

MALTA

ATT Nru XXIX tal-2019

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

ATT biex jirrifirma l-liġi dwar l-edukazzjoni f'Malta.

ACT No. XXIX of 2019

AN ACT enacted by the Parliament of Malta.

AN ACT to reform the law relating to education in Malta.

ATT TAL-2019 DWAR L-EDUKAZZJONI

TAQSIM TAL-ATT

		Artikoli
	Preliminari	1 - 2
Taqsim I	Dispożizzjonijiet Ġenerali	3 - 10
Taqsim II	Tifsil u Funzjonijiet tad-Divizjoni tal-Edukazzjoni	11 - 20
Taqsim III	Liċenzji biex jiġu stabbiliti Skejjel, Ċentri ta' Harsien għat-Tfal u biex tingħata edukazzjoni fid-dar	21 - 31
Taqsim IV	Skejjel tal-Istat	32 - 45
Taqsim V	Edukazzjoni d-Dar	46 - 48
Taqsim VI	Entitajiet Edukattivi	49 - 57
Taqsim VII	Reati u Pieni	58 - 63
Taqsim VIII	Mixxellanji	64 - 71
L-Ewwel Skeda -	Dipartimenti tal-Edukazzjoni	
It-Tieni Skeda -	Emendi konsegwenzjali għal leġislazzjoni oħra	
It-Tielet Skeda -	Leġislazzjoni Sussidjarja meqjusa bħala magħmula taħt dan l-Att	

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

26 ta' Novembru, 2019

ATT Nru XXIX tal-2019

ATT biex jirrifirma l-liġi dwar l-edukazzjoni f'Malta.

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

Preliminari

Titolu fil-qosor
u bidu fis-sehh.

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2019 dwar l-Edukazzjoni.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-edukazzjoni jista' b'avviż fil-Gazzetta jstabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

Tifsir.

2. F'dan l-Att sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra:

"akkreditament" tfisser approvazzjoni formali mill-awtorità kompetenti taħt dan l-Att jew xi regolamenti magħmulin tahtu, li l-konvenjenza għat-thaddim ta' skola u, jew ta' centru ta' ħarsien għat-tfal jew ta' programm ta' edukazzjoni tikkonforma mal-kriterji biex wieħed jopera skont standards ta' kwalità u skont id-dispożizzjonijiet rilevanti ta' dan l-Att u, jew kwalunkwe regolamenti magħmulin tahtu;

"assikurazzjoni ta' kwalità" tirreferi għal proċess wiehed jew aktar li jipprotegi l-kwalità ta' edukazzjoni fil-livelli kollha fi hdan il-kuntest ekonomiku, soċjali u kulturali, fuq livell nazzjonali, Ewropew u internazzjonali, u jiżgura l-użu ta' miżuri xierqa bħala mezzi biex titjeb il-kwalità tat-tisħiħ, ta' tmexxija, ta' tagħlim, ta' taħriġ u ta' riċerka tal-istudenti;

"Bord", hliet fejn definit mod ieħor, tfisser il-Bord għal Materji dwar l-Edukazzjoni stabbilit bl-artikolu 64;

"ċentru ta' ħarsien għat-tfal" tfisser istituzzjoni li tipprovdi servizzi ta' edukazzjoni u ta' ħarsien lil tfal tal-età bejn gurnata u tliet (3) snin;

"detentur ta' liċenzja" tfisser persuna li f'isimha tinħareġ liċenzja;

"Dipartiment" tfisser kwalunkwe dipartiment elenkat fl-Ewwel Skeda;

"Direttur Ġenerali" tfisser direttur ġenerali ta' Dipartiment tal-Edukazzjoni maħtur skont id-dispożizzjonijiet tal-artikolu 13;

"Diviżjoni" tfisser id-Diviżjoni responsabbli għall-edukazzjoni stabbilita bl-artikolu 11(1);

"edukatur" tfisser, għall-finijiet ta' dan l-Att, kapijiet ta' dipartimenti, kapijiet ta' skola, assistenti kapijiet ta' skola, uffiċjali tal-edukazzjoni, għalliema, edukaturi f'kindergarten u edukaturi ta' għajnuna fit-tagħlim;

"edukatur id-dar" tfisser kull persuna, inkluż il-ġenitur tat-tifel jew tifla, li jkollu warrant ta' għalliem maħruġ taħt l-artikolu 11 tal-Att tal-2019 dwar il-Professjonijiet tat-Tagħlim u l-Professjonijiet Immisslin Minnhom li jkun debitament awtorizzat li jipprovdi tagħlim fid-dar lil tifel jew tifla skont id-dispożizzjonijiet tat-Taqsima III;

Att Nru XXX
tal-2019.

"edukazzjoni d-dar" tfisser l-edukazzjoni progressiva ta' minuri provduta jew organizzata mill-ġenitur tiegħu li biha edukatur id-dar jipprovdi tagħlim lill-minuri, bi spejjeż tal-ġenitur, minflok edukazzjoni statali jew mhux tal-Istat skont id-dispożizzjonijiet tat-Taqsima III u regolamenti magħmulin taħt dan l-Att, u "programm ta' edukazzjoni d-dar" għandha tinftiehem skont hekk;

"edukazzjoni inklużiva" tirreferi għall-valutazzjoni u l-aċċettazzjoni tad-diversità u d-drittijiet ta' min qed jitgħallem mhux biss li jattendu skejjel konvenzjonali, iżda li wkoll jappartjenu għal dawk l-iskejjel bħala membri ta' valur permezz tal-partecipazzjoni

attiva tal-membri kollha ta' kull min qed jitgħallem u li tirriduċi l-barrieri li jistgħu jwasslu għal esklużjoni mill-kurrikuli tal-iskola, kulturi u l-komunità;

"entità" tinkludi diviżjoni, kulleġġ u kull direttorat, aġenzija jew organizzazzjoni oħra li tista' titwaqqaf bis-saħħa ta' dan l-Att jew regolamenti magħmulin tahtu, jew taht kull liġi oħra, u "entitajiet" għandha tinftiehem b'dan il-mod;

"estimi ġenerali" tfisser l-estimi pprezentati lill-Kamra fir-rigward ta' xi sena finanzjarja, tal-infiq għas-servizz ta' dik is-sena finanzjarja u jinkludu kull estimi supplementari ta' nfiq li għalihom jista' jkun meħtieġ li jsir provvediment wara li dawk l-estimi jkunu diġà pprezentati lill-Kamra u f'dan il-kuntest "sena finanzjarja" għandu jkollha l-istess tifsira li għandha għall-finijiet tal-Kostituzzjoni;

"età ta' skola obbligatorja" tfisser kull età minn ħames (5) snin sa ħmistax-il (15) sena, it-tnejn inklużi, u b'dan il-mod persuna titqies li tkun ta' età ta' tagħlim obbligatorju jekk tkun laħqet għalqet l-età ta' ħames (5) snin u ma laħqetx għalqet l-età ta' sittax-il (16) sena jew għad ma lestietx għal kollox l-aħħar sena tal-iskola sekondarja;

"funzjoni" tinkludi kull responsabbiltà, setgħa u dmir;

"ġenitur" tfisser il-missier jew l-omm u tinkludi kull persuna li għandha taht il-ħarsien u l-kustodja tagħha, sew jekk legali sew jekk attwali, tat-tifel;

"Gvern" tfisser il-Gvern ta' Malta;

"ħtiġiet individwali" tfisser ħtiġiet u kull diffikultà ta' natura fiżika, sensorja, intellettuali jew psikosocjali;

"impjeg" tinkludi impjeg f'kull ħidma jew xogħol li jitwettaq permezz ta' sengħa jew bi qligħ, kemm jekk il-qligħ ikun għall-persuna impjegata jew għal xi persuna oħra, u kemm jekk il-ħidma jew xogħol isiru għal paga jew kumpens ieħor kemm jekk le, u "biex timpjega" għandha tinftiehem b'dan is-sens;

"jum skolastiku" tfisser kull jum f'sena skolastika li ma jkunx vaganza tal-iskola jew vaganza pubblika;

"Kap tan-Network tal-Kulleġġi" tfisser il-persuna naturali li tmexxi u tamministra Kullegġ skont l-artikolu 32(2);

"kindergarten" tfisser istituzzjoni li tipprovdi edukazzjoni għal tfal tal-età ta' tliet (3) snin sa ħames (5) snin;

"kondizzjonijiet minimi nazzjonali" tfisser il-kondizzjonijiet minimi nazzjonali għall-iskejjel kollha msemmijin fl-artikolu 5;

"Kulleġġ" tfisser Kulleġġ ta' Skejjel tal-Istat kif previst fit-Taqsima IV;

"kurrikulu" tfisser il-Qafas tal-Kurrikulu Nazzjonali għall-iskejjel kollha f'livell edukattiv pre-obbligatorju u obbligatorju;

"Ministru" tfisser il-Ministru responsabbli għall-edukazzjoni, u tinkludi, fil-limiti ta' kull awtorità mogħtija, kull persuna li tkun awtorizzata speċifikament mill-Ministru għal xi għan ta' dan l-Att, u "Ministeru" għandha tinftiehem skont hekk;

"preskritt" tfisser preskritt permezz ta' xi regolament, statut, regola jew ordinament;

"Qafas Malti tal-Kwalifiki" tfisser il-qafas nazzjonali għal tagħlim tul il-ħajja, li huwa l-ghodda nazzjonali għall-iżvilupp u l-klassifikazzjoni tal-kwalifiki skont sett ta' kriterji, stabbiliti permezz ta' identifikaturi u applikabbli għal sett ta' valuri differenti, kif previst b'dan l-Att jew kull regolament magħmul taħt dan l-Att jew taħt xi liġi oħra;

"rimunerazzjoni" tinkludi kumpens fi kwalunkwe forma kemm jekk fi flus jew in natura;

"sena finanzjarja" tfisser perjodu ta' tnaħ-il (12) xahar li jagħlaq fil-wieħed u tletin (31) ta' Diċembru ta' kull sena:

Iżda għall-finijiet ta' dan l-Att l-ewwel sena finanzjarja fir-rigward ta' xi entità għandha tikkonsisti fil-perjodu li jibda jseħħ mid-data tal-bidu fis-seħħ tal-artikoli relattivi ta' dan l-Att relatati ma' tali entità, u jagħlaq fil-wieħed u tletin (31) jum ta' Diċembru tas-sena ta' wara;

"sena skolastika" tfisser dak il-perjodu determinat bħala sena skolastika fil-kondizzjonijiet minimi nazzjonali;

"skola" tfisser istituzzjoni li r-rizorsi tagħha, kemm ta' persuni kif ukoll ta' oġġetti, huma mħaddma biex jippromwovu l-edukazzjoni u t-taħriġ ta' persuni oħrajn permezz tat-tixrid tal-għerf, u għandha tinkludi skola li tipprovdi edukazzjoni f'kindergarten;

"skola liċenzjata" tfisser skola li tkun inġatata liċenzja biex topera skont id-dispożizzjonijiet rilevanti ta' dan l-Att u, jew regolamenti magħmulin taħtu;

"spazju edukattiv" tfisser kull post fejn studenti jattendu għal programm edukattiv jew parti minnu, mogħti minn prattikant fl-
edukazzjoni u, jew minn istituzzjoni;

"standards ta' kwalità" tfisser id-dettalji dwar l-aspettativi, id-
diversi linji gwida u l-karatteristiċi sabiex jintlaħqu l-istruttura, il-
proċess u r-riżultati kwalitattivi mill-provdiment tas-servizz għall-
finijiet li jintlaħaq l-għan tal-proċess jew servizz;

"student" tfisser minuri ta' età ta' skola pre-obbligatorja u ta' età
ta' skola obbligatorja reġistrat f'ċentru ta' ħarsien għat-tfal jew fi
skola;

"tagħlim tul il-hajja" tinkludi kull għamla ta' attivitajiet ta'
tagħlim li individwu jesperjenza tul ħajtu, bil-għan li jakkwista u
jtejjeb attitudnijiet, valuri, għerf, ħiliet u kompetenzi, u jakkwista
kwalifiki li jsaħħu d-dimensjoni personali u soċjali tal-individwu kif
ukoll il-prospetti ta' karriera aħjar;

"uffiċjal" u "impjegat" jinkludu uffiċjal pubbliku li jkun tqabbad
biex iwettaq dmirijiet ma' xi entità stabbilita taħt dan l-Att;

"uffiċjal pubbliku" għandha l-istess tifsira kif mogħtija lilha bl-
artikolu 124 tal-Kostituzzjoni.

TAQSIMA I

Dispożizzjonijiet Ġenerali

Dritt għall-
edukazzjoni.

3. Kull persuna ta' età ta' skola obbligatorja li ttrissjedi
f'Malta għandha d-dritt ta' aċċess għal edukazzjoni mingħajr ebda
distinzjoni ta' età, sess, reliġjon jew twemmin, mezzi ekonomiċi, razza
jew oriġini etnika, opinjoni politika, diżabilità, kulur, orjentazzjoni
sesswali jew identità tal-ġeneru.

Obbligi tal-
Istat.

4. (1) Huwa d-dmir tal-Istat -

(a) li jippromwovi l-edukazzjoni f'Malta bbażata fuq il-
valuri ta' demokrazija, inkluzjoni, diversità, ċittadinanza attiva,
ħsieb kritiku, imġiba responsabbli u kondotta etika; u

(b) li jiżgura l-eżistenza ta' sistema ta' skejjel u
istituzzjonijiet edukattivi oħrajn f'Malta li taħseb għall-iżvilupp
sħiħ tal-personalità kollha tal-persuna u t-tiżiħ ġenerali tagħha
inkluża l-abbiltà tagħha li taħdem.

(2) B'mod partikolari, għandu jkun id-dmir tal-Istat -

(a) li jiżviluppa u jimplimenta politika edukattiva bbażata fuq il-valuri li jinsabu fis-subartikolu (1);

(b) li jistabilixxi tali faċilitajiet edukattivi li jitqiesu neċessarji biex ifornu l-istudenti bil-għerf, ħiliet u kompetenzi meħtieġa biex jieħdu l-aħjar li jistgħu mill-opportunitajiet globali u li jilqgħu għall-isfidi ta' soċjetà u ekonomija tal-lum u ta' għada;

(ċ) li jiżgura t-tagħlim tal-qofol tal-kurrikulu kif stabbilit fil-Qafas Nazzjonali tal-Kurrikulu;

(d) li jiżgura li jkunu jeżistu ċentri ta' ħarsien u edukazzjoni minn tfulija bikrija;

(e) li jipprovdi għal edukazzjoni ta' tfal ta' età ta' skola obbligatorja;

(f) li jiżgura l-provdiment ta' edukazzjoni post-obbligatorja u terzjarja għal studenti li jkunu lestew l-edukazzjoni sekondarja tagħhom;

(g) li jippromwovi t-tagħlim tal-arti liberali u espressiva, ix-xjenza, il-lingwi, it-teknoloġija, l-edukazzjoni vokazzjonali u *sports* fost l-istudenti kollha.

5. Ikun id-dritt tal-Istat:

Dritt tal-Istat li jirregola l-edukazzjoni.

(a) li jimplimenta l-Qafas għal Strategija Edukattiva għal Malta;

(b) li jimplimenta il-Qafas Nazzjonali tal-Kurrikulu għal studji fl-iskejjel kollha fil-livell edukattiv pre-obbligatorju u obbligatorju u l-kondizzjonijiet minimi nazzjonali għall-iskejjel kollha;

(ċ) li jistabilixxi il-kondizzjonijiet minimi nazzjonali għall-iskejjel kollha u li jiżgura l-osservanza ta' tali kondizzjonijiet min-naħa ta' detenturi ta' liċenzja;

(d) li jiżgura l-konformità mal-Qafas Nazzjonali tal-Kurrikulu ta' studji; u

(e) li jiżgura l-għoti ta' edukazzjoni inklużiva u ekwa ta' kwalità mill-provdituri kollha fis-settur tal-edukazzjoni:

Iżda, mingħajr preġudizzju għad-drittijiet tal-Istat fuq imsemmija, l-Istat jirrikonoxxi d-dritt ta' skejjel mhux statali

A 1538

li jkollhom il-karattru, l-identità, l-*ethos* u l-awtonomija individwali tagħhom.

Obbligi tal-
ġenituri.

6. Għandu jkun obbligu ta' kull ġenitur ta' minuri -

(a) li jiżgura li l-minuri jirċievi l-edukazzjoni kollha neċessarja għall-iżvilupp tal-personalità kollha tiegħu, inkluż l-abbiltà tiegħu li jaħdem u li jkun ċittadin attiv;

(b) li jiżgura l-motivazzjoni tal-minuri għall-edukazzjoni;

(c) li jiżgura d-dispożizzjoni tiegħu għal imġiba tajba u dixxiplina;

(d) li jara li l-minuri jiġi rreġistrat fi skola għall-ewwel sena skolastika u waqt il-perjodu li jkun fl-età ta' skola obbligatorja, hekk iżda li l-Ministru jista', permezz ta' regolamenti, jipprovdi għal każijiet speċjali, inkluż meta l-minuri ma jkunx residenti fil-gżejjer Maltin;

(e) li jiżgura li l-minuri jattendi l-iskola f'kull jum skolastiku waqt il-perjodu li jkun fl-età ta' skola obbligatorja, jew sa tmiem perjodu itwal skont kif il-Ministru jista' jippreskrivi permezz ta' regolamenti, għajr meta l-minuri jkollu kawża tajba u suffiċjenti li jassenti ruħu mill-iskola;

(f) li jikkoopera bi sħiħ u b'rispett xieraq mal-Kap tal-Iskola u l-istaff kollu tal-iskola li jkun jattendi l-minuri; u

(g) li jkun konformi mal-politika maħruġa mid-Diviżjoni, mill-Kulleġġ u mill-iskola.

Drittijiet tal-
ġenituri.

7. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, huwa d-dritt ta' kull ġenitur ta' minuri li jiddeċiedi rigward kull materja li tikkonċerna l-edukazzjoni tal-minuri, sakemm deċiżjoni bħal din tkun fl-aħjar interessi tal-minuri bi qbil ma' artikolu 8(1).

L-aqwa
interessi
edukattivi tal-
minuri.

8. (1) Deċiżjonijiet li jirrigwardaw materji li jolqtu l-edukazzjoni ta' minuri għandhom ikunu msejsa primarjament fuq l-aqwa interessi edukattivi tal-minuri b'rispett xieraq lejn l-interessi ta' studenti oħrajn li jkunu jattendu l-istess skola bħall-minuri u l-ħidma effettiva u effiċjenti kontinwa tal-iskola:

Izda l-Bord għandu, fid-deċiżjonijiet tiegħu, jiżgura li tingħata konsiderazzjoni xierqa lill-prinċipji stabbiliti fl-artikolu 4(1)(a).

(2) Fejn il-Kap ta' Skola ta' skola statali, permezz tal-Kap tan-Network tal-Kulleġġi, li fiha jkun registrat il-minuri, jemmen li d-deċiżjoni tal-ġenitur jew ġenituri tal-minuri dwar xi materja li tikkonċerna l-edukazzjoni tal-minuri ma tkunx taqbel mal-prinċipju stabbilit fis-subartikolu (1), huwa għandu malajr kemm jista' jkun iwassal dan għall-attenzjoni tad-Diviżjoni:

Iżda fejn ikunu ġew ikkunsidrati u ppruvati s-soluzzjonijiet raġonevoli kollha, jekk applikabbli, f'dak il-każ, id-Diviżjoni tista', jekk jidhrilha xieraq li hekk tagħmel wara li tqis iċ-ċirkostanzi tal-każ, tagħmel applikazzjoni lill-Bord biex tittiehed deċiżjoni dwar il-materja.

(3) Il-Bord għandu, wara li jagħti lid-Diviżjoni u lill-ġenituri tal-minuri l-opportunità li jgħaddu s-sottomissjonijiet tagħhom b'mod u f'dak iż-żmien li jista' jiġi ffissat mill-Bord, u wara li jisma' lill-minuri u xi persuni oħra, jieħu deċiżjoni fuq il-materja.

(4) Tista' ssir ukoll applikazzjoni lill-Bord minn xi ġenitur għal deċiżjoni rigward kull materja li tikkonċerna l-edukazzjoni tal-minuri fejn ma jkunx possibbli li jinkiseb il-kunsens tal-ġenitur l-iehor tal-minuri jew fejn ikun hemm nuqqas ta' qbil bejn il-ġenituri tal-minuri dwar kull materja li tkun tikkonċerna l-edukazzjoni tal-minuri. Il-Bord għandu, wara li jagħti lill-ġenituri tal-minuri l-opportunità li jagħmlu s-sottomissjonijiet tagħhom b'tali mod u fi żmien li jista' jiġi ffissat mill-Bord, u, jekk iqis xieraq, wara li jisma' lill-minuri u xi persuni oħrajn, jieħu deċiżjoni fuq il-materja:

Iżda fejn ma jkunx magħruf fejn joqgħod xi ġenitur minnhom, ma jkunx hemm bżonn li dan il-ġenitur jingħata l-opportunità li jagħmel sottomissjonijiet.

(5) Il-Kap tal-Iskola u l-ġenituri tal-minuri għandhom jiżguraw li d-deċiżjoni tal-Bord titwettaq.

(6) Jekk ikun hemm bidla fiċ-ċirkostanzi, il-ġenituri u, jew il-Kap tal-Iskola jistgħu jirreferu l-każ lill-Bord għal reviżjoni.

9. Ikun dmir tal-iskejjel:

(a) li jilħqu l-għan tal-istrateġija edukattiva għal Malta u l-Qafas Nazzjonali tal-Kurrikulu skont il-potenzjal u l-ħiliet varji ta' studenti li jkunu jattendu hemmhekk u skont l-*ethos*, l-identità u l-karattru tal-iskola partikolari, u li jiżguraw li l-Qafas Nazzjonali tal-Kurrikulu jissarraff f'kurrikulu xieraq, programmi, pedagogiġi u valutazzjonijiet għall-istudenti permezz ta' pjan ta' żvilupp skolastiku adegwat u li jaraw li dawn jiġu implimentati;

Dmirijiet tal-iskejjel.

(b) li jharsu u jiżguraw osservanza tal-kondizzjonijiet minimi nazzjonali stabbiliti għall-iskejjel;

(ċ) li jistabbilixxu kultura ta' taġġim għal tul il-ħajja u kondizzjonijiet li jwasslu għal taġġim ta' kwalità effettiva u taġġim imsejjes fuq il-valuri li jinsabu fl-artikolu 4(1);

(d) li jippromwovu livelli għoljin ta' taġġim b'kollaborazzjoni ma' edukaturi, studenti u kumitati tal-ġenituri fi spirtu ta' responsabbiltà kollettiva;

(e) li jinkoraġġixxu l-involviment u l-partecipazzjoni attiva tal-istudenti;

(f) li jistabbilixxu ambjent ta' taġġim sigur u inkluziv;

(g) li jiżguraw kondotta tajba minn kull persuna fil-bini tal-iskola;

(h) li jiżguraw l-użu ta' dixxiplina pożittiva;

(i) li jivvalutaw lilhom infushom, jikkonsultaw u jidhlu fi djalogu biex jidentifikaw il-ħtiġiet tal-edukaturi, studenti u ġenituri permezz ta' approċċi ċentrali għall-finijiet tal-ippjanar tal-iżvilupp tal-iskola;

(j) li jistabbilixxu tmexxija u maniġġjar tajbin u li jippromwovu kultura ta' tim fost il-grupp maniġerjali anzjan u l-istaff tal-iskola permezz ta' kooperazzjoni, speċjalment għal dak li għandu x'jaqsam ma' inizjattivi, sfidi u problemi relatati mal-iskola kollha kemm hi;

(k) li jippromwovu l-iżvilupp professjonali kontinwu tal-edukaturi;

(l) li jistabbilixxu kultura li twassal għal sħubija effettiva bejn id-dar u l-iskola; u

(m) li jiżviluppaw rwol attiv fi ħdan il-komunità, u li jinkoraġġixxu l-involviment u l-partecipazzjoni tal-komunità.

10. Kull fejn, taħt id-dispożizzjonijiet ta' dan l-Att, dritt jew obbligu ikun vestit fi jew impost fuq l-Istat, dak id-dritt jew dmir għandu jiġi eżerċitat jew imwettaq mill-Ministru.

