by:
XIII. 2006.9.

PART IV

Duty of the State to provide education

Amended by:
XIII. 2006.10.

43. (1) It shall be the duty of the State to provide for the primary education of the children of Maltese citizens being children of compulsory school age.

Primary education.
Amended by:
XIII. 2006.10.

(2) For the purpose mentioned in sub-article (1), the Minister shall wherever possible maintain a school in every town or village and shall provide transport for pupils who reside in areas which are distant from the school.

(3) The State may provide schools for infants who are under compulsory school age.

44. It shall be the duty of the State to provide for the secondary education of the children of Maltese citizens being children who have completed their primary education.

Secondary
education.
Amended by:
XIII. 2006.10.

Resource centres.
Amended by:
XIII. 2006.10.

45. (1) Without prejudice to the provisions of article 58, 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.

(2) A minor shall be deemed to have special educational needs when that minor has special difficulties of a physical, sensory, intellectual or psychological nature.

Right of action.
Amended by:
XIII. 2006.10, 26.

46. Any person may, if he deems himself aggrieved by the failure of the State to comply with the duties imposed upon it by articles 43, 44 and 45, bring an action against the Minister for a declaration of such grievance.

Minister's right to
establish
curriculum.
Amended by:
XIII. 2006.10, 11.

47. (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.

(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.

(3) It shall be the duty of the Minister to provide for the education and teaching of the catholic religion in State schools and to establish the *curriculum* for the education and teaching of that religion in those schools according to the dispositions in this regard of the Bishops in Ordinary of these Islands.

(4) A College or school council may request the Minister to include in the curriculum of that College or school courses of studies additional to those established by the Minister and the Minister may grant that request.

(5) The parents of any minor will have the right to opt that the minor should not receive instruction in the catholic religion.

Duty of the State to
prepare citizens for
work.
Amended by:
XIII. 2006.10.

48. It shall be the duty of the State, having provided for the education of Maltese citizens to enable them to form their own independent judgment, to establish such scholastic facilities which the State may deem necessary to provide those citizens with the opportunity to qualify in trades, skills, artisan or technical or commercial activities, and in the professions in order to prepare, instruct and instil discipline in those citizens for work in the community.

PART V

Colleges of State Schools

*Added by:
XIII. 2006.12.*

49. With an aim of improving the quality, standards, operation, initiatives and educational achievements 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.

Colleges.
*Added by:
XIII. 2006.12.*

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.

Legal personality
and juridical
representation of
the Colleges.
*Added by:
XIII. 2006.12.*

(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.

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

Functions of the
College.
*Added by:
XIII. 2006.12.*

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, 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.

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.

College Principal.
Added by:
XIII. 2006.12.

(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.

53. It shall be the duty of every College Principal to ensure that the functions of the College as provided for in article 51 are being accomplished, and he shall in particular:

Functions of the
College Principal.
Added by:
XIII. 2006.12.

- (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 higher education 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 school and in the drawing up of the Council agenda he should

give due consideration to the proposals of the Heads of school which the Principal may deem to be opportune to include in the agenda.

The College Board.
Added by:
XIII. 2006.12.

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 Board 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.
Added by:
XIII. 2006.12.

55. In each College there shall be a Council of Heads of school 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 at school and promote lifelong learning among both parents and the community generally;
- (g) ensure that schools make proper use of 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 in 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.

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.

Partnership within
Colleges.
Added by:
XIII. 2006.12.

(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 in this article shall provide for opportunities of collaboration, the use of common resources, and exchanges of experience, good practice and educational programmes.

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.

Autonomy of
Colleges.
Added by:
XIII. 2006.12.

(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.
Added by:
XIII. 2006.12.

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 may 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 individual educational 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 individual educational 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 assessment, 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 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.
Added by:
XIII. 2006.12.

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.

(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.

Schools as
community
learning centres.
Added by:
XIII. 2006.12.

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 child care centres, and so that they may also

be used at all times outside normal school hours as community learning centres for a range of lifelong learning programmes including those 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. (1) The Minister shall ensure that each College shall implement the national policy on parental partnership in the educational process of their children.

School Council
and Students'
Council.
Added by:
XIII. 2006.12.

(2) 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.

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.

Good behaviour
and discipline in
the schools.
Added by:
XIII. 2006.12.

(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 manifested 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.

*Added by:
XIII. 2006.13.*

PART VI

Establishment and Functions of the
National Commission for Higher Education

*Interpretation.
Added by:
XIII. 2006.13.*

63. Without prejudice to the provisions of this Act, in this Part, insofar as the context does not require otherwise -

"accreditation of programmes or institutions" refers to the process, relying on internal quality assurance and external quality audit, of accrediting education and training institutions and programmes, showing they have been approved by the competent authorities as having achieved national 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;

"further education" means all formal education of persons above the compulsory school age generally up to ISCED level 4 or NQF level 5;

"further 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 "further education sector" shall be construed accordingly;

"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 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 29th 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, which among them form the National Qualifications Framework, NQF; S.L. 343.26

"quality assurance" refers to systems which:

- (a) safeguard the quality of further and higher education within the economic, social and cultural context, on a national, European and international level;
- (b) ensure the use of appropriate measures as a means of improving the quality of teaching, learning, training and research; and
- (c) 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, 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, credits, validation of gained skills and, or competences.

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 sectors.

Establishment of the National Commission for Higher Education.
Added by:
XIII. 2006.13.

(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 Chairman who shall be able to speak and act on its behalf.

65. 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 sectors of education;
- (b) research, analyse, review and, through the Minister, give advice to the Government on the development,

Aim and functions of the Commission.
Added by:
XIII. 2006.13.

- planning and governance of the further and higher education policy;
- (c) recommend to the competent authority systems and policies for the evaluation, approval, accreditation, authorization and recognition of institutions and programmes that will ensure their quality;
 - (d) recommend financing policies, and alternative financing systems, of the further and higher sectors of education, while addressing the issue of the adequacy of this financing and of the accountability of the sectors;
 - (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) formulate policies related to the international dimension of further and higher education and to the expansion and diversification of their provision;
 - (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.
Added by:
XIII. 2006.13.

66. In reaching its aims, the Commission shall:

- (a) develop and promote a structured dialogue among the institutions in the further and higher education sectors 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.

67. (1) The Minister shall consult with the Commission on all proposed changes in legislation connected with further and higher education.

Powers of the Commission.
Added by:
XIII. 2006.13.

(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.

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.

Commission to have full access to required information.
Added by:
XIII. 2006.13.

(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.

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.

Composition of the Commission.
Added by:
XIII. 2006.13.

(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 who, 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 a 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; or

- (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 reappointed.

- (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), 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.

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.

Commission
Secretariat.
*Added by:
XIII. 2006.13.*

(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.

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.

Appointment and
duties of the Chief
Executive Officer
and other officers
of the Secretariat.
*Added by:
XIII. 2006.13.*

(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 it 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 Chairman and to the Commission and attend the Commission's meetings whenever he is invited to do so.

Amended by:
XIII. 2006.14.

PART VII

The University of Malta

Refounding, aims,
functions and
powers of the
University of
Studies.

Amended by:
XVIII. 1997.2;
XIII. 2006.14.

72. The University of Studies of Malta is, by means of the present Act, being refounded under the name of University of Malta with the following functions and powers:

- (a) to provide for instruction in such branches of learning and to make such provisions for research and the advancement and dissemination of knowledge as it may from time to time determine;
- (b) to determine the conditions for admission into the University and into any course of study provided by it;
- (c) to provide appropriate procedures to determine the persons who have attained the necessary proficiency in the various branches of study;
- (d) to confer degrees and grant diplomas, certificates or other academic distinctions;
- (e) to constitute faculties, departments and other academic sections of the University;
- (f) to institute academic and non-academic posts as required from time to time, and to make appointments thereto;
- (g) to set up and properly maintain libraries, laboratories and other facilities required for teaching, research, experimentation, or diffusion of knowledge and sciences as well as the establishment of academic audit and quality assurance schemes;
- (h) to establish entities with their own statutes and to monitor the administration of such entities as well as of other entities already existing or which may be created by others in the field of higher education;
- (i) to administer the funds voted by the House of Representatives for the implementation of its programme; and any other funds it may receive or generate from other sources;
- (j) to evaluate foreign degrees and academic distinctions;
- (k) to make statutes, regulations and bye-laws in accordance with the provisions of this Act; and
- (l) to act in any other way conducive to the attainment of its aims.

Financing and
control of the
finances of the
University.

Substituted by:
XVIII. 1997.3.
Amended by:
XIII. 2006.14.

73. (1) The finance of the University shall derive from periodic agreements entered into between the University and the Government stipulating, among other things, the supply of funds to the University by the Government.

(2) The amount of funds to be stated in the agreement shall be established in relation to the requirements of the University to achieve its aims determined in the context of the needs of the country as perceived by the Government.

(3) The agreement stipulated between the Government and the University, and any extension or substitution thereof, shall be laid in draft on the Table of the House of Representatives, and shall be entered into only after it has been discussed in the House of Representatives in a sitting for that purpose not later than twenty-eight days from the day on which it is so laid.

(4) The University shall in each financial year cause to be prepared and shall adopt estimates of its income and expenditure for the following year.

(5) The University shall cause to be kept proper accounts and other records in respect of its operation and transactions and shall cause to be prepared a statement of accounts in respect of each financial year.

(6) The accounts of the University shall be audited by an auditor or auditors appointed by the Council from year to year.

(7) The University shall, not later than three months after the end of each financial year, cause a copy of a statement of its audited accounts together with a report on its activities during that year, to be sent to the Minister together with the report of the auditor or auditors with respect to such statement and the Minister shall without delay lay such statements and reports on the Table of the House of Representatives so that the House may take note thereof and discuss the same in not more than two normal sittings, allocated for that purpose, within eight weeks from their being laid by the Minister.

74. (1) The following shall be the governing bodies of the University:

- (a) the Council;
- (b) the Senate;
- (c) the Faculty Boards.

Governing bodies and officers of the University.
Amended by:
X. 1991.2;
XVIII. 1997.4;
XIII. 2006.14.

(2) The following shall be the Principal Officers of the University:

- (a) the Chancellor;
- (b) the Pro-Chancellor;
- (c) the Rector;
- (d) the Pro-Rectors;
- (e) the Secretary;
- (f) the Deans and Deputy Deans of the Faculties.

(3) The Chancellor shall be appointed for a term of seven years by the President of Malta acting in accordance with the advice of the Prime Minister given after he has consulted the Leader of the Opposition.

(4) The Chancellor shall be the highest officer of the University and shall be responsible to ensure that it conforms with the law.

(5) The Chancellor promulgates the statutes, regulations and

bye-laws of the governing bodies of the University and may refer back once to the governing body concerned any such statutes, regulations or bye-laws which in his opinion are not in accordance with the law; the Chancellor, in special circumstances, shall also have the power to summon the Council, Senate and Faculty Boards.

(6) The Pro-Chancellor shall be appointed by the Chancellor after the Minister's approval for a term not exceeding five years.

(7) Whenever the office of Chancellor is temporarily vacant, and until a new Chancellor is appointed and whenever the holder of that 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 Pro-Chancellor who shall continue to perform those functions notwithstanding the expiration of his term of office.

(8) The Pro-Chancellor shall also perform the functions of Chancellor whenever required to do so in writing by the Chancellor.

(9) The Pro-Chancellor shall be the *ex officio* president of the Council.

(10) (a) The Rector shall be elected by the Council for a term of five years and shall be the principal academic and administrative officer of the University.

(b) The election for the office of Rector shall take place three months before the end of the term of office of the Rector or, should there be a vacancy for any reason, not later than fifteen days after the vacancy occurs.

(c) The election shall take place at a meeting of Council called for the purpose. Every member of Council shall have the right to nominate a candidate to the office of Rector. If there are more than two candidates, each member shall show his preference by casting a single transferable vote. Prior to an election, the Council shall determine as required the procedural details relating to the method of election.

(11) The Rector shall be responsible for the day to day administration of the University, shall be the president *ex officio* of the Senate and Faculty Boards, and shall be vested with the legal representation of the University.

(12) The Pro-Rectors shall be appointed by the Rector for a term of one year and shall, as delegated by the Rector, perform the functions of the Rector in the circumstances that the Pro-Chancellor would perform the functions of the Chancellor under the provisions of sub-article (7). One of the Pro-Rectors determined from time to time by the Rector, shall also perform the functions of the Rector in the same circumstances that the Pro-Chancellor would perform the functions of the Chancellor under the provisions of sub-article (8).

(13) The Secretary shall be the second highest administration officer of the University and shall be appointed by the Council for a

term of five years.

(14) The Dean of a Faculty shall be elected for a term of four years by the academic staff of that Faculty and from among the heads of departments of that Faculty and shall be the president *ex officio* of the Faculty Board in the absence of the Rector.

(15) The University Ombudsman shall be appointed for a term of five years by the Ombudsman appointed in terms of the Ombudsman Act, hereinafter referred to as "the Parliamentary Ombudsman". He shall have the duty to investigate and report on any complaint by the students or employees of the University on matters related to the University as well as complaints by persons who have been refused entry into the University, and to suggest redress. Complainants, who have exhausted this remedy may still, bring their complaint to the Parliamentary Ombudsman. The University Ombudsman shall be paid such salary and allowances, which shall be a charge on the Consolidated Fund, as may be determined by the Minister.

Cap. 385.

(16) The University Ombudsman may only be removed from office by the Parliamentary Ombudsman on the advice of the Council, and this for proved inability to perform the functions of his office or proved misbehaviour, which advice is to be given by an address of the Council for that purpose having the support of the votes of at least two-thirds of its members.

(17) The Deputy Dean of a Faculty shall be appointed by the Rector for a period of one year, in consultation with the Dean of the respective Faculty.