TAQSIMA II

Tifsil u Funzjonijiet tad-Divizjoni tal-Edukazzjoni

11. (1) Għandu jkun hemm Divizjoni tal-Edukazzjoni, li tkun magħmula minn Dipartimenti li jkunu elenkati fl-Ewwel Skeda, kif il-Ministru jista' jiddeċiedi minn żmien għal żmien. Divizjoni tal-Edukazzjoni.

(2) Il-Ministru jista' jemenda l-Iskeda msemmija u jistabbilixxi jew ineħhi kull Dipartiment kif jidhirlu li jkun meħtieġ permezz ta' Ordni fil-Gazzetta.

(3) Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-Att, kull Dipartiment għandu jaqa' taħt ir-responsabbiltà, il-gwida u l-amministrazzjoni ta' Direttur Ġenerali li jkun responsabbli għall-immaniġġar eżekuttiv, amministrazzjoni u kontroll amministrattiv tal-uffiċjali u l-impjegati tad-Divizjoni.

(4) Il-funzjonijiet tad-Divizjoni għandhom jiġu esegwiti b'dak il-mod li jkun determinat mill-Ministru, kif jidhirlu xieraq, minn żmien għal żmien.

12. (1) Il-funzjonijiet tad-Divizjoni tal-Edukazzjoni għandhom jinkludu dan li ġej: Funzjonijiet tad-Divizjoni tal-Edukazzjoni.

(a) li tiġi implimentata kull haġa meħtieġa biex jintlaħqu l-għanijiet u jitwettqu d-dmirijiet tal-Istat taħt l-artikoli 4 u 5, taħt id-direzzjoni ġenerali tal-Ministru;

(b) li jiġi żgurat li t-tfal kollha ta' età ta' skola obbligatorja huma reġistrati fi u debitament jattendu l-iskola;

(ċ) li jiġu regolati, stabbiliti, sorveljati u assigurati standards u kwalità fil-programmi u fis-servizzi edukattivi provduti minn skejjel f'Malta, kemm jekk skejjel statali jew le; u

(d) li tiġi żgurata l-ħidma effettiva u effiċjenti u t-tqassim ta' servizzi lill-iskejjel Statali fi ħdan qafas stabbilit ta' deċentralizzazzjoni u awtonomija.

(2) B'mod partikolari d-Divizjoni tal-Edukazzjoni għandha:

(a) b'mod ġenerali tirregola, tiggwida, tevalwa, tivverifika, tirriċerka u tirrapporta dwar l-elementi diversi u r-riżultati tas-sistema edukattiva pre-obbligatorja u obbligatorja bl-iskop li tiżgura edukazzjoni ta' kwalità u ekwa għal kulhadd u tippromwovi prattiċi tajbin f'kull attività li tirrigwarda din l-edukazzjoni f'qafas kurrikulari nazzjonali ta' taġħlim tul il-ħajja;

(b) tistabbilixxi u perjodikament tirrevedi standards u *policies* b'rispett shiħ għall-karattru, l-identità u l-awtonomija ta' kull skola;

(c) perjodikament tirrevedi l-Qafas Nazzjonali tal-Kurrikulu u tipproponi lill-Ministru xi bidliet meħtieġa għal dak il-Qafas;

(d) tipprovdi l-linji gwida meħtieġa, fost affarijiet oħra, għall-aħjar twettiq tal-politika u servizzi edukattivi, inkluż għall-iżvilupp tal-pjan ta' kull skola, is-sillabi, l-istabbiliment ta' standards, l-assessjar tal-prestazzjoni, u eżamijiet;

(e) twettaq reviżjonijiet esterni li jikkumplementaw r-reviżjoni interna sabiex tipprovdi gwida, monitoraġġ, spezzjoni, valutazzjoni u rappurtar dwar it-tmexxija edukattiva, il-proċess ta' taġħlim, l-applikazzjoni tal-kurrikulu, it-tiżiħ tal-istudenti, programmi jew sillabi ta' taġħlim u valutazzjoni, pedagogija assessjar u eżamijiet bir-rispett shiħ għall-karattru, identità u awtonomija tal-iskola;

(f) tkun responsabbli għall-osservanza u l-implimentazzjoni tad-dispożizzjonijiet ta' liġijiet u regolamenti li jirrigwardaw materji relatati mal-edukazzjoni;

(g) tirċievi u tipproċessa applikazzjonijiet għall-ħruġ ta' liċenzja biex għall-ftuħ ta' ċentru ta' ħarsien għat-tfal u, jew ta' skola;

(h) tara li qed jiġu osservati l-ħin kollu l-kondizzjonijiet minimi nazzjonali għall-iskejjel kollha u tinvestiga u tieħu l-passi meħtieġa dwar kull haġa li dwarha tista' tiġi kkunsidrata mid-dipartiment rilevanti s-sospensjoni jew it-teħid lura ta' liċenzja ta' skola, u tieħu deċiżjonijiet dwar is-sospensjoni jew it-teħid lura ta' liċenzja ta' skola;

(i) tirċievi, tikkunsidra u tiddeċiedi dwar applikazzjonijiet ta' ġenituri li jixtiequ jipprovdu taġħlim fid-dar għal uliedhom minn għalliem li jkollu warrant maħruġ taħt l-artikolu 11 tal-Att tal-2019 dwar il-Professjonijiet tat-Tagħlim u l-Professjonijiet Imnisslin Minnhom, minflok l-edukazzjoni pprovduta fi skola;

(j) timponi tali kondizzjonijiet li jidhrilha raġonevoli u xierqa meta tiġi biex taċċetta applikazzjonijiet bħal dawn kif hemm referenza għalihom fil-paragrafu (i);

(k) twettaq monitoraġġ fuq kull programm ta' taġħlim

fid-dar awtorizzat u tiżgura li l-kwalità tat-tagħlim offruta fi programmi bħal dawn tkun ta' standard xieraq;

(l) tiżgura li kull kondizzjoni imposta kif imsemmi fil-paragrafu (j) qed tiġi osservata;

(m) tawtorizza kull tali persuna li jkollha l-kwalifiki meħtieġa biex tagħmel xogħol ta' edukatur fid-dar;

(n) tipprovdi linji gwida għall-implimentazzjoni xierqa ta' programmi ta' tagħlim fid-dar u tal-proċeduri li għandhom jiġu segwiti;

(o) tirregola, kif jidhrilha xieraq, l-użu ta' faċilitajiet sportivi, laboratorji, *workshops* u faċilitajiet anċillari oħra ta' kumplessi ta' skejjel u kulleġġi għal studenti li jkunu qed jiġu mgħallma d-dar;

(p) tipprovdi akkreditament għal edukazzjoni sal-età ta' skola obligatorja sal-livell tlieta (3) tal-Qafas Malti tal-Kwalifiki;

(q) tiżgura li kull informazzjoni, data u statistika meħtieġa għat-tfassil, l-ippjanar u l-implimentazzjoni ta' politika, strateġiji, linji gwida u direttivi fl-edukazzjoni jkunu riċerkati, miġbura, kompilati u analizzati u, bla ħsara għal kull liġi oħra, tiegħu l-passi neċessarji kollha sabiex dawn ikunu aċċessibbli għal kull min ikun involut u li jista' jkollu xi interess fihom;

(r) tippjana, tipprovdi u talloka riżorsi, umani u oħrajn, servizzi u għodod ta' tagħlim, kemm ta' natura pedagogika, kif ukoll psikoloġika, maniġerjali u operattiva u għodod oħrajn ta' għajjuna anċillari, kif meħtieġa fl-iskejjel Statali u f'istituzzjonijiet Statali ta' edukazzjoni;

(s) tippromwovi, tinkoraġġixxi u tissorvelja fuq il-governanza demokratika ta' skejjel permezz ta' Kunsilli tal-Iskejjel bil-partecipazzjoni attiva ta' ġenituri, għalliema u studenti;

(t) tippromwovi, issostni, tikkoordina u tiżgura s-servizzi u inizjattivi għal tagħlim tul il-ħajja, inklużi inizjattivi edukattivi u kulturali fi ħdan il-komunità, tagħlim bil-kompjuter u tagħlim b'korrispondenza, tagħlim għall-adulti, klassijiet ta' filgħaxija u inizjattivi oħrajn relatati ma' edukazzjoni u servizzi kumplimentari għal persuni li jkollhom diffikultajiet speċifiċi ta'

tagħlim;

(u) tipprovdi r-riżorsi meħtieġa għal programmi edukattivi inklużivi u speċjali u għal skemi oħrajn relatati ma' ħtiġiet edukattivi individwali;

(v) tiżgura t-twassil u l-koordinazzjoni ta' servizzi ta' gwida għal karriera u vokazzjoni, inklużi l-implimentazzjoni ta' programmi mal-imsieħba soċjali u s-soċjetà ċivili bil-għan li jwassal għal kongruwenza aktar armonjuża bejn skola u post tax-xogħol u assistenza fl-istadji ta' tranżizzjoni, fosthom dawk mill-iskola għax-xogħol;

(w) tiżgura l-għoti ta' servizzi meħtieġa biex jiġġeneraw kultura ta' rispett għal kulhadd u b'mod effettiv tittratta kwistjonijiet ta' imġiba tajba u dixxiplina, ta' abbuż tat-tfal, ta' bbuljar u ta' abbuż mid-droga;

(x) tippromwovi s-saħħa fiżika u mentali tal-istudenti permezz ta' informazzjoni dwar u promozzjoni tas-saħħa, servizzi ta' screening mediku u programmi ta' stil ta' għajxien tajjeb komplet fiżiku, mentali u soċjali;

(y) tamministra għajnuna Statali għall-iskejjel mhux Statali;

(z) iżżomm dialogu effettiv ma' kull min huwa involut fis-sistema edukattiva u timmira għal kunsens mill-aktar wiesa' possibbli dwar kull materja li tista' tkun ta' rilevanza għall-edukazzjoni;

(aa) tikkoopera ma' istituzzjonijiet lokali u barranin, u tinkoraġġixxi u tiffacilita parteċipazzjoni aħjar fi programmi, boroż ta' studju, u l-iskambju internazzjonali ta' studenti u persunal, partikolarment fl-istituzzjonijiet u fil-programmi tal-Unjoni Ewropea;

(ab) tipprepara kull linja gwida, statistika, jew strateġija meħtieġa skont kif ikun mitlub mill-Ministru għall-implimentazzjoni aħjar tal-politika edukattiva u l-provdiment ta' servizzi edukattivi;

(aċ) b'mod generali tagħti pariri lill-Ministru fuq kull aspekk relatat mal-edukazzjoni u twettaq kull funzjoni oħra li l-Ministru jista' minn żmien għal żmien jassenja lid-Divizjoni;

(ad) timplimenta kull materja meħtieġa għat-twettiq xieraq ta' kull dispożizzjoni ta' dan l-Att; u

(ae) twettaq kull funzjoni oħra skont kif ikun meħtieġ għall-ksib tal-obiettivi u t-twettiq tad-dmirijiet li jappartjenu lill-Istat kif previst f'dan l-Att.

13. Id-Diretturi Ġenerali tad-dipartimenti tal-Edukazzjoni jkunu maħtura mill-Prim Ministru għal perjodu ta' tliet (3) snin taħt dawk il-pattijiet u kondizzjonijiet kif jistgħu jkunu mniżżlin fl-ittra tal-ħatra. Il-ħatra ta' Direttur Ġenerali għandha ssir wara sejħa li għaliha jistgħu japplikaw dawk il-persuni kollha li jkollhom il-kwalifiki, l-esperjenza edukattiva u l-kwalitajiet neċessarji għall-immaniġġar ta' dawn id-dipartimenti. Mat-terminu tal-kariga, kull persuna tista' terġa' tiġi maħtura mill-ġdid għal perjodu jew perjodi oħra.

Ħatra ta' Diretturi Ġenerali.

14. (1) Mingħajr preġudizzju għall-ġeneralità tas-setgħa mogħtija b'dan l-artikolu u d-dispożizzjonijiet dwar il-protezzjoni tad-data stabbiliti bis-saħħa tal-Att dwar il-Protezzjoni u l-Privatezza tad-Data u r-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' data personali u dwar il-moviment liberu ta' tali data, id-Divizjoni tal-Edukazzjoni tista' titlob, tiġbor u tivverifika kull informazzjoni, data u statistiċi, kif jista' jkun meħtieġ għat-twettiq tal-funzjonijiet tagħha.

Dritt għal informazzjoni.

Kap. 586.

(2) Id-Divizjoni tal-Edukazzjoni għandu jkollha aċċess għall-informazzjoni kollha li skejjel, Statali u mhux Statali, jistgħu jkollhom, u tkun intitolata li titlob u takkwista d-data kollha li tkun teħtieġ biex twettaq il-funzjonijiet tagħha minn studenti, ġenituri, staff u minn korpi tal-eżamijiet, u din id-data għandha tingħata lid-Divizjoni fi żmien xieraq mid-data tat-talba.

(3) Mingħajr preġudizzju għall-ġeneralità tas-setgħa mogħtija b'dan l-artikolu u d-dispożizzjonijiet dwar il-protezzjoni tad-data stabbiliti bis-saħħa tal-Att dwar il-Protezzjoni u l-Privatezza tad-Data u r-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' data personali u dwar il-moviment liberu ta' tali data, id-Divizjoni għandu jkollha aċċess għal statistiċi oħra u data ta' natura personali, ekonomika u soċjali kif teħtieġ sabiex tista' twettaq il-funzjonijiet tagħha skont dan l-Att.

Kap. 586.

15. Id-Divizjoni tal-Edukazzjoni għandu jkollha tali uffiċjali tal-edukazzjoni u uffiċjali oħra fi ħdan kull wieħed mid-dipartimenti tagħha kif ikun meħtieġ għat-twettiq tal-funzjonijiet tad-Divizjoni u għall-implimentazzjoni ġenerali ta' dan l-Att u ta' regolamenti magħmulin taħtu.

Uffiċjali tal-Edukazzjoni u uffiċjali oħra.

A 1546

Dipartiment
responsabbli
ghar-
regolamentaz-
zjoni ta'
edukazzjoni
pre-obbligatorja
u obbligatorja.

16. (1) Għandu jkun hemm Dipartiment li jkun responsabbli biex jirregola l-edukazzjoni pre-obbligatorja u obbligatorja permezz tat-twaqqif, il-monitoraġġ u l-assigurar ta' standards u kwalità fis-servizzi u programmi edukattivi provduti minn skejjel u ċentri ta' ħarsien għat-tfal, kemm statali kemm le, kif previst f'dan l-Att u f'regolamenti magħmulin tahtu. B'mod partikolari, dan id-Dipartiment għandu jwettaq il-funzjonijiet imsemmija fl-artikolu 12(2)(a) sa (p).

(2) Dan id-Dipartiment ikun indipendenti u awtonomu fl-operat tiegħu.

(3) Id-Dipartiment jista', sabiex jagħti gwida Prattika f'materji li jirrigwardaw spezzjonijiet taht l-artikolu 17 u investigazzjonijiet taht l-artikolu 18 u sabiex jistabbilixxi l-prattiċi fir-rigward ta' dawk il-materji, minn żmien għal żmien jipprepara, japprova u joħroġ tali kodiċijiet ta' Prattika kif fil-fehma tiegħu huma xierqa għal dawk l-għanijiet.

Setgħa ta' dhul
u spezzjon.

17. (1) Uffiċjali tad-Divizjoni debitament awtorizzati jkollhom is-setgħa li jidhlu, fi kwalunkwe hin, mingħajr avviż minn qabel, f'kull skola, ċentru ta' ħarsien għat-tfal, klassi jew post fejn jingħata tagħlim, u jispezzjonaw u jirrappurtaw dwar il-proċess ta' tagħlim, it-tmexxija edukattiva, programmi ta' tagħlim u ta' assessjar, tishih tal-istudenti, l-ambjent fiżiku, u l-osservanza tal-kundizzjonijiet, standards, politika u regolamenti stabbiliti u magħmulin bis-saħħa ta' dan l-Att.

(2) Skejjel, ċentri ta' ħarsien għat-tfal u edukaturi d-dar għandhom jagħtu kull informazzjoni u aċċess mitlub minn dawn l-uffiċjali kif dawn jidhrilhom meħtieġ għall-implimentazzjoni tal-funzjonijiet tad-Divizjoni.

Investigazzjoni
ta' lment.

18. Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-Att, id-Divizjoni tista' tinvestiga lment jekk ikun jidhrilha xieraq li tagħmel dan skont ir-regolamenti preskritti.

Detentur ta'
liċenzja għandu
jipprovdi
informazzjoni.

19. (1) Jekk id-Divizjoni hekk titlob għall-finijiet ta' investigazzjoni tal-ilment, id-detentur tal-liċenzja li dwaru għandu x'jaqşam l-ilment għandu jagħtiha -

(a) dik l-informazzjoni fil-pussess tad-detentur tal-liċenzja kif jista' jiġi speċifikat jew deskritt fit-talba tad-Divizjoni, u

(b) dik l-informazzjoni l-oħra fil-pussess tad-detentur tal-liċenzja kif id-Divizjoni tista' tqis rilevanti għall-investigazzjoni.

(2) Fit-twettiq ta' kull investigazzjoni, id-Divizjoni għandha tistabbilixxi l-proċedura tagħha stess u d-detenturi ta' liċenzja jkunu marbutin li jikkooperaw ma' kull tali investigazzjoni.

20. Fejn id-Divizjoni tkun sabet li detentur ta' liċenzja jkun kiser xi regolamenti jew inġhata rakkomandazzjonijiet bħala riżultat ta' xi investigazzjoni u, jew bħala riżultat ta' proċess ta' assikurazzjoni ta' kwalità, id-detentur għandu jhejji pjan ta' azzjoni li jkun bihsiebu jwettaq fid-dawl tar-rapport. Tali pjan ta' azzjoni għandu jkun approvat mid-Divizjoni, li għandha tiżgura li l-pjan ta' azzjoni jiġi implimentat fil-perjodu stabbilit. Id-Divizjoni jkollha s-setgħa li tiegħu kull azzjoni raġunevoli li tqis xierqa fil-każ ta' nuqqas ta' implimentazzjoni ta' tali pjan ta' azzjoni.

Pjan ta' azzjoni.

TAQSIMA III

Liċenzji biex jiġu stabbiliti Skejjel, Ċentri ta' Harsien għat-Tfal u biex tingħata edukazzjoni fid-dar

21. (1) Hadd ma jista' jistabbilixxi u, jew imexxi skola, centru ta' harsien għat-tfal jew jipprovdi taġlim fid-dar mingħajr liċenzja maħruġa mid-Divizjoni skont id-dispożizzjonijiet li ġejjin:

Liċenzji biex jiġu stabbiliti Skejjel, Ċentri ta' Harsien għat-Tfal u biex tingħata edukazzjoni fid-dar.

Iżda ma jkunx hemm bżonn ta' liċenzja taht din it-Taqsima f'kull wieħed mill-każijiet li ġejjin:

(a) minn provditur li joffri edukazzjoni avvanzata u oġhla kif imfisser fl-Att tal-2019 dwar l-Edukazzjoni Avvanzata u Oġhla; jew

Abbozz Nru 93 tal-2019.

(b) fejn il-liċenzja għandha tinkiseb minn korp ieħor hekk awtorizzat bil-liġi.

22. (1) Kull persuna jkollha d-dritt li tapplika għand id-Divizjoni biex tingħata liċenzja biex tistabbilixxi u tmexxi skola, centru ta' harsien għat-tfal jew biex ttiprovdi edukazzjoni d-dar.

Applikazzjonijiet għal liċenzja għal skola, centru ta' harsien għat-tfal u biex tingħata edukazzjoni d-dar.

(2) Id-Divizjoni, waqt li taġixxi fuq ir-rakkomandazzjoni tad-Dipartiment imsemmi fl-artikolu 16, tista' toħroġ il-liċenzja msemmija fis-subartikolu (1) fejn l-iskola, iċ-ċentru ta' harsien għat-tfal u l-edukazzjoni d-dar ikunu konformi mal-kondizzjonijiet preskritti u d-Divizjoni jidhrila li l-għoti ta' liċenzja jkun fl-interess pubbliku:

Iżda għandha tingħata liċenzja jekk il-Gvern ikun marbut li jagħmel dan bi ftehim internazzjonali u l-iskola tkun konformi mal-kondizzjonijiet minimi nazzjonali:

A 1548

Iżda wkoll fejn applikant għal liċenzja diġà għandu liċenzja jew hu xort'ohra legalment stabbilit f'xi Stat Membru, id-Divizjoni, fl-osservanza tad-Direttiva 2006/123 tal-Parlament Ewropew u tal-Kunsill tat-12 ta' Diċembru, 2006 dwar servizzi fis-suq intern, ma għandhiex tidduplika l-htigiet jew kontrolli li huma ekwivalenti għal jew essenzjalment komparabbli fir-rigward tal-għanijiet tagħhom li għalihom l-applikant ikun diġà sugġett f'xi Stat Membru ieħor.

Għoti ta' liċenzja hu konċessjoni.

23. L-għoti ta' liċenzja hu konċessjoni u privileġġ revokabbli, u l-ebda detentur ta' liċenzja ma jitqies li jkun akkwista xi drittijiet vestiti fiha jew taħtha. Il-piż tal-prova tal-kwalifiki ta' detentur ta' liċenzja biex iżomm liċenzja għandu fi kwalunkwe hin ikun fuq id-detentur tal-liċenzja. F'dan l-artikolu, "liċenzja" tinkludi u tapplika għal kull liċenzja u awtorizzazzjoni, tkun kif tkun imsejha, maħruġa mid-Divizjoni.

Liċenzja temporanja.

24. (1) Fejn jidhrilha li jkun fl-interess pubbliku, id-Divizjoni tista' toħroġ liċenzja temporanja lil skola jew lil ċentru għall-ħarsien tat-tfal għal perjodu ta' mhux aktar minn sena. Tali liċenzja temporanja tkun soġġetta għal kundizzjonijiet speċifiċi li jkunu meħtieġa li jitwettqu sa tmiem dak il-perjodu sabiex iwasslu għal eliġibilità għal applikazzjoni għal liċenzja taħt l-artikolu 21.

(2) Liċenzja temporanja ma tistax tkun imġedda għal aktar minn tliet (3) snin konsekuttivi.

(3) Fejn l-iskola jew iċ-ċentru ta' ħarsien għat-tfal jingħataw liċenzja temporanja għat-tielet sena, id-detentur tal-liċenzja għandu minnufih jikkomunika din l-informazzjoni lill-ġenituri u, jew lill-istudenti, kif ikun il-każ, u membri tal-istaff.

Sottomissjoni ta' kopja tal-istatut.

25. (1) Fejn l-applikant għal liċenzja biex titwaqqaf skola jew jitwaqqaf ċentru ta' ħarsien għat-tfal ikun korp ta' persuni, kopja tal-istatut għandha tiġi sottomessa mal-applikazzjoni għal liċenzja.

(2) L-applikant għal liċenzja għandu jindika fl-applikazzjoni d-dettalji tal-persuna magħżula u jekk il-liċenzja hijiex ser tinhareġ f'isem il-persuna magħżula fil-kapaċità tagħha personali jew bhala rappreżentant ta' korp ta' persuni, istituzzjoni jew ordni reliġjuż:

Iżda l-liċenzja għal skejjel Statali għandha tinhareġ f'isem id-Direttur Ġenerali responsabbli għalihom.

(3) L-applikant għal liċenzja għandu wkoll jipprovdi lid-Divizjoni d-dokumentazzjoni u l-informazzjoni kollha meħtieġa mid-Divizjoni biex l-applikazzjoni tiġi kkunsidrata.

26. (1) Fil-każ ta' skola jew centru ta' harsien għat-tfal, kull liċenzja mahruġa taht id-dispożizzjonijiet ta' din it-Taqsima għandha tkun f'isem il-persuna magħżula fil-kapaċità personali tagħha jew bħala rappreżentant ta' korp ta' persuni, istituzzjoni jew ordni reliġjuż, skont il-każ.

Liċenzja f'isem il-persuna magħżula.

(2) Il-persuna magħżula li f'isimha tinhareg il-liċenzja għandha tkun personalment responsabbli li tiżgura li l-obbligi kollha marbutin ma' dik il-liċenzja jkunu osservati dejjem kemm jekk dik il-liċenzja nharġet f'isimha personalment kemm jekk bħala rappreżentant ta' korp ta' persuni, istituzzjoni jew ordni reliġjuż.

(3) Id-detentur ta' liċenzja li f'ismu tinhareg liċenzja sabiex jipprovi għal edukazzjoni d-dar, kif imfisser fl-artikolu 2, għandu jkun personalment responsabbli li jiżgura li l-obbligi kollha marbutin ma' dik il-liċenzja jkunu osservati dejjem.

27. Id-deċiżjoni tad-Diviżjoni li tagħti jew tirrifjuta applikazzjoni għal liċenzja għandha tiġi notifikata bil-miktub lill-applikant fi żmien tliet (3) xhur mid-data li fiha tkun waslet l-applikazzjoni għand id-dipartiment responsabbli. Deċiżjoni li tirrifjuta applikazzjoni għal liċenzja għandu jkollha magħha r-raġunijiet għaliex ma ntlagħhatx. In-nuqqas li jiġi notifikat applikant dwar deċiżjoni li tirrigwarda applikazzjoni għal liċenzja fiż-żmien stabbilit f'dan l-artikolu għandu, għal raġunijiet ta' interess pubbliku, jitqies bħala rifjut tal-liċenzja li għaliha tkun saret l-applikazzjoni:

Deċiżjonijiet dwar applikazzjonijiet għal liċenzja.

Iżda applikazzjoni għal liċenzja ma titqiesx li kienet sottomessa minn applikant jekk ma tkunx imtliet kif xieraq u ma jkollhiex magħha l-informazzjoni u d-dokumentazzjoni kollha meħtieġa:

Iżda wkoll applikazzjoni ma titqiesx li ġiet sottomessa mill-Knisja Kattolika jekk dik l-applikazzjoni ma tkunx iffirmata mill-Isqfijiet f'Ordinarju ta' dawn il-gżejjer jew awtorizzata minnhom bil-miktub.

28. (1) Fejn il-persuna magħżula li f'isimha tkun inharġet liċenzja skont l-artikolu 26(1) ma tibqax il-persuna magħżula għal xi raġuni tkun xi tkun, għandhom japplikaw id-dispożizzjonijiet ta' dan is-subartikolu li ġejjin:

Bidla fil-persuna magħżula.

(a) fejn il-liċenzja tkun f'isem dik il-persuna magħżula fil-kapaċità tagħha personali, għandha ssir applikazzjoni ġdida għal liċenzja;

(b) fejn il-liċenzja tkun f'isem dik il-persuna magħżula bħala rappreżentant ta' korp ta' persuni, reliġjuża, dak il-korp

għandu mill-aktar fis jgħarraf bil-miktub lid-Divizjoni dwar il-bidla f'dik il-ħatra u jissottometti d-dettalji tal-persuna li tkun assumiet dik il-ħatra u minn hemm 'il quddiem il-liċenzja għandha titqies li tkun f'isem dik il-persuna bħala rappreżentant ta' dak il-korp ta' persuni.

(2) Fejn l-ebda applikazzjoni kif meħtieġ bis-subartikolu (1)(a) jew l-ebda notifika kif mitlub bis-subartikolu (1)(b) ma ssir jew tintbagħat fi żmien tliet (3) xhur mid-data li fiha l-persuna magħżula li f'isimha nħarġet il-liċenzja tispicċa milli tkun f'dik il-kariga, dik il-liċenzja titqies bħala li giet ikkanċellata fid-data tal-iskadenza tal-imsemmi perjodu ta' tliet (3) xhur.

Sospensjoni u
irtirar ta'
liċenzja ta'
skola.

29. (1) Id-Divizjoni, waqt li taġixxi fuq ir-rakkomandazzjoni tad-Dipartiment imsemmi fl-artikolu 16, tista' tissospendi liċenzja maħruġa skont l-artikolu 22(2) jew liċenzja temporanja maħruġa skont artikolu 24(1) jekk l-iskola ma tosservax il-kondizzjonijiet minimi nazzjonali jew xi kondizzjoni imposta mid-Dipartiment jew b'xi mod ieħor tikser il-legiżlazzjoni applikabbli.

(2) Fejn ir-raġuni għas-sospensjoni ma tkunx rimedjata mid-detentur tal-liċenzja fi żmien perjodu ta' tliet (3) xhur mid-data tas-sospensjoni tal-liċenzja, id-Divizjoni tista' tipproċedi biex tirtira l-liċenzja.

Reviżjoni
amministrattiva.

Kap. 490.

30. (1) Meta applikazzjoni għal liċenzja ta' skola tkun giet irrifjutata jew titqies li giet rifjutata skont l-artikolu 27 jew fejn liċenzja ta' skola tiġi sospiża jew ikkanċellata, l-applikant jew id-detentur tal-liċenzja jista' jappella lit-Tribunal ta' Reviżjoni Amministrattiva skont id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva u kull regolament applikabbli magħmul tahtu.

(2) Appell taht is-subartikolu (1) għandu jsir bil-miktub fi żmien xahrejn (2) mid-data li fiha d-deċiżjoni li tirrifjuta l-applikazzjoni jew id-deċiżjoni dwar is-sospensjoni jew irtirar tal-liċenzja kienet notifikata lill-applikant jew mid-data tal-iskadenza tal-perjodu ta' tliet (3) xhur imsemmi fl-artikolu 29(2), skont kif ikun il-każ.

Kap. 490.

(3) Minkejja l-fatt li jkun sar appell skont id-dispożizzjonijiet ta' dan l-artikolu, liċenzja għandha titqies bħala sospiża jew kanċellata, skont kif ikun il-każ, sakemm tibqa' pendenti d-deċiżjoni finali dwar kull appell li jista' jsir mid-deċiżjoni tat-Tribunal ta' Reviżjoni Amministrattiva skont id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva u kull regolament applikabbli magħmul tahtu.

31. Id-Divizjoni għandha żżomm reġistru li jkun fih id-dettalji ta' kull skola, ċentri ta' ħarsien għat-tfal u edukaturi fid-dar li jkollhom liċenzja maħruġa taht dan l-Att. Reġistru ta' liċenzji.

TAQSIMA IV

Skejjel tal-Istat

32. (1) Bil-għan li tiġi aċċertata l-eżistenza ta' sistema ta' skejjel biex jintlaħqu l-oġettivi mnizzlin fl-artikolu 4, il-Ministru għandu jistabbilixxi Skejjel tal-Istat tali f'Malta u f'Għawdex skont kemm il-Ministru jara li jkun meħtieġ minn żmien għal żmien. Kull Skola tal-Istat għandha taqa' taht ir-responsabbiltà, il-gwida u l-amministrazzjoni ta' Kap ta' Skola. Skejjel tal-Istat u Kulleġġi.

(2) Bil-għan li jissahhu l-kooperazzjoni u n-networking fost l-Iskejjel tal-Istat, il-Ministru jista' jwaqqaf ukoll Kulleġġi Statali f'Malta u f'Għawdex skont kemm il-Ministru jhoss il-bżonn minn żmien għal żmien. Il-Kulleġġi Statali għandhom ikunu magħmulin minn dawk l-Iskejjel tal-Istat kif il-Ministru jista' jordna minn żmien għal żmien. Kull Kulleġġ Statali għandu jkollu Kap tan-Network tal-Kulleġġi li jkun responsabbli għall-kooperazzjoni u n-networking fost l-Iskejjel tal-Istat li jkunu jiffurmaw parti mill-Kulleġġ.

(3) Bil-għan li tiġi offruta speċjalizzazzjoni f'suġġetti partikolari, il-Ministru jista' wkoll jistabbilixxi tali għaqda ta' kulleġġi kif jitqies meħtieġ minn żmien għal żmien. L-għaqda ta' kulleġġi tkun magħmula minn grupp ta' kulleġġi kif il-Ministru jista' jordna minn żmien għal żmien.

(4) Ir-rappreżentanza legali u ġudizzjarja ta' kull skola tal-Istat għandha tkun vestita fid-Direttur Ġenerali responsabbli għall-iskejjel tal-Istat, iżda tali Direttur Ġenerali jista' jahtar wiehed jew aktar mill-uffiċjali jew impjegati, biex jidher għalih u f'ismu f'kull proċedura ġudizzjarja, jew f'kull ftehim, kuntratt, strument jew dokument ieħor ta' natura tkun xi tkun.

33. (1) Il-Ministru u d-Divizjoni tal-Edukazzjoni għandhom jippromwovu t-twettiq tal-prinċipju ta' sussidjarjetà u governanza personali fl-immaniġġjar u l-amministrazzjoni ta' Skejjel tal-Istat, f'qafas ta' deċentralizzazzjoni u awtonomija tal-ħidma edukattiva u servizzi pprovduti minn skejjel skont il-prijoritajiet, miri u strategiji nazzjonali adottati mill-Gvern. Awtonomija tal-iskejjel.

(2) Xejn f'dan l-Att ma għandu jinftiehem li jista' jżomm lill-Ministru, rigward l-għan ta' implimentazzjoni tal-prinċipju ta' sussidjarjetà u governanza personali fl-immaniġġjar u l-amministrazzjoni ta' Skejjel tal-Istat, milli jiddelega jew jassenja xi

A 1552

waħda mill-funzjonijiet tad-Divizjoni tal-Edukazzjoni lill-Iskejjel jew Kullegġi stabbiliti taħt din it-Taqsima.

Pjan ta' żvilupp ta' skola.

34. (1) Il-pjan ta' żvilupp tal-iskola għandu jkun il-politika edukattiva ewlenija u l-għodda ta' implimentazzjoni u għandu, b'mod partikolari, jimmira biex jiffaċilita l-implimentazzjoni u l-issoktar tal-qafas tar-riżultati tat-tagħlim waqt li jitqiesu l-kuntesti differenti ta' kull skola u l-ħtiġiet partikolari tal-istudenti tagħha.

(2) Il-pjan ta' żvilupp tal-iskola għandu jkun għal perjodu stabbilit mid-Divizjoni u għandu jkun imħejji mill-Kap tal-Iskola permezz ta' approċċ intiz għall-iskola kollha.

(3) Il-Kap tal-Iskola għandu jirrevedi l-implimentazzjoni tal-pjan ta' żvilupp tal-iskola fuq bażi annwali.

Pjan ta' żvilupp ta' kullegġ.

35. (1) Il-pjan ta' żvilupp ta' kullegġ għandu jara li tinbena sinerġija fost l-iskejjel li jiffurmaw parti mill-Kullegġ u li politiki nazzjonali dwar materji edukattivi jkunu segwiti u implimentati. Il-pjan ta' żvilupp ta' kullegġ għandu jinkludi pjan ta' ħidma għall-iskejjel differenti li jiffurmaw parti mill-kullegġ ibbażat fuq l-ethos, l-isfidi u l-ħtiġiet ta' kull skola.

(2) Il-pjan ta' żvilupp ta' kullegġ għandu jkun għal perjodu ta' tliet (3) snin. Għandu jkun imħejji mill-Kap tan-Network tal-Kullegġ flimkien mal-Kapijiet tal-Iskejjel li jiffurmaw parti mill-Kullegġ.

(3) Il-Kap tan-Network tal-Kullegġ, flimkien mal-Kapijiet tal-Iskejjel, għandu jirrevedi l-implimentazzjoni tal-pjan ta' żvilupp tal-kullegġ fuq bażi annwali.

Funzjonijiet tal-Iskejjel u l-Kullegġi tal-Istat.

36. (1) Flimkien mad-dmirijiet tal-iskejjel li jinsabu fl-artikolu 9, għandha tkun il-funzjoni ta' kull Skola tal-Istat:

(a) li tidentifika u toffri b'mod ekwu programmi assistiti u ta' tagħlim lill-istudenti kollha;

(b) li tiżgura li l-politika nazzjonali rigward edukazzjoni inkluziva tkun applikata u li r-riżorsi, l-għodod u l-faċilitajiet meħtieġa jkunu disponibbli;

(ċ) li tiżgura l-implimentazzjoni f'waqtha u effettiva ta' funzjonijiet oħrajn kif dawn jistgħu jiġu assenjati mill-Ministru minn żmien għal żmien;

(d) li tosserva r-regolamenti u l-proċeduri finanzjarji u ta' akkwist pubbliku; u

- (e) li timmassimizza r-riżorsi tal-skejjel u dawk umani.
- (2) Għandha tkun il-funzjoni ta' kull Kullegġ Statali:
- (a) li jiżgura networking u koordinazzjoni fost l-iskejjel li jiffurmaw parti mill-Kulleġġ;
 - (b) li jiffaċilita l-implimentazzjoni tad-dmirijiet tal-Istat stabbiliti fl-artikolu 4;
 - (ċ) li jassigura kollaborazzjoni mal-Iskejjel tal-Istat li jappartjenu lil Kullegġi oħra;
 - (d) li jistabbilixxi ftehimiet ta' assoċjazzjoni ma' istituzzjonijiet u organizzazzjonijiet oħrajn li jkunu ta' għajjnuna għat-tagħlim fis-sens l-aktar wiesa' tal-kelma u li jistgħu jgħinu biex ifornu l-istudenti bl-għerf, ħiliet, kompetenzi u valuri meħtieġa għal ċittadinanza attiva, akkwist tax-xogħol u intraprenditorija; u
 - (e) li jassigura l-implimentazzjoni f'waqtha u effettiva ta' funzjonijiet oħra kif dawn jistgħu jkunu assenjati mill-Ministru minn żmien għal żmien.

37. (1) Kull Skola tal-Istat għandu jkollha Kap ta' Skola li jkun responsabbli għal deċiżjonijiet li jikkoncernaw materji edukattivi fl-iskola u li jirrapporta lill-Kap tan-Network tal-Kulleġġ.

Kapijiet ta' Skejjel u Kapijiet tan-Network tal-Kulleġġ.

(2) Kull Kullegġ Statali għandu jkollu Kap tan-Network tal-Kulleġġ li jkun responsabbli lejn id-Direttur Ġenerali li jkun assenjat ir-responsabbiltà ġenerali tal-iskejjel tal-istat fejn jolqot it-tweqqiq tal-funzjonijiet tiegħu.

38. Ikun dmir ta' kull Kap ta' Skola li jiżgura li l-funzjonijiet tal-iskola kif previsti fl-artikolu 36(1) ikunu qed jintlaħqu. L-irwol ċentrali tal-Kap ta' Skola għandu jkun li:

Rwol ċentrali tal-Kap ta' Skola.

- (a) jippromwovi, jimplementa u jissokta fuq il-missjoni tal-iskola li tipprovdi edukazzjoni inklużiva ta' kwalità għolja għall-istudenti kollha;
- (b) jipprovdi tmexxija strateġika u ta' iSTRUZZJONI kif ukoll direzzjoni għall-istaff tal-iskola u l-immanniggar totali tal-iskola minn jum għal jum;
- (ċ) jassumi rwol ewlieni fl-organizzazzjoni u l-koordinament tal-attivitajiet kollha relatati mat-tweqqiq u l-iżvilupp tal-kurrikulu; u

A 1554

(d) iwettaq kull funzjoni oħra li tista' tkun assenjata mid-Divizjoni minn żmien għal żmien.

Rwol ċentrali tal-Kap tan-Network tal-Kulleġġ.

39. (1) Għandu jkun hemm uffiċjal li jkun magħruf bħala il-Kap tan-Network tal-Kulleġġ biex iwettaq il-funzjonijiet imsemmija f'dan l-artikolu.

(2) Għandu jkun id-dmir ta' kull uffiċjal deskritt fis-subartikolu (1) li jiżgura li l-funzjonijiet tal-Kulleġġ kif previst fl-artikolu 36(2) ikunu qed jintlaħqu. L-irwol ċentrali tal-Kap tan-Network tal-Kulleġġ għandu jkun li jikkoordina, jiffacilita u jipromwovi:

(a) kooperazzjoni u kollaborazzjoni fl-isferi edukattivi kollha fost l-iskejjel fi ħdan il-Kulleġġ, biex b'hekk isseħħ sinerġija;

(b) networking fost l-edukaturi kollha biex jaqsmu, itejbu u jsaħħu prattiki tajbin u b'hekk tissaħħaħ il-kolleġġjalità;

(c) opportunitajiet għal taħriġ professjonali kontinwu u żvilupp tal-istaff kollu; u

(d) il-ħolqien ta' inizzjattivi 'l barra mill-iskola li jagħmluha possibbli li jinholqu sinerġiji mal-komunità (soċjali, ċivili u ekonomiċi).

Shubija ma' Skejjel mhux Statali.

40. (1) Skejjel tal-Istat għandhom ifittxu li jiffurmaw shubijiet ma' kulleġġi jew Skejjel mhux Statali f'Malta u f'pajjiżi oħra u jistgħu jikkonkludu ftehimiet ta' kollaborazzjoni li jiffavorixxu l-edukazzjoni tal-istudenti.

(2) Ftehimiet ta' shubija bħal dawn għandhom jipprovdu opportunitajiet ta' kollaborazzjoni, l-użu u l-qsim ta' riżorsi, u bdil ta' esperjenzi, prattika tajba u programmi edukattivi.

Użu tal-bini tal-iskejjel għal taġġim, attivitajiet kulturali jew attivitajiet oħra.

41. (1) Il-Kap ta' Skola jista' jagħmel ftehimiet għal tul ta' żmien limitat ma' partijiet terzi, b'korrispettiv skont kif jidhirlu xieraq, għall-użu tal-bini u l-facilitajiet tal-Iskejjel tal-Istat, jew parti minnhom, bħala ċentri ta' taġġim, jew ċentri għal attivitajiet ta' eżerċizzju fiżiku u edukazzjoni sportiva, jew għal attivitajiet kulturali ta' arti, mużika u drama, jew għal attivitajiet oħra simili għal dawn konformement mal-politiki stabbiliti mid-Divizjoni tal-Edukazzjoni:

Iżda:

(a) attivitajiet bħal dawn ma għandhomx joħolqu tfixkil lit-taġġim u l-edukazzjoni tal-istudenti tal-Iskejjel tal-Istat; u

(b) għandha dejjem tingħata prijorità lill-użu tal-Iskejjel tal-Istat mill-Gvern għal attivitajiet tali li l-Gvern iqis xieraq.

(2) Il-Kap tal-Iskola għandu jidhol fi ftehimiet bħal dawn kif previst fis-subartikolu (1) skont il-politiki stabbiliti mid-dipartiment responsabbli għall-binjiet tal-iskejjel.

(3) Fejn tingħata l-awtorizzazzjoni kif previst fis-subartikolu (2), id-dispożizzjonijiet tal-Att dwar it-Trasferiment ta' Art tal-Gvern ma għandhomx japplikaw: Kap. 573.

Izda l-ftehim ma jagħtix xi drittijiet fuq l-artijiet lil partijiet terzi.

(4) Kull dħul li jirriżulta mill-ftehim kif hemm referenza għalih fis-subartikolu (1) ikun tal-iskola.

(5) Il-Ministru jista' jagħti direttivi jew jagħmel tali regolamenti hekk kif jikkunsidra xieraq b'rabta mal-użu tal-bini u l-facilitajiet tal-Iskejjel tal-Istat minn partijiet terzi, fosthom il-kondizzjonijiet li taħthom drittijiet ta' użu jistgħu jingħataw, u l-użu li għandu jsir minn xi qligħ ġġenerat mill-iskola mill-ftehimiet li hemm referenza għalihom fis-subartikolu (1).

42. Kull Skola tal-Istat, kemm jekk hi skola li tagħmel parti minn Kullegġ kemm jekk le, għandu jkollha Kunsill tal-Iskola li jkun magħmul minn ġenituri u għalliema, u Kunsill tal-Istudenti li jkun magħmul u magħżul u li għandu jkollu l-funzjonijiet, dmirijiet, setgħat u proċeduri hekk kif il-Ministru jista' minn żmien għal żmien jistabbilixxi permezz ta' regolamenti.

Kunsill tal-Iskola u tal-Istudenti.

43. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, il-Kap ta' Skola u l-istaff ta' għalliema, u dawk li mhumiex għalliema, ta' xi skola, inkluż kull min direttament jew indirettament huwa involut fil-proċess edukattiv tal-istudenti fl-iskola, għandu jkun responsabbli li jiżgura ż-żamma ta' mgħiba tajba mill-istudenti u għaž-żamma ta' dixxiplina fl-iskola.

Imgħiba tajba u dixxiplina fl-iskejjel.

(2) Il-Ministru jista', minn żmien għal żmien, jagħmel tali regolamenti jew joħroġ politiki jew direttivi li huwa jqis li huma xierqa, fosthom kodiċi ta' dixxiplina, biex jiżgura li jinżammu l-imgħiba tajba u d-dixxiplina fl-Iskejjel tal-Istat. Regolamenti, politiki jew direttivi bħal dawn jistgħu jipprovdu wkoll għas-sospensjoni u l-eskluzjoni ta' studenti mill-klassi u mill-iskola bħala parti minn proċess ta' dixxiplina u integrazzjoni mill-ġdid, għal mod kif isiru appelli u għall-konsiderazzjoni mill-ġdid ta' deċiżjonijiet dwar dixxiplina li jkunu ttiehdu minn awtoritajiet kompetenti, għall-implimentazzjoni tal-kodiċi ta' dixxiplina mill-iskejjel, u għal kull

materja oħra anċillari għal dawn skont kif ikun meħtieġ.

(3) Bla hsara għad-dispożizzjonijiet ta' dan l-Att jew ta' xi liġi oħra, ir-regolamenti u l-kodiċi ta' dixxiplina msemmijin fis-subartikolu (2) għandu jkun fihom dispożizzjonijiet dwar il-kondotta u d-dixxiplina mistennija minn edukaturi, staff ieħor tal-iskola, ġenituri u viżitaturi fi skola.

(4) Student jista' jinżamm taħt detenzjoni konformement ma' politiki u kodiċijiet ta' dixxiplina applikabbli.

(5) Fejn l-imġiba ta' student tkun vjolenti jew aggressiva u tipperikola s-saħħa tiegħu stess jew dik ta' xi student ieħor jew ta' xi persuna li tkun taħdem fl-iskola, għalliem jew persuna oħra impjegata fl-iskola, l-iskola tista' tieħu tali miżuri li jkunu raġunevoli, proporzjonati u meħtieġa fiċ-ċirkostanzi biex jiġi evitat kull tip ta' periklu, skont il-politiki u l-kodiċi ta' mġiba applikabbli. Id-Divizjoni għandha tagħmel dak kollu li tista' biex tipprovdi lill-istaff tal-iskola taħriġ rilevanti għal dan il-għan.

Edukazzjoni
ekwa.

44. (1) Il-Ministru jista' jagħmel regolamenti u joħroġ politiki u direttivi, kif jidhirlu xieraq, biex isir kuntatt mat-tfal kollha li huma intitolati li jattendu l-iskola, fosthom it-twaqqif ta' programmi alternattivi ta' tagħlim, spazji edukattivi, gruppi ta' trawwim u żoni ta' għajjnuna fit-tagħlim fl-iskola u ċentri ta' għajjnuna fit-tagħlim u ċentri ta' riżorsi barra mill-iskola, għat-trasferiment ta' studenti mill-klassi u mill-iskola għal dawk iż-żoni u ċentri, u għal kull materja oħra anċillari għal dawn skont kif ikun meħtieġ.

(2) Il-Ministru jista' jagħmel regolamenti u joħroġ politiki u direttivi kif fl-opinjoni tiegħu jkun meħtieġ biex jipprovdi studenti bi ħtiġiet edukattivi individwali, fosthom valutazzjoni multidixxiplinarja tal-kondizzjoni tagħhom, il-proċess ta' statementing, il-formalizzazzjoni u l-applikazzjoni ta' xi programm edukattiv individwali, valutazzjoni aċċessibbli, testijiet u eżamijiet ta' studenti kkonċernati, il-programmi fiċ-ċentri ta' riżorsi, l-applikazzjoni ta' terapiji jew l-għoti ta' mediċini kif preskritti minn persuni professjonali kompetenti skont kull liġi fis-seħħ lil studenti waqt li jkunu fl-iskola jew f'ċentru, meżzi għall-konsiderazzjoni mill-ġdid ta' u appelli minn deċiżjonijiet dwar l-applikazzjoni għall-istatementing ta' student, jew dwar kull materja oħra anċillari għal dawn skont kif ikun meħtieġ.

Tagħlim tar-
religjon
kattolika u ta'
filosofija tal-
hajja u l-etika
fl-Iskejjel tal-
Istat.