(18) The Deputy Dean besides such other functions as may be delegated to him by the Dean, shall perform the functions of the Dean in the same circumstances that the Pro-Chancellor would perform the functions of Chancellor under the provision of sub-article (7) and sub-article (8).

75. (1) The University shall have the power to make statutes, regulations, and bye-laws in order to provide for its own administration and for the administration of its activities and of the entities created by it.

Subsidiary
legislation.
Amended by:
XIII. 2006.14.

(2) Statutes shall be made by the Council and shall bind the whole University as well as the entities created by it.

(3) Regulations shall be made by the Senate and shall provide for matters of an academic nature and shall bind the whole University.

(4) Bye-laws shall be made by the Faculty Boards and shall provide for matters of an academic nature and shall bind the Faculty represented by the Faculty Board that made those bye-laws.

(5) No statute providing for a matter of an academic nature may be made or, when made, may be amended or revoked by the Council, unless the Council requests the advice of the Senate of that statute or on that amendment or revocation but if such advice is not tendered within the term established by the Council, which term

shall in no case be less than twenty-one days from the date of the said request, then the Council may make that statute or amend or revoke it without that advice.

(6) Statutes, regulations and bye-laws made by the competent governing bodies of the University in accordance with the provisions of this Part of this Act shall be without effect unless promulgated by the Chancellor and published in the Government Gazette but when those statutes, regulations or bye-laws have been so promulgated and published they shall have the force of law:

Provided that the subsidiary legislation herein mentioned shall as soon as may be after it is made, be laid on the Table of the House of Representatives.

(7) Any power given by this Act for the making of statutes, regulations or bye-laws by the competent governing body of the University shall be construed as including a power, exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary the statutes, regulations or bye-laws, and such power shall be exercisable without prejudice to the making of new statutes, regulations or bye-laws.

Composition of the Council of the University.
Amended by:
II. 1995.2;
XVIII. 1997.5;
XIII. 2006.14.

76. The Council of the University shall be composed as follows:

- (a) the Pro-Chancellor who shall be *ex officio* president;
- (b) the Rector who shall be *ex officio* vice-president;
- (c) four members representing the Senate;
- (d) two members elected by the academic staff from those amongst them who are not members of the Senate;
- (e) two members elected by and from among the non-academic staff;
- (f) two members elected by and from among the University students;
- (g) one member appointed by the Minister and a member appointed by the Chairman of the Foundation for Theological Studies;
- (h) a number of members appointed by the Prime Minister from among the leading representatives of the economic, industrial and social fields, to represent the general interest of the country, such number never to exceed the number of all the members mentioned in paragraphs (c), (d), (e), (f) and (g).

Functions of the Council.
Amended by:
XIII. 2006.14.

77. The Council shall be the supreme governing body of the University and shall have the following functions:

- (a) to administer and control all the property, movable and immovable, of the University;
- (b) to establish and abolish posts of an academic nature or otherwise;
- (c) to establish, administer and abolish institutes and other

entities;

- (d) to make statutes in accordance with the provisions of this Act;
- (e) to make appointments to posts, of an academic nature or otherwise, in accordance with procedures established by statutes;
- (f) to pay the wages or salaries of all members of the academic and non-academic staff in accordance with scales determined by it with the approval of the Minister;
- (g) to establish Faculties, departments and institutes for the proper organization of academic work and interdisciplinary collaboration, taking into account any directions given by the Minister in accordance with the provisions of this Act;
- (h) to appoint heads of departments for periods not exceeding four years after considering the recommendations of the departments concerned;
- (i) to appoint and provide for the payment of Maltese or foreign examiners in accordance with statutes and predetermined procedures;
- (j) to do all other acts or things not vested in any other governing body of the University.

- 78.** The Senate of the University shall be composed as follows:
- (a) the Rector who shall be *ex officio* president;
 - (b) the Pro-Rectors, one of whom as may be designated by the Rector from time to time shall be the Vice-president;
 - (c) the Deans of all the Faculties;
 - (d) a representative of each Faculty elected by and from among the academic staff of that Faculty;
 - (e) four members elected by and from among the University students;
 - (f) two representatives of the Minister appointed by him from among graduates of the University;
 - (g) two members appointed by the directors of the institutes and other entities established by the University;
 - (h) the Librarian.

Composition of the Senate.
Amended by:
XVIII. 1997.6;
XIII. 2006.14.

- 79.** The Senate shall have the general direction of the academic matters of the University and shall have the following functions:
- (a) to regulate studies, research, documentation and examinations in the University by means of regulations;
 - (b) to make regulations in accordance with the provision of this Act;

Functions of the Senate.
Amended by:
XIII. 2006.14.

- (c) to decide on whom should be conferred academic degrees, diplomas and other distinctions;
- (d) to establish by regulations the conditions for admission into the University;
- (e) to give recognition to the degrees, diplomas, certificates and distinctions of foreign universities or institutes of higher education;
- (f) to advise the Council on matters of an academic nature even if of such a nature only in part;
- (g) to advise the Government on all matters in the fields of learning, science and technology referred to it by the Government;
- (h) to deal with any other matter of an academic nature arising in the administration of the University.

Composition of the
Faculty Boards.
Amended by:
II. 1995.3;
XIII. 2006.14.

80. The Board of each Faculty shall be composed as follows:

- (a) the Rector who shall be *ex officio* president;
- (b) the Dean of the Faculty who shall be *ex officio* vice-president;
- (c) the heads of all the departments in the Faculty;
- (d) a representative of each department of the Faculty elected by and from among the academic staff of the department;
- (e) two members elected by and from among the students of the Faculty;
- (f) two members appointed by the Minister to represent the interests outside the Faculty and who, in the opinion of the Minister, can give an effective contribution towards the good administration of the Faculty, provided that in the case of the Faculty of Theology the two members shall be appointed by the Foundation for Theological Studies to represent the interests of the said Foundation.

Functions of
Faculty Boards.
Amended by:
XIII. 2006.14.

81. (1) The Faculty Board shall have the following functions:

- (a) to direct the academic tasks of the Faculty in a unitary manner and in consultation;
- (b) to determine the studies, teaching and research within the Faculty and to provide for the administration, publication and diffusion of the academic work of the Faculty and to distribute tasks within the said activities;
- (c) to make bye-laws concerning the Faculty in accordance with the provisions of this Act;
- (d) to prepare plans for the development of the Faculty and to present those plans for approval by the Senate and the Council.

(2) Bye-laws made by the Faculty Board shall be referred to the

Senate for its approval and shall not be submitted to the Chancellor for promulgation unless they have been so approved by the Senate.

82. (1) The Rector, without prejudice to the powers vested in the governing bodies of the University by the provisions of this Act, shall have all the powers necessary for the day to day administration of the University and shall have the power to decide upon any urgent matter, of an academic nature or otherwise, provided that such decision which impinges upon a power or function vested by this Act in a governing body of the University shall be registered by the Secretary and brought before that body at its first meeting following that decision.

Powers of the Rector.
Amended by:
XIII. 2006.14.

(2) The Rector, as the officer vested with the immediate government of the University, shall exercise authority over the teaching staff, the examiners, the students, the candidates for examinations and all the employees of the University, and shall enforce discipline and the strict observance of the provisions of this Act and of the statutes, regulations and bye-laws.

(3) The Rector shall confer University degrees, diplomas, certificates and other distinctions.

(4) The Rector shall have the power to summon the Council, Senate and Faculty Boards.

(5) The Rector shall ensure that any elections required by the provisions of this Act are in fact held without undue delay and shall be responsible to provide for the procedures of those elections.

(6) The Rector shall be responsible for the planning and co-ordination of the work of the various bodies and institutions of higher education and for the implementation of the decisions of the competent authorities of the University.

83. (1) Any person holding office on a governing body of the University shall, unless otherwise specifically provided elsewhere in this Act, hold that office for a period of two years:

Common provisions for the governing bodies of the University.
Amended by:
XVIII. 1997.7;
XIII. 2006.14.

Provided that any person holding office on the governing body of the University shall continue so to hold office, despite the expiry of his term, until the election or appointment of another person to substitute that person.

(2) The *quorum* for the meetings of any governing body of the University shall be that of one more than one third of the members of that body; provided that the *quorum* for the Council shall be eight.

(3) Any governing body of the University may act notwithstanding any vacancy in its membership and *quorum* shall be computed as if there was no such vacancy.

(4) Any question proposed for decision at any meeting of any governing body of the University 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 member presiding shall have and exercise a casting vote.

Faculty of
Theology.
Added by:
II.1995.4.
Amended by:
XIII. 2006.14, 26.

84. There shall be in the University, a Faculty of Theology which shall be governed by such Agreement signed on the 26 September 1988 and any other Agreement as may from time to time be in force between the Government of Malta and the Holy See on the matter, and the provisions of this Part where incompatible with any such Agreement shall not apply and the provisions of such Agreement shall apply instead. A copy of the Agreement is reproduced in Italian and English in Schedule III to this Act and a copy of any Agreement in force from time to time shall be published in the Gazette and shall have the same force as subsidiary legislation made under article 75 and shall in the same manner be laid on the Table of the House of Representatives.

Added by:
XIII. 2006.15.

PART VIII

The Malta College of Arts, Science and Technology

Interpretation.
Added by:
XIII. 2006.15.

85. Without prejudice to the provisions of this Act, in this Part, insofar as the context does not require otherwise -

"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;

"Board of Studies" means the Board of Studies of the Institute established by article 98;

"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;

"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.
Added by:
XIII. 2006.15.

86. The Malta College of Arts, Science and Technology, established by public deed of the 11th 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.

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, of 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.

Legal personality and juridical representation of the College.
Added by:
XIII. 2006.15.

(2) The legal and juridical representation of the College shall 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.

88. Maltese and English are the official languages of the College. The College administration may use either of both languages for official purposes.

Official languages.
Added by:
XIII. 2006.15.

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.

Purpose of the College.
Added by:
XIII. 2006.15.

(2) The College shall organise instruction and training at the required levels, including the levels established by the Malta Qualifications Council.

(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 of 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 accredit prior learning.

(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:

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- (a) promote Malta's vision as a hub of cultural, industrial, commercial and services activity for other 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*, of study and training based on the concept of lifelong learning; 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 coordination 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.

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 and organizations, 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 admission 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 certification 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

Powers and functions of the College.
Added by:
XIII. 2006.15.

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.
Added by:
XIII. 2006.15.

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 Principals;
- (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.
Added by:
XIII. 2006.15.

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 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 plus one.

(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.
Added by:
XIII. 2006.15.

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 the 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) 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 Malta Qualifications Council, 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 Malta Qualifications Council.

(5) The Board of Governors shall meet at least once every two months with a quorum of not less than one-half of the number of members of the Board plus one.

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.

Composition of the Council of the Institutes.
Added by:
XIII. 2006.15.

Functions of the Council.
Added by:
XIII. 2006.15.

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 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, vocational and professional 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 of not less than one-half of the number of members of the Board plus one.

Composition of the Administrative Bureau.
Added by:
XIII. 2006.15.

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.
Added by:
XIII. 2006.15.

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.

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 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 training 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.

Composition of the Board of Studies of the Institutes.
Added by:
XIII. 2006.15.

(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.

99. (1) The Board of Studies shall have the following functions:

- (a) to conduct the educational and training work of the Institute;

Functions of the Board of Studies.
Added by:
XIII. 2006.15.

- (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.
Added by:
XIII. 2006.15.

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.

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.

Powers and duties of the President.
Added by:
XIII. 2006.15.

(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.

102. (1) The Principal shall be the Chief Executive Officer of the College.

Powers of the Principal.
Added by:
XIII. 2006.15.

(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, bye-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 coordination 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.
Added by:
XIII. 2006.15.

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.
Added by:
XIII. 2006.15.

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 instructions of the Principal;
- (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.
Added by:
XIII. 2006.15.

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. Without prejudice to the provisions of this Act, 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.
Added by:
XIII. 2006.15.

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.

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.

Financing and control of the College finances.
Added by:
XIII. 2006.15.

(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.

108. (1) The Financial Controller shall, under the direction of the Principal or the Deputy Principal as delegated by the Principal, be responsible for the day to day administration of the College finances, reporting to the said Principal.

The Financial Controller.
Added by:
XIII. 2006.15.

(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 upon the Principal owing to the exigencies of the College.

Staff appointments with formal duties of instruction or research.
Added by:
XIII. 2006.15.

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.
Added by:
XIII. 2006.15.

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.
Added by:
XIII. 2006.15.

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 considered as holding a degree or diploma of the College unless such degree or diploma has been conferred as prescribed in subarticle (1).

Common provisions for the governing bodies of the College.
Added by:
XIII. 2006.15.

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.

PART IX

Officers and Staff of the Entities

*Added by:
XIII. 2006.17.*

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.

*Staff appointments.
Added by:
XIII. 2006.17.*

(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.

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.

*Status of public
officers detailed
for duty with an
entity.
Added by:
XIII. 2006.17.*

(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 Prime 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.
Added by:
XIII. 2006.17.

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 provision of article 114 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.

Cap. 93.
Cap. 58.

(3) Every officer who accepts permanent employment with the entity, offered to him under the provisions of subarticle (1), 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.

Cap. 58.

(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. Cap. 93.

(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 concerned. 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 an 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. Cap. 93.

PART X

Financial Provisions

116. (1) Without prejudice to the following provisions of this article, every 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.

*Added by:
XIII. 2006.18.*

Entities to meet expenditure out of revenue.
*Added by:
XIII. 2006.18.*

(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 an 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.
Added by:
XIII. 2006.18.

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.
Added by:
XIII. 2006.18.
Amended by:
L.N. 424 of 2007.