45. (1) L-Istat għandu jipprovdi għall-edukazzjoni u t-tagħlim tar-religjon kattolika fl-Iskejjel tal-Istat għal dawk l-istudenti li l-ġenituri tagħhom ikunu għażlu li jtellgħu lil uliedhom f'din ir-religjon u li jistabbilixxi kurrikulu għall-edukazzjoni u t-tagħlim ta'

din ir-religjon f'dawk l-iskejjel skont id-dispożizzjonijiet f'dan ir-rigward tal-Isqfijiet skont l-Ordinarju ta' dawn il-gzejjer.

(2) L-Istat għandu jipprovdi għall-edukazzjoni u t-tagħlim ta' filosofija tal-ħajja u l-etika għal dawk l-istudenti li l-ġenituri tagħhom jkunu għażlu li ma jtellgħux lil uliedhom skont ir-religjon kattolika.

TAQSIMA V

Edukazzjoni d-Dar

46. Ikun legalment aċċettabbli li ġenitur ta' minuri ta' età ta' skola obbligatorja japplika għand id-Divizjoni tal-Edukazzjoni biex jipprovdi edukazzjoni fid-dar lill-minuri: Edukazzjoni d-dar.

Iżda l-applikazzjoni biex tiġi pprovduta edukazzjoni fid-dar lil minuri ma tistax issir fuq bażi razzista jew raġuni simili, jew għal raġunijiet li d-Divizjoni ma tqisx li huma xierqa meta tqis iċ-ċirkostanzi kollha; u f'kull każ imsemmi hawn qabel, edukazzjoni fid-dar titqies li tkun fl-aħjar interess tal-minuri meta jitqiesu ċ-ċirkostanzi u sitwazzjoni tal-minuri u l-familja tiegħu.

47. (1) Fejn id-Divizjoni tkun tal-opinjoni li l-kondizzjonijiet meħtieġa għall-għoti ta' edukazzjoni fid-dar għall-minuri ġew sodisfatti hi għandha tawtorizza l-ġenitur tal-minuri li jipprovdi edukazzjoni fid-dar lill-minuri bi spejjeż tiegħu/tagħha u bla ħsara għall-kondizzjonijiet li ġejjin: Awtorizzazzjoni għal edukazzjoni fid-dar.

(a) il-minuri għandu jkollu esperjenza soċjali ekwivalenti għal dik mogħtija fi skejjel;

(b) il-minuri jingħata l-istess esperjenza u faċilitajiet bħal dawk li hemm fi skejjel;

(ċ) il-minuri għandhom isegwu programm akkreditat kif approvat mid-Divizjoni u dawk il-kondizzjonijiet stabbiliti mid-Divizjoni kif jista' jidhrilha xierqa fl-aħjar interess tal-minuri.

(2) Ġenitur li jara li l-wild minuri tiegħu jsegwi programm ta' tagħlim fid-dar konformement mal-kondizzjonijiet kollha imposti mid-Divizjoni i għandu jitqies li jkun issodisfa l-obbligi tiegħu taħt l-artikolu 6.

48. Il-Ministru jista', wara konsultazzjoni mad-Divizjoni, jagħmel regolamenti: Setgħa għall-għemil ta' regolamenti li jirrigwardaw edukazzjoni fid-dar.

(a) sabiex b'mod generali jipprovdi għar-regolamentazzjoni ta' edukazzjoni fid-dar;

(b) sabiex jipprovdi għall-għoti ta' awtorizzazzjoni biex jingħataw programmi ta' edukazzjoni fid-dar;

(ċ) sabiex jistabbilixxi kriterji dwar il-kwalifika u l-awtorizzazzjoni ta' edukaturi fid-dar u għat-tneħħija ta' awtorizzazzjoni bħal din;

(d) għall-akkreditazzjoni ta' programmi ta' edukazzjoni fid-dar;

(e) sabiex jistabbilixxi pieni għall-ksur tad-dispożizzjonijiet ta' din it-Taqsima jew ta' xi regolamenti magħmulin skont dan l-artikolu;

(f) sabiex jistabbilixxi miżati li għandhom jithallsu minn applikanti fir-rigward ta' kull applikazzjoni magħmula taht din it-Taqsima jew taht xi regolamenti magħmula skont dan l-artikolu;

(g) għal kull materja inċidentali u supplimentari li l-Ministru jqis spedjenti li jipprovdi għaliha, għall-implimentazzjoni effettiva ta' din it-Taqsima; u

(h) sabiex jipprovdi għal kull materja li ma tmurx kontra d-dispożizzjonijiet ta' dan l-Att u biex jagħti aktar sahha lil tali dispożizzjonijiet.

TAQSIMA VI

Entitajiet Edukattivi

Twaqqif ta' entitajiet.

49. Mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-Att jew ta' xi liġi oħra, il-Prim Ministru jista' b'Ordni fil-Gazzetta jwaqqaf entitajiet oħra, fosthom dawk l-aġenziji, diviżjonijiet, direttorati, dipartimenti jew istituzzjonijiet edukattivi oħra li jidhirlu meħtieġa għall-kwalità aħjar u l-għoti ta' edukazzjoni u servizzi ta' taħriġ fil-pajjiż, u l-Prim Ministru jista' wkoll permezz ta' Ordni fil-Gazzetta jikkostitwixxi kull entità stabbilita taht dan l-Att bħala korporazzjoni b'personalità distinta u ġuridika tagħha, u l-Prim Ministru għandu, f'dan il-każ, permezz ta' regolamenti, jipprovdi għal kull materja li tkun meħtieġa għall-immaniġġjar effettiv tal-entità msemmija fl-Ordni relattiva.

Hatriet ta' staff.

50. (1) Bla ħsara għad-dispożizzjonijiet tal-Kostituzzjoni u ta' kull leġiżlazzjoni oħra applikabbli għal dawk id-dispożizzjonijiet, inkluż dan l-Att, kull entità, li taġixxi bi qbil mal-Ministru, tista' tahtar u timpjega tali uffiċjali u impjegati oħra li minn żmien għal żmien ikunu meħtieġa għat-twettiq kif mistenni u effiċjenti tal-funzjonijiet

tagħha.

(2) Hatriet u impjiegi bħal dawn tal-imsemmija uffiċjali u impjegati għandhom isiru b'tali rimunerazzjoni u taħt tali pattijiet u kondizzjonijiet kif l-entità tista', bi ftehim mal-Ministru, minn żmien għal żmien, tiddetermina.

51. (1) Il-Prim Ministru, jista', meta mitlub minn xi entità bi ftehim mal-Ministru, minn żmien għal żmien jordna li xi uffiċjal pubbliku jiġi assenjat għal xogħol ma' xi entità f'tali pożizzjoni u b'effett minn tali data u għal tul ta' żmien tali kif ikun speċifikat fid-direttiva tal-Prim Ministru.

Status ta' uffiċjali pubbliċi assenjati biex iwettqu xogħol ma' xi entità.

(2) Il-perjodu li matulu ordni, kif imsemmi hawn qabel, għandha tapplika fir-rigward ta' uffiċjal speċifikat hemmhekk, sakemm l-uffiċjal ma jirtirax mis-servizz pubbliku jew b'xi mod ieħor ma jibqax fil-kariga sa minn data aktar qabel, għandu jkun meqjus kif ikun speċifikat fl-ordni, kemm-il darba din l-ordni ma tkunx minn qabel revokata mill-Prim Ministru.

(3) Fejn uffiċjal ikun assenjat għal xogħol ma' xi entità skont id-dispożizzjonijiet ta' dan l-artikolu, dan l-uffiċjal għandu, matul iż-żmien li fih direttiva bħal din tolqot lilu, ikun jaq' taħt l-awtorità amministrattiva u l-kontroll tal-entità, imma hu għandu, għal kull għan u raġuni oħra, jibqa' u jiġi kkunsidrat u ttrattat bħala uffiċjal pubbliku.

(4) Mingħajr preġudizzju għall-ġeneralità ta' dak kollu msemmi hawn qabel, uffiċjal assenjat għal xogħol kif imsemmi hawn qabel -

(a) m'għandux waqt dan iż-żmien li jkun assenjat b'dan il-mod -

(i) jinżamm milli japplika għal trasferiment għal dipartiment tal-Gvern skont il-pattijiet u l-kondizzjonijiet tas-servizz marbutin mal-ħatra mal-Gvern li jkollu fid-data li fiha huwa jkun assenjat ix-xogħol; jew

(ii) ikun impjegat b'mod li r-rimunerazzjoni u l-kondizzjonijiet tas-servizz tiegħu jkunu inqas favorevoli minn dawk li huma marbutin mal-ħatra mal-Gvern li kellu fid-data li ssemmiet qabel jew li kieku kienu jintrabtu ma' ħatra bħal din, matul il-perjodu msemmi, kieku dan l-uffiċjal ma kienx ġie assenjat dan ix-xogħol mal-entità; u

A 1560

Kap. 93.
Kap. 58.

(b) ikun intitolat li jkollu s-servizz tiegħu mal-entità meqjus bhala servizz mal-Gvern għal raġunijiet ta' pensjoni, gratifikazzjoni, jew benefiċċju li jaqgħu taħt l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Ltiema u għal kull dritt jew privileġġ ieħor li kien ikun intitolat għalih, u jkun responsabbli għal kull obbligu li jkun sugġett għalih, ħlief għall-fatt li jkun gie assenjat għal xogħol mal-entità.

(5) Fejn applikazzjoni ssir kif previst fis-subartikolu (4)(a)(i), l-istess konsiderazzjoni għandha tingħata għal dak il-post bhallikieku l-applikant ma kienx assenjat għal servizz mal-entità.

(6) L-entità għandha tħallas lill-Gvern, fejn dan japplika, kontribuzzjonijiet tali skont kif minn żmien għal żmien jiġi determinat mill-Ministru responsabbli għall-finanzi fir-rigward tal-ispiza għal pensjonijiet u gratifikazzjonijiet li jkun intitolat għalihom l-uffiċjal assenjat dan ix-xogħol mal-entità, kif ingħad qabel, matul il-perjodu li fih hu jkun hekk assenjat.

Offerta ta' impjieg permanenti għal uffiċjali pubbliċi assenjati xogħol mal-entitajiet.

52. (1) Entità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kull uffiċjal assenjat xogħol mal-entità imsemmija taħt id-dispożizzjonijiet tal-artikolu 51 impjieg permanenti mal-entità bi ħlas u bi pattijiet u kondizzjonijiet li ma jkunux inqas favorevoli minn dawk li jkun igawdi dan l-uffiċjal fid-data ta' din l-offerta.

(2) Il-pattijiet u l-kondizzjonijiet kompriżi f'kull offerta magħmula kif ingħad qabel m'għandhomx jitqiesu inqas favorevoli sempliċiment minhabba li ma jkunux għal kollox identiċi ma' jew superjuri għal dawk li kellu l-uffiċjal ikkonċernat fid-data ta' offerta bħal din, jekk tali pattijiet u kondizzjonijiet, meħudin flimkien, fl-opinjoni tal-Prim Ministru, joffru benefiċċji sostanzjalment daqshom jew akbar.

Kap. 93.
Kap. 58.

(3) Kull uffiċjal li jaċċetta impjieg permanenti mal-entità, offrut lilu taħt id-dispożizzjonijiet tas-subartikolu (1), għandu, għall-finijiet kollha barra dawk tal-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Ltiema, jitqies li waqaf mis-servizz mal-Gvern u li daħal fis-servizz mal-entità fid-data ta' meta aċċetta, u għall-finijiet tal-Ordinanza imsemmija u l-Att imsemmi, sa fejn japplikaw għalih, servizz mal-entità għandu jitqies li jkun servizz mal-Gvern fil-limiti tat-tifsiriet li joħorġu minnhom rispettivament.

Kap. 58.

(4) Kull uffiċjal bħal qabel imsemmi li, minnufih qabel ma jkun aċċetta l-impjieg permanenti mal-entità, kien intitolat li jibbenefika taħt l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Ltiema, għandu jibqa' jkun intitolat b'dan il-mod li jibbenefika taħt dak l-Att għall-finijiet kollha, daqs li kieku s-servizz tiegħu mal-entità kien servizz mal-Gvern.

(5) L-entità għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu minn żmien għal żmien jigu determinati mill-Ministru responsabbli għall-finanzi rigward l-ispiza tal-pensjonijiet u gratifikazzjonijiet li jkun qala' l-uffiċjal li jkun aċċetta impjeg permanenti mal-entità kif ingħad qabel waqt il-perjodu li jibda mid-data li fiha dan l-uffiċjal ikun aċċetta.

(6) Għall-finijiet tal-Ordinanza dwar il-Pensjonijiet, is-salarji pensjonabbli ta' uffiċjal pubbliku bħal dan meta jirtira għandhom jittqiesu bħala s-salarji pensjonabbli li għandhom jithallsu lil kull uffiċjal fis-servizz mal-Gvern fi grad u f'livell inkrimentali li jikkorrispondu għall-kariga u livell inkrimentali li fih jirtira l-uffiċjal mill-entità. Kap. 93.

(7) (a) Għall-finijiet ta' dan l-artikolu, karigi u gradi ta' salarji mal-entità għandhom ikunu kklassifikati mal-eqreb gradi possibbli u livelli inkrimentali fis-servizz taħt il-Gvern ta' Malta b'referenza għal deskrizzjoni tal-impjeg, hiliet, responsabbiltajiet u fatturi oħra analogi.

(i) Il-klassifikazzjoni msemmija fil-paragrafu (a) għandha ssir minn Bord kompost minn Chairperson appuntat mill-Ministru responsabbli għall-finanzi u żewġ membri oħra, wiehed appuntat mill-Ministru responsabbli ċentralment għall-politiki rigward staff fis-servizz pubbliku u wiehed appuntat mill-entità kkonċernata. Il-klassifikazzjoni tkun sugġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(ii) Klassifikazzjoni bħal din għandha sseħħ fi żmien tliet (3) xhur ta' kull aġġustament ta' salarji tal-impjegati fis-servizz mal-Gvern u, jew, tal-impjegati tal-entità.

(b) L-ebda kariga ma għandha tiġi klassifikata fi grad oġhla minn dak ta' Grad 3 fis-servizz mal-Gvern, jew grad ieħor bħal dan li l-Ministru għall-finanzi jista' minn żmien għal żmien jiddetermina permezz ta' avviż fil-Gazzetta.

(ċ) Mingħajr preġudizzju għall-artikolu 113 tal-Kostituzzjoni, l-ebda persuna ma tista', wara klassifikazzjoni kif qabel imsemmi, tkun intitolata għal drittijiet taħt l-imsemmija Ordinanza dwar il-Pensjonijiet li jkunu inqas favorevoli minn dawk li għalihom hi setgħet tkun intitolata qabel dik il-klassifikazzjoni. Kap. 93.

53. (1) L-entità tista' tiġbor id-drittijiet, rati u hlasijiet oħra kollha preskritti fil-protokolli tagħha jew meqjusa li huma preskritti b'dan l-Att jew taħtu u, jew regolamenti magħmulin taħtu, jew kull Dispożizzjonijiet finanzjarji.

A 1562

liġi oħra li għandha x'taqsam mas-setgħat u l-funzjonijiet tal-entità.

(2) L-entità għandha tithallas mill-Gvern mill-Fond Konsolidat dawk is-somom ta' flus kif il-Parlament jista' minn żmien għal żmien jawtorizza li jiġu approprjati sabiex ikopru l-ispejjeż ta' xogħlijiet speċifikati li għandhom jitkoplew u għat-tmexxija tal-entità minn jum għal jum.

Estimi tal-entità.

54. (1) Entità għandha tiegħu hsieb thejji f'kull sena finanzjarja, u għandha mhux aktar tard minn sitt (6) ġimgħat wara t-tmien ta' kull tali sena tadotta, estimi tad-dhul u nfiq tal-entità għas-sena finanzjarja ta' wara.

(2) Fit-thejjija ta' dawk l-estimi l-entità għandha tiegħu f'konsiderazzjoni xi fondi u flejjes oħra li jkollhom jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, sew jekk bis-saħħa ta' dan l-Att, sew b'Att ta' approprjazzjoni jew ta' xi liġi oħra; u l-entità għandha thejji l-imsemmija estimi hekk li jiġi żgurati li d-dhul totali tal-entità jkun għall-inqas biżżejjed biex jithallsu s-somom kollha li għandhom jithallsu mill-kont tad-dhul tagħha, magħdud, iżda bla hsara għall-ġeneralità ta' dik it-tifsira, id-deprezzament.

(3) L-estimi għandhom isiru f'dik il-forma u għandu jkun fihom dak it-tagħrif u dawk il-paraguni mas-snin ta' qabel kif jista' jordna l-Ministru responsabbli għall-finanzi.

(4) Kopja tal-estimi għandha, malli dawn jiġu adottati mill-entità, tintbagħat minnufih lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru għandu, mal-ewwel opportunità u mhux aktar tard minn sitt (6) ġimgħat wara li jkun irċieva kopja tal-estimi mingħand l-entità (jew jekk matul dak il-perjodu l-Kamra ma tkunx qed tiltaqa' fi żmien sitt (6) ġimgħat mill-bidu tas-sessjoni li jkun imiss), jara li dawk l-estimi jitqiegħdu quddiem il-Kamra flimkien ma' mozzjoni li l-Kamra tapprova dawk l-estimi.

Kontijiet u verifika.

55. (1) L-entità għandha tara li jinżammu kontijiet xierqa u records oħra dwar l-operat tagħha, u għandha tara li jitlesta prospett ta' kontijiet dwar kull sena finanzjarja skont standards ta' kkontjar stabbiliti.

(2) Il-kontijiet tal-entità għandhom jiġu verifikati minn awditur jew awdituri li jinhatru mill-entità u approvati mill-Ministru, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi:

Iżda l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jeħtieġ li l-kotba u l-kontijiet tal-entità

jìgu verifikati jew ezaminati mill-Awditur Ġenerali.

56. (1) L-entità għandha tara li, mhux aktar tard minn tliet (3) xhur wara l-għeluq ta' kull sena finanzjarja, kopja tar-rendikonti finanzjarji tagħha debitament verifikati tintbagħat lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport tal-awditur jew awdituri dwar dawn ir-rendikonti jew dwar il-kontijiet tal-entità.

Trasmissjoni ta' rendikonti finanzjarji lill-Ministru.

(2) Il-Ministru għandu, malajr kemm jista' jkun, iqiegħed koja ta' dawk ir-rendikonti u rapporti fuq il-Mejda tal-Kamra tad-Deputati.

57. (1) Il-flus kollha miġbura mill-entità għandhom jitqiegħdu f'bank jew f'banek maħtura bħala bankiera tal-entità permezz ta' rizzoluzzjoni tal-entità. Dawk il-flus għandhom, sa fejn ikun prattikabbli, jithallsu f'dawk il-banek minn jum għal jum, ħlief dik is-somma li l-entità tista' tawtorizza li tinżamm sabiex jithallsu l-ispejjeż żgħar u ħlasijiet ta' flus kontanti li jsiru fil-pront.

Depożitu ta' dhul u ħlasijiet mill-entità.

(2) Il-ħlasijiet kollha li jsiru mill-fondi tal-entità, minbarra nefqiet żgħar li ma jkunux aktar minn somma stabbilita minn żmien għal żmien mill-entità, għandhom isiru minn dak l-uffiċjal jew minn dawk l-uffiċjali tal-entità li l-entità tista' tahtar jew issemmi għal dak il-għan.

(3) Ċekkijiet li jinħarġu u rtirar minn kwalunkwe kont bankarju tal-entità għandhom ikunu ffirmati minn dak l-uffiċjal tal-entità li jista' jiġi maħtur jew imsemmi għal dak il-għan mill-entità u għandhom ikunu kontrofirmati miċ-Chairperson jew minn tali membru jew uffiċjal ieħor tal-entità kif jista' jiġi awtorizzat mill-entità għal dak il-għan.

(4) Kull entità għandha wkoll tipprovdi dwar:

(a) il-mod li bih, u l-uffiċjal jew uffiċjali li minnhom għandhom, jìgu awtorizzati jew approvati l-ħlasijiet;

(b) l-isem ta' kull kont miżmum mal-bank jew banek li fihom il-flus tal-entità għandhom jithallsu, u t-trasferiment ta' fondi minn kont għal ieħor;

(ċ) il-metodu li għandu jiġi adottat fil-ħlasijiet mill-fondi tal-entità; u

(d) b'mod ġenerali dwar kull haġa li għandha x'taqsam maż-żamma u kontroll xieraq tal-kontijiet u kotba, u l-kontroll tal-finanzi, tal-entità.

TAQSIMA VII

Reati u pieni

Impjieg ta' minuri.

58. (1) L-ebda persuna ma tista' timpjega minuri ta' età ta' skola obligatorja jew b'xi mod iehor marbut li jattendi regolarment l-iskola taht id-dispożizzjonijiet ta' dan l-Att mingħajr il-permess bil-miktub tad-Divizjoni tal-Edukazzjoni.

(2) Id-Divizjoni tista' tagħti l-permess tagħha taht is-subartikolu (1) meta, ladarba tkun għamlet l-investigazzjonijiet meħtieġa, tkun tal-fehma li hemm raġunijiet suffiċjenti li jiġġustifikaw l-eżenzjoni sakemm l-impjieg tal-minuri mhux ser ikun ta' ħsara għall-iżvilupp tas-saħħa jew dak normali tal-minuri.

(3) Meta jingħata l-permess skont is-subartikolu (2), id-Divizjoni tista' timponi tali kondizzjonijiet li jitolbu li l-minuri jattendi programmi alternattivi edukattivi jew ta' taħriġ kif jista' jkun preskritt, u kull permess bħal dan għandu minnufih jittiehed lura jekk xi kondizzjoni jew oħra imposti f' permess bħal dan ma tiġix rispettata.

(4) Id-Divizjoni li għaliha ssir riferenza f'dan l-artikolu tista' tapprova programmi ta' esperjenza ta' xogħol u taħriġ li, meta jkunu approvati, ma għandhomx jitqiesu li jikkostitwixxu impjieg għall-finijiet ta' dan l-artikolu.

Reati magħmulin minn ġenituri.

59. (1) Kull ġenitur ta' minuri li -

(a) jonqos milli jirreġistra lill-minuri fi skola tal-Istat jew fi skola liċenzjata taht dan l-Att għall-ewwel sena skolastika li tibda minn meta hu jkun ta' età ta' skola obligatorja jew jonqos li jiżgura li l-minuri jkun reġistrat dejjem b'dan il-mod għal kull sena skolastika matul il-perjodu sħiħ li l-minuri jkun ta' età ta' skola obligatorja jew jonqos li jara li l-minuri jkompli jkun irreġistrat hekk sa tmiem is-sena skolastika li matulha l-minuri ma jibqax ikun ta' età ta' skola obligatorja jew sa tmiem perjodu itwal kif il-Ministru jista' permezz ta' regolamenti jippreskrivi; jew

(b) jonqos li jiżgura, mingħajr raġuni tajba u suffiċjenti, li l-minuri jattendi l-iskola regolarment kull ġurnata skolastika matul il-perjodu li l-minuri jkun ta' età ta' skola obligatorja u sa tmiem is-sena skolastika li matulha l-minuri ma jibqax ikun ta' età ta' skola obligatorja u sa tmiem perjodu itwal kif il-Ministru jista' permezz ta' regolamenti jippreskrivi; jew

(ċ) jonqos li josserva deċiżjoni tal-Bord,

ikun ħati ta' reat u, meta jinstab ħati, jeħel il-pieni stabbiliti għal kontravvenzjonijiet u multa ta' mhux aktar minn mitt euro (€100) għal kull jum li matulu r-reat jibqa' jseħħ fil-każ ta' reat kontinwu:

Iżda l-ebda proċedura kriminali għal xi reat taħt il-paragrafu (b) ma tittiehed sakemm il-ġenitur, fi żmien tlett (3) ijiem mid-data li hu jkun irċieva avviż mid-Divizjoni tal-Edukazzjoni, li titolbu biex jagħti raġuni għall-assenza tal-minuri mill-iskola, ma jonqosx milli jagħti spjegazzjoni tajba u suffiċjenti.