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) An 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 sixty-nine thousand and eight hundred and eighty-one euro and twenty cents (69,881.20), there shall be required the approval of the Minister in writing.

Borrowing from Government.
Added by:
XIII. 2006.18.

119. (1) The Minister responsible for finance may, for any requirements of an 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 an entity, and any other moneys to be advanced to an entity under this article, shall be paid into a fund specially established for the purpose.

(5) Sums received by the Accountant General from an 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.

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:

Estimates of entity.
Added by:
XIII. 2006.18.

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.

121. (1) No expenditure shall be made or incurred by an entity unless provision therefor has been made in the estimates approved as provided in article 120.

Expenditure to be
according to
approved
estimates.
Added by:
XIII. 2006.18.

(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.
Added by:
XIII. 2006.18.

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 every 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 auditor or 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.
Added by:
XIII. 2006.18.

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 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.

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 six thousand and nine hundred and eighty-eight euro and twelve cents (6,988.12) 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.

Contracts of supply or work.
Added by:
XIII. 2006.18.
Amended by:
L.N. 424 of 2007.

PART XI

Miscellaneous

Amended by:
XIII. 2006.19.

125. The Minister shall appoint a Registrar of Examinations who shall be responsible for -

- (a) the conduct of examinations in all schools and in all institutions of learning of the State except the University;
- (b) the conduct of examinations for induction into the service of the State, public corporations and commercial partnerships in which the State has effective control.

Registrar of Examinations.
Amended by:
XVIII. 1997.8;
XIII. 2006.19.

For the purposes of paragraph (b), the State shall be deemed to have effective control of a commercial partnership where in that partnership more than fifty per cent of the capital or voting power is owned or controlled, directly or indirectly, by the State.

126. (1) In State schools and the University all teaching shall be given to Maltese citizens without any fee being charged. So as to ensure the full exercise of choice of school by parents, the State shall, through agreements of subsidy of non-State schools, when such are of a non profit-making character, in accordance with the availability of public funds, provide gradually for the same gratuity of teaching in such schools as is afforded to students in State schools.

Gratuity of teaching and subsidy in certain cases.
Amended by:
XIII. 2006.19.

- (2) The Minister may by regulations prescribe the fees to be

charged for examinations and special courses outside regular hours and the fees to be paid by students who are not Maltese citizens:

Provided that the Minister may exempt any person from the payment of those fees.

(3) The Minister may determine rates of stipends payable to students receiving further education after having completed their secondary education and may impose conditions for the payment of such stipends.

(4) The Minister may by regulations order that no fees shall be charged for the teaching of Maltese citizens in schools other than State schools and of a non profit-making character provided that in such a case the Minister shall before making such an order ensure that the schools to which the order applies shall be in a position to continue to provide their services and shall supplement from public funds the financial means of those schools where, following investigations conducted together with those schools, such necessity arises.

(5) Without prejudice to sub-article (4), the Minister may by regulations determine the maximum fees which may be charged for the teaching of Maltese citizens in schools other than State schools and the maximum fees so determined may be different for different schools or for different levels or sectors of schools other than State schools:

Provided that in making such regulations the Minister shall ensure on the basis of an objective assessment of the schools to which the regulations apply that these shall be in a position to continue to provide their services and for this purpose the Minister shall, if necessary, supplement the financial means of those schools through public funds.

Appeals.
Amended by:
VI. 2000.19;
XIII. 2006.19.
Substituted by:
XIII. 2006.20.

127. (1) When a person who applies for a licence to open a school under article 20 has his application refused, or when the applicant has not been served notice in writing of the decision of the Minister as established in article 20(6), or when a school licence is suspended or withdrawn by the Minister, the applicant or the licence holder may, within the time prescribed in article 20(11), 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).

Cap. 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.

128. (1) No person may employ a minor of compulsory school age or otherwise bound to regularly attend school under the provisions of this Act without the written permission of the Director General of the Directorate for Educational Services.

Employment of minors.
Amended by:
II. 2005.20;
XIII. 2006.19, 21.

(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 course 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.

(3) The Director General of the Directorate referred to in this article may give his permission under sub-article (1) when, having made the necessary investigations, he is of the opinion that there are sufficient reasons to justify the exemption of the parents of the minor from their duty to ensure the regular attendance of the minor at school and when the Director General of the Directorate referred to in this article is also of the opinion that the employment of the minor would not be of harm to the health or normal development of that minor.

(4) When giving his permission in accordance with subarticle (3), the Director General of the Directorate referred to in this article may impose such conditions requiring the minor to attend such alternative educational or training programmes as may be prescribed, and any such permission shall be considered immediately withdrawn if any of the conditions imposed in such permission are not observed.

(5) The Director General of the Directorate referred to in this article may approve apprenticeship indentures and training schemes which, when so approved, shall not be deemed to constitute employment for the purposes of this article.

129. (1) Any parent of a minor who -

- (a) fails to register that minor in a State school, or in a school licensed under this Act, for the first scholastic year starting when he is of compulsory school age or fails to ensure that the minor is so registered at all times for every scholastic year during the whole period that the minor is of compulsory school age or fails to cause that minor to continue to be so registered up to the end of the scholastic year during which the minor ceases to be of compulsory school age or up to the end of such further period as the Minister may by regulations prescribe; or
- (b) fails to ensure, without a good and sufficient cause, that the minor attends school regularly on each scholastic day during such period that the minor is of compulsory school age and up to the end of the

Offences and penalties.
Amended by:
XIII. 2006.19, 22;
L.N. 424 of 2007.

scholastic year during which the minor ceases to be of compulsory school age and up to the end of such further period as the Minister may by regulations prescribe;

shall be guilty of an offence and shall, on conviction, be liable to the punishments established for contraventions and to a fine (*ammenda*) not exceeding two euro and thirty-three cents (2.33) for each day during which the offence continues in the case of a continuing offence:

Provided that no criminal proceedings for an offence under paragraph (b) of this sub-article shall be taken unless the parent, within three days from the date he receives a notice from the Director General of the Directorate for Educational Services requesting him to explain the absence of the minor from school, fails to give a good and sufficient explanation.

(2) Any person who opens or keeps a school without a licence from the Minister shall be guilty of an offence and shall, on conviction, be liable to the punishments established for contraventions and to a fine (*ammenda*) not exceeding one hundred and sixteen euro and forty-seven cents (116.47) for each day during which the offence continues in the case of a continuing offence.

(3) Any person who contravenes the provisions of article 43(1) shall be guilty of an offence and shall, on conviction, be liable to the punishments established for contraventions and to a fine (*ammenda*) of twenty-three euro and twenty-nine cents (23.29) for every day of employment of the minor.

(4) Any person in possession of a licence to establish and keep a school and who does not ensure that the school conforms at all times with all the national minimum conditions as they may be applicable to that school from time to time shall be guilty of an offence and shall, on conviction, be liable to the punishments established for contraventions and to a fine (*ammenda*) not exceeding twenty-three euro and twenty-nine cents (23.29) for every day during which the offence continues in the case of a continuing offence.

(5) In the case of a second or subsequent conviction for an offence against the provisions of this article, committed by a person in possession of a licence under this Act, it shall be lawful for the court, at the request of the Minister, to cancel the licence or to suspend the same for any time it deems appropriate, in its discretion.

Persons considered to be public officers.
Added by:
XIII. 2006.23.
Cap. 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.
Added by:
XIII. 2006.23.

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.

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.

Institution for
tourism studies.
Added by:
XIII. 2006.23.

(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 subarticle (1).

133. (1) In the case of a second or subsequent conviction for an offence committed by any parent against the provisions of article 129(1), the Second Hall of the Civil Court may, upon an application by the Director of Education, deprive that parent of his authority, whether "*de jure*" or "*de facto*", over the minor and may appoint a tutor for that minor.

Penalties following
second or
subsequent
convictions.
Amended by:
XIII. 2006.19, 26.

(2) In the case of a second or subsequent conviction for an offence committed by any other person against the provisions of article 129(2), the court may authorise the Minister, at his request, to take possession of the premises opened or kept as a school without a licence and this for such time as the court may deem necessary to prevent that person from committing a further offence against the provisions of that sub-article.

134. (1) The Minister may, from time to time give to any of the entities or 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.

Relations with the
Minister.
Repealed by:
XVIII. 1997.9.
Amended by:
XIII. 2006.19.
Substituted by:
XIII. 2006.24.

(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.

Power to make regulations.
Amended by:
XIII. 2006.19.
Substituted by:
XIII. 2006.25.

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 related to education, including initial training and continuous professional development of officials and employees of entities and to establish benchmarks, standards and assures quality, including internal quality assurance and external auditing processes, in institutions, schools and educational entities;
 - (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;

Cap. 451.

- (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;
- (s) to better regulate the operation and the provision of services in the Colleges and schools, including all matters concerning personnel, equipment, building, management, the use of school premises after normal school hours, partnerships between Colleges and State schools, and non-State schools and international exchanges, and participation in EU programmes;
- (t) to provide processes of accreditation, approval, authorization, evaluations and recognition, as well as quality assurance and verification of programmes or of educational institutions, and access to and gathering of information, statistics and data by the National Commission for Higher Education and the Secretariat of the same Commission, that are both established by articles 64 and 70 respectively.

Transitory.
Amended by:
XIII. 2006.19, 26.

136. (1) The University shall succeed to the property, rights and obligations of the University existing immediately before the coming into force of article 72 as well as to the property, rights and

obligations of the institutions which used to be known as The Old University, The New University and The Royal University of Malta.

(2) All those persons who before the coming into force of this Act were employed by the institution known under the name of The University of Malta shall, on the coming into force of this Act, be deemed to have always been employed and shall continue to be so employed by the University:

Provided that in respect of those persons whose service, on the date of the coming into force of this article, was deemed, for the purposes of the Pensions Ordinance and the Widows and Orphans Pensions Act, to be service with the Government, the service of such persons with the University shall, for the purposes of the said Ordinance and of the said Act, continue to be deemed to be service with the Government within the meanings thereof respectively.

Cap. 93.
Cap. 58.

(3) The statutes, regulations and bye-laws included in Schedule II of this Act shall come into force and have the force of law on the coming into force of article 72 and shall so remain in force until such time as they are amended or repealed by the competent governing bodies of the University in accordance with the provisions of this Act.

(4) The person who held the office of Rector of the institution known as The Old University before the enactment of Act XII of 1980 which amended the Education Act^{*}, shall be the Rector of the University on the coming into force of article 72.

Cap. 247.

(5) All appointments of heads of departments and all appointments and elections to the Council, the Senate and the Faculty Boards of the University shall be made as soon as practicable after the date of commencement of the relevant provisions of this Act and in any case not later than three months from such date; but, notwithstanding the provisions of articles 72 to 83 (both inclusive) of this Act and subject to the provisions of sub-article (6), until the said appointments of heads of departments are so made and until the said Council, Senate and Boards are so reconstituted or, in either case, until the expiration of the said period of three months, whichever is the earlier date in either case, the heads of departments, the Council, the Senate and the Faculty Boards of the University which existed immediately before the date of the coming into force of article 72, shall be the heads of departments, Council, Senate and Faculty Boards of the University for the purposes of this Act.

(6) Notwithstanding the provisions of sub-article (5), the Rector designated in sub-article (4) shall be a member and *ex officio* vice-president of the Council and a member and *ex officio* president of the Senate and Faculty Boards on the coming into force of article 72.

*Repealed by this Act.

SCHEDULE I

[ARTICLE 22]

<i>Name of School</i>	<i>Locality</i>
Agius de Soldanis	Victoria, Gozo
Kan Pawl Pullicino	Rabat
Carlo Diacono	Żejtun
Dun Ġużepp Zammit	Hamrun
Dun Ġwann Mamo Trade School	Marsa
Fellenberg School of Electronics	Paola
Ġan Frangisk Abela	Msida
Ġorg Grognet de Vassé Technical Institute	Naxxar
Ġużeppi Despott	Cospicua
Maria Assumpta	Hamrun
Maria Goretti	Tarxien
Maria Regina	Blata-1-Bajda
Mikielang Sapiano Technical Institute	Paola
Mikiel Anton Vassalli	Tal-Handaq
Ninu Cremona Complex	Victoria, Gozo
Salvatore Dimech School for Craftsmen	Mosta
Santa Tereza	Mriehel
Sir Adrian Dingli	St. Andrews
Umberto Calosso Trade School	Sta. Venera

SCHEDULE II
STATUTES, REGULATIONS AND BYE-LAWS

[ARTICLE 48]

Amended by:
L.N. 98 of 1988;
L.N. 63 of 1989;
L.N. 64 of 1989;
L.N. 135 of 1989;
L.N. 136 of 1989;
L.N. 153 of 1990;
L.N. 156 of 1990;
L.N. 10 of 1991;
L.N. 66 of 1991;
L.N. 153 of 1991;
L.N. 67 of 1992;
L.N. 89 of 1992;
L.N. 90 of 1992;
L.N. 105 of 1992;
L.N. 21 of 1993;
L.N. 117 of 1993;
L.N. 5 of 1994;
L.N. 12 of 1994;
L.N. 110 of 1994;
L.N. 149 of 1994;
L.N. 79 of 1995;
L.N. 165 of 1996;
L.N. 177 of 1997;
L.N. 181 of 1997;
L.N. 183 of 1997;
L.N. 184 of 1997;
L.N. 189 of 1997;
L.N. 202 of 1997;
L.N. 9 of 1998;
L.N. 30 of 1998;
L.N. 172 of 1998;
L.N. 41 of 1999;
L.N. 101 of 1999;
L.N. 102 of 1999;
L.N. 144 of 2004;
L.N. 363 of 2004;
L.N. 293 of 2006;
L.N. 220 of 2007;
L.N. 391 of 2007;
L.N. 212 of 2008;
L.N. 21 of 2009;
L.N. 85 of 2009;
L.N. 102 of 2010.