(2) Kull persuna li, wara li tkun ġiet mħarrka biex tidher quddiem il-Kummissarju għall-Ġustizzja tonqos, mingħajr ġustifikazzjoni raġunevoli, milli tidher f'xi okkażjoni fejn hi kellha hekk tidher, jew li tonqos mingħajr ġustifikazzjoni raġunevoli milli tosserva ordni maħruġa lilha mill-Kummissarju għall-Ġustizzja jew mill-Bord tkun ħatja ta' reat kontra dan l-Att u teħel, meta tinstab ħatja mill-Qorti tal-Maġistrati, multa ta' bejn mitt euro (€100) u ħames mitt euro (€500) jew priġunerija għal perjodu ta' tliet (3) xhur jew dik il-multa u l-priġunerija flimkien:

Iżda l-Qorti tal-Maġistrati tista' wkoll toħroġ kwalunkwe ordni ieħor li jista' jidhrilha xieraq.

60. Kull persuna li tikser id-dispożizzjonijiet tal-artikolu 58 tkun ħatja ta' reat u, meta tinstab ħatja, teħel il-pieni stabbiliti għal kontravvenzjonijiet u multa ta' mhux aktar minn mitt euro (€100) għal kull jum ta' impjieġ tal-minuri.

Reati fir-rigward ta' impjieġ ta' minuri.

61. (1) Kull persuna li tistabilixxi jew tmexxi skola mingħajr liċenzja mid-Divizjoni tkun ħatja ta' reat u teħel, meta tinstab ħatja, multa ta' mhux aktar minn mitt euro (€100) għal kull jum li matulu r-reat ikompli jseħħ fil-każ ta' reat kontinwu.

Reati fir-rigward tat-tmexxija ta' skola mingħajr liċenzja.

(2) Kull persuna li jkollha liċenzja biex twaqqaf u tmexxi skola u li ma tiżgurax li tkun konformi dejjem mal-kondizzjonijiet minimi nazzjonali u kull kondizzjoni imposta mid-Divizjoni skont kif ikun applikabbli tkun ħatja ta' reat u teħel, meta tinstab ħatja, multa ta' mhux aktar minn mitt euro (€100) għal kull jum li matulu r-reat ikompli jseħħ fil-każ ta' reat kontinwu.

(3) Fil-każ tat-tieni kundanna jew kundanna sussegwenti għal reat li jitwettaq minn xi persuna oħra kontra d-dispożizzjonijiet tas-subartikolu (1), il-qorti tista' tawtorizza lid-Divizjoni, fuq talba tagħha, li tieħu pussess tal-bini miftuħ jew miżmum bħala skola mingħajr liċenzja u dan għal żmien li l-qorti jidhrilha li jkun neċessarju biex twaqqaf lil dik il-persuna milli tkompli tikkommetti reati oħrajn kontra d-dispożizzjonijiet ta' dak is-subartikolu.

A 1566

Reati fir-
rigward ta'
edukazzjoni fid-
dar.

62. (1) Kull persuna li tipprovdi edukazzjoni d-dar mingħajr liċenzja mid-Divizjoni tkun ħatja ta' reat u tehel, meta tinstab ħatja, multa ta' mhux aktar minn mitt euro (€100) għal kull jum li matulu r-reat ikompli jseħħ fil-każ ta' reat kontinwu.

(2) Kull persuna li jkollha liċenzja biex tipprovdi edukazzjoni d-dar u li ma tiżgurax li tkun konformi dejjem mal-kondizzjonijiet kollha imposti mid-Divizjoni, skont kif jistgħu jkunu applikabbli, tkun ħatja ta' reat u tehel, meta tinstab ħatja, multa ta' mhux aktar minn mitt euro (€100) għal kull jum li matulu r-reat ikompli jseħħ fil-każ ta' reat kontinwu.

Theddid kontra
jew offiżi fuq il-
persuna ta' xi
għalliem, eċċ

63. Kull min jhedded jew jagħmel offiża fuq il-persuna ta' għalliem jew xi uffiċjal ieħor jew impjegat ta' skola jew fuq xi persuna oħra involuta fl-organizzazzjoni ta' attività edukattiva, kulturali, soċjali jew sportiva għal minuri fil-bini ta' skola jew waqt tali attività jew kull meta tali edukatur, uffiċjal jew impjegat ikun fuq xogħol barra mill-bini tal-iskola, jew fil-parametru ta' kilometru mill-bini tal-iskola, tehel, meta tinstab ħatja, il-piena stabbilita għat-theddid jew għal offiża fuq il-persuna, meta dawn isiru mingħajr iċ-ċirkostanzi msemmijin fl-artikolu 95 tal-Kodiċi Kriminali, miżjuda b'żewġ gradi u multa ta' mhux inqas minn tmien mitt euro (€800) u mhux iżjed minn ħamest elef euro (€5,000).

Kap. 9.

TAQSIMA VIII

Mixxellanji

Il-Bord għal
Materji dwar l-
Edukazzjoni.

64. (1) Għandu jitwaqqaf Bord li jkun magħruf bħala l-Bord għal Materji dwar l-Edukazzjoni bil-funzjonijiet u d-dmirijiet mniżżlin fl-artikolu 8 u kull funzjoni oħra li l-Ministru jista' jassenjalu permezz ta' regolamenti magħmulin taht dan l-Att.

(2) Il-Bord għandu jkun maħtur mill-Ministru u għandu jkun magħmul minn ħames (5) membri. Il-Bord għandu jkun presedut minn chairperson li, fil-fehma tal-Ministru, għandu għarfien xieraq dwar materji relatati mal-edukazzjoni tat-tfal, u li għandu jkun persuna li għandha l-esperjenza meħtieġa sabiex tiġi appuntata magħrat. Il-membri tal-Bord għandhom jinkludu rappreżentant tal-ġenituri, edukatur, professjonist mill-qasam psikosoċjali u espert fil-qasam speċifiku ta' edukazzjoni inklużiva.

(3) Il-Bord għandu jiġi kostitwit wara li l-Ministru jkun kiseb il-qbil tal-Kummissjoni għad-Drittijiet ta' Persuni b'Dizabilità rigward li jiġi żgurat li jkun jinkludi l-perspettiva dwar dizabilità meħtieġa mill-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Dizabilità.

(4) Il-membri tal-Bord għandhom jiġu appuntati għal tliet (3) snin imma meta jgħaddi t-terminu jistgħu jerġgħu jiġu appuntati.

(5) Kull membru tal-Bord jista' jitneħħa mill-kariga tiegħu mill-Ministru minhabba nuqqas ta' ħila li jwettaq il-funzjonijiet tal-kariga, kondotta ħażina professjonali jew imġiba ħażina.

(6) Bla ħsara għad-dispożizzjonijiet ta' din it-Taqsima u għal xi regolamenti magħmulin taħtha, il-Bord għandu jirregola l-proċedura li jaħdem biha.

(7) Il-Bord ikollu s-setgħa li jahtar esperti li, fl-opinjoni tiegħu, ikun jinħtiegħ f'każi partikolari.

(8) Kull deċiżjoni tal-Bord għandha tittiehed b'maġġoranza tal-voti; madankollu f'każ li l-voti jkunu indaqs, iċ-Chairperson ikollu vot deċiżiv.

(9) Deċiżjonijiet tal-Bord għandhom ikunu bil-miktub u jiġu mibgħuta lill-partijiet kollha involuti.

(10) Il-Ministru għandu jahtar uffiċjal tad-Divizjoni biex jagħmilha ta' Segretarju tal-Bord. Is-Segretarju tal-Bord ma jkollux vot.

(11) Ma jkunx hemm ħtieġa ta' assistenza legali biex wiehed jidher quddiem il-Bord u l-Bord għandu jopera b'mod li ma jkunx hemm il-ħtieġa tal-assistenza legali.

(12) Fejn id-Divizjoni jew il-ġenitur ta' minuri jhoss ruħu aggravat bid-deċiżjoni tal-Bord, hu jista' jappella lit-Tribunal ta' Revizjoni Amministrattiva fi żmien wiehed u għoxrin (21) jum mid-deċiżjoni meħuda mill-Bord skont id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva u kull regolament applikabbli magħmul taħtu. Kap. 490.

(13) Minkejja li jkun sar appell skont id-dispożizzjonijiet tas-subartikolu (12), id-deċiżjoni tal-Bord tkun eżekuttiva sa meta tista' tingħata d-deċiżjoni finali ta' xi appell magħmul mid-deċiżjoni tat-Tribunal ta' Revizjoni Amministrattiva.

65. Il-Ministru għandu jahtar Registratur tal-Eżamijiet li jkun responsabbli għat-tmexxija ta': Registratur tal-Eżamijiet.

(a) kull eżami f'isem il-provdituri ta' edukazzjoni avvanzata jew oġġla kif jista' jkun mitlub minn tali provdituri;

(b) eżamijiet f'isem provdituri jew korpi tal-eżamijiet

lokali jew barranin, kif jista' jkun mitlub minnhom;

(ċ) eżamijiet għal dhul fis-servizz tal-Istat, korporazzjonijiet pubbliċi u shubijiet kummerċjali li fihom l-Istat ikollu kontroll effettiv:

Iżda għall-finijiet ta' dan il-paragrafu, l-Istat jitqies li jkollu kontroll effettiv ta' shubija kummerċjali meta f'dik is-shubija aktar minn hamsin fil-mija (50%) tal-kapital jew saħħa tal-vot ikunu ta' jew ikkontrollati, direttament jew indirettament, mill-Istat; u

(d) kull eżami ieħor li jista' jintalab mill-Ministru.

Bord tal-
Eżamijiet
Lokali Pubbliċi.

66. (1) Għandu jkun hemm bord, li jkun magħruf bħala l-Bord tal-Eżamijiet Lokali Pubbliċi, hawn iżjed 'il quddiem f'dan l-artikolu msejjaħ "il-Bord", li jkun responsabbli għal eżamijiet lokali pubbliċi u li jkun magħmul minn hames (5) membri mahtura mill-Ministru għal perjodu ta' sena (1), li jista' jiġi mġedded. Ir-Reġistratur tal-Eżamijiet jkun membru mingħajr vot fuq il-Bord. Il-Ministru għandu jappunta chairperson minn fost il-membri. Il-Bord tal-Eżamijiet Lokali Pubbliċi jkun regolat bir-regolamenti tiegħu stess.

(2) Il-Bord għandu, b'mod partikolari:

(a) japprova n-notifikazzjoni dipartimentali jew tal-Gvern u l-orarju tal-eżami qabel tali pubblikazzjoni;

(b) jiżgura li eżamijiet jitmexxew f'bini xieraq u taħt il-kondizzjonijiet stabbiliti mill-Bord;

(ċ) jieħu azzjoni f'każijiet ta' ksur tar-regolamenti dwar l-eżamijiet u, jew tad-dixxiplina;

(d) japprova kull arrangament dwar aċċess fuq talba tal-persuna li ser tagħmel l-eżami;

(e) japprova l-Panel tal-Eżaminaturi fil-każ ta' eżamijiet bil-miktub u intervisti;

(f) japprova l-amministraturi fil-każ ta' testijiet online rikonoxxuti uffiċjalment;

(g) jifli u jiffirma r-riżultati ta' eżamijiet qabel ma jiġu pubblikati; u

(h) jiżgura li jkun hemm proċess ġust u trasparenti għal reviżjoni ta' karta tal-eżami.

(3) Il-Bord ikollu d-dritt li jwettaq dawk l-ispezzjonijiet li jidhirlu xierqa matul kull stadju tal-proċess tal-eżamijiet.

(4) Il-Bord għandu jiggwida u jipprovdi appoġġ lir-Registatur tal-Eżamijiet matul kull stadju tal-proċess tal-eżamijiet kif jidhirlu meħtieġ.

67. (1) Fl-iskejjel tal-Istat u provdituri pubbliċi ta' edukazzjoni avvanzata jew oġhla, it-tagħlim kollu għandu jingħata lil ċittadini Maltin mingħajr ma jintalab ħlas. Għalhekk sabiex jiżgura li jkun hemm għal kollox l-għażla ta' skola mill-ġenituri, l-Istat għandu, permezz ta' ftehimiet ta' sussidju ta' skejjel mhux statali, meta dawn ikunu tali li ma jagħmlux qligħ, skont il-mezzi disponibbli tal-fondi pubbliċi, jipprovdi gradwalment għall-istess tagħlim bla ħlas f'dawn l-iskejjel kif ikun offrut lil studenti fl-iskejjel tal-Istat.

Tagħlim fi skejjel tal-Istat u provdituri pubbliċi ta' edukazzjoni avvanzata jew oġhla.

(2) Il-Ministru jista' permezz ta' regolamenti jippreskrivi l-miżati li għandhom jintalbu għal eżamijiet u korsijiet speċjali u l-miżati li jiġihallu minn studenti li ma jkunux ċittadini Maltin:

Iżda l-Ministru jista' jeżenta xi persuna mill-ħlas ta' dawk il-miżati:

Hekk iżda li, għall-finijiet ta' dan is-subartikolu, "korsijiet speċjali" tfisser dan li ġej:

(a) korsijiet part-time kif speċifikati b'dawk ir-regolamenti;

(b) korsijiet li jwasslu għal kwalifika kklassifikata f'livell 7 tal-Qafas Malti tal-Kwalifiki jew oġhla, ħlief għal dawk il-korsijiet li l-persuni jkunu mistennija li jagħmlu bil-għan li jakkwistaw warrant biex jipprattikaw professjoni skont dan l-Att jew xi liġi oħra; u

(ċ) korsijiet ta' foundation studies offruti mill-Università.

(3) Il-Ministru jista' permezz ta' regolamenti jiddetermina rati ta' stipendji li jingħataw lil studenti li jkomplu l-edukazzjoni tagħhom wara li jkunu lestew l-edukazzjoni sekondarja u jista' jimponi kondizzjonijiet għall-pagament ta' stipendji bħal dawn.

(4) Il-Ministru jista' permezz ta' regolamenti jordna li l-ebda miżata ma għandha tintalab għat-tagħlim ta' ċittadini Maltin fi skejjel barra skejjel tal-Istat u meta dawn ikunu tali li ma jagħmlux qligħ u hekk iżda li f'tali każ il-Ministru għandu, qabel ma johroġ ordni bħal din, jiżgura li l-iskejjel li l-ordni tkun tapplika għalihom ser ikunu

A 1570

f'qagħda li jkomplu jipprovdu s-servizzi tagħhom u għandu jissupplimenta minn fondi pubbliċi l-mezzi finanzjarji ta' dawn l-iskejjel fejn, wara investigazzjonijiet magħmulin flimkien ma' dawn l-iskejjel, tqum ħtieġa bħal din.

Membri ta' Diviżjonijiet, eċċ., jitqiesu uffiċjali pubbliċi. Kap. 9.

68. Għall-finijiet tal-Kodiċi Kriminali jew ta' kull dispożizzjoni li għandha x'taqsam ma' reat kriminali, il-membri tad-Diviżjonijiet, kull Bord, Direttorat, Kulleġġ, Kumitat, Kummissjoni, Kunsill jew xi uffiċjal jew impjegat ta' xi entità, għandhom jitqiesu u jiġu ttrattati bħala uffiċjali pubbliċi.

Direttivi u ordnijiet tal-Ministru.

69. (1) Il-Ministru jista', minn żmien għal żmien, jagħti lil xi waħda mill-entitajiet jew lil xi wieħed mill-uffiċjali jew impjegati tagħha, direttivi u ordnijiet, li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, kif il-Ministru jidhirlu li jkun opportun fir-rigward tal-politika li għandha tifhaddem minnhom u għat-twettiq u l-implimentazzjoni tal-funzjonijiet tagħhom, u dwar kull materja oħra li l-Ministru jqis li jkollha x'taqsam mal-edukazzjoni, u l-entità, l-uffiċjal jew l-impjegat kkonċernati għandhom, mingħajr dewmien kemm jista' jkun, jikkonformaw ma' u jaġixxu skont dawn id-direttivi u ordnijiet u għandhom iwettqu l-funzjonijiet tagħhom skont dawn il-prinċipji.

(2) Kull entità għandha tagħti lill-Ministru kull faċilità meħtieġa biex hu jkun jista' jikseb kull informazzjoni marbuta mal-ħwejjeġ u l-attivitajiet ta' kull entità, uffiċjal jew impjegat, u għal dan il-għan għandhom jissupplixxu lill-Ministru kull transazzjoni, kontijiet u kull informazzjoni oħra konnessa ma' dan kollu, jew mal-funzjonijiet tagħhom, u jagħtuh il-faċilitajiet kollha meħtieġa biex jivverifika kull informazzjoni, b'tali mod u f'tali żmien li l-Ministru jista' jitlob b'mod raġunevoli.

Setgħa biex isiru regolamenti.

70. Il-Ministru jista', bla ħsara għad dispożizzjonijiet ta' dan l-Att, jagħmel regolamenti biex jagħti effett lil kull waħda mid-dispożizzjonijiet ta' dan l-Att, jew biex jirregola jew mod ieħor jipprovdi għal kull haġa li għandha x'taqsam mal-funzjonijiet u l-attivitajiet li jaffettwaw l-edukazzjoni skont dan l-Att, u jista' b'mod partikolari, iżda mingħajr preġudizzju għall-ġeneralità ta' dak li ntqal qabel, jagħmel regolamenti għal xi wieħed jew aktar mill-għanijiet li ġejjin:

(a) bla ħsara għad-dispożizzjonijiet tal-Kostituzzjoni jew ta' kull liġi oħra li tista' tkun applikabbli, biex jipprovdi għal kull materja li tista' tkun meħtieġa, fosthom reklamar, il-proċess ta' applikazzjonijiet, bordijiet tal-għażla, intervisti, eżamijiet, l-assessjar u l-evalwazzjoni ta' kandidati, il-pubblikazzjoni ta' riżultati b'rabta mal-proċess ta' ħatra jew promozzjoni jew

assenjament ta' kariga lil xi ufficjal u impjegat ta' entità, u li jakkwista data necessarja għar-records tal-istaff tal-entitajiet;

(b) biex jipprovdi għall-hatra, kondizzjonijiet ta' xogħol, dmirijiet u setgħat ta' għalliema, ufficjali u impjegati tal-entitajiet, kif ukoll ta' ufficjali u impjegati ta' Dipartiment jew aġenzija oħra li jistgħu jkollhom funzjonijiet b'xi liġi oħra li tirrigwarda s-saħħa u t-trattament ta' tfal u studenti, inklużi dispożizzjonijiet li jagħtu setgħa lil kull wieħed mill-ufficjali li jżuru tfal fi djarhom u li jeżaminawhom jew biex jagħmlu xi investigazzjonijiet oħra:

Iżda fir-regolamenti li jirrigwardaw ufficjali u impjegati ta' Dipartiment jew aġenzija li taqa' taħt ir-responsabbiltà ta' Ministru ieħor, il-Ministru għandu jagħmel dawk ir-regolamenti bl-approvazzjoni tat-tali Ministru ieħor;

(ċ) biex jipprovdi aħjar għad-dmirijiet u l-funzjonijiet ta' Kapijiet, ufficjali u impjegati u għall-assenjament ta' dmirijiet f'post jew f'entità skont il-grad jew pożizzjoni tagħhom u għat-trasferiment tagħhom minn post għal ieħor fi hdan entità;

(d) biex jeħtieġ li ġenituri jagħtu lid-Diretturi Ġenerali, u lil kull Direttur, Kap tan-Network tal-Kulleġġ, Kap ta' Skola, ufficjal jew impjegat ta' xi entità, kif debitament awtorizzati mid-Diretturi Ġenerali, jew minn xi Kap tan-Network tal-Kulleġġ, tali data dwar it-tfal tagħhom kif ikun necessarju għat-twettiq xieraq tal-funzjonijiet u d-dmirijiet ta' kull entità u tal-ufficjali tagħha, inkluża tali data li tista' tkun speċifikata fir-regolamenti;

(e) biex jistabbilixxi, jikkomunika u jeħtieġ it-twettiq tal-Qafas tal-Kurrikulu Nazzjonali ta' studji bla ħsara għan-natura reliġjuża speċifika ta' xi skola;

(f) biex jistabbilixxi l-kwalifiki ta' persuni professjonali, ufficjali u impjegati oħra tal-entitajiet u skejjel, il-kurrikuli, termini, granet u ħinijiet ta' skola, uniformijiet tal-istudenti, granet għall-ġenituri, il-kondizzjonijiet minimi nazzjonali tal-iskejjel, u kull materja oħra marbuta ma' jew incidental għall-implimentazzjoni tal-funzjonijiet jew għat-tħaddim u l-amministrazzjoni tal-entitajiet u ta' Skejjel tal-Istat u għad-dixxiplina li għandha tinzamm hemmhekk;

(g) biex jistabbilixxi kull miżata u hlas li jistgħu jkunu dovuti permezz ta' dan l-Att jew taħtu, jew għas-servizzi mogħtija bi qbil mad-dispożizzjonijiet ta' dan l-Att;

(h) biex jagħti direzzjoni għal ħidma aħjar ta' kull professjoni relatata mal-edukazzjoni, inkluż taħriġ inizjali u żvilupp professjonali kontinwu ta' uffiċjali u impjegati ta' entitajiet u biex jistabbilixxi punti ta' riferiment, standards, u jassigura kwalità, inklużi assigurazzjoni ta' kwalità interna u proċessi ta' awditjar estern, f'istituzzjonijiet, skejjel u entitajiet edukattivi;

(i) biex jipprovdi għal kull forma jew proċedura li tista' tkun meħtieġa jew spedjenti u li dwarha ma jkun hemm l-ebda proċedura speċifika f'dan l-Att;

(j) biex jistabbilixxi regoli li permezz tagħhom il-Gvern jista' jagħti effett lil konvenzjonijiet internazzjonali relatati mal-edukazzjoni u li diġà ġew ratifikati mill-Gvern ta' Malta jew biex jimxi ma' kull obbligu internazzjonali li mistenni mill-Gvern ta' Malta jew ma' Direttivi tal-Unjoni Ewropea fuq kull materja jew qasam li jikkonċerna l-edukazzjoni u t-taħriġ;

(k) biex jistabbilixxi, sakemm ma jkunx previst mod ieħor f'dan l-Att jew f'xi liġi oħra, statut u regoli biex jirregolaw il-missjoni, il-kamp ta' applikazzjoni, il-funzjonijiet, is-setgħat u l-obbligi, kontabilità finanzjarja jew affarijiet oħra, u kull proċedura oħra li għandha tiġi segwita, imwettqa u osservata minn xi entità, Kumitat jew Kunsill stabbiliti minn jew taħt dan l-Att;

(l) biex jipprovdi, bla ħsara wkoll għad-dispożizzjonijiet ta' kull liġi oħra, lil xi persuna li tħossha aggravata minn deċiżjoni ta' xi entità, jew xi korp jew organizzazzjoni stabbilita taħt dan l-Att, mezzi u proċeduri jew biex twassal l-ilmenti u l-aggravazzjoni dwar xi deċiżjoni jew biex tikkontesta jew tappella minn xi deċiżjoni u li tkun għalhekk sodisfatta jekk l-appell tagħha jintlaqa';

(m) biex jirregola l-laqgħat ta' xi entità, bord jew kumitat, inklużi proċeduri relatati ma' *quorum*, teħid ta' deċiżjonijiet permezz ta' votazzjoni, żamma ta' minuti u kull materja oħra anċillari għal dawn;

(n) biex jipprovdi għal kull materja inċidentali jew supplimentari, inkluż is-setgħa ta' dħul u spezzjoni f'kull bini jew post fejn isiru l-istruzzjoni u t-tagħlim jew fejn jistgħu jsiru skont dan l-Att, kif il-Ministru jqis spedjenti għall-infurzar ta' kull dispożizzjoni ta' dan l-Att u regolamenti magħmulin taħtu u biex jagħtihom iktar effett;

(o) biex jistabbilixxi kull ħaġa li għandha tkun jew tista' tkun stabbilita taht dan l-Att u biex jipprovdi għal kull materja oħra li tista' titqies xierqa;

(p) biex jirregola aħjar l-operat u l-għoti ta' servizzi fil-Kulleġġi u fl-iskejjel, inkluża kull materja li għandha x'taqsam mal-persunal, tagħmir, bini, amministrazzjoni, l-użu tal-bini tal-iskejjel wara ħinijiet normali tal-iskola, sħubijiet bejn Kulleġġi u Skejjel tal-Istat, u skejjel mhux Statali u skambji internazzjonali, u parteċipazzjoni fi programmi tal-UE; u

(q) biex jipprovdi għal kull materja relatata mat-tagħlim tal-Ingliż bhala ilsien barrani.