A - STATUTES

Statute 1 - GENERAL

1.1 Official Languages

Maltese and English shall be the official languages of the University. The University administration may use either language for official purposes.

1.2 Compulsory Subjects for Admission

Maltese and English shall be compulsory subjects for admission to the degree and diploma courses of the University:

Provided that the Senate may by regulations allow candidates in special circumstances to offer other subjects instead.

1.3 Entry Requirements: Period of Notice

The University shall give adequate notice (normally two years) before any amendments to regulations, which may affect a candidate's preparation for admission to any course of studies (such as the requirement of a new subject in the special course requirements) come into effect and two years notice for a change in a grade.

1.4 Official and Academic Dress

The dress appropriate for the Principal Officers of the University, for the Academic Staff, for graduates, for undergraduates, and for other members of the University shall be prescribed by regulations made by the Senate.

1.5 Scholarships and Prizes

1. Scholarships and prizes to be awarded by the University shall be established by regulations made for the purpose.
2. The award of scholarships and prizes shall also be governed by regulations.

Statute 2 - FACULTIES

The University shall have eleven Faculties, namely:

- The Faculty for Built Environment
- The Faculty of Arts
- The Faculty of Dental Surgery
- The Faculty of Economics, Management and Accountancy
- The Faculty of Education
- The Faculty of Engineering
- The Faculty of Information and Communication Technology
- The Faculty of Laws
- The Faculty of Medicine and Surgery
- The Faculty of Science
- The Faculty of Theology

Statute 3 - COURSES OF STUDIES, DEGREES AND DISTINCTIONS**3.1 Courses of Studies, Degrees and Distinctions**

1. The University shall have the power to award degrees, diplomas and certificates to candidates who fulfil the prescribed conditions after following the requisite courses of studies, and this in accordance with regulations and bye-laws made by Senate.
2. Courses of studies shall start as the Council shall determine.

3.2 Provision for the Award of a Joint or Double Degree with another University

1. Where the University, with the approval of Senate, enters into an agreement with other universities for the granting of a joint or double degree, then the necessary requirement to qualify for the degree may be obtained either partly at the University and partly at the other university/universities, or wholly at one of the partner universities as provided for in such agreement.
2. The degree may be awarded:
 - (a) in the case of a joint degree, jointly on one certificate by all the universities and shall be conferred at one of the partner universities as agreed between them; or
 - (b) in the case of a double degree, separately by each of the two partner universities.
3. The programme of study, including the catalogue of study-units, for the joint

or double degree shall be approved by the University and as required by the other partner universities.

4. The Boards of Examiners and the Degree Classification Boards shall be constituted in terms of decisions taken by the appropriate bodies of the partner universities and as provided for in the agreement between them.

5. Students may register for a joint or double degree if accepted by the partner universities in terms of the admission regulations of each of the universities and in terms of the provisions regarding registration in the degree programme as specified in the agreement between the universities.

6. The agreement for the award of a joint or double degree by the University and the other universities may provide that the certificate includes an equivalent title, normally as awarded by the other universities, in conjunction with the title of the University degree. In the case of the award of a double degree, a statement to this effect will be made on the certificate.

3.3 Award of Degrees and Diplomas

1. Degrees and diplomas shall be awarded at a public ceremony or, with the consent of the Senate, privately or *in absentia*.

2. A candidate shall be eligible for the award of a degree or diploma only after certification by the Rector that all the conditions prescribed by statutes, regulations and bye-laws relevant to that degree or diploma have been fulfilled and provided that all other obligations and responsibilities of the candidate to the University have been satisfied.

3. No person may be described as holding a degree or diploma of the University unless such degree or diploma has been conferred as prescribed in paragraph 1 of this section.

3.4 Degrees *Honoris Causa*

1. The University shall also have the power to confer the following degrees *honoris causa*:

Doctor of Laws - LL.D.

Doctor of Medicine and Surgery - M.D.

Doctor of Literature - D.Litt.

Doctor of Engineering - D.Eng.

Doctor of Science - D.Sc.

Doctor of Education - D.Ed.

Master of Philosophy - M.Phil.

2. On the recommendation of the Senate, the Council may at its discretion order the conferment of a degree *honoris causa* on any person whom it may deem worthy of such a distinction.

Statute 6 - THE PRINCIPAL AND OTHER OFFICERS OF THE UNIVERSITY

6.1 The Principal Officers

1. The Principal Officers of the University are:
the Chancellor;
the Pro-Chancellor;

the Rector;
the Pro-Rectors;
the Secretary;
the Deans of the Faculties.

2. **The Chancellor**

(as in article 74(3)-(5))

3. **The Pro-Chancellor**

(as in article 74(6)-(9))

4. **The Rector**

(as in article 74(10)-(11) and article 82)

5. **The Pro-Rectors**

(as in article 74(12))

6. **The Secretary**

(as in article 74(13))

The Secretary shall -

- (a) act as secretary to Council and in that capacity, shall be responsible, where applicable, to ensure that the decisions of Council are formulated and presented to the Chancellor expeditiously for promulgation;
- (b) co-ordinate the ongoing process of consultation with all internal as well as external stakeholders in order to assist the Rector and the Pro-Rectors in the compilation of the Annual Report of the University and the formulation of the Strategic Plan of the University for the consideration of Council;
- (c) help develop and maintain, under the direction of the Rector, streamlined and efficient administrative systems to support the teaching, research, and external services of the University to meet current as well as projected future needs;
- (d) act as Chairman of the Senior Management Committee in the absence of the Rector or any Pro-Rector explicitly designated to do so by the Rector; the said Committee, which deals solely with matters of a non-academic and administrative nature, comprises the Registrar, the Director of Finance, the Librarian, and any other senior official of the University administration as determined by the Rector;
- (e) coordinate the preparation for regular meetings of the Senior Management Committee, and the implementation of decisions taken by the Senior Management Committee related to the day-to-day administrative affairs of the University, its personnel and its movable, immovable and other assets;
- (f) be directly answerable to the Rector and shall execute his instructions;
- (g) assist the Pro-Rectors in the discharge of their duties when these are acting within the portfolio of duties designated to them by the Rector; and (h) carry out such other duties, of a non-academic and administrative nature, as may be requested by Council and as may be called for by the Rector bearing in mind the exigencies of the University.

7. The Dean of a Faculty

(as in article 74(14))

6.2 The Other Officers of the University

1. There shall be a Registrar, a Librarian, a Director of Finance and such other officers as the Council may, from time to time, determine. Such officers shall be responsible to the Rector for the day to day administration of their respective functions.

2. The Registrar

The Registrar shall:

- (a) keep the University seal;
- (b) assist the Rector in the day-to-day academic administration of the University, and be responsible for the execution of his instruction;
- (c) sign the documents certifying academic awards made by the University and keep a complete record of them;
- (d) act as secretary to the Senate and, directly or through a delegate, to the Boards of the Faculties and other academic entities established by the University;
- (e) be responsible to ensure that the decisions of Senate are formulated and executed and, where applicable, presented to the Chancellor expeditiously for promulgation;
- (f) be responsible for the records of all examinations held by the University and for the proper safekeeping of such records, and for keeping up-to-date copies of the statutes, regulations and bye-laws;
- (g) keep the rolls of the members of the Council, of the Senate, of the Faculty Boards, of teachers, of examiners, and of students;
- (h) keep a record of the academic activities of each student;
- (i) be responsible, after consultation with the Deans of the Faculties, for the proper arrangements of the time-tables; and
- (j) carry out such other duties as may be called for by the Rector bearing in mind the exigencies of the University.

3. The Librarian

(as in paragraph 3 of Article 6.2 of Statute 6).

4. The Director of Finance

The Director of Finance shall assist the Rector in the day-to-day financial management of the University, and be responsible for the execution of his instruction.

In particular, the Director of Finance shall -

- (a) prepare -
 - (i) the annual estimates 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 University;

- (c) exercise immediate control over expenditure out of approved provisions;
- (d) maintain adequate accounting systems embracing the whole of the financial operations of the University and ensuring adequate systems of internal control;
- (e) be responsible for all ordering and purchasing and for the control of stores (if any) and inventories;
- (f) in conjunction with the Rector or the Pro-Rectors, 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 Council;
- (g) discharge such other duties as may be called for by the Rector bearing in mind the exigencies of the University; and
- (h) in the absence of the Secretary, carry out all or part of the duties of the Secretary when instructed to do so by the Rector.

5. Other Appointments: The Auditor

(as in paragraph 5 of Article 6.2 of Statute 6).

Statute 7- APPOINTMENTS AND PROMOTIONS OF STAFF WITH FORMAL TEACHING AND/OR RESEARCH DUTIES

7.1 Appointments of Staff with Formal Teaching and/or Research Duties

1. Appointments of staff with formal teaching and/or research duties shall be made in the grades of professor, associate professor, senior lecturer, lecturer, assistant lecturer, teaching assistant, research assistant or in any other grades approved by Council on the recommendation of Senate, according to the qualifications of the persons being appointed.

2. Posts may be advertised for appointments within specified grades.

3. An appointment to a post with a formal teaching and/or research duties shall be made by Council on the recommendation of a Selection Board composed as follows:

- the Rector, who shall be chairman;
- three members of staff with formal teaching and/or research duties appointed by Senate, normally including the head of department concerned (or, in the case of posts specifically intended only for an institute, or other entity of similar nature, the director of that institute or the chief officer of the entity concerned) and another head of department from outside the Faculty:

Provided that when it is envisaged that the appointee is to give significant service to a second Department/Institute/Centre or other entity of similar nature, the chief officer of the entity concerned is to replace the head of department from outside the Faculty.

- one member of Council not in the employment of the University appointed annually by the Council to be a member of all Selection Boards for posts in a particular speciality.

7.2 Promotion of Staff with Formal Teaching and/or Research Duties

1. Every three years, normally during March/April, applications from staff

with formal teaching and/or research duties for promotion shall be considered by a Promotions Board appointed for a period not exceeding three years and consisting of:

- the Rector, who shall be Chairman;
- three full professors appointed by Senate; and
- one member of Council not in the employment of the University appointed by Council.

2. The Rector may propose any member of staff with formal teaching and/or research duties for consideration by the Promotions Board at its regular meeting or, in exceptional circumstances, at any other time.

7.3 Grades of Staff with Formal Teaching and/or Research Duties

1. In making its recommendations to Council a Selection/Promotions Board shall keep the following considerations in view:

- (a) research and teaching assistants should normally be promising new graduates or highly experienced persons in some technical speciality;
- (b) assistant lecturers should have a good first degree or a qualification at Master's level;
- (c) lecturers should have qualifications at doctoral level;
- (d) senior lecturers should be experienced in academic work and should have distinguished themselves in the carrying out of the teaching, research or other aspect of a lecturer's duties;
- (e) associate professors should have distinguished themselves by solid contributions to knowledge and to University affairs in general;
- (f) professors should have an established reputation amongst their peers as authorities in their field of learning.

2. Before recommending any person for appointment or promotion to the grade of professor, a Selection Board or a Promotions Board, as the case may be, shall seek the expert advice of two independent academics in the same field of learning.

3. No member of staff with formal teaching and/or research duties may be a member of a Selection Board or a Promotions Board which is considering appointments or promotions to grades above the member's own.

7.4 Appointment of Part-Time Staff

(i) Appointments of staff with formal teaching and/or research duties on a part-time basis are generally made for specific periods, normally four years, renewable by a further four years after which the appointment will be made permanent subject to ordinary auditory procedures.

(ii) The Council of the University may, however, make permanent appointments to retiring age, subject to a probationary period of one year.

Part-time appointments will be made in two categories:

- (i) Staff members with Teaching and Research Duties (TR). Such appointees are required to give a number of half-day sessions per week exclusively devoted to University work;
- (ii) Staff members with Teaching Duties (T) only. They are required to undertake a number of student contact hours per week.

Part-time staff in both categories are, furthermore, required to examine

candidates for degrees and diplomas, in their subject, whenever so required by the Board of the Faculty or Institute and by the Senate.

7.5 Appointment of Part-Time Visiting Staff

1. Part-time visiting staff may be appointed according to the needs that may arise from time to time.
2. Appointments shall be made by the Rector on the recommendation of the Dean of the Faculty concerned, or of the Director of the Institute or Centre concerned, as the case may be.
3. Appointments shall be made for periods not exceeding one year at a time, and shall be reported to the Senate and the Council at the first opportunity.

7.6 Conditions applicable to particular appointments

1. The general duties of staff with formal teaching and/or research duties are those listed under the sub-heading "lecturers". They apply, *mutatis mutandis*, to all other grades subject to particular conditions for each grade as listed hereunder:

(i) Teaching Assistants

- (a) are expected to be in possession of a good first degree or analogous qualifications and will be required to assist in the teaching programmes of the University;
- (b) may be required to help in other activities such as research and other related work as deemed necessary by the competent authority;
- (c) are not expected to carry out research work on their own initiative although they are encouraged to involve themselves in research related to their teaching area.

Although not entitled to Sabbatical leave, Teaching Assistants will be encouraged and as far as possible assisted to further their expertise in their area of specialisation. In this regard, authorisation by Council for study leave can be expected, subject to the exigencies of the University at different times.

(ii) Research Assistants

- (a) are expected to be in possession of a good first degree or analogous qualifications and are mainly required to assist in particular research programmes of the University. They may also be required to help in other activities such as teaching and other related work, as deemed appropriate by the competent authority;
- (b) may be required to assist senior students in research work being undertaken under the supervision of another member of the teaching staff;
- (c) are not expected to carry out research work on their own initiative;
- (d) are appointed for a definite period of time as required for the particular research programme for which they are employed.