71. (1) Mal-bidu fis-seħħ ta' dan l-Att, il-Ministru responsabbli għall-edukazzjoni jista', permezz ta' avviż jew avviżi fil-Gazzetta, jistabbilixxi d-data tat-tfassir tal-Att dwar l-Edukazzjoni:

Thassir tal-Att
dwar l-
Edukazzjoni.
Kap. 327.

Iżda l-Ministru responsabbli għall-edukazzjoni jista' permezz ta' dak l-avviż jew dawk l-avviżi fil-Gazzetta jistabbilixxi dati differenti għat-tfassir ta' dispożizzjonijiet differenti u għal għanijiet differenti tal-Att dwar l-Edukazzjoni.

Kap. 327.

(2) Mal-bidu fis-seħħ ta' dan l-Att, il-kliem u l-frażijiet imsemmija fit-tielet kolonna tat-Tieni Skeda, liema kliem u frażijiet jinsabu fid-dispożizzjonijiet speċifikati fit-tieni kolonna tal-istess Skeda, liema dispożizzjonijiet jinsabu fil-liġijiet imsemmija fl-ewwel kolonna tal-istess Skeda, għandhom jiġu emendati skont l-emendi msemmija fir-raba' kolonna ta' dik l-Iskeda.

(3) Mal-bidu fis-seħħ ta' dan l-Att, il-leġiżlazzjoni sussidjarja elenkata fl-ewwel kolonna tat-Tielet Skeda għandha titqies li saret taht id-dispożizzjonijiet korrispondenti ta' dan l-Att, u għandha tiġi enumerata mill-ġdid skont hekk kif speċifikat fit-tielet kolonna tal-imsemmija Skeda.

VERŻJONI ELETTRONIKA

A 1574

L-EWWEL SKEDA

Dipartimenti tal-Edukazzjoni

(Artikoli 2 u 11)

Dipartiment għall-Kurrikulu, Tagħlim tul il-Ħajja u Akkwist tax-Xogħol;

Dipartiment għal Servizzi Edukattivi;

Dipartiment dwar Strategija u Appoġġ.

IT-TIENI SKEDA

(Artikolu 71(2))

Emendi konsegwenzjali għal leġislazzjoni oħra

LEĠIŻLAZZJONI	DISPOŻIZZJONI	FRAŻI LI SER TIĠI EMENDATA	EMENDA
Regolamenti tal-Kummissjoni dwar is-Servizz Pubbliku dwar Ħatriet - L.S. Kost.05	regolament 2(1) - tifsira ta' "Registratur tal-Eżamijiet"	"l-artikolu 125 tal-Att dwar l-Edukazzjoni"	"l-artikolu 65 tal-Att dwar l-Edukazzjoni"
	nota marginali fir-regolament 2	"Kap. 327."	"Kap. 605"
Regolamenti dwar Drittijiet tal-Isptar li jithallsu minn pazjenti barranin - L.S. 35.14	nota marginali fir-regolament 2(g)	"Kap. 327."	"Kap. 605"
Regolamenti dwar il-Kontroll ta' Miżati fi Skejjel Privati - L.S. 117.25	nota marginali fir-regolament 2	"Kap. 327."	"Kap. 605"
	nota marginali fir-regolament 7	"Kap. 327."	"Kap. 605"
Regoli dwar Kreditu ta' Taxxa (Kwalifiki Għolja ta' Edukazzjoni) - L.S. 123.180	nota marginali fir-regola 2(1)	"Kap. 327."	"Kap. 605"
	nota marginali fir-regola 3(3)	"Kap. 327."	"Kap. 605"
Att dwar l-Impjieg ta' Persuni b'Diżabilità - Kap. 210	nota marginali fl-artikolu 2	"Kap. 327."	"Kap. 605"
Regolamenti dwar l-Immigrazzjoni - L.S. 217.04	nota marginali fir-regolament 8(2)(a)	"Kap. 327."	"Kap. 605"

LEĠIŻLAZZJONI	DISPOŻIZZJONI	FRAŻI LI SER TIĠI EMENDATA	EMENDA
Regolamenti dwar Status ta' Residenti li Joqgħodu għal Żmien Twil (Ċittadini ta' Pajjiżi Terzi) - L.S. 217.05	nota margġinali fir-regolament 11(1)(c)	"Kap. 327."	"Kap. 605"
Regolamenti dwar il-Kondizzjonijiet ta' Dhul u Residenza ta' Ċittadini ta' Pajjiżi Terzi għall-Finijiet ta' Riċerka, Studju, Taħriġ u Servizz Volontarju fil-Proġett ta' Mobilità għaż-Żgħażaġh: Proġetti Volontarji - L.S. 217.22	nota margġinali fir-regolament 2	"Kap. 327."	"Kap. 605"
Att dwar il-Kummissarji għall-Gustizzja - Kap. 291	Skeda	"Kap. 327."	"Kap. 605"
	Skeda	"Artikolu 129(1)(b)"	"Artikolu 59(1)(a) u (b)"
Att dwar is-Sigurtà Soċjali - Kap. 318	nota margġinali fl-artikolu 6(1)(b)	"Kap. 327."	"Kap. 605"
	nota margġinali fl-artikolu 32(2)(b)	"Kap. 327."	"Kap. 605"
	nota margġinali fit-tieni proviso tal-artikolu 77	"Kap. 327."	"Kap. 605"
	l-Erbatax-il Skeda, it-Taqsima VI	"Kap. 327"	"Kap. 605"
Regolamenti dwar id-Drittijiet għal Tagħlim - L.S. 327.01	regolament 2	"bl-artikolu 10 tal-Att dwar l-Edukazzjoni"	"bl-artikolu 13 tal-Att dwar l-Edukazzjoni"
	nota margġinali fir-regolament 2	"Kap. 327"	"Kap. 605"
Regolamenti li jstabbilixxu l-Kondizzjonijiet Minimi Nazzjonali għall-Iskejjel Kollha - L.S. 327.12	nota margġinali fir-regolament 2	"Kap. 327"	"Kap. 605"
Regolamenti dwar id-Drittijiet tal-Università - L.S. 327.177	nota margġinali fir-regolament 3	"Kap. 327"	"Kap. 605"
Regolamenti dwar il-Qafas ta' Kurrikulu Nazzjonali - L.S. 327.190	regolament 2	"fl-artikolu 7"	"fl-artikolu 5(b) u (d)"
	nota margġinali fir-regolament 2	"Kap. 327"	"Kap. 605"
Statut dwar il-Funzjonament tal-Bordijiet tal-Università - L.S. 327.224	nota margġinali fil-paragrafu 4	"Kap. 327"	"Kap. 605"

VERŻJONI ELETTRONIKA

A 1576

LEĠIŻLAZZJONI	DISPOŻIZZJONI	FRAŻI LI SER TIĠI EMENDATA	EMENDA
Regolamenti dwar ir-Registrazzjoni ta' Faċilitajiet tat-Tfal ta' Matul il-Jum bhala Stabbilimenti Edukattivi - L.S. 327.323	nota marginali fir-regolament 4	"Kap. 327"	"Kap. 605"
Regolamenti dwar ir-Registrazzjoni ta' Skejjel tas-Sajf bhala Stabbilimenti Edukattivi - L.S. 327.349	nota marginali fir-regolament 2	"Kap. 327"	"Kap. 605"
Ordni dwar l-Akkademja tal-Arti ta' Malta - L.S. 327.437	artikolu 2	"l-artikolu 131"	"l-artikolu 49"
	nota marginali fl-artikolu 2	"Kap. 327"	"Kap. 605"
	nota marginali fl-artikolu 3	"Kap. 327"	"Kap. 605"
Regolamenti dwar ir-Reklutaġġ, Tahriġ Inizjali, u Żvilupp Professjonali Kontinwu u Protezzjoni ta' Minorenni fl-Edukazzjoni Obbligatorja - L.S. 327.546	nota marginali fir-regolament 2	"Kap. 327"	"Kap. 605"
Ordni dwar it-Twaqqif tal-Kunsill għal Filiet Nazzjonali - L.S. 327.547	nota marginali fl-artikolu 2	"Kap. 327"	"Kap. 605"
Ordni li jwaqqaf l-Istitut tas-Servizz Pubbliku - L.S. 327.552	nota marginali fl-artikolu 2	"Kap. 327"	"Kap. 605"
	nota marginali fl-artikolu 6(9)	"Kap. 327"	"Kap. 605"
Ordni għat-Twaqqif tal-Kunsill Nazzjonali tal-Ktieb - L.S. 327.580	nota marginali fl-artikolu 2	"Kap. 327"	"Kap. 605"
Statut dwar il-Proprjeta' Immobiljari li fuqha l-Università ta' Malta tivvanta Pretensjoni jew għandha Titolu Legali - L.S. 327.585	artikolu 4	"(Kapitolu 327 tal-Liġijiet ta' Malta"	"Kapitolu 605 tal-Liġijiet ta' Malta"
Regolamenti fuq id-Dokumentazzjoni dwar Haddiema li Jibdeu jew Itemmu Impjieġ - L.S. 343.23	regolament 6(1)	"l-artikolu 43(1) u (2)"	"l-artikolu 58(1), (2) u (3)"
	nota marginali fir-regolament 6	"Kap. 327"	"Kap. 605"
Regolamenti dwar Skema ta' Tahriġ Estiż fis-Snajja' - L.S. 343.25	nota marginali fir-regolament 2	"Kap. 327"	"Kap. 605"

LEĠIŻLAZZJONI	DISPOŻIZZJONI	FRAŻI LI SER TIĠI EMENDATA	EMENDA
Ordni dwar id-Delegata' Infurzar mill-Kunsilli Lokali u Kumitati Reġjonali - L.S. 363.41	Skeda	"Kap. 327"	"Kap. 605"
	Skeda	"Artikolu 29(1)(b)"	"Artikoli 58 sa 63, it-tnejn inklużi"
Regoli dwar il-Funzjonijiet ta' Kummissarji għal Investigazzjonijiet Amministrattivi - L.S. 385.01	noti marginali fir-regola 2	"Kap. 327"	"Kap. 605"
Regolamenti dwar akkomodazzjoni ma' Familji Ospitanti - S.L. 409.10	noti marginali fir-regolament 2	"Kap. 327"	"Kap. 605"
	regolament 2	"għandha l-istess tifsir kif mogħti lilha b1-Att dwar l-Edukazzjoni"	"tirreferi għal istituzzjoni kif imsemmija fl-artikolu 49 tal-Att dwar l-Edukazzjoni"
	regolament 2	tifsira ta' "skola" u n-nota marginali tagħha	Għandhom jiġu mhassra.
Att dwar Opportunitajiet Indaqgħal Persuni b'Diżabilità - Kap. 413	artikolu 2	-	(<i>żid</i>) "Kap.605" - <i>bħala nota marginali</i>
Regolamenti dwar Hlasijiet għad-Dhul fil-Mużewijiet, Siti u Wirjiet ta' Kollezzjonijiet Nazzjonali - L.S. 445.05	nota marginali fir-regolament 3(1)(c)	"Kap. 327"	"Kap. 605"
Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki - Kap. 451	l-ewwel partita fit-tielet kolonna tal-Iskeda	"Kap. 327"	"Kap. 605"
Att dwar l-Impjiegi u r-Relazzjonijiet Industrijali - Kap. 452	artikolu 48(3)(a)	"Kap. 327"	"Kap. 605"
Regolamenti dwar l-Impjieg taż-Żgħażaġh - L.S. 452.92	noti marginali fir-regolament 2	"Kap. 327"	"Kap. 605"
	nota marginali fir-regolament 3	"Kap. 327"	"Kap. 605"
	nota marginali fil-proviso għar-regolament 5(3)	"Kap. 327"	"Kap. 605"
Att dwar l-Isports - Kap. 455	nota marginali fl-artikolu 3(1)	"Kap. 327"	"Kap. 605"
Ordni dwar il-Moviment Liberu ta' Ċittadini tal-Unjoni Ewropea u tal-Membri tal-Familji tagħhom - L.S. 460.17	nota marginali fl-artikolu 10(2)(a)	"Kap. 327"	"Kap. 605"

VERŻJONI ELETTRONIKA

A 1578

LEGIŻLAZZJONI	DISPOŻIZZJONI	FRAŻI LI SER TIĠI EMENDATA	EMENDA
Ordni dwar it-Twaqqif ta' Elenki fit-Tribunal ta' Revizjoni Amministrattiva - L.S. 490.04	nota marginali fl-artikolu 3(13)(f)	"Kap. 327"	"Kap. 605"
Regolamenti dwar l-Installazzjonijiet Elettriċi - L.S. 545.24	nota marginali fir-regolament 2(2)	"Kap. 327"	"Kap. 605"
Att dwar il-Promozzjoni ta' Stili ta' Hajja Sana u Kura ta' Mard li ma Jittehidx - Kap. 550	noti marginali fl-artikolu 2	"Kap. 327"	"Kap. 605"
Regolamenti dwar il-Provvista tal-Ikel fl-Iskejjel - L.S. 550.01	nota marginali fir-regolament 2	"Kap. 327"	"Kap. 605"
Att dwar l-Akkademja għal Korpi Dixxiplinati - Kap. 559	noti marginali fl-artikolu 2	"Kap. 327"	"Kap. 605"
Att dwar it-Tqassim ta' Responsabbiltajiet Statutorji Ministerjali - Kap. 561	referenzi fl-Iskeda	"Att dwar l-Edukazzjoni (Kap. 327)"	"Att dwar l-Edukazzjoni (Kap. 605) Att dwar il-Professjonijiet ta' Tagħlim u l-Professjonijiet Imnislin Minnhom (Kap. 606) Att dwar l-Edukazzjoni Avanzata u Oghla (Numru tal-Att dwar l-Edukazzjoni Avanzata u Oghla)"
Att dwar is-Servizzi ta' Impjeg u Taħriġ - Kap. 594	nota marginali fl-artikolu 11(3)	"Kap. 327"	"Kap. 605"
	noti marginali fl-artikolu 42(1)(a) u (b)	"Kap. 327"	"Kap. 605"
	noti marginali fl-artikolu 57(1)(a) u (b)	"Kap. 327"	"Kap. 605"

IT-TIELET SKEDA

(Artikolu 71(3))

Leġiżlazzjoni Sussidjarja meqjusa bhala magħmula taħt dan l-Att

LEĠIŻLAZZJONI SUSSIDJARJA	ENUMERAZZJONI PREŻENTI	KIF GĦANDHA TIĠI ENUMERATA MILL-ĠDID
Regolamenti dwar id-Drittijiet għal Tagħlim	L.S.327.01	L.S. 605.01
Regolamenti li jstabbilixxu l-Kondizzjonijiet Minimi Nazzjonali għall-Iskejjel Kollha	L.S.327.12	L.S. 605.02
Regolamenti dwar id-Drittijiet għal Korsijiet ta' Tagħlim tul il-Hajja	L.S.327.40	L.S. 605.03
Regolamenti dwar Kunsilli ta' Skola	L.S.327.43	L.S. 605.04
Regolamenti dwar il-Kunsilli għat-Tagħlim tal-Ingliż	L.S.327.65	L.S. 605.05
Regolamenti dwar Għotjiet ta' Manteniment għal Studenti	L.S.327.178	L.S. 605.06
Regolamenti dwar il-Qafas ta' Kurrikulu Nazzjonali	L.S.327.190	L.S. 605.07
Regolamenti dwar ir-Registrazzjoni ta' Skejjel tas-Sajf bhala Stabbilimenti Edukattivi	L.S.327.349	L.S. 605.08
Regolamenti dwar ir-Reklutaġġ Taħriġ Inizjali u Żvilupp Professjonali Kontinwu u Protezzjoni ta' Minorenni fl-Edukazzjoni Obbligatorja	L.S.327.546	L.S. 605.09
Ordni dwar it-Twaqqif tal-Kunsilli għal Hiliet Nazzjonali	L.S.327.547	L.S. 605.10
Ordni li Jwaqqaf l-Istitut tas-Servizz Pubbliku	L.S.327.552	L.S. 605.11
Ordni għat-Twaqqif tal-Kunsill Nazzjonali tal-Ktieb	L.S.327.580	L.S. 605.12

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

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA

Skrivan tal-Kamra tad-Deputati

A 1580

EDUCATION ACT, 2019

ARRANGEMENT OF THE ACT

	Articles
Preliminary	1 - 2
Part I General Provisions	3 - 10
Part II Constitution and Functions of the Division of Education	11 - 20
Part III Licences to establish Schools, Childcare Centres and to provide home education	21 - 31
Part IV State Schools	32 - 45
Part V Home Education	46 - 48
Part VI Educational Entities	49 - 57
Part VII Offences and Penalties	58 - 63
Part VIII Miscellaneous	64 - 71
First Schedule - Departments of Education	
Second Schedule - Consequential amendments of other legislation	
Third Schedule - Subsidiary Legislation deemed to have been made under this Act	

I assent.

(L.S.)

GEORGE VELLA
President

26th November, 2019

ACT No. XXIX of 2019

AN ACT to reform the law relating to education in Malta.

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

Preliminary

1. (1) The short title of this Act is the Education Act, 2019. Short title and commencement.

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

2. In this Act unless the contents otherwise requires: Interpretation.

"accreditation" means the formal approval by the competent authority under this Act or any regulations made thereunder, that the suitability for the operation of a school and, or a childcare centre or an educational programme is meeting the criteria to operate in line with quality standards and in accordance with the relevant provisions of this Act and, or any regulations made thereunder;

A 1582

"Board", except where otherwise defined, means the Board for Educational Matters established by article 64;

"childcare centre" means an institution providing education and care services to children aged one (1) day to three (3) years;

"College" means a College of State schools as provided for in Part IV;

"compulsory school age" means any age from five (5) years to fifteen (15) years, both inclusive, and accordingly a person shall be deemed to be of compulsory school age if he has attained the age of five (5) years and has not attained the age of sixteen (16) years or has not yet completed the last year of secondary school;

"curriculum" means the National Curriculum Framework for all schools at pre-compulsory and compulsory educational level;

"Department" means any department listed in the First Schedule;

"Director General" means a director general of a Department of Education appointed in terms of article 13;

"Division" means the Division responsible for education established by article 11(1);

"educational space" means any location where students attend any educational programme or part thereof, given by an educational practitioner and, or institution;

"educator" means, for the purposes of this Act, heads of departments, heads of schools, assistant heads of schools, education officers, teachers, kindergarten educators and learning support educators;

"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" shall be construed accordingly;

"entity" includes a division, a college and any directorate, 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;

"financial year" means the period of twelve (12) months ending on the thirty-first (31) 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 (31) day of December of the following year;

"function" includes any responsibility, power and duty;

"general estimates" means the estimates, presented to the House 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 and in this context "financial year" has the same meaning as it has for the purpose of the Constitution;

"Government" means the Government of Malta;

"Head of College Network" means the natural person to run and administer a College in accordance with article 32(2);

"home educator" means any person, including the parent of a child, in possession of a teachers' warrant issued under article 11 of the Teaching and Allied Professions Act, 2019 who is duly authorised to provide home education to a child in accordance with the provisions of Part III;

Act No. XXX of
2019.

"home education" means the progressive education of a minor provided or organised by his parent whereby a home educator provides tuition to the minor, at the expense of the parent, in substitution to state or non-state education in accordance with the provisions of Part III and any regulations made under this Act, and "home education programme" shall be construed accordingly;

"individual needs" means needs and any difficulties of a physical, sensory, intellectual or psycho-social nature;

"inclusive education" refers to the valuing and acceptance of diversity and the rights of learners to not only attend mainstream schools, but also to belong thereto as valued members by active participation of all learners in and reducing the barriers that may lead to exclusion from school curricula, cultures and community;

"kindergarten" means an institution providing education to children aged three (3) to five (5) years;

"licence holder" means the person in whose name a licence is issued;

"licensed school" means a school which has been granted a licence to operate in accordance with the relevant provisions of this Act and, or any regulations made thereunder;

"lifelong learning" includes all kind of learning activities that an individual undertakes throughout life, with the aim of acquiring and improving attitudes, values, knowledge, skills and competences, and acquiring qualifications that enhance an individual's personal and social dimension as well as the prospects of a better career;

"Malta Qualifications Framework" means the national framework for lifelong learning, being the national instrument for the development and classification of qualifications according to a set of criteria, established through descriptors and applicable to a different set of levels, as provided by this Act or any regulation made under this Act or any other law;

"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 referred to in article 5;

"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;

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

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

"quality assurance" refers to one or more processes which safeguard the quality of education at all levels within the economic, social and cultural context, on a national, European and international level, and ensures the use of appropriate measures as a means of improving the quality of students' well being, leadership, teaching, learning, training and research;

"quality standards" means the details of the expectations, the various guidelines and characteristics to be able to meet structure, process and outcomes quality by the service provision in order to meet the purpose of the process or service;

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

"scholastic day" means every day during a scholastic year not being a school holiday or 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 shall include a school providing kindergarten education;

"student" means a minor of pre-compulsory and compulsory school age enrolled in a childcare centre or a school.

PART I

General Provisions

3. Every person of a compulsory school age residing in Malta has the right of access to education without any distinction of age, sex, religion or belief, economic means, race or ethnic origin, political opinion, disability, colour, sexual orientation or gender identity.

Right to education.

4. (1) It is the duty of the State -

Obligations of the State.

(a) to promote education in Malta based on the values of democracy, inclusion, diversity, active citizenship, critical thinking, responsible behaviour and ethical conduct; and

(b) to ensure the existence of a system of schools and other educational institutions in Malta catering for the full development of the whole personality and overall well-being of the person including his ability to work.

(2) In particular, it shall be the duty of the State -

(a) to develop and implement an education policy based on the values set out in sub-article (1);

(b) to establish such educational facilities as are necessary to equip students with the knowledge, skills and competencies required to make the most of global opportunities and to deal with the challenges of society and the economy of today and tomorrow;

A 1586

(c) to ensure the teaching of the core curricular entitlement as established in the National Curriculum Framework;

(d) to ensure that there exist early childhood education and care centres;

(e) to provide for education of children of compulsory school age;

(f) to ensure the provision of post-compulsory and tertiary education for students who have completed their secondary education;

(g) to promote the teaching of the liberal and expressive arts, science, languages, technology, vocational education, personal development, life skills and sports among all students.

Right of the State to regulate education.

5. It shall be the right of the State -

(a) to implement the Framework for the Education Strategy for Malta;

(b) to implement the National Curriculum Framework of studies for all schools at pre-compulsory and compulsory education level and the national minimum conditions for all schools;

(c) to establish the national minimum conditions for all schools and ensure adherence by licence holders to such conditions;

(d) to secure compliance with the National Curriculum Framework of studies; and

(e) to ensure the provision of quality inclusive and equitable education by all providers in the education sector:

Provided that, without prejudice to the above-mentioned rights of the State, the State recognises the right of non-state schools to have their own character, identity, ethos, and autonomy.

Duties of parents.

6. It shall be the duty of every parent of a minor -

(a) to ensure that the minor receives all the necessary education for the development of the whole of his personality, including his ability to work and be an active citizen;

(b) to ensure the motivation of the minor for education;

(c) to ensure his disposition for good behaviour and discipline;

(d) to cause the minor to be registered in a school for the first scholastic year and during the period when he is of compulsory school age, provided that the Minister may, by regulations, make provision for special cases, including where the minor was not residing in the Maltese islands;

(e) to ensure that the minor attends school on each scholastic day during all the period of compulsory school age, or up to the end of such further period as the Minister may prescribe by regulations, unless the minor has a good and sufficient cause to be absent from school;

(f) to cooperate fully and with due respect with the Head of School and all the staff of the school attended by the minor; and

(g) to adhere to policies issued by the Division, the College and the school.

7. Subject to the provisions of this Act, it is the right of every parent of a minor to give his decision with regard to any matter concerning the education of the minor, provided that such decision is in the best interests of the minor in accordance with article 8(1). Rights of parents.

8. (1) Decisions with regard to matters concerning the education of a minor shall be based primarily on the best educational interests of the minor with due regard to the interests of other students attending the same school as the minor and the continued effective and efficient operation of the school: Best educational interests of the minor.

Provided that the Board shall, in its decisions, ensure that due regard is given to the principles established in article 4(1)(a).