(iii) Assistant Lecturers

- (a) Assistant Lecturers may be appointed either in the expectation that they will provide mainly tutorial assistance, teaching at the foundation level or until promotion to the grade of Lecturer on the attainment of further qualifications. In the latter case, they will be provided with the necessary assistance and the opportunity to obtain these qualifications.
- (b) In the case of Assistant Lecturers who are not pursuing full-time studies

abroad, arrangements will be made within their Departments so that they may avail themselves of periods during which their normal workload is eased to enable them to carry out their research.

(iv) **Lecturers**

- (a) are expected to teach in any university courses where the subject is required - including lecturing, tutorials and seminars, supervision of practical work and placements, counselling on projects and other personally undertaken student enterprises;
- (b) carry out research for publication - both individual and collaborative particularly in priority areas established by the University;
- (c) share in the continuous assessment of students, setting and marking of examination papers within established time-frames;
- (d) participate in the administration of academic affairs at departmental, faculty and university levels;
- (e) contribute to national development, particularly in the area of specialisation and through co-operation with governmental and non-governmental institutions and services.

(v) **Senior Lecturers**

are expected to perform all the duties of lecturers with the leadership expected in the light of their qualifications for appointment (para. 7.3.1 (d)).

(vi) **Associate Professors**

are expected to perform all the duties of lecturers and to carry particular responsibility for the collaborative design and development of didactic and research programmes, the direction of institutes and analogous entities, and other co-ordinatory functions.

(vii) **Professors**

- (a) are expected and entitled to devote more time to supervision of research and advanced study than the norm for all teachers and to have the necessary facilities whereby to do so;
- (b) are entitled to communicate directly with the Rector on all matters and to participate in an advisory capacity in the Faculty Board;
- (c) are entitled to be consulted on matters that are related to their area of expertise and are expected to provide the Head of Department, or Director of the Institute, to which they belong, the additional support which their status and scholarly authority warrants.

(viii) **Visiting Professors**

- (a) Foreign or local scholars of professorial rank or distinction may be appointed Visiting Professors by a resolution of Council on the recommendation of Senate.
- (b) A Visiting Professor will be expected to contribute to the activities of the University in one or more of the following ways:
 - through sets of lectures or intensive short courses;
 - through participation in the supervision or completion of research programmes; and
 - through expert advice and consultancy tendered to the authorities

of the University.

- (c) A Visiting Professor will be entitled to:
- the academic prerogatives of Professors insofar as a regular presence on the campus is not required for their exercise; and
 - such honoraria as may be established by Council for each specific task.

(ix) **Honorary Professors**

- (a) Foreign or local scholars of professorial rank or distinction may be appointed Honorary Professors by a resolution of Council on the recommendation of Senate.
- (b) An Honorary Professor will be expected to contribute to the activities of the University in any way that will enhance its service and prestige, in accord with the competent authorities.
- (c) An Honorary Professor will be entitled to such academic prerogatives of Professors as are not attached to specific duties.

(x) **Emeritus Professors**

- (a) Professors who retire after at least ten years of service at that grade or, if they retire before, by resolution of Senate, will become Emeritus Professors.
- (b) An Emeritus Professor is entitled to the same prerogatives as an Honorary Professor.
- (c) An Emeritus Professor shall take precedence in all public ceremonies of the University immediately after the members of Senate.

(xi) **University Fellows**

Fellows may be appointed by Council on the recommendation of Senate as:

- (a) Honorary Fellows, where the University wants to confer such honour on deserving individuals;
- (b) Senior Fellows, in the case of retiring members of staff to enable them to carry on with their research contributions at the University;
- (c) Visiting Fellows, in the case of senior foreign or local scholars of professional rank or distinction.

(xii) **Chancellor Emeritus**

- (a) A former Chancellor may be appointed Chancellor Emeritus by a resolution of Council.
- (b) Chancellor Emeriti shall take precedence in all public ceremonies of the University as the most senior of the Emeritus Professors and will have the right to wear the appropriate academic robes.

7.7 General Provision

1. For the purpose of the Education Act, staff appointed under Statute 7 shall be considered as academic staff.

Statute 8 - NON-ACADEMIC APPOINTMENTS AND PROMOTIONS

Appointments

1. Appointments to non-academic posts shall be made by the Council on the recommendation of Selection Boards appointed in terms of this statute.

2. Each Selection Board shall be composed as follows:
 - the Rector, or his delegate, who should be Chairman;
 - three members appointed by the Rector after consultation with the relevant officers of the University responsible for the departments or sections to which the appointments are to be made, provided that the members of the Selection Board so appointed shall be at least two grades above the particular post to which the appointment is to be made and if the post is a senior non-academic post, one of the three members appointed by the Rector should be a senior academic; and
 - one member of Council not in the employment of the University.
3. Candidates for appointment to particular posts may be required to take written and/or practical tests and/or to attend an interview as appropriate.
4. When the number of eligible applicants by far exceeds the number of vacant places, or when in the opinion of the Board the difference in the quality of the applicants can be judged from the documentation presented by the applicants, the Selection Board may, at its discretion, short-list the number of eligible applicants that are to be formally examined and/or called for an interview, provided that the Board shall include in its report the criteria on which the short-listing was made.
5. Any absence among the members of the Selection Board, or the participation of any person called to assist the Board in the selection process, does not invalidate the procedures of the Board, provided that there is a quorum of not less than three of the Board members.

Promotions

6. Applications from non-academic staff for promotion shall be considered by the Promotions Board when there are special reasons, such as the redressal of an anomaly or more accurate recognition of merit, provided that no detriment to others or any departure from agreed parameters of conditions of work is thereby incurred.
7. The Promotions Board shall be composed as follows:
 - the Rector or his delegate, who shall be Chairman;
 - the Secretary of the University;
 - the Director of Finance;
 - two members appointed by Council, one of whom shall not be in the employment of the University.
8. The Rector may propose any member of the staff for consideration by the Promotions Board at its annual meeting or, in exceptional circumstances, at any other time during the year.

Statute 9 - APPOINTMENT OF EXAMINERS

1. Examiners shall be appointed by the Council after considering the recommendations of the Senate.
2. Examiners shall normally be appointed for one academic year.
3. Out-going examiners may be re-appointed.

Statute 10 - OFFICIAL PUBLICATIONS

1. The official publications of the University shall be:

The University Calendar

The University Gazette

and such other publications as the Council may from time to time determine.

2. The Calendar shall be published each year. The Calendar shall include:

- (a) the statutes, the regulations, and such other subsidiary legislation as are of general application; and
- (b) lists of: the principal and other officers of the University; the members of the Council, the Senate, the Faculty Boards and any other statutory Boards; the members of the academic staff; the Emeritus Professors and the honorary graduates; the persons who received degrees or diplomas during the preceding academic year.

3. The University Gazette shall be published at least four times a year. Supplements to the Gazette may be published either at the same time as the Gazette or separately.

4. Any new statutes, regulations or other subsidiary legislation, and any amendment thereof, shall be published in a supplement to the Gazette not later than one month after they come into force.

Statute 13 - INSTITUTE OF HEALTH CARE

1. The Institute of Health Care is hereby appointed as an inter-Faculty institution within the University of Malta.

2. The aims of the Institute shall be -

- (a) to provide degree and diploma courses in Health Care Sciences (such as in Nursing, Medical Technology, Speech Therapy) and allied areas, subject to the statutes and regulations of the University;
- (b) to certify courses in Health Care provided by other Institutions if the standards attained are acceptable to it;
- (c) to conduct research of both mono-disciplinary and a multi-disciplinary kind, with a focus on health care.

3. The Institute shall be governed by a Board.

(a) The Board will consist of the following:

Chairperson: the Rector or his deputy;

Vice-Chairperson: the Director of the Institute;

the co-ordinators for each Programme of Studies;

the Research co-ordinator (whose task is to co-ordinate the various research projects of the Institute);

two members elected by and from the academic staff;

two members elected by and from the students;

one member appointed by the Council and one member appointed by the Senate;

two additional members may be co-opted by the Board.

(b) The Board shall have the power to -

- (i) propose to the Senate regulations and to make and revoke bye-laws;

-
- (ii) supervise the general direction of all academic matters, including programmes of study courses, qualifications for admission of students, examinations and grades;
 - (iii) propose the institution, suspension and abolition of academic and non-academic posts;
 - (iv) nominate the chairman chosen for submission to the Council;
 - (v) nominate Boards of Examiners;
 - (vi) nominate co-ordinators to ensure the co-ordination of Programmes of Study.
4. The Institute will have a Director and staff:
- (a) the Director, appointed by the Council of the University, for a period of five years following a call for applications, with the possibility of renewal, on the recommendation of the Board of the Institute;
 - (b) other academic members, appointed by the Council of the University on the recommendations of the Board;
 - (c) administrative and clerical staff as the Board may appoint.
5. The Finance Officer of the University will be the Treasurer of the Institute. The Director will prepare the annual budget of the Institute and submit it to the Board for approval. The Director will also submit a financial statement and an annual report on the activities of the Institute.
6. Amendments to this Statute may be proposed by the Board for the approval of the Council of the University.

B - REGULATIONS AND BYE-LAWS

ROI - ADMISSION REGULATIONS, 1997

1. Admission to a Course of Studies

1.1 *Degree Courses.* To be admitted to a course of studies leading to a degree, a candidate must:

- (a) be eligible for admission to the University as a regular student in terms of regulation 2; and
- (b) satisfy such other requirements as may be set out in the regulations and bye-laws for that course.

1.2 *Diploma Courses.* To be admitted to a course of studies leading to a diploma, a candidate must:

- (a) be eligible for admission to the University as a regular student in terms of regulation 2:

Provided that, where a diploma course extends over two years or more, and the regulations for the course expressly permit it, a candidate may be allowed to follow the first year of the course as a probationary student (see regulation 3.2);

and

- (b) satisfy such other requirements as may be set out in the regulations and bye-laws for that course.

1.3 *Certificate Courses.*

1.3.1 *Foundation Courses.* To be admitted to a course of studies leading to a certificate which qualifies the holder for admission as a regular student of the University, a candidate must:

- (a) be eligible for admission to the University as a probationary student in terms of regulation 3.2; and
- (b) satisfy such other requirements as may be set out in the regulations and bye-laws for that course.

1.3.2 *Junior College Course.* To be admitted to the Junior College of the University, a candidate must satisfy the requirements for admission as a Junior Student in terms of regulation 3.1.

1.3.3 *Other Certificate Courses.* To be admitted to a certificate course which is not a foundation course, a candidate must satisfy such requirements as may be set out in the regulations and bye-laws for that course (see also regulation 3.3).

2. Regular Students of the University

2.1 A candidate may be admitted to the University as a regular student if he:

- (i) satisfies the General Entry Requirements as defined in regulation 6.1; *or*
- (ii) is a graduate of a university recognised by the Senate for this purpose; *or*
- (iii) has been awarded an approved diploma by an institution of tertiary education recognised by the Senate for this purpose; *or*
- (iv) has obtained the Certificate in Foundation Studies of the University; *or*
- (v) has successfully completed a specified part *or* all of a course after having been admitted to the University as a probationary student in accordance with regulation 3.2.

2.2 A candidate may also be admitted as a regular student of the University if he:

- (a)
 - (i) has been registered as a student at another university recognised by the Senate for this purpose; *or*
 - (ii) has qualifications of similar academic standard to those specified in regulation 2.1; *or*
 - (iii) will have reached the age of 23 by the beginning of the course for which he applied; *or*
 - (iv) has at any time satisfied the general entry requirements prescribed at that time; *or*
 - (v) suffers from some severe physical disability which would have made it difficult for him to obtain the required entry qualification, and
- (b) has been judged eligible for admission as a regular student by the Admissions Board established in terms of regulation 5.

3. Junior, Probationary and Provisional Students of the University

3.1 *Junior Students.* A candidate may be admitted to the University as a Junior Student at the Junior College of the University if he is in possession of six passes in the Secondary Education Certificate examination at Grade 5 or better.

The subjects offered must include:

Maltese, English Language, Mathematics
and **one** of Physics, Chemistry or Biology.

3.2 Probationary students: A candidate may be admitted to the University as a probationary student if he:

- (a) has applied for admission in accordance with regulation 1.2 and satisfies the requirements for entry into a preparatory course stipulated by the regulations of the Diploma course to which the candidate seeks admission, when such a preparatory course is provided for by those regulations; *or*
- (b) has applied for admission in accordance with regulation 1.3.1 and satisfies the Entry Requirements as defined in regulations for a Foundation Course.

3.3 *Provisional Students.* In the case of a certificate course for which eligibility for admission as a regular or probationary student is not a requirement, a candidate shall be admitted as a provisional student of the University for the duration of the course:

Provided that the candidate may request admission as a regular student if he has the necessary qualifications.

4. Registration as a Matriculated Student

4.1 A candidate who has been admitted to a course of studies as a regular student shall be registered as a matriculated student of the University.

4.2 A candidate who qualifies for admission as a regular student through having satisfied the General Entry Requirements (see regulation 2.1(i)), may apply to be registered as a matriculated student even if he may not be seeking admission to a course of studies.

4.2.1 A certificate of registration may be issued to a candidate who applies in terms of regulation 4.2, on payment of the prescribed fee.

5. The Admissions Board

5.1 The Admissions Board shall be composed of the following members:

the Rector, or his nominated delegate, *ex officio* chairman,
three members appointed by Senate,
the Registrar.

5.2 The Admissions Board shall have the power -

- (a) to decide on the eligibility of any candidate for admission to the University as a regular, probationary or provisional student and for admission to a course of studies;
- (b) to decide on the eligibility of any candidate for admission as a regular student of the University in terms of regulation 2.2 and, where it deems it appropriate -
 - (i) to require such a candidate to satisfy additional conditions before being admitted as a regular student; *and/or*
 - (ii) to restrict the choice of course, or of options within a course, to which such a candidate may be admitted;
- (c) to decide on who is admitted to a course, to which admission is limited, in accordance with the provisions of the regulations and bye-laws for

that course and any other criteria established by resolution of the Senate;

- (d) to seek the advice of a faculty admissions committee (consisting of the Dean or his delegate and at least two other academic members appointed by the Board of the Faculty concerned) on any matter concerning eligibility for admission to a course of studies in that Faculty, and in particular on whether any candidate seeking admission as a regular student in terms of regulation 2.2(a)(iii) has the necessary academic background to follow the course of studies with profit, normally after having assessed the candidate through an interview or some other form of assessment;
- (e) to advise the Senate on all matters regarding admission to the University and to courses of studies.

5.3 The quorum for meetings of the Admissions Board shall be three.

6. Entry Requirements

6.1. *General Entry Requirements* (see regulation 2.1). Subject to any other provision of these regulations, the General Entry Requirements are the following:

- (a) the Matriculation Certificate; and
- (b) passes in the Secondary Education Certificate at Grade 5 or better in Maltese, English Language and Mathematics:

Provided that if a pass in Maltese, and/or English, and/or Mathematics is obtained within the Matriculation Certificate, either at Advanced or at Intermediate Level, a pass in the Secondary Education Certificate Examination is not required.

6.2 *Corresponding Examinations*. The Admissions Board may recommend to Senate the acceptance of passes at corresponding levels of other examinations as equivalent to the Matriculation Certificate or the Secondary Education Certificate for the purpose of admittance.

6.3.1 *Special Course Requirements*. The regulations and bye-laws for a course of studies may specify other requirements for admission to that course. In particular they may limit the choice of subjects that may be offered at Advanced and Intermediate Levels, or specify alternative qualifications for admission which would be acceptable, in whole or in part, as 'qualifications of similar academic standard' for the purpose of regulation 2.2.

6.3.2 Where a faculty indicates special course requirements for a particular area of study which it offers, those special course requirements shall always apply irrespective of the course in which the area of studies is being taken, provided that a faculty may indicate additional requirements for that area of studies taken in courses which it offers.

6.4.1 A candidate who is a graduate of a university or has other qualifications considered to be sufficient may, on the advice of the faculty admissions committee concerned, be exempted by the Admissions Board from any subject a pass in which is required for admission to a course in that Faculty.

6.4.2 When an aptitude test is required for admission to a course, Senate shall appoint an Examining Board normally composed of:

The Head of the relevant Department or the Director of the relevant Institute or the nominee of such Head or Director;

The Head of Department of Psychology or his nominee; and The Registrar or his nominee.

7. Alternative Compulsory Subjects in Special Circumstances

7.1 The Admissions Board may, in the special circumstances and subject to the conditions set out hereunder, allow a candidate to offer another subject instead of Maltese as follows:

- (a) It may allow a non-Maltese candidate to offer instead of Maltese his own language.
- (b) It may allow a Maltese candidate who, for reasons of residence or education abroad over a significant period during the previous four years, has not received adequate teaching in Maltese, to offer instead of that subject another language or another subject.

8. Further Provisions

8.1 *Admission to a Course after its Commencement.* A candidate who is qualified for admission to the University as a regular student may be allowed by the Admissions Board, subject to any conditions it may impose, to join a course of studies in its second year, provided that the Faculty Board concerned is satisfied that the candidate has completed, at a recognised institution of higher education, a sufficient proportion of the syllabus of that course as to make it possible for the candidate to complete the first two years of the course in one year.

8.1.1 The Senate may, on the advice of the Board of the relevant Faculty or Institute, allow a candidate to be considered by the Admissions Board for admission to any year of the course. The provisions of regulation 8.1 shall apply *mutatis mutandis*.

8.2 *Concurrent Courses.* Unless with the special permission of the Senate, a student may not register concurrently for more than one course of studies leading to a degree, diploma or certificate except in the cases listed in regulation 8.2.1.

8.2.1 The following courses may be followed concurrently:

- (a) the courses leading to the degree of LL.D. and to the Diploma of Notary Public;
- (b) the courses leading to the degree of B.A. in Legal and Humanistic Studies and to the Diploma of Legal Procurator;
- (c) a course (part-time or full-time) leading to a degree, diploma or certificate, and a part-time course leading to a certificate.

8.3 *Occasional Students.* The Rector may allow a person to attend a course of lectures or a practical class as an occasional student provided that any teacher concerned is willing to accept the student and is satisfied that the student has the necessary academic background to follow the lectures or practical classes with profit. The Rector may, at his discretion, withdraw such permission at any time.

8.3.1 Occasional students shall not be entitled to the rights and privileges accorded to regular students and may not sit for any examinations of the University. Such students shall nevertheless be bound by the disciplinary regulations of the University.

8.4 *Curricular Students.* The Rector, on the advice of the Board of a Faculty or Institute, may allow any person to register as a curricular student for the whole or parts of a course given in that Faculty or Institute. Such students shall not have the right to sit for any examinations but may make use of all the other facilities accorded

to regular students.

8.5 A student who discontinues a course or is not permitted by regulations to continue a course, may be allowed to re-register as a student in any course before the expiration of three years only with the permission of Senate acting on the advice of the Admissions Board.

9. Suspended Students

9.1 A student who, after due warning given in writing, persistently fails to attend lectures and/or tutorials or otherwise does not carry out his academic duties without adequate justification, shall be suspended for such periods not exceeding six months, as the Rector, after considering the recommendation of the Board of the relevant Faculty or Institute, may decide.

9.1.1 A suspended student may, on the recommendation of the Dean of his Faculty or the Director of his Institute be allowed to attend lectures and/or tutorials and participate in other academic activities under such conditions as the Rector may approve.

10. Applications for Admission

10. Candidates wishing to join courses in terms of the Admission Regulations shall apply on the prescribed forms by the date established by Senate, unless in special circumstances and with the permission of Senate.

R02 - UNIVERSITY EXAMINATIONS REGULATIONS, 1997

1. General Provisions

1.1 The subjects of the examinations shall be those prescribed in the relevant regulations.

1.2 Unless otherwise provided in the regulations for a particular course:

- (i) examinations shall be held in two sessions: normally in June and in September;
- (ii) candidates shall be required to complete their examinations for the particular academic year in these two sessions;
- (iii) if a candidate is absent in one or more subjects in any session other than a June session for a reason considered by the Senate to be valid and beyond his control, and there is no regular session of the same examination within the next twelve months, he shall be allowed instead to sit for such subject or subjects at a special session.
- (iv) if a candidate is absent in a June session for a reason considered by the Senate to be valid and beyond his control, the Senate may allow the candidate to opt to sit all the examinations that he would have had to sit in June, as a first sit in the September session, or to sit the missed examination under re-sit conditions in September;
- (v) if in order to be eligible to take the final Examinations, a student lacks one element such as a credit for one study-unit, the Rector, on the advice of the dean or other equivalent academic officer of the University, may authorise the taking of that Examination with such provisions as are deemed necessary to ensure adequate

compensation for the aforesaid missing element;

- (vi) Regulations 1.2(iii) and 1.2(iv) shall apply *mutatis mutandis* in the case of absence in examinations that are held in other sessions of examinations that are exceptionally held on dates other than June or September.

2. Boards of Examiners

2.1 There shall be a Board of Examiners for each subject of examination.

2.2 (a) The Board of Examiners shall normally be composed of the head of the department, or the co-ordinator of the area of studies which provides the main part of the tuition, as chairman, and of two other examiners; provided that the Senate, on the advice of the Faculty Board concerned, may recommend to Council to increase the number of examiners in any particular subject.

(b) Where the Senate considers it appropriate, additional examiners shall be appointed for specific parts of the examination. Such additional examiners shall participate in the deliberations of the Board of Examiners but only insofar as they concern those parts of the examination in which they were involved.

(c) External Examiners, where appointed, shall be additional to the normal compliment of the Board of Examiners.

(d) A teacher who is not a member of the Board of Examiners may be required by the Board to assist them in any part of the examination in the subject he teaches.

(e) Where appropriate a Faculty Board shall appoint a moderator of examinations, assisted by a sub-committee provided that this provision shall always apply in the case of examination of dissertations.

2.3 (a) A member of a Board of Examiners (including paper setters and markers) shall be disqualified from examining:

- (i) if he is related to a candidate by consanguinity or by affinity to the third degree inclusive;
- (ii) if he has been, at any time during the academic year to which the examination refers, a guardian of a candidate or has given private tuition in the subject of examination;
- (iii) in the case of the Matriculation Examination and the Secondary Education Certificate Examination, if he has been, at any time during the twelve months before the examination concerned, a teacher of any of the candidates in the subject of examination or a closely related subject.

(b) The markers' panel may take into account assessments of projects and/or oral proficiency submitted by authorised teachers according to procedures established by the Board.

(c) The Rector, after consultation with the Dean of the Faculty concerned, shall appoint another examiner in place of the member who is so disqualified.

2.4 If, prior to the commencement or during the course of an examination, the Rector is satisfied that a member of a Board of Examiners is unable to perform or to continue to perform his duties, he shall, after consultation with the Dean of the Faculty concerned, appoint an other examiner in place of that member.

2.5 Where the examiner who is replaced in terms of 2.3 or 2.4 above is the chairman of the Board of Examiners, the Rector shall appoint a new chairman who

must be the head of another department within the same Faculty or a lecturer from the Department concerned, and such substitute examiners as may be necessary.

2.6 Course work Assessment: Students required by regulations to obtain a credit shall normally be assessed by the lecturer responsible for teaching the relevant study-unit. The Head of Department or Co-ordinator of the course shall act as moderator. If the person responsible for teaching the study-unit is himself the Head of Department or Course Co-ordinator, then the Dean of the Faculty or Director of the Institute shall act as the moderator.

3. Procedures for Boards of Examiners

3.1 Subject to the provisions of these regulations and to any guidelines made by the Senate, the Board of Examiners shall determine the procedures to be adopted for the conduct of the examination:

Provided that each member of the Board shall participate in at least a part of the examination of every candidate.

3.2 The Board of Examiners, in judging the merits of candidates, may take into account not only their performance during the examination but also their work in the subject during the course.

3.3 Decisions of the Board of Examiners shall be made by a majority of votes. No examiner shall be at liberty to abstain from voting. In the case of an equality of votes the chairman shall have and shall cast a second vote:

Provided that it shall be in order for the chairman to consider a matter as having been decided by the Board if the general consensus among the members appears to be in favour of such decision and no vote is asked for:

Provided also that if an External Examiner is unable to take part in the final deliberation of the Board because of his being abroad it shall be lawful for the other members of the Board to make decisions in his absence so long as any views he may have expressed in writing are taken into consideration and the final decision is acceptable to him.

3.4 The members of Boards of Examiners shall treat as confidential everything connected with their proceedings.

4. Examinations involving more than One Subject

4.1 When the regulations of a course require that the results of an Examination involving more than one subject be published as a whole, the procedures adopted for arriving at such a result shall take into account any guidelines issued by the Senate for this purpose.

5. Degree Classification Boards

5.1 Unless otherwise provided in the regulations for a particular course, or the course consists of only one area of study:

- (a) Whenever course regulations provide that a degree/diploma is classified there shall be a degree Classification Board.
- (b) Each Classification Board shall be composed of the Chairman of the Boards of Examiners of the Final Examination for each area of study in the course and the External Examiners. The Board shall be chaired by the Dean of the Faculty or, in his absence, by one of the Chairmen of the Examination Boards, elected to chair the meeting by the other members of the Board. The Board may call any other examiner to participate as advisor.

- (c) The Classification Boards shall follow *mutatis mutandis*, the procedures outlined in regulations 3.2 and 3.3 of these regulations.

6. Revision of Examination Papers

6.1 Subject to the provisions of regulations and to any procedural guidelines made by the relevant University authority, a candidate may, within two weeks from the publication of the examination results, request that a revision of his examination scripts be undertaken for the purpose of ascertaining that no error was made in the award of marks or grade obtained in a particular examination paper.

6.2 The revision of examination scripts will be undertaken by the same Board of Examiners together with an additional examiner appointed by the Senate for the purpose. The provisions of article 3 of these regulations apply *mutatis mutandis*.

6.3 The academic judgment of the original examiners is not reviewable by the Board of Examiners considering the appeal and the result will only be altered if the change can be justified by objective criteria.

6.4 The result of the revision of papers will be communicated to the candidate in the form of a short report giving the motivation of the result.

6.5 If the request for revision is found justified, all records, including possible changes in final classification, will be amended accordingly, and any fee paid in connection with the appeal will be refunded.

7. Special Needs

7.1 The University will seek to make provisions to assist persons with special needs to be able to sit for its examinations provided that the candidate does not gain undue advantage from such assistance. Any assistance so provided shall be under the full control of the University.

7.2 Candidates with a disability may be given the option to be exempted from being examined in a particular element of the examination, such as orthography (in a non-language examination), an oral or a practical. When candidates accept the option, the certificates shall be endorsed as follows:

“Special arrangements were made to enable the candidate to be assessed in this subject. Details may be obtained from the Registrar.”

Such certificates shall only be issued as a last resort when ways cannot be found of supporting disabled candidates to satisfy examination requirements.

RO3 - THE MATRICULATION EXAMINATION

Regulations for 1988 and 1989

The regulations for the sessions of the Matriculation Examination to be held in 1988 and 1989 shall be the bye-laws already published for 1988 and 1989 with the following verbal changes:

- (i) replace "Bye-Laws" by "Regulations" in the main sub-heading and in paragraph 1.3;
 - (ii) replace "rules" by "regulations" in paragraph 7.2(b);
 - (iii) delete "made in terms of Statute 2.III" from the sub-heading.
- (NOTE: The syllabi remain as published).
-

RO5 -SCHOOL LEAVING EXAMINATION IN RELIGIOUS KNOWLEDGE**Regulations for 1988 and 1989**

The regulations for the sessions of the School Leaving Examination in Religious Knowledge to be held in 1988 and 1989 shall be the bye-laws already published for 1988 and 1989 with the following verbal changes:

- (i) replace "Bye-Laws" by "Regulations" in the main sub-heading and in paragraphs 1.3 and 3.2;
 - (ii) replace "rules" by "regulations" in paragraph 8.2(6);
 - (iii) delete "in terms of Statute 2.IV" from the sub-heading.
- (NOTE: The syllabi remain as published).

*Added by:
II. 1995.5.*

SCHEDULE III

[Article 39A]

(The following are a translation in English of the originals which were made in the Italian language, the original Italian text follows the English text).

**AGREEMENT BETWEEN THE HOLY SEE AND THE GOVERNMENT OF THE
REPUBLIC OF MALTA REGARDING THE INCORPORATION OF THE FACULTY OF
THEOLOGY IN THE UNIVERSITY OF MALTA**

The Holy See and the Government of the Republic of Malta, keeping in mind the historical development of the University studies in Malta and having above all considered the advantages of a scientific, cultural and social character which could be derived from closer ties of the Faculty of Theology with the University of Malta, by common accord established as follows:

1. The Faculty of Theology is incorporated in the University of Malta. Such incorporation and the functions of the Faculty of Theology are regulated, in the first place, by the provisions of the present Agreement, and, in the second place by the Laws of Malta and by the Statutes of the same University.
2. Academic degrees and diplomas conferred by the Faculty of Theology shall have canonical and civil value.
3. As regards the structure, the internal organization, the academic and the student bodies, the Faculty of Theology is incorporated in the University of Malta in the same state of fact in which it exists on the date of the present Agreement and as shown in the Annex, saving the right of the same Faculty, for its reasonable and proper development, to vary the number of students and of teachers, as also the right to provide for other courses of theology and of any other discipline connected therewith, if this is deemed necessary for the appropriate preparation of its students.
4. The University of Malta, in everything that regards the regulation of the studies and the academic and canonical requirements for the teachers in the Faculty of Theology, shall proceed in accordance with what is laid down in the Apostolic Constitution "Sapientia Christiana" of 15 April 1979 and in the "Ordinationes" issued by the Congregation for Catholic Education on 29 April 1979 and with such

canonical norms as may in future complete or substitute those contained in the said documents of the Holy See.

The candidates for the post of teacher in the Faculty of Theology shall provide themselves beforehand with a certificate from the Archbishop of Malta attesting that there is no canonical objection in their respect.

For the disciplines in matters of faith and morals, the University of Malta shall communicate in due time to the said Archbishop the name of the candidate chosen after the selection process, who shall receive the appointment of teacher after he shall have subscribed to the profession of faith before the same Ordinary and received from him the canonical mission.

Should the same Archbishop, for reasons pertaining to the faith, to moral conduct or to ecclesiastical discipline, revoke the "nihil obstat" or the canonical mission to a teacher, the latter shall cease to form part of the Faculty of Theology and proceedings shall immediately be taken for the appointment of a new teacher.

5. The Government of Malta and, through the Foundation for Theological Studies, the Archdiocese of Malta shall provide the economic means which are necessary for the proper functioning of the Faculty of Theology, in such measure and with such modalities as shall be established by common accord.

6. The Chairman of the Foundation for Theological Studies or his delegate shall form part of the Council of the University. Two representatives of the same Foundation for Theological Studies shall be members of the Faculty Board of Theology.

7. Should there arise, in future, any difficulty of interpretation or application of the foregoing provisions, the Holy See and the Government of the Republic of Malta shall entrust the search for an amicable solution to a Joint Commission which shall be composed, on the part of the Holy See, by the Apostolic Nuncio in Malta and by the Archbishop of Malta or by their delegates, and, on the part of the Maltese Government, by the Minister of Education and by the Rector of the University, or by their delegates.

26th September, 1988

(Sgd.)

Dr. Ugo Mifsud Bonnici
Minister of Education

On behalf of the
Government of Malta

(Sgd.)

Mgr. Pier Luigi Celata
Tit. Archbishop of Doclea
Apostolic Nuncio

On behalf of
the Holy See

ANNEX REGARDING ARTICLE 3 OF THE AGREEMENT SIGNED ON 26 SEPTEMBER
1988 BETWEEN THE HOLY SEE AND THE GOVERNMENT OF THE REPUBLIC OF
MALTA ON THE INCORPORATION OF THE FACULTY OF THEOLOGY IN THE
UNIVERSITY OF MALTA

We certify that on 26 September 1988 the Faculty of Theology consists of the following three entities, canonically established:

(A) The Faculty of Theology proper; (B) The Institute for Religious Studies; (C) The Institute of Philosophy and Human Studies.

(A) The Faculty of Theology proper comprises three cycles: the first, of five years' duration, leads to the conferment of a Bachelor's degree (S.Th.B.); the

second, of two years duration, leads to the conferment of a Licentiate (S.Th.L.); the third, lasting an adequate number of years, leads to the attainment of a Doctorate (S.Th.D.). The Faculty also confers a Diploma in Pastoral Theology.

The teaching staff includes Permanent and non-Permanent teachers as well as Visiting Teachers. The Permanent teachers are divided into three grades: Lecturers, Associate Professors and Professors. The non-Permanent teachers and Visiting Teachers may be Maltese or foreign, and vary in number according to the needs of the Departments. Besides, the Faculty includes 3 Emeritus Professors.

The Faculty consists of six Departments each with its own teaching staff, as follows:

1. Department of Fundamental and Dogmatic Theology, including Ecumenism: with three permanent teachers (a Professor and two Lecturers);
2. Department of Moral Theology, including Spiritual and Ascetic Theology: with two Permanent teachers (both Professors);
3. Department of Holy Scripture, Hebrew and Greek: with three Permanent teachers (a Professor and two Lecturers);
4. Department of Church History, Patristics and Palaeo-Christian Archaeology: with two Permanent teachers (a Professor and another post, currently vacant);
5. Department of Pastoral Theology, Canon Law and Liturgy: with 5 Permanent teachers (a Professor, an Associate Professor, two Lecturers and an Assistant Lecturer);
6. Department of Philosophy: with 5 Permanent teachers (a Professor, two Lecturers and two currently vacant posts). During the last year, when students of philosophy already followed courses at the University, the Government, in anticipation of the incorporation of the Faculty of Theology in the University, had already assigned to the Department of Philosophy of the Faculty of Theology an amount corresponding to four full-timers (a Professor and three Lecturers), one of them being detailed to teach a subject already included in the Department of Pastoral Theology of the Faculty of Theology. This matter might eventually be taken into consideration by the Council of the Faculty.

Subject to approval by the Council of the Faculty, every Department invites annually non-Permanent staff to lecture according to its needs. Every Department has its own Co-ordinator.

The Permanent members of the teaching body, who are on part-time employment, are present at the Faculty of Theology according to the following number of weekly sessions: 5 Professors for 4 sessions and one Professor for 2/3 sessions; an Associate Professor for 2 sessions; one Lecturer for 4 sessions, 4 Lecturers for 3 sessions, 6 Lecturers for 2 sessions and one Lecturer for one session. Every session corresponds to half a working day.

(B) The Institute for Religious Studies is empowered to confer the degree of Bachelor in Religious Studies and is structured in a cycle of part-time evening courses of 5 years' duration. It is also empowered to confer a Diploma in Religious Studies at the end of a two-year course.

The Institute is based in Floriana (Catholic Institute), is governed by its own Director and a Board which is subject to the Council of the Faculty of Theology, whose Rector is the Chairman of the same Board. The teachers of the Institute are chosen mainly from the Permanent staff of the same Faculty, but other teachers are also invited.

(C) The Institute of Philosophy and Human Studies consists of a cycle of three years with courses in Philosophy, Psychology and Sociology. It is empowered to confer the degree of Bachelor in philosophy and Human Studies.

With the incorporation of the Faculty of Theology in the University, the Institute of Philosophy and Human Studies will in actual fact remain in abeyance.

The students registered at the Faculty of Theology in the academic year 1988-1989 are divided as follows:

- (a) Faculty of Theology proper: 36 regulars and 13 curriculars. In addition, there are another 19 students who, as foreseen for the first cycle of Theology, follow courses in Philosophy and who are divided as follows: 15 are regulars enrolled in the Faculty of Arts of the University of Malta, 2 are about to be enrolled in the same Faculty on the strength of "mature matriculation", and 2 are curriculars registered at the Faculty of Theology;
- (b) Institute for Religious Studies: 82 regulars and 12 curriculars;
- (c) Institute of Philosophy and Human Studies: 4 regulars and 1 curricular.

(Sgd.)
+ Giuseppe Mercieca
The Grand Chancellor

(Sgd.)
Vincenzo Borg
The Rector

FINANCIAL AGREEMENT BETWEEN THE GOVERNMENT OF MALTA AND THE
ARCHDIOCESE OF MALTA FOR THE FINANCING OF THE FACULTY OF THEOLOGY
IN THE UNIVERSITY OF MALTA

The Government of Malta and the Archdiocese of Malta, wishing to give practical effect to what has been agreed between the Holy See and the said Government in Article 5 of the Agreement of the 26 September 1988 on the incorporation of the Faculty of Theology in the University of Malta, concerning the joint financing of the said Faculty, establish as follows:

1. The Government of Malta shall finance the Faculty of Theology according to the same criteria which it applies for the financing of the other Faculties.
2. The Archdiocese of Malta, through the Foundation for Theological Studies, shall contribute towards the financing of the Faculty of Theology the funds to the extent considered necessary, over and above the funds assigned by the Government for the University budget, in order to ensure that the said Faculty may exercise its function in accordance with the provisions of Articles 3 and 4 of the aforementioned Agreement between the Holy See and the Government of Malta. The said contribution may be, as a maximum, equal to that assigned by the Government.
3. The competent administrative organs of the University shall promptly submit to the Foundation for Theological Studies a statement of the contribution established by the Government to finance the Faculty and the amount of the expenditure estimated by the said Faculty for its proper functioning.
4. The Foundation for Theological Studies shall, within 30 days from receipt of the statement of contribution aforementioned in article 3, examine the estimated expenditure of the Faculty and, keeping in mind the contribution established by the Government, shall inform the Dean of the Faculty of the amount of its contribution which shall be forwarded in quarterly instalments.

5. Any part of the contribution by the Foundation for Theological Studies that shall result unspent at the end of the annual fiscal period for which the said contribution had been allocated shall be refunded to the said Foundation.

6. Should there arise, in future, any difficulty of interpretation or application of the foregoing provisions, the Government of Malta and the Archdiocese of Malta shall entrust the search for an amicable solution to a Joint Commission which shall be composed, on the part of the Government of Malta, by the Minister of Education and the Secretary of the Ministry of Education, or by their representatives, and on the part of the Archdiocese of Malta, by the President of the Foundation for Theological Studies and the Director of the Foundation for Theological Studies, or by their representatives, and by a Chairman elected by the other members.

26 September 1988

(Sgd.)
Ugo Mifsud Bonnici
For the Government of Malta

(Sgd.)
+Giuseppe Mercieca
For the Archdiocese of Malta

(Sgd.)
+Pier Luigi Celata

(The original of this document is in the Italian and English languages, the Italian text follows the English text).

ADDITIONAL PROTOCOL TO THE AGREEMENT BETWEEN THE HOLY SEE AND THE
GOVERNMENT OF THE REPUBLIC OF MALTA REGARDING THE INCORPORATION
OF THE FACULTY OF THEOLOGY IN THE UNIVERSITY OF MALTA

The Holy See and the Government of Malta, following the proposal presented by the said Government and subsequent discussions, by common accord decide to amend Article Six of the Agreement on the incorporation of the Faculty of Theology in the University of Malta, signed on 26 September 1988, to read as follows:

“A representative of the Chairman of the Foundation for Theological Studies, nominated by the said Chairman, shall form part of the Council for the University. Two representatives of the Foundation for Theological Studies, nominated by the said Foundation, shall form part of the Faculty Board of Theology.”

The present Additional Protocol forms an integral part of the Agreement signed by the Parties on 26 September 1988.

Done at Valletta, Malta, on the 26th day of January one thousand nine hundred and ninety five in two originals, each in the Italian and English languages, both texts being equally authentic.

For the Holy See
(Sgd.)
+Pier Luigi Celata
Titular Archbishop of Doclea
Apostolic Nuncio

For the Government of Malta
(Sgd.)
Michael Falzon
Minister of Education and Human Resources

ACCORDO TRA LA SANTA SEDE E IL GOVERNO DELLA REPUBBLICA DI MALTA

SULL'INCORPORAZIONE DELLA FACOLTÀ DI TEOLOGIA NELL' UNIVERSITÀ DI MALTA

La Santa Sede e il Governo della Repubblica di Malta, avendo presente lo sviluppo storico degli studi universitari a Malta ed avendo soprattutto considerato i vantaggi di carattere scientifico, culturale e sociale che potranno derivare da un più stretto collegamento della Facoltà di Teologia con l'Università di Malta, stabiliscono di comune intesa quanto segue

1. La Facoltà di Teologia è incorporata nell' Università di Malta.

Tale incorporazione e le funzioni della Facoltà di Teologia sono regolate, in primo luogo, dalle disposizioni del presente Accordo e, in secondo luogo, dalle Leggi di Malta e dagli Statuti della stessa Università.

2. I gradi accademici e i diplomi conferiti dalla Facoltà di Teologia avranno valore canonico e civile.

3. Per quel che concerne la struttura, l'organizzazione interna, il corpo accademico e quello studentesco, la Facoltà di Teologia è incorporata nell' Università di Malta nello stato di fatto in cui essa si trova alla data del presente Accordo e come risulta dall'Allegato, salvo restando alla stessa Facoltà, per un suo ragionevole ed adeguato sviluppo, il diritto di variare il numero degli studenti e dei docenti, nonché il diritto di provvedere altri corsi di teologia e di qualunque altra disciplina connessa, se ciò sarà ritenuto necessario per la congrua preparazione dei suoi studenti.

4. L'Università di Malta, in tutto ciò che riguarda l'ordinamento degli studi ed i requisiti accademici e canonici dei docenti della Facoltà di Teologia, procederà in conformità con quanto prescritto dalla Costituzione Apostolica "Sapientia Christiana" del 15 aprile 1979 e dalle "Ordinationes" emanate dalla Congregazione per l'Educazione Cattolica il 29 aprile 1979 e con eventuali norme canoniche che in futuro dovessero integrare o sostituire quelle contenute in tali documenti della Santa Sede.

I concorrenti ad un posto di docente nella Facoltà di Teologia dovranno munirsi previamente di un attestato dell' Arcivescovo di Malta che non vi è alcuna obiezione canonica contro di essi.

Per le discipline concernenti la fede e la morale, l'Università di Malta comunicherà tempestivamente allo stesso Arcivescovo il nome del candidato vincitore del concorso, il quale riceverà la nomina di docente dopo che avrà emesso la professione di fede presso il medesimo Ordinario e da questi avrà ricevuto la "missione canonica"

Qualora lo stesso Arcivescovo, per ragioni attinenti alla fede, alla condotta morale o alla disciplina ecclesiastica, dovesse revocare il "nulla osta" o la "missione canonica" a un docente, questi cesserà di far parte della Facoltà di Teologia e immediatamente si procederà per la nomina di un nuovo docente.

5. Il Governo di Malta e, tramite la "Foundation for Theological Studies", l'Arcidiocesi di Malta forniranno i mezzi economici necessari per il conveniente funzionamento della Facoltà di Teologia, nella misura e nei modi che saranno stabiliti di comune intesa.

6. Il Presidente della "Foundation for Theological Studies" o un suo delegato farà parte del Consiglio dell' Università. Due rappresentanti della stessa "Foundation for Theological Studies" faranno parte del Consiglio della Facoltà di Teologia.

7. Se in avvenire sorgessero difficoltà di interpretazione o di applicazione delle

precedenti disposizioni, la Santa Sede e il Governo della Repubblica di Malta affideranno la ricerca di un'amichevole soluzione ad una Commissione Paritetica che sarà composta, per parte della Santa Sede, dal Nunzio Apostolico a Malta e dall'Arcivescovo di Malta o da loro delegati, e, per parte del Governo Maltese, dal Ministro dell'Educazione e dal Rettore dell'Università, o da loro delegati.

26 settembre 1988

Per il Governo di Malta
(firmato)
Dr. Ugo Mifsud Bonnici
Ministro dell'Educazione

Per la Santa Sede
(firmato)
+Mgr. Pier Luigi Celata
Arcivescovo tit.di Doclea
Nunzio Apostolico

ALLEGATO RELATIVO ALL'ART. 3 DELL'ACCORDO DEL 26 SETTEMBRE 1988 TRA
LA SANTA SEDE ED IL GOVERNO DELLA REPUBBLICA DI MALTA
SULL'INCORPORAZIONE DELLA FACOLTÀ DI TEOLOGIA
NELL'UNIVERSITÀ DI MALTA

Si attesta che alla data del 26 settembre 1988 la Facoltà di Teologia consta delle tre seguenti entità, canonicamente erette;

(A) Facoltà di Teologia propriamente detta; (B) "Institute for Religious Studies"; (C) "Institute of Philosophy and Human Studies".

(A) La Facoltà di Teologia propriamente detta: comprende tre cicli, di cui il primo della durata di 5 anni, al termine del quale è conferito il Baccalaureato (S.Th.B); il secondo della durata di 2 anni, al termine del quale è conferita la Licenza (S.Th.L.); il terzo, della durata di un congruo numero di anni, per il conseguimento del Dottorato (S.Th.D.). La Facoltà conferisce pure il Diploma in Teologia Pastorale.

Il corpo docente comprende docenti Permanenti, non-Permanenti e Visiting-Teachers. I docenti Permanenti sono divisi in tre gradi: Lettori, Professori-Associati, Professori. I docenti non-Permanenti e i Visiting-Teachers possono essere maltesi o stranieri, e variano di numero secondo le esigenze dei Dipartimenti. La Facoltà annovera, inoltre, 3 Professori Emeriti.

La Facoltà consta di sei Dipartimenti con i relativi docenti, come segue:

1. Dipartimento di Teologia Fondamentale e Dogmatica, incluso l'Ecumenismo: con 3 docenti Permanenti (di cui un Professore e due Lettori);
2. Dipartimento di Teologia Morale, inclusa la Teologia Spirituale ed Ascetica: con 2 docenti Permanenti (Professori);
3. Dipartimento di Sacra Scrittura, Ebraico e Greco: con 3 docenti Permanenti (di cui un Professore e due Lettori);
4. Dipartimento di Storia della Chiesa, Patristica ed Archeologia Paleocristiana: con 2 docenti Permanenti (tra cui un Professore ed un posto attualmente vacante);
5. Dipartimento di Teologia Pastorale, Diritto Canonico e Liturgia: con 5 docenti Permanenti (tra cui un Professore, un Professore-Associato, due Lettori ed un Assistente-Lettore);
6. Dipartimento di Filosofia: con 5 docenti Permanenti (tra cui un Professore, due Lettori e due posti attualmente vacanti). In quest'ultimo anno, quando gli studenti di Filosofia frequentavano già i corsi presso l'Università, il Governo, nella

previsione dell'incorporazione della Facoltà di Teologia nell'Università, aveva già assegnato al Dipartimento di Filosofia della Facoltà di Teologia una cifra corrispondente a quattro "full timers" (un Professore e tre Lettori), uno dei quali destinato all'insegnamento di una scienza già inclusa nel Dipartimento di Teologia Pastorale della Facoltà di Teologia. Questa materia potrà essere eventualmente considerata dal Consiglio di Facoltà.

Ogni Dipartimento, col consenso del Consiglio di Facoltà, invita annualmente dei Lettori non-Permanenti secondo i propri bisogni. Ogni Dipartimento è retto da un proprio coordinatore.

I membri Permanenti del corpo docente, su una base di impiego "part-time", sono presenti nella Facoltà di Teologia secondo il seguente numero di sessioni settimanali: 5 Professori per 4 sessioni e 1 Professore per 2/3 sessioni; 1 Professore-Associato per 2 sessioni; 1 Lettore per 4 sessioni, 4 Lettori per 3 sessioni, 6 Lettori per 2 sessioni ed 1 Lettore per 1 sessione. Ogni sessione corrisponde a mezza giornata lavorativa.

(B) "Institute for Religious Studies" è abilitato a conferire il Baccalaureato in Studi Religiosi ed è strutturato in un ciclo di corsi serali "part-time" della durata di 5 anni. È altresì abilitato a conferire il Diploma in Studi Religiosi dopo un ciclo biennale di corsi.

L'istituto ha sede in Floriana (Istituto Cattolico), è retto da un proprio Direttore e da un "Board" soggetto al Consiglio della Facoltà di Teologia, il cui Rettore è il "Chairman" dello stesso "Board". I docenti dell'istituto sono scelti, per lo più, fra quelli Permanenti della stessa Facoltà, ma sono invitati anche altri docenti.

(C) "Institute of Philosophy and Human Studies" comprende un ciclo di 3 anni con corsi di Filosofia, Psicologia e Sociologia. È abilitato a conferire il Baccalaureato in Filosofia e Scienze Umane.

Con l'incorporazione della Facoltà di Teologia nell'Università, l'Istituto di Filosofia e Scienze Umane, di fatto, rimarrà sospeso.

Gli studenti iscritti alla Facoltà di Teologia nell'anno accademico 1988-1989 sono così distribuiti:

- (a) Facoltà di Teologia propriamente detta: 36 "regulars" e 13 "curriculars". Sono inoltre da aggiungere 19 studenti che, come previsto per il 1° ciclo di teologia, seguono corsi di filosofia e sono così distribuiti: 15 "regulars" iscritti alla Facoltà di Lettere nell'Università di Malta, 2 in procinto di esservi iscritti in base alla "mature matriculation", 2 "curriculars" iscritti alla Facoltà di Teologia;
- (b) "Institute for Religious Studies": 82 "regulars" e 12 "curriculars";
- (c) "Institute of Philosophy and Human Studies": 4 "regulars" e 1 "curricular".

(firmato)
+ Giuseppe Mercieca
Il Gran Cancelliere

(firmato)
Vincenzo Borg
Il Rettore

INTESA FINANZIARIA TRA IL GOVERNO DI MALTA E L'ARCIDIOCESI DI MALTA
PER IL FINANZIAMENTO DELLA FACOLTÀ DI TEOLOGIA
DELL'UNIVERSITÀ DI MALTA

Il Governo di Malta e l'Arcidiocesi di Malta, desiderando dare concreta attuazione a quanto convenuto tra la Santa Sede e lo stesso Governo all'Art. 5 dell'Accordo del 26 settembre 1988 sull'incorporazione della Facoltà di Teologia nell'Università di Malta, circa il comune finanziamento della medesima Facoltà stabiliscono quanto segue:

1. Il Governo di Malta finanzierà la Facoltà di Teologia secondo gli stessi criteri da esso applicati per il finanziamento delle altre Facoltà.

2. L'Arcidiocesi di Malta, tramite la "Foundation for Theological Studies", contribuirà al finanziamento della Facoltà di Teologia nella misura ritenuta necessaria, oltre i fondi destinati dal Governo nel Budget dell'Università, ad assicurare che la stessa Facoltà possa svolgere le proprie funzioni in modo rispondente a quanto stabilito negli art. 3 e 4 dell'Accordo sopra citato tra la Santa Sede e il Governo di Malta. Tale contributo potrà raggiungere, al massimo, quello assegnato dal Governo.

3. I competenti organi amministrativi dell'Università comunicheranno sollecitamente alla "Foundation for Theological Studies" l'ammontare del contributo stabilito dal Governo per il finanziamento della Facoltà e l'ammontare della spesa prevista dalla stessa Facoltà per il suo conveniente funzionamento.

4. La "Foundation for Theological Studies", entro 30 giorni dalla data della comunicazione di cui al punto 3 della presente Intesa, esaminerà la previsione di spesa della Facoltà e, tenendo conto del contributo disposto dal Governo, comunicherà al Decano della Facoltà l'ammontare del proprio contributo, che verserà in rate trimestrali.

5. La parte del contributo della "Foundation for Theological Studies" che risulterà non essere stata spesa al termine dell'esercizio finanziario annuale per il quale lo stesso contributo era stato predisposto, sarà restituita alla stessa "Foundation".

6. Qualora sorgessero difficoltà di interpretazione o di applicazione delle precedenti disposizioni, il Governo della Repubblica di Malta e l'Arcidiocesi di Malta affideranno la ricerca di un'amichevole soluzione ad una commissione paritetica che sarà composta, per parte del Governo Maltese, dal Ministro dell'Educazione e dal Segretario Generale del Ministero dell'Educazione, o da loro delegati, per parte dell'Arcidiocesi di Malta, dal Presidente della "Foundation for Theological Studies" e dal Direttore della "Foundation for Theological Studies", o da loro delegati, e da un Presidente che sarà eletto dagli altri membri.

26 settembre 1988

(firmato)
Ugo Mifsud Bonnici
Per il Governo di Malta

(firmato)
+Giuseppe Mercieca
Per l'Arcidiocesi di Malta

(firmato)
+Pier Luigi Celata

PROTOCOLLO AGGIUNTIVO ALL'ACCORDO TRA LA SANTA SEDE E IL GOVERNO
DELLA REPUBBLICA DI MALTA SULL'INCORPORAZIONE DELLA
FACOLTÀ DI TEOLOGIA NELL'UNIVERSITÀ DI MALTA

La Santa Sede e il Governo di Malta, facendo seguito alla proposta avanzata dallo stesso Governo ed alle successive discussioni, stabiliscono di comune intesa di

emendare l'Articolo Sei dell'Accordo sull'incorporazione della Facoltà di Teologia nell'Università di Malta, firmato il 26 settembre 1988, come segue:

"Un rappresentante del Presidente della "Foundation for Theological Studies", nominato dallo stesso Presidente, farà parte del Consiglio dell'Università. Due rappresentanti della "Foundation for Theological Studies", da questa nominati, faranno parte del Consiglio della Facoltà di Teologia".

Il presente Protocollo aggiuntivo è parte integrale dell'Accordo firmato dalle due Parti il 26 settembre 1988.

Fatto alla Valletta, Malta, il 26 del mese di gennaio millenovecentonovantacinque, in due testi originali, ciascuno in italiano e in inglese, ambedue facenti ugualmente fede.

Per la Santa Sede
(firmato)
+Pier Luigi Celata
Arcivescovo tit. di Doclea
Nunzio Apostolico

Per il Governo di Malta
(firmato)
Michael Falzon
Ministro dell' Educazione e Risorse Umane.

SCHEDULE IV
[Article 17(2)]

*Added by:
XIII. 2006.16.*

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 Chairman of the National Commission for Higher Education established in Part IV of this Act, or his representative;
 - (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.
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