(2) Where the Head of School of a State school, through the Head of College Network within which a minor is registered, believes that the decision of the minor's parent or parents with regard to any matter concerning the education of the minor is not in accordance with the principle set out in sub-article (1), he shall forthwith bring the matter to the attention of the Division:

Provided that all reasonable solutions, if applicable, have been considered and attempted in such case, the Division may, if it considers it appropriate to do so taking into account the circumstances of the case, make an application to the Board for a decision on the matter.

(3) The Board shall, after giving the Division and the parents of the minor the opportunity to make their submissions in such manner and within such time as may be fixed by the Board, and after listening to the minor and any other person, give a decision on the matter.

(4) An application may also be made to the Board by any parent for a decision with regard to any matter concerning the education of the minor where it is not possible to obtain the consent of the other parent of the minor or where there is disagreement amongst the parents of the minor on any matter concerning the education of the minor. The Board shall, after giving the parents of the minor the opportunity to make their submissions in such manner and within such time as may be fixed by the Board, and, if it considers so appropriate, after listening to the minor and any other person, give a decision on the matter:

Provided that where the whereabouts of a parent are not known, it shall not be required to allow such parent the opportunity to make submissions.

(5) The Head of School and the parents of the minor shall ensure that the decision of the Board is implemented.

(6) Should there be a change in circumstances, the parents and, or the Head of School may refer the case to the Board for review.

Duties of schools.

9. It shall be the duty of schools -

(a) to accomplish the education strategy for Malta and the National Curriculum Framework according to the potential and the various skills of students attending thereat and according to the ethos, identity and character of the particular school, and to ensure that the National Curriculum Framework is translated into appropriate curricula, programmes, pedagogies and assessments for the students through an adequate school development plan and that these are implemented;

(b) to secure and ensure compliance with the national minimum conditions established for schools;

(c) to establish a culture of lifelong learning and conducive conditions for effective quality teaching and learning based on the values set out in article 4(1);

(d) to promote high standards of learning and teaching in collaboration with educators, learners and parents' committees in a spirit of collective responsibility;

(e) to encourage student involvement and active participation;

(f) to establish a safe and inclusive learning environment;

(g) to ensure good conduct from any person within the school premises;

(h) to ensure the use of positive discipline;

(i) to self evaluate, consult and engage in dialogue to identify the needs of educators, learners and parents through student centred approaches for the purposes of school development planning;

(j) to establish good leadership and management and to promote a team culture among the school's senior management team and staff through cooperation, especially with regards to initiatives, challenges and problems related to the school as a whole;

(k) to promote the continuous professional development of educators;

(l) to establish a culture conducive to an effective home-school partnership; and

(m) to develop an active role within the community, and encourage community involvement and participation.

10. 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 the State.

PART II

Constitution and Functions of the Division of Education

11. (1) There shall be a Division of Education, composed of Departments which shall be listed in the First Schedule, as the Minister may determine from time to time. Division of Education.

(2) The Minister may amend the said Schedule and establish or remove any Department as he may deem necessary by means of an Order in the Gazette.

(3) Without prejudice to the provisions of this Act, each Department shall be under the responsibility, guidance and

A 1590

administration of a Director General who shall be responsible for the executive management, administration and administrative control of the officers and employees of the Division.

(4) The functions of the Division are to be performed in such manner as shall be determined by the Minister, as he deems appropriate, from time to time.

Functions of the
Division of
Education.

12. (1) The functions of the Division of Education shall include the following:

(a) to implement any matter required to achieve the objectives and execute the duties of the State under articles 4 and 5, under the general direction of the Minister;

(b) to ensure that all children of a compulsory school age are registered and duly attending school;

(c) to regulate, establish, monitor and assure standards and quality in the programmes and educational services provided by schools in Malta, whether State schools or not; and

(d) to ensure the effective and efficient operation and delivery of services to State schools within an established framework of decentralisation and autonomy.

(2) In particular the Division of Education shall:

(a) generally regulate, guide, evaluate, verify, research and report on the various elements and the results of the pre-compulsory and compulsory education system with the aim of assuring quality and equitable 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;

(b) establish and periodically review standards and policies in full respect of the character, identity and autonomy of each school;

(c) periodically review the National Curriculum Framework and propose to the Minister any necessary changes thereto;

(d) 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;

(e) perform external reviews in complement to the internal review so as to provide guidance, monitoring, inspection, evaluation and reporting on educational leadership, the process of teaching and learning, the application of the curriculum, student well-being, learning and assessment programmes or syllabi, pedagogy, assessment and examinations in full respect of the character, identity and autonomy of the school;

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

(g) receive and process applications for the issuing of a licence for the opening of childcare centre and, or a school;

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

(i) receive, consider and decide upon applications of parents who wish to provide home education to their children by a duly warranted teacher, which warrant shall have been issued under article 11 of the Teaching and Allied Professions Act, 2019, in lieu of education provided by a school;

Act No. XXX of
2019

(j) impose any such conditions as it may deem reasonable and appropriate when acceding to such applications as referred to in paragraph (i);

(k) monitor all authorised home education programs and ensure that the quality of education offered in such programmes is of an adequate standard;

(l) ensure that all conditions imposed as referred to in paragraph (j) are being adhered to;

(m) authorize any such person in possession of the necessary qualifications to act as home educator;

(n) provide guidelines for the proper implementation of home education programmes and the procedures to be followed;

(o) regulate, as it deems appropriate, the use of sports facilities, laboratories, workshops and other ancillary facilities of

A 1592

school complexes and colleges as may be offered to home schooled students;

(p) provide accreditation for education until compulsory school age up to level three (3) of the Malta Qualifications Framework;

(q) ensure that all information, data and statistics required for the drafting, the planning and the implementation of policy, strategies, guidelines and directives in education are researched, collated, compiled, and analysed, 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;

(r) plan, provide and allocate the resources, human and otherwise, services, and learning tools, both of a pedagogical, psychosocial, managerial and operative nature and other ancillary support tools, as required in State schools and State educational institutions;

(s) promote, encourage and monitor the democratic governance of schools through School Councils with the active participation of parents, educators and students;

(t) 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;

(u) provide the resources required for inclusive and special educational programmes and for other schemes related to individual educational needs;

(v) ensure the supply and the coordination of vocational and career guidance services, including the implementation of programmes with the social partners and civil society aimed at achieving improved school-workplace congruence and assist in the transition stages, including those from school to work;

(w) ensure the provision of services required to generate a culture of respect for all and to deal effectively with issues of good conduct and discipline, of child abuse, of bullying and of substance abuse;

(x) promote the physical and mental health of students

through health information and promotion, medical screening services and healthy lifestyle programmes;

(y) administer State aid to non-State schools;

(z) 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;

(aa) 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;

(ab) prepare any required guidelines, statistics, or strategy as may be required by the Minister for the better implementation of education policy and provision of educational services;

(ac) generally give advice to the Minister on any matter relating to education and perform any other function that the Minister may from time to time assign to the Division;

(ad) implement any matter required for the proper execution of any provision of this Act; and

(ae) 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.

13. The Directors General of the departments of Education shall be appointed by the Prime Minister for a period of three (3) 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 call for which there may apply such persons who have the qualifications, the educational experience and the qualities necessary for the management of these departments. When a term of office expires, such person may be reappointed for a further period or periods.

Appointment of
Directors
General.

14. (1) Without prejudice to the generality of the power conferred in this article and the data protection provisions established by virtue of the Data Protection Act and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, the Division of Education may request, collect and verify any information, data and statistics, as

Right to
information.
Cap. 586.

A 1594

may be required for the performance of its functions.

(2) The Division of Education shall have access to all information which schools, State and non-State, may possess, and shall be entitled to request and obtain all data they may require to perform its functions from students, parents, personnel, and examination bodies, and this data shall be given to the Division within a reasonable time from the date of request.

Cap. 586.

(3) Without prejudice to the generality of the power conferred in this article and the data protection provisions established by virtue of the Data Protection Act and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, the Division shall have access to other statistics and data of personal, economic and social nature as required in order that it may perform its functions according to this Act.

Education officers and other officers.

15. The Division of Education shall have such education officers and other officers within each of its departments as are necessary for the execution of the functions of the Division and for the general implementation of this Act or of any regulations made thereunder.

Department responsible for the regulation of pre-compulsory and compulsory education.

16. (1) There shall be a Department which shall be responsible to regulate pre-compulsory and compulsory education through establishing, monitoring and assuring standards and quality in educational services and programmes provided by schools and childcare centres, whether State or not, as provided for in this Act and any regulations made thereunder. In particular this Department shall carry out the functions referred to in article 12(2)(a) to (p).

(2) This Department shall be independent and autonomous in its operation.

(3) The Department may, for the purposes of giving practical guidance on matters relating to inspections under article 17 and investigations under article 18 and to lay out practices with respect to those matters, from time to time prepare, approve and issue such codes of practice as in its opinion are suitable for those purposes.

Power of entry and of inspection.

17. (1) Duly authorised officers of the Division shall have the power to enter at any time, without prior notice, in any school, childcare centre, class or place of instruction, and inspect and report on the teaching and learning process, educational leadership, learning and assessment programmes, student well-being, the physical environment, and the observance of the conditions, standards, policies

and regulations established and made by virtue of this Act.

(2) Schools, childcare centres and home educators shall provide any information and access requested by these officers as they may deem necessary for the implementation of the functions of the Division.

18. Without prejudice to the provisions of this Act, the Division may investigate a complaint if it deems it appropriate to do so, in accordance with prescribed regulations. Investigation of complaint.

19. (1) If the Division so requests for the purposes of an investigation of the complaint, the licence holder to which the complaint relates must provide it with - Licence holder to provide information.

(a) such information held by the licence holder as may be specified or described in the Division's request, and

(b) such other information held by the licence holder as the Division may deem to be relevant to the investigation.

(2) In carrying out any investigation, the Division shall establish its own procedure and licence holders shall be bound to cooperate in any such investigation.

20. Where the Division has found the licence holder to be in breach of any regulations or has been issued with recommendations as a result of any investigation and, or as a result of a quality assurance process, the licence holder must prepare an action plan which shall include a written statement of the action which it proposes to take in the light of the report, and the period within which it proposes to take that action. Such action plan is to be approved by the Division, which shall ensure that the action plan is implemented within the established period. The Division shall have the power to take any reasonable action it deems fit in cases of failure to implement such action plan. Action plan.

PART III

Licences to establish Schools, Childcare Centres and to provide home education

21. (1) It shall not be lawful to establish and, or run a school, a childcare centre or to provide home education without a valid licence issued by the Division in accordance with the following provisions: Licences to establish schools, childcare centres and to provide home education.

Provided that a licence under this Part shall not be required in the each of the following cases:

A 1596

Bill No. 93 of 2019.

(a) by a provider offering further or higher education as defined in the Further and Higher Education Act, 2019; or

(b) where a licence is to be obtained from any other body so authorised by law.

Applications for a school licence, a childcare centre and to provide home education.

22. (1) Any person shall have the right to apply to the Division for the grant of a licence to establish and run a school, a childcare centre or to provide home education.

(2) The Division, acting upon the recommendation of the Department referred to in article 16, may grant the licence mentioned in sub-article (1) where the school, childcare centre and home education conforms with the prescribed conditions and the Division deems the grant of the licence to be in the public interest:

Provided that a licence shall be granted if the Government is bound to do so by an international agreement and the school conforms with the national minimum conditions:

Provided further that where an applicant for a licence is already licensed or otherwise legally established in a Member State, the Division, 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.

Granting of a licence is a concession.

23. The granting of a licence is a concession and a revocable privilege, and no holder thereof shall be deemed to have acquired any vested rights therein or thereunder. The burden of proving the licence holder's qualifications to hold a licence shall rest at all times on the licence holder. In this article, "licence" includes and applies to any licence and authorisation, however designated, issued by the Division.

Temporary licence.

24. (1) Where it deems it to be in the public interest, the Division may grant a temporary licence to a school or a childcare centre for a period of up to one year. Such temporary licence shall be subject to specific conditions which are required to be fulfilled until the expiration of such period in order to lead to eligibility for an application for a licence under article 21.

(2) A temporary licence may only be further extended for not more than three (3) consecutive years.

(3) Where the school or the childcare centre is granted a temporary licence for the third year, the licence holder shall communicate immediately this information to the parents and, or

students, as the case may be, and staff members.

25. (1) Where the applicant for a licence to establish a school or a childcare centre is a body corporate, a copy of the statute is to be submitted with the application for a licence. Submission of copy of the statute.

(2) The applicant for a licence shall indicate in the application the particulars of the designated person and whether the licence is to be granted in the name of the designated person in his personal capacity or in representation of a body corporate, institution or religious order:

Provided that the licence for State schools shall be granted in the name of the Director General responsible for such.

(3) The applicant for a licence shall also provide the Division with all documentation and information required by the Division in order to consider the application.

26. (1) In the case of a school or a childcare centre, any licence granted under the provisions of this Part shall be in the name of the designated person in his personal capacity or in representation of a body corporate, institution or religious order, as the case may be. Licence in the name of the designated person.

(2) The designated person 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 corporate, institution or religious order.

(3) The licence holder in whose name a licence is issued to provide home education, as defined in article 2, shall be personally responsible to ensure that all the obligations attached to that licence are observed at all times.

27. The decision of the Division to grant or to refuse an application for a licence shall be notified in writing to the applicant within three (3) months from the date the application was received by the responsible department. 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 article shall, for reasons of public interest, be deemed to be a refusal of the licence applied for: Decisions concerning applications for a licence.

Provided that an application for a licence 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:

A 1598

Provided further that an application 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.

Change in the designated person.

28. (1) Where the designated person in whose name a licence is issued in accordance with article 26(1) ceases to be the designated person for any reason whatsoever, the following provisions of this sub-article shall apply:

(a) where the licence is in the name of that designated person in his personal capacity, a fresh application for a licence shall be made;

(b) where the licence is in the name of that designated person in representation of a body of persons, that body shall without delay give notice in writing to the Division 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.

(2) Where no application as required by sub-article (1)(a) or no notice as required by sub-article (1)(b) is made or given within three (3) months from the date on which the designated person in whose name the licence was issued 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 (3) months.

Suspension and withdrawal of a school licence.

29. (1) The Division, acting upon the recommendation of the Department referred to in article 16, may suspend a licence issued in accordance with article 22(2) or a temporary licence issued in accordance with article 24(1) if the school does not conform with the national minimum conditions or any condition imposed by the Department, or is otherwise in breach of applicable legislation.

(2) Where the reason of the suspension is not remedied by the licence holder within a period of three (3) months from the date of suspension of the licence, the Division may proceed to withdraw the licence.

Administrative review.

30. (1) When an application for a school licence has been refused or is deemed to be refused in accordance with article 27 or where a school licence is suspended or cancelled, the applicant or licence holder may appeal to the Administrative Review Tribunal in accordance with the provisions of the Administrative Justice Act and any applicable regulations made thereunder.

Cap. 490.

(2) An appeal under sub-article (1) shall be made in writing within two (2) 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 (3) months mentioned in article 29(2), as the case may be.

(3) Notwithstanding that an appeal would have been lodged in accordance with this article, a licence shall be considered as having been suspended or cancelled, as the case may be, pending the final decision of any appeal that may be made from the decision of the Administrative Review Tribunal in accordance with the provisions of the Administrative Justice Act or any applicable regulations made thereunder. Cap. 490.

31. The Division shall keep a register containing the details of every school, childcare centres and home educators with a licence issued under this Act. Register of licences.

PART IV

State Schools

32. (1) With the aim of ensuring the existence of a system of schools to secure the objectives set out in article 4, the Minister shall establish such State Schools in Malta and Gozo as the Minister may deem necessary from time to time. Each State School shall be under the responsibility, guidance and administration of a Head of School. State Schools and Colleges.

(2) With the aim of enhancing co-operation and networking among State schools, the Minister may also establish such State Colleges in Malta and Gozo as the Minister may deem necessary from time to time. State Colleges shall be composed of those State Schools as the Minister may direct from time to time. Every State College shall have a Head of College Network who shall be responsible for the co-operation and networking among State Schools forming part of the College.

(3) With the aim of offering specialisation in particular subjects, the Minister may also establish such cluster of colleges as may be deemed necessary from time to time. The cluster of colleges shall be composed of a group of colleges as the Minister may direct from time to time.

(4) The legal and judicial representation of State schools shall vest in the Director General responsible for State schools, provided that such Director General may appoint any one or more of the officers or employees, to appear on his behalf and in his name in any judicial proceedings and on any deed, contract, instrument or other document

A 1600

of whatsoever nature.

Autonomy of schools.

33. (1) The Minister and the Division of Education shall promote the application of the principle of subsidiarity and self-governance in the management and administration of State Schools, within a framework of decentralisation and autonomy of the educational operation and services provided by schools according to the priorities, targets and national strategies adopted by the Government.

(2) Nothing in this Act shall be construed as preventing the Minister, for the purpose of implementing the principle of subsidiarity and self-governance in the management and administration of State Schools, from delegating or assigning any of the functions of the Division of Education to the Schools or Colleges established under this Part.

School development plan.

34. (1) The school development plan shall be the main educational policy and implementation tool and shall, in particular, aim to facilitate the implementation and pursuance of the learning outcomes' framework in view of the differing contexts of every school and the particular needs of its students.

(2) The school development plan shall be for a period established by the Division and it shall be prepared by the Head of School through a 'whole school' approach.

(3) The Head of School shall review the implementation of the school development plan on an annual basis.

College development plan.

35. (1) The college development plan shall seek to secure synergy among the schools forming part of the College and that national policies on matters of education are followed and implemented. The college development plan is to include a business plan for the different schools forming part of the College based on the ethos, challenges and necessities of each school.

(2) The college development plan shall be for a three (3) year period. It shall be prepared by the Head of College Network together with the Heads of the Schools forming part of the College.

(3) The Head of College Network, together with the Heads of Schools, shall review the implementation of the college development plan on an annual basis.

Functions of State Schools and Colleges.

36. (1) In addition to the duties of schools referred to in article 9, it shall be the function of each State School:

(a) to identify and equitably provide learning and assisted programmes for all students;

(b) to ensure that the national policy on inclusive education is being applied and that the resources, tools and facilities required are available;

(c) to ensure the prompt and effective implementation of such other functions as may be assigned by the Minister from time to time;

(d) to abide by the financial and procurement regulations and procedures; and

(e) to maximise school and human resources.

(2) It shall be the function of each State College:

(a) to ensure networking and coordination among the schools forming part of the College;

(b) to facilitate the implementation of the duties of the State set out in article 4;

(c) to ensure collaboration with State Schools pertaining to other Colleges;

(d) to establish association agreements with other institutions and organisations which are conducive to learning in its broadest sense and which may assist to equip students with the knowledge, skills, competencies and values required for active citizenship, employability and entrepreneurship; and

(e) to ensure the prompt and effective implementation of such other function as may be assigned by the Minister from time to time.

37. (1) Every State School shall have a Head of School who shall be responsible for decisions concerning educational matters within the school and report to the Head of College Network.

Heads of School and Head of College Network.

(2) Every State College shall have a Head of College Network who shall be responsible to the Director General who is assigned the general responsibility for State Schools as regards the performance of his functions.

38. It shall be the duty of every Head of School to ensure that the functions of the school as provided for in article 36(1) are being

Core role of the Head of School.

A 1602

accomplished. The core role of the Head of School shall be to:

- (a) promote, implement and pursue the mission of the school in providing a high quality inclusive education for all students;
- (b) provide strategic and instructional leadership and direction to school staff and the overall day-to-day management of the school;
- (c) assume a leading role in organizing and coordinating all activities related to curriculum delivery and development; and
- (d) perform such other function as may be assigned by the Division from time to time.

Core role of the Head of College Network.

39. (1) There shall be an officer who shall be referred to as Head of College Network to carry out the functions set in this article.

(2) It shall be the duty of every officer described in sub-article (1) to ensure that the functions of the College as provided for in article 36(2) are being accomplished. The core role of the Head of College Network shall be to coordinate, facilitate and promote:

- (a) cooperation and collaboration in all educational spheres among the schools within the College, thereby allowing synergy to take place;
- (b) networking among all educators to share, improve and enhance good practices and thereby strengthen collegiality;
- (c) opportunities for continued professional training and development of all staff; and
- (d) outreach initiatives that make possible synergies with the community (social, civil, and economic).

Partnership with non-State Schools.

40. (1) State Schools shall seek to create partnerships with non-State colleges or schools in Malta and in other countries and any other entity and may conclude agreements of collaboration in favour of the education of students.

(2) Such partnership agreements shall provide for opportunities of collaboration, the use and sharing of resources, and exchanges of experience, good practice and educational programmes.

41. (1) The Head of School may enter into agreements of a limited duration with third parties, for such consideration as he deems appropriate, for the use of the premises and facilities of State Schools, or part thereof, as learning centres, or centres for the pursuit of activities of physical exercise and sports education, or for cultural activities of arts, music and drama, or for such other similar activities in accordance with policies set out by the Division of Education:

Use of school premises for learning, cultural or other activities.

Provided that:

(a) such activities shall not cause interference with teaching and education of the students of State Schools; and

(b) priority shall always be given to the use of State Schools by the Government for such activities as the Government considers appropriate.

(2) The Head of School shall enter into such agreements as provided for in sub-article (1) according to policies established by that department responsible for school premises.

(3) Where authorisation is granted as provided in sub-article (2), the provisions of the Government Lands Act shall not apply:

Cap. 573.

Provided that the agreement shall not confer any real rights to third parties.

(4) Any income obtained from an agreement as is referred to in sub-article (1) shall belong to the school.

(5) The Minister may give such directives or make such regulations as he considers appropriate in connection with the use of the premises and facilities of State Schools by third parties, including the conditions under which rights of use may be granted, and the use which is to be made of any proceeds generated by a school from the agreements referred to in sub-article (1).

42. Every State School, whether it is a school forming part of a College or not, shall have a School Council which shall be composed of parents and educators, and a Students' Council which shall be composed 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.

School Council and Students' Council.

43. (1) Subject to the provisions of this Act, the Head of School 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 to ensure the

Good behaviour and discipline in schools.

maintenance of good behaviour by the students and for the keeping of positive discipline in the school.

(2) The Minister may, from time to time, make such regulations or issue such policies or directives as he considers appropriate, including a code of discipline, to ensure that good behaviour and discipline is maintained in State Schools. Such regulations, policies or directives may also make provision 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 implementation by schools of the code of discipline, and for any other matter ancillary thereto as may be required.

(3) Subject to the provisions of this Act or of any other law, the regulations and the code of discipline mentioned in sub-article (2) shall include provisions about the conduct and the discipline required from educators, other school staff, parents and visitors to a school.

(4) In line with applicable policies and codes of behaviour a student may be kept in detention.

(5) Where a student's behaviour is violent or aggressive and endangers his own safety or that of another student or a person working at the school, a teacher or other person working in the school, the school may take such measures which are reasonable, proportionate and necessary in the circumstances to avert such danger in accordance with applicable policies and codes of behaviour. The Division shall endeavour to provide the school staff with the relevant training for this purpose.

Equitable
education.

44. (1) The Minister may make regulations, issue policies and give directives, as he deems appropriate, to reach out to all children entitled to attend school, including for the establishment of alternative learning programmes, educational spaces, nurture groups and learning support zones in the school and of learning support centres and resource centres outside the school, for the transfer of students from the class and the school to these zones and centres, and for any other matter ancillary thereto as may be required.

(2) The Minister may make regulations, issue policies and give directives as may in his opinion be required to provide students with additional support needs, including the multi-disciplinary assessment of their condition, the process of statementing, the formulating and the application of an individual educational programme, accessible assessment, tests and examinations of concerned students, the

programmes in resource centres, the application of therapies and, 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 ancillary thereto as may be required.

45. (1) The State shall make provision for the education and teaching of the catholic religion in State schools for those students whose parents have chosen to instruct the children in such religion and to establish the curriculum for the education and teaching of this religion in those schools according to the dispositions in this regard of the Bishops in Ordinary of these Islands.

Teaching of the catholic religion and of philosophy of life and ethics in State schools.

(2) The State shall make provision for the education and teaching of philosophy of life and ethics for those students whose parents have chosen not to instruct their children in the catholic religion.

PART V

Home Education

46. It shall be lawful for a parent of a minor of compulsory school age to apply to the Division of Education to provide home education to the minor:

Home education.

Provided that the application for home education is not made on racist or similar grounds, or for reasons which the Division does not consider to be proper taking into account the circumstances; and in any of the above cases, home education is considered to be in the best interest of the minor taking into account the circumstances and situation of the minor and his family.

47. (1) Where the Division is of the opinion that the necessary conditions for the provision of home education to a minor have been satisfied, it shall authorise the parent of the minor to provide home education to the minor at the parent's expense and subject to the following conditions -

Authorisation for home education.

(a) the minor must have a social experience equivalent to that provided in schools;

(b) the minor is afforded the same experience and facilities as those in schools;

(c) minors must follow an accredited programme as approved by the Division and such conditions set by the Division

A 1606

as it may deem appropriate in the best interests of the minor.

(2) A parent who causes his minor child to follow a home education programme in accordance with all the conditions imposed by the Division shall be deemed to have satisfied his obligations under article 6.

Power to make regulations relating to home education.

48. The Minister may, after consultation with the Division, make regulations:

(a) to provide generally for the regulation of home education;

(b) to make provisions for the granting of authorisation to provide home education programmes;

(c) to establish criteria on the qualification and authorisation of home educators and for the withdrawal of such authorisation;

(d) for the accreditation of home education programmes;

(e) to establish penalties for breach of the provisions of this Part or any regulations made in terms of this article;

(f) to establish for fees to be paid by applicants in respect of any applications made under this Part or any regulations made in terms of this article;

(g) for any incidental and supplementary matter which the Minister considers expedient to provide for, for the effective implementation of this Part; and

(h) to provide for any matter which is not inconsistent with the provisions of this Act and to give better effect to any of such provisions.

PART VI

Educational Entities

Establishment of entities.

49. Without prejudice to the provisions of this Act or of any other law, the Prime Minister may by Order in the Gazette establish other entities, including those agencies, divisions, 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 as 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.

50. (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.

(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.

51. (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.

(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

A 1608

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

Cap. 93.

Cap. 58.

(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.

(5) Where an application is made as provided in sub-article (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.

52. (1) An entity may, with the approval of the Prime Minister, offer to any officer detailed for duty with the said entity under the provisions of article 51 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 sub-article (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.

(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. Cap. 58.

(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.

(i) The classification referred to in paragraph (a) shall be carried out by a Board composed of a Chairperson appointed by the Minister responsible for finance and two other members, one appointed by the Minister 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.

(ii) Such classification shall take place within three (3) months of any adjustment of salaries of employees in Government service and, or of employees of an entity.

(b) 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.

(c) 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.

A 1610

Financial provisions.

53. (1) The entity may levy all fees, rates and other payments prescribed in its protocols or deemed to be prescribed by or under this Act and, or regulations thereunder, or any other law related to the powers and functions of the entity.

(2) The entity shall be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works to be continued and for the day to day running of the entity.

Estimates of entity.

54. (1) The entity shall cause to be prepared in every financial year, and shall not later than six (6) weeks after the end of each such year adopt, estimates of the income and expenditure of the entity for the next following financial year.

(2) In the preparation of such estimates the entity shall take account of any funds and other moneys 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 of 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 comparisons 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.

(5) The Minister shall, at the earliest opportunity and not later than six (6) weeks after he has received a copy of the estimates from the entity (or if at any time during that period the House is not in session within six (6) weeks from the beginning of the next following session), cause such estimates to be laid before the House together with a motion that the House approves the said estimates.

Accounts and audit.

55. (1) The entity shall cause to be kept proper books of account and other records in respect of the entity's operations and shall cause to be prepared a statement of accounts in respect of each financial year according to set accounting standards.

(2) The accounts of the entity shall be audited by an auditor or auditors to be appointed by it and approved by the Minister, after consultation with the Minister responsible for finance:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of the entity to be audited or examined by the Auditor General.

56. (1) Not later than three (3) months following the end of each financial year, the entity shall cause a copy of its financial statements 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 these statements or on the accounts of the entity.

Transmission of financial statements to Minister.

(2) The Minister shall, as soon as practicable, cause a copy of such statements and reports to be laid on the Table of the House of Representatives.

57. (1) All monies received by the entity shall be paid into a bank or banks appointed as bankers of the entity by a resolution of the entity. Such monies shall, as far as practicable, be paid into any such banks from day to day, except such sum as the entity may authorise to be retained to meet petty disbursements and immediate cash payments.

Deposit of revenues and payments by the entity.

(2) All payments out of the funds of the entity, other than petty disbursements not exceeding a sum to be fixed by the entity, shall be made by such officer or officers of the entity as it shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the entity shall be signed by such officer of the entity as may be appointed or designated by the entity for that purpose and shall be countersigned by the Chairperson, or such other member or officer of the entity as may be authorised by the entity for that purpose.

(4) The 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

(d) 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.

PART VII

Offences and Penalties

Employment of
minor.

58. (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 Division of Education.

(2) The Division may give its permission under sub-article (1) when, having made the necessary investigations, it is of the opinion that there are sufficient reasons to justify the exemption provided that the employment of the minor would not be of harm to the health or normal development of that minor.

(3) When giving its permission in accordance with sub-article (2), the Division 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.

(4) The Division referred to in this article may approve work experience and training programmes which, when so approved, shall not be deemed to constitute employment for the purposes of this article.

Offences
committed by
parents.

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

(a) fails to register that minor in a State school or in a licensed school 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 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; or

(c) fails to abide by a decision of the Board,

shall be guilty of an offence and shall, on conviction, be liable to the punishments established for contraventions and to a fine (*multa*) not exceeding one hundred euro (€100) 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) shall be taken unless the parent, within three (3) days from the date he receives a notice from the Division of Education requesting him to explain the absence of the minor from school, fails to give a good and sufficient explanation.

(2) Any person who after being summoned to appear before the Commissioner for Justice fails, without reasonable justification, to do so on any occasion when he is to so appear, or who fails without reasonable justification to comply with an order issued to him by the Commissioner for Justice or by the Board shall be guilty of an offence against this Act and shall be liable on conviction by the Court of Magistrates to a fine (*multa*) of between one hundred euro (€100) and five hundred euro (€500) or to imprisonment for a period of three (3) months or to both such fine and imprisonment:

Provided that the Court of Magistrates may also issue any other order it may deem appropriate.

60. Any person who contravenes the provisions of article 58 shall be guilty of an offence and shall, on conviction, be liable to the punishments established for contraventions and to a fine (*multa*) not exceeding one hundred euro (€100) for each day of employment of the minor.

Offences in relation to the employment of a minor.

61. (1) Any person who establishes or runs a school without a licence from the Division shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one hundred euro (€100) for each day during which the offence continues in the case of a continuing offence.

Offences in relation to the running of a school without a licence.

(2) Any person in possession of a licence to establish and run a school and who does not ensure that he conforms at all times with all the national minimum conditions and any condition set up by the Division as may be applicable shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one hundred euro (€100) for each day during which the offence continues in the case of a continuing offence.

(3) In the case of a second or subsequent conviction for an offence committed by any other person against the provisions of sub-article (1), the court may authorise the Division at its request, to take possession of the premises opened or kept as a school without a

A 1614

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.

Offences in relation to provision of home education without a licence.

62. (1) Any person who provides home education without a licence from the Division shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one hundred euro (€100) for each day during which the offence continues in the case of a continuing offence.

(2) Any person in possession of a licence to provide home education and who does not ensure conformity at all times with all the conditions imposed by the Division, as they may be applicable, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one hundred euro (€100) for each day during which the offence continues in the case of a continuing offence.

Threatening or causing bodily harm to any teacher, etc.

63. Whosoever shall threaten or cause a bodily harm to any educator, teacher or to any other official or employee of a school or to any other person involved in the organisation of an educational, cultural, social or sports activity for minors on the premises of a school or during such an activity or whenever such educator, official or employee is on duty outside school premises, or within the parameter of one kilometre from the school premises, shall, on conviction, be liable to the punishment established for the threat or bodily harm when not accompanied with the circumstances mentioned in article 95 of the Criminal Code increased by two degrees and to a fine (*multa*) of not less than eight hundred euro (€800) and not more than five thousand euro (€5,000).

Cap. 9.

PART VIII

Miscellaneous

Board for Educational Matters.

64. (1) There shall be a Board to be known as the Board for Educational Matters with the functions and duties set out in article 8 and any such further function as the Minister may assign to it by regulations made under this Act.

(2) The Board shall be appointed by the Minister and it shall be composed of five (5) members. The Board shall be chaired by a chairperson who, in the opinion of the Minister, has adequate knowledge on matters related to the education of children, and who shall be a person who has the necessary experience to be appointed a magistrate. The members of the Board shall include a parent representative, an educator, a professional from the psycho-social field and an expert in the specific field of inclusive education.

(3) The Board shall be constituted after the Minister would have sought the agreement of the Commission for the Rights of Persons with Disability as to ensuring that it includes the disability perspective required in terms of the United Nations Convention on the Rights of Persons with Disabilities.

(4) The members of the Board shall be appointed for three (3) years but when such term expires they may be reappointed.

(5) Any member of the Board may be removed from office by the Minister on grounds of inability to perform the functions of the office, professional misconduct or misbehaviour.

(6) Subject to the provisions of this Part and to any regulations made hereunder, the Board shall regulate its own procedure.

(7) The Board shall appoint experts as, in its opinion, may be required in particular cases.

(8) Any decision of the Board shall be taken by a majority of votes; however in the case of an equality of votes, the Chairperson shall have a casting vote.

(9) Decisions of the Board shall be in writing and shall be communicated to all involved parties.

(10) The Minister shall designate an officer of the Division to act as Secretary to the Board. The Secretary to the Board shall have no vote.

(11) There shall be no need of legal assistance to appear before the Board and the Board shall operate in such a manner as not to make legal assistance necessary.

(12) Where the Division or the parent of a minor feels aggrieved by the decision of the Board an appeal may be lodged to the Administrative Review Tribunal within twenty-one (21) days of the decision given by the Board in accordance with the provisions of the Administrative Justice Act and any applicable regulations made thereunder. Cap. 490.

(13) Notwithstanding that an appeal has been instituted in accordance with the provisions of sub-article (12), the decision of the Board shall be executed pending the final decision of any appeal that may be made from the decision of the Administrative Review Tribunal.

65. The Minister shall appoint a Registrar of Examinations who Registrar of Examinations.

A 1616

shall be responsible for the conduct of:

(a) any examinations on behalf of providers of further or higher education as may be requested by such providers;

(b) examinations on behalf of local or foreign providers or examination bodies, as may be requested by them;

(c) examinations for induction into the service of the State, public corporations and commercial partnerships in which the State has effective control:

Provided that for the purposes of this paragraph, the State shall be deemed to have effective control of a commercial partnership where in that partnership more than fifty per cent (50%) of the capital or voting power is owned or controlled, directly or indirectly, by the State; and

(d) any other examinations as may be requested by the Minister.

Board of Public
Local
Examinations.

66. (1) There shall be a board, to be known as the Board of Public Local Examinations, hereinafter in this article referred to as "the Board", which shall be responsible for local public examinations and which shall be composed of five (5) members appointed by the Minister for a period of one (1) year, which may be renewed. The Registrar for Examinations shall be a non-voting member on the Board. The Minister shall appoint from amongst the members a chairperson. The Board of Public Local Examinations shall be governed by its own regulations.

(2) The Board shall, in particular:

(a) approve the departmental or government notice and the timetable of the examination before such publication;

(b) ensure that examinations are conducted in suitable premises and under the conditions established by the Board;

(c) deal with cases of breach of examination regulations and, or discipline;

(d) approve any access arrangements upon request of the person sitting for the examination;

(e) approve the Panel of Examiners in the case of written examinations and interviews;

(f) approve the administrators in the case of officially recognised online tests;

(g) scrutinise and sign examination results before their publication; and

(h) ensure that a fair and transparent process for a revision of paper is in place.

(3) The Board shall have the right to carry out any such inspections as it may deem fit during any stage of the examination process.

(4) The Board shall guide and provide support to the Registrar of Examinations during any stage of the examination process as deemed necessary.

67. (1) In State schools and public providers of further or higher education 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.

Teaching in State schools and public providers of further or higher education.

(2) The Minister may by regulations prescribe the fees to be charged for examinations and special courses 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:

So however that, for the purposes of this sub-article, "special courses" means the following:

(a) part-time courses as specified by such regulations;

(b) courses that lead to a qualification classified at level 7 of the Malta Qualifications Framework or higher, except for those courses which persons are required to undertake for the purpose of obtaining a warrant to practise a profession in accordance with this Act or any other law; and

(c) foundation studies courses offered by the University.

(3) The Minister may by regulations determine rates of stipends payable to students who continue with their education after

A 1618

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.

Members of Divisions, etc., to be treated as public officers. Cap. 9.

68. For the purposes of the Criminal Code and of any provision relating to a criminal offence, the members of the Divisions, any Board, Directorate, College, Committee, Commission, Council and any officer or employee of any entity, shall be considered and be treated as public officers.

Directives and orders of the Minister.

69. (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 education, and the entity, officer or employee concerned shall, as much as possible without delay, comply with and act in accordance with these directives and orders and shall conduct their functioning in accordance with these principles.

(2) Every entity shall give the Minister all required facilities so that he may obtain all information connected with the 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.

70. 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 for anything 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, to 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 Directors General, and to each Director, Head of College Network, Head of School, officer or employee of any entity, as duly authorised by the Directors General, or by a Head of College Network, 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 conditions for the granting, refusal, suspension or revocation of a licence, 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 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;

(h) 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 assure quality, including internal quality assurance and external auditing processes, in institutions, schools and educational entities;

(i) to provide for any form or procedure which may be required or expedient and about which there would be no specific procedure in this Act;

(j) to establish rules by means of which the Government may give effect to international conventions relating to education and which have 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;

(k) 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;

(l) to afford, subject also to the provisions of any other law, to a person aggrieved by the decision of any entity, 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;

(m) to regulate the meetings of any entity, board, or committee, including procedures relating to a quorum, taking decisions by means of voting, keeping of minutes and any other matter ancillary thereto;

(n) to provide for 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;

(o) to establish anything which is due to be or may be established under this Act and to provide for any other matter as may be deemed to be appropriate;

(p) 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; and

(q) to provide for any matter relating to the teaching of English as a foreign language.

71. (1) On the coming into force of this Act, the Minister responsible for education may, by notice or notices in the Gazette, establish the date of the repeal of the Education Act: Repeal of the Education Act. Cap. 327.

Provided that the Minister responsible for education may by such notice or notices in the Gazette establish different dates for the repeal of different provisions and for different purposes of the Education Act. Cap. 327.

(2) Upon the coming into force of this Act, the words and phrases referred to in the third column of Second Schedule, which words and phrases occur in the provisions specified in the second column of the said Schedule, which provisions are to be found in the enactments referred to in the first column of the said Schedule, shall be amended in accordance with the amendments referred to in the fourth column of the said Schedule.

(3) Upon the coming into force of this Act, the subsidiary legislation listed in the first column of the Third Schedule shall be deemed to have been made under the corresponding provisions of this Act, and shall be re-numbered accordingly as specified in the third column of the said Schedule.

VERŽJONI ELETTRONIKA

A 1622

FIRST SCHEDULE

(Articles 2 and 11)

Departments of Education

Department for Curriculum, Lifelong Learning & Employability;

Department for Educational Services;

Strategy and Support Department.

SECOND SCHEDULE

(Article 71(2))

Consequential amendments to other legislation

LEGISLATION	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Public Service Commission Appointments Regulations - S.L. Const.05	regulation 2(1) - definition of "Registrar of Examinations"	"article 125 of the Education Act"	"article 65 of the Education Act"
	marginal note in regulation 2	"Cap. 327."	"Cap. 605"
Hospital Fees for Foreign Patients Regulations - S.L. 35.14	marginal note in regulation 2(g)	"Cap. 327."	"Cap. 605"
Control of Private Schools Fees Regulations - S.L. 117.25	marginal note in regulation 2	"Cap. 327."	"Cap. 605"
	marginal note in regulation 7	"Cap. 327."	"Cap. 605"
Tax Credit (Educational Qualifications) Rules - S.L. 123.180	marginal note in rule 2(1)	"Cap. 327."	"Cap. 605"
	marginal note in rule 3(3)	"Cap. 327."	"Cap. 605"
Disabled Persons (Employment) Act - Cap. 210	marginal note in article 2	"Cap. 327."	"Cap. 605"
Immigration Regulations - S.L. 217.04	marginal note in regulation 8(2)(a)	"Cap. 327."	"Cap. 605"

LEGISLATION	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Status of Long-Term Residents (Third Country Nationals) Regulations - S.L. 217.05	marginal note in regulation 11(1)(c)	"Cap. 327."	"Cap. 605"
Conditions of Entry and Residence of Third-Country Nationals for the Purposes of Research, Studies, Training and Voluntary Service in the Mobility Project for Young People: Voluntary Projects Regulations - S.L. 217.22	marginal note in regulation 2	"Cap. 327."	"Cap. 605"
Commissioners for Justice Act - Cap. 291	Schedule	"Cap. 327."	"Cap. 605"
	Schedule	"Article 129(1)(b)"	"Article 59(1) (a) and (b)"
Social Security Act - Cap. 318	marginal note in article 6(1)(b)	"Cap. 327."	"Cap. 605"
	marginal note in article 32(2)(b)	Cap. 327."	"Cap. 605"
	marginal note in the second proviso to article 77	"Cap. 327."	"Cap. 605"
	Fourteenth Schedule, Part VI	"Cap. 327"	"Cap. 605"
Fees (Tuition) Regulations - S.L. 327.01	regulation 2	"by article 10 of the Education Act"	"by article 13 of the Education Act"
	marginal note in regulation 2	"Cap. 327"	"Cap. 605"
National Minimum Conditions for all Schools Regulations - S.L. 327.12	marginal note in regulation 2	"Cap. 327"	"Cap. 605"
University Fees Regulations - S.L. 327.177	marginal note in regulation 3	"Cap. 327"	"Cap. 605"
National Curriculum Framework Regulations - S.L. 327.190	regulation 2	"in article 7"	"in article 5(b) and (d)"
	marginal note in regulation 2	"Cap. 327"	"Cap. 605"
Statute 12 - Functioning of University Boards Statute - S.L. 327.224	marginal note in paragraph 4	"Cap. 327"	"Cap. 605"

VERŻJONI ELETTRONIKA

A 1624

LEGISLATION	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Registration of Childcare Facilities as Educational Establishments Regulations - S.L. 327.323	marginal note in regulation 4	"Cap. 327"	"Cap. 605"
Registration of Summer Schools as Educational Establishments Regulations - S.L. 327.349	marginal note in regulation 2	"Cap. 327"	"Cap. 605"
Malta Academy for the Arts Order - S.L. 327.437	article 2	"article 131"	"article 49"
	marginal note in article 2	"Cap. 327"	"Cap. 605"
	marginal note in article 3	"Cap. 327"	"Cap. 605"
Recruitment, Initial Training and Continuous Professional Development and Protection of Minors in Compulsory Education Regulations - S.L. 327.546	marginal note in regulation 2	"Cap. 327"	"Cap. 605"
National Skills Council (Establishment) Order - S.L. 327.547	marginal note in article 2	"Cap. 327"	"Cap. 605"
Institute for the Public Service (Establishment) Order - S.L. 327.552	marginal note in article 2	"Cap. 327"	"Cap. 605"
	marginal note in article 6(9)	"Cap. 327"	"Cap. 605"
National Book Council (Establishment) Order - S.L. 327.580	marginal note in article 2	"Cap. 327"	"Cap. 605"
Statute regarding Immovable Property over which the University of Malta has a Claim or Title at Law - S.L. 327.585	article 4	"(Chapter 327 of the Laws of Malta"	"Chapter 605 of the Laws of Malta"

LEGISLATION	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Manpower Records (Commencement or Termination of Employment) Regulations - S.L. 343.23	regulation 6(1)	"article 43(1) and (2)"	"article 58(1), (2) and (3)"
	marginal note in regulation 6	"Cap. 327"	"Cap. 605"
Extended Skill Training Regulations - S.L. 343.25	marginal note in regulation 2	"Cap. 327"	"Cap. 605"
Local Councils and Regional Committees (Delegation of Enforcement) Order - S.L. 363.41	Schedule	"Cap. 327"	"Cap. 605"
	Schedule	"Article 29(1)(b)"	"Articles 58 to 63, both inclusive"
Commissioners for Administrative Investigations (Functions) Rules - S.L. 385.01	marginal note in rule 2	"Cap. 327"	"Cap. 605"
Host Family Accommodation Regulations - L.S. 409.10	marginal note in regulation 2	"Cap. 327"	"Cap. 605"
	regulation 2	"has the same meaning as assigned to it in the Education Act"	"refers to an institution as referred to in article 49 of the Education Act"
	regulation 2	definition of "school" and corresponding marginal note	To be deleted.
Equal Opportunities (Persons with Disability) Act - Cap. 413	article 2	-	<i>(add) "Cap. 605" - as a marginal note</i>
National Museums, Sites and Collections (Admission Fees) Regulations - S.L. 445.05	marginal note in regulation 3(1)(c)	"Cap. 327"	"Cap. 605"
Mutual Recognition of Qualifications Act - Cap. 451	first item in the third column of the Schedule	"Cap. 327"	"Cap. 605"
Employment and Industrial Relations Act - Cap. 452	article 48(3)(a)	"Cap. 327"	"Cap. 605"

VERŽJONI ELETTRONIKA

A 1626

LEGISLATION	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Young Persons (Employment) Regulations - S.L. 452.92	marginal notes in regulation 2	"Cap. 327."	"Cap. 605"
	marginal note in regulation 3	"Cap. 327."	"Cap. 605"
	marginal note in proviso to regulation 5(3)	"Cap. 327."	"Cap. 605"
Sports Act - Cap. 455	marginal note in article 3(1)	"Cap. 327."	"Cap. 605"
Free Movement of European Union Nationals and their Family Members Order - S.L. 460.17	marginal note in article 10(2)(a)	"Cap. 327."	"Cap. 605"
Administrative Review Tribunal (Establishment of Panels) Order - S.L. 490.04	marginal note in article 3(13)(f)	"Cap. 327."	"Cap. 605"
Electrical Installations Regulations - S.L. 545.24	marginal note in regulation 2(2)	"Cap. 327."	"Cap. 605"
Healthy Lifestyle Promotion and Care on Non-Communicable Diseases Act - Cap. 550	marginal notes in article 2	"Cap. 327."	"Cap. 605"
Procurement of Food for Schools Regulations - S.L. 550.01	marginal note in regulation 2	"Cap. 327."	"Cap. 605"
Academy for Disciplined Forces Act - Cap. 559	marginal notes in article 2	"Cap. 327."	"Cap. 605"
Assignment of Statutory Ministerial Responsibilities Act - Cap. 561	references in the Schedule	"Education Act (Cap. 327)"	"Education Act (Cap. 605) Teaching and Allied Professions Act (Cap. 606) Further and Higher Education Act (Chapter number of Further and Higher Education Act)"
Employment and Training Services Act - Cap. 594	marginal note in article 11(3)	"Cap. 327."	"Cap. 605"
	marginal notes in article 42(1)(a) and (b)	"Cap. 327."	"Cap. 605"
	marginal notes in article 57(1)(a) and (b)	"Cap. 327."	"Cap. 605"

THIRD SCHEDULE

(Article 71(3))

Subsidiary Legislation deemed to have been made under this Act

SUBSIDIARY LEGISLATION	CURRENT NUMBERING	NEW RE-NUMBERING TO BE GIVEN
Fees (Tuition) Regulations	S.L.327.01	S.L. 605.01
National Minimum Conditions for all Schools Regulations	S.L.327.12	S.L. 605.02
Fees (Lifelong Learning Courses) Regulations	S.L.327.40	S.L. 605.03
School Council Regulations	S.L.327.43	S.L. 605.04
English Language Teaching Council Regulations	S.L.327.65	S.L. 605.05
Students Maintenance Grants Regulations	S.L.327.178	S.L. 605.06
National Curriculum Framework Regulations	S.L.327.190	S.L. 605.07
Registration of Summer Schools as Educational Establishments Regulations	S.L.327.349	S.L. 605.08
Recruitment, Initial Training and Continuous Professional Development and Protection of Minors in Compulsory Education Regulations	S.L.327.546	S.L. 605.09
National Skills Council (Establishment) Order	S.L.327.547	S.L. 605.10
Institute for the Public Services (Establishment) Order	S.L.327.552	S.L. 605.11
National Book Council (Establishment) Order	S.L.327.580	S.L. 605.12

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

ANGLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA