

Nru. 162

23. 7. 2002

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Louis Galea, M.P., Ministru ta' l-Edukazzjoni, u moqri għall-Ewwel darba fis-Seduta tat-22 ta' Lulju, 2002.

ATT dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Louis Galea, M.P., Minister of Education, and read the First time at the Sitting of the 22nd July, 2002.

AN ACT relating to the Mutual Recognition of Qualifications.

RICHARD J. CAUCHI
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki.

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

1. (1) It-titolu qasir ta' dan l-Att hu Att ta' l-2002 dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki. Titolu fil-qosor u bidu fis-sehh.

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

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx tehtieg Tifsir.
xort'ohra -

“Ftehim” tfisser ftehim bejn stati jew bejn gruppi ta' stati li Malta tkun parti fihom, li jkun reċiprokament jagħti lil ċittadini ta' dawk l-istati jew lid-dipendenti tagħhom id-dritt li jidhlu, joqogħdu u jirrisjedu fi u jtilqu mill-pajjiż ta' dak l-istat, li jiccaqilqu liberament għewwa dawk l-istati għal dak iż-żmien skond ma jista' jiġi stabbilit fil-ftehim u li jahdmu jew jistabbilixxu, jipprovdu jew jircievu servizzi hemmhekk; u “Stat li jkollu Ftehim” u “ċittadin ta' Stat li jkollu Ftehim” għandha tiftiehem skond hekk; u meta l-istat ikun parti għal ftehim bħal dak soġġett għal għal kull modifika u adattament, ċittadin ta' Stat li jkollu Ftehim għandu jkun soġġett għal dawk il-modifiki jew adattamenti li jistgħu jiġu ordnati;

“applikant” tfisser persuna minn Stat li jkollu Ftehim li tapplika għand awtorità nominata sabiex tkun awtorizzata teżercita professjoni regolata f’Malta;

“applikazzjoni” tfisser talba li ssir minn applikant;

“awtorità kompetenti”, dwar –

- (a) xi dokument, certifikat, diploma jew kwalifika; jew
- (b) perjodu ta’ esperjenza professjonali,

tfisser l-awtorità, korp jew persuna fi Stat li jkollu Ftehim awtorizzat taht il-legislazzjoni ta’ dak l-Istat li għandha tohrog, tagħti jew tirrikonoxxi tali dokument, certifikat, diploma jew kwalifika, jew attestament ta’ livell ta’ kompetenza jew tiċcertifika perjodu ta’ esperjenza professjonali;

“awtorità nominata” tfisser korp jew awtorità f’Malta nominata biex tagħmel ir-rikonoxximent reciproku ta’ kwalifiki dwar professjoni regolata kif inhi elenkata fl-Ewwel Skeda jew li jistgħu jiġu stabbiliti b’regolamenti minn żmien għal żmien;

“diploma” tinkludi kull grad, diploma, certifikat, testimonjanza ta’ kompetenza, jew prova oħra bħal dawk ta’ kwalifiki formali jew ta’ edukazzjoni u taħriġ mogħtija minn awtorità kompetenti fi Stat li jkollu Ftehim, nominata skond il-ligi ta’ dak l-istat;

“Ministru” kemm-il darba ma jiġix specificat xort’oħra, tfisser il-Ministru responsabbli għall-edukazzjoni;

“prattika” dwar xi professjoni regolata, tinkludi –

(a) li tibda teżercita jew l-eżercizzju tal-professjoni, kemm bħala persuna li taħdem għal rasha jew bħala persuna impjegata; u

(b) id-dritt li tuża, filwaqt ta’ dak l-eżercizzju, a titolu jew ittri indikattivi professjonali, jew it-tgawdija ta’ xi status speċjali li jikkorrispondi għal diploma, mogħtija minn awtorità nominata għal dik il-professjoni;

“esperjenza professjonali” tfisser l-eżercizzju attwali u legittimu tal-professjoni inkwistjoni fi Stat li jkollu Ftehim;

“professjoni regolata u professjoni attività regolata” tfisser dawk il-professjonijiet regolati u attivitajiet professjonali elenkati fl-Iskedi li jinsabu ma’ dan l-Att.

3. Dan l-Att japplika għall-professjonijiet u l-attivitajiet professjonali elenkati fit-Tieni Skeda li tinsab ma’ dan l-Att, b’dan li ebda applikant ma jkollu jedd jeżercita professjoni regolata jew attività professjonali regolata kemm-il darba ma jwettaqx il-kondizzjonijiet biex jibda jeżercita jew iwettaq l-eżercizzju ta’ dik il-professjoni jew attività skond id-disposizzjonijiet ta’ dan l-Att jew ta’ xi liġi elenkata fit-Tielet Skeda li tinsab ma’ dan l-Att.

Prattika ta’ professjoni regolata.

4. Awtorità nominata dwar professjoni regolata għandha tikkonsidra applikazzjoni kemm jista’ jkun raġonevolment prattikabbli, u għandha tavża lill-applikant bid-deċiżjoni tagħha flimkien mar-raġunijiet li tkun imsejjsa fuqhom fi żmien erba’ xhur mill-wasla tad-dokumenti rilevanti kollha.

Deciżjoni ta’ awtoritajiet nominati.

5. (1) Il-Ministru għandu jinnomina persuna li tkun magħrufa bhala Koordinatur għal Rikonoxximent Reciproku sabiex tikkoordina l-attivitajiet ta’ l-awtoritajiet nominati f’Malta u tippromwovi applikazzjoni uniformi ta’ dan l-Att.

Koordinatur għal Rikonoxximent Reciproku.

(2) Awtoritajiet nominati f’Malta għandhom jissupplixxu lill-Koordinatur għal Rikonoxximent Reciproku, b’kull informazzjoni mitluba li huwa jista’ jkun raġonevolment jehtieg għall-finijiet ta’ dmirijietu taht dan l-Att.

6. (1) Il-Ministru għandu jwaqqaf centru li jkun magħruf bhala ċ-Centru Malti għal Rikonoxximent ta’ Kwalifiki u ta’ Informazzjoni.

Centru Malti għal Rikonoxximent ta’ Kwalifiki u ta’ Informazzjoni.

(2) Il-funzjonijiet ta’ dan ic-Centru jinkludu:

(a) l-evalwazzjoni ta’ diplomi;

(b) l-ghoti ta’ għajnuna lill-awtoritajiet nominati, istituti ta’ taġlim u individwi, korpi li jkunu kontroparti u partijiet ohra interessati fl-analiżi komparattiva u evalwazzjoni ta’ kwalifiki;

(c) il-ġbir u t-tixrid ta’ informazzjoni li jkollha x’taqsam ma’ kwalifiki professjonali u vokazzjonali;

(d) il-promozzjoni ta’ rikonoxximent ta’ kwalifiki Maltin barra mill-pajjiż;

(e) li tiġi żgurata u facilitata l-applikazzjoni ta' l-artikoli dwar il-komparabbiltà ta' kwalifiki fl-edukazzjoni għolja, professjonali u vokazzjonali;

(f) li tiġi facilitata l-mobbiltà akkademika; u

(g) l-promozzjoni ta' trasparenza ta' kwalifiki.

Dritt ta' appell.

7. (1) Ikun hemm Bord, li jkollu dak l-ghadd ta' diviżjonijiet daqskemm il-Ministru jista' b'ordni fil-Gazzetta jippreskrivi, li jkun maghruf bhala l-Bord ta' l-Appelli dwar ir-Rikonoxximent Reciproku ta' Kwalifiki, hawnhekk iżjed 'il quddiem imsejjah "il-Bord", u dak il-Bord ikun magħmul minn *chairperson* u żewġ membri oħra li jinhatru mill-Prim Ministru minn fost persuni ta' integrità maghrufa li jidhirlu li jkunu kwalifikati minhabba f'li kellhom esperjenza, u wrew kapacità, f'affarijiet meqjusa adatti għal dak l-ghan.

(2) Il-Ministru jista' jagħmel regolamenti biex jirregolaw it-tqassim ta' tipi ta' appellii fost id-diviżjonijiet tal-Bord, iżda ebda żewġ diviżjonijiet tal-Bord ma għandhom ikunu jittrattaw l-istess tip ta' appellii.

(3) Membru tal-Bord għandu jastjeni u jista' jiġi rikuzat f'dawk ic-cirkostanzi li kieku jiskwalifikaw lil imhalled skond is-Sub-Titolu II tat-Titolu II tat-Tielet Ktieb tal-Kodici ta' Organizzazzjoni u Proċedura Ċivili; u meta jiġri dan jew il-membru jiġi sostitwit b'xi persuna oħra mahtura għal dak l-ghan mill-Prim Ministru bil-parir tal-Ministru, jew l-appell, meta jkun hemm iktar minn diviżjoni waħda tal-Bord tiffunzjona, jista' jiġi riferit b'ordni tal-Bord minn diviżjoni waħda tal-Bord lill-oħra.

(4) Il-membri tal-Bord għandhom jibqgħu fil-kariga għal perjodu ta' tliet snin, u jistgħu jerġgħu jiġu mahtura.

(5) Membru tal-Bord jista' jitnehha mill-kariga mill-Prim Ministru bil-parir tal-Ministru, minhabba f'negligenza gravi, konflitt ta' interessi, inkompetenza, jew attijiet jew omissjonijiet li ma jixirqux lil membru tal-Bord.

(6) Hlief meta awtorità nominata ma jkollhiex il-mezzi tagħha stess ta' appell, il-Bord ikollu ġurisdizzjoni li jisma' u jiddeciedi kull appell li jsir minn applikant li jhoss ruhu aggravat b'xi deciżjoni magħmula minn awtorità nominata taht dan l-Att.

(7) Kull appell bhal dak għandu jiġi pprezentat fir-Registru tal-Bord fi żmien għaxart ijiem minn dik id-deciżjoni.

(8) Id-deciżjonijiet tal-Bord ghandha tkun waħda konkluziva hlief ghar-rigward ta' punti ta' dritt li jkunu ġew decizi mill-Bord, li minnhom jista' jsir appell fi żmien ghaxart ijiem quddiem il-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri); l-imhalef ikollu dritt jiddeciedi *in camera* li dak l-appell ikun wiehed frivolu jew vessatorju wara l-gheluq ta' l-istadju ta' sottomissjonijiet bil-miktub; dak l-appell ikun ukoll regolat permezz ta' regoli tal-qorti li jsiru taht l-artikolu 29 tal-Kodici ta' Organizzazzjoni u Proċedura Ċivili.

8. (1) Il-Ministru ghandu jagħmel regolamenti biex iġib id-disposizzjonijiet ta' dan l-Att fis-seħh u dwar kull haġa li tista' tiġi ordnata taht dan l-Att; minghajr preġudizzju għall-ġeneralità ta' dak hawn qabel imsemmi, il-Ministru jista', b'dawk ir-regolamenti:

Setgħa li jsiru regolamenti.

(a) jippreskrivi l-parametri sabiex jiġu stabbiliti l-provi dwar kwalifiki formali;

(b) jipprovdi dwar ir-rikonoxximent ta' kull kors ta' edukazzjoni u taħriġ post-sekondarju u ta' kull kors twil jew qasir sekondarju li possibbilment ikun komplementat b'taħriġ jew esperjenza professjonali;

(c) jipprovdi dwar id-dritt li persuna teżercita u tuża titolu professjonali; u

(d) jipprovdi dwar ir-rikonoxximent ta' esperjenza professjonali, perjodi ta' adattament, prova ta' mġieba tajba u test ta' hila:

Iżda fil-każ ta' attivitajiet professjonali li mhumiex elenkati fit-Tieni Skeda li tinsab ma' dan l-Att, il-Ministru jista, bi ftehim mal-Ministru responsabbli għax-xogħol, jagħmel regolamenti għar-rikonoxximent ta' kwalifiki abbażi ta' esperjenza professjonali.

(2) Il-Ministru jista' wkoll b'regolamenti jżid Skedi ma' dan l-Att u jemenda jew jibdel xi skedi bħal dawk li jkunu korrentement fis-seħh inkluża l-possibilità li jgħaddu attività minn Skeda għall-oħra u jżidu jew iħassru attivitajiet minnhom.

9. Il-Ministru jista', bi ftehim mal-Ministru responsabbli għall-finanzi, jagħmel ordnijiet dwar l-ammont ta' drittijiet li għandhom jithallsu għal kull haġa li ssir jew servizz li jiġi mogħti taht dan l-Att.

Drittijiet.

10. Il-liġijiet indikati fl-ewwel kolonna tat-Tielet Skeda li tinsab ma' dan l-Att ghandu jkollhom seħh kif soġġetti għall-emendi li jidhru relattivament dwarhom fit-tieni kolonna ta' dik l-Iskeda.

Emendi konsegwenzjali.

L-EWWEL SKEDA

(Artikolu 2)

Awtoritajiet nominati

Professjoni	Awtorità nominata	
Ghalliem	Ministru responsabbli għall-Edukazzjoni appoġġat mit- <i>Teaching Profession</i> <i>Warrants Board</i>	Ministeru ta' l-Edukazzjoni
<i>Instructor</i>		
<i>Kindergarten assistant</i>		
<i>Facilitator</i>		
<i>Accountant</i>	<i>Accountancy Board</i>	Ministeru tal-Finanzi
Awditur		
<i>Stock broker</i>	Borża ta' Malta /Ċentru għas-Servizzi Finanzjarji ta' Malta	
Intermedjarji finanzjarji	Ċentru għas-Servizzi Finanzjarji ta' Malta	
<i>Investment Service Providers</i>		
Sotto-aġenti ta' l-assigurazzjoni u <i>brokers</i> ta' l-assigurazzjoni registrati		
Piżaturi	Awtorità ta' Malta dwar <i>Standards</i>	
Inġinier	<i>Engineering Board</i>	Ministeru għar-Riżorsi u l-Infrastruttura
Bennej	Bord tal-Bennejja	
Gwida tat-turisti	Ministeru għat-Turiżmu	Ministeru għat-Turiżmu
Pilota ta' l-ajru	Dipartiment ta' l-Avjazzjoni Ċivili	Ministeru għat-Trasport u Komunikazzjonijiet
<i>Aircraft flight engineer</i>		
<i>Aircraft flight navigator</i>		
<i>Aircraft maintenance engineer</i>		
<i>Apron controller</i>		
<i>Air traffic control officer</i>		
Haddiem tal-Port	<i>Port Workers Board</i>	
<i>Foreman</i> ta' Haddiem tal-Port		
<i>Scheduled bus service driver</i>	Direttorat tat-Trasport Pubbliku - Awtorità dwar it-Trasport ta' Malta	
<i>Unscheduled service driver (coach)</i>		
<i>White window mini-van driver</i>		
<i>Minibus service driver</i>		
<i>Taxi service driver</i>		
<i>Motor hearse driver</i>		

Kaptan	<i>Registrar General of Shipping and Seamen</i>	
<i>Chief Mate</i>		
<i>Officer in charge of navigational watch</i>		
<i>Chief engineer officer</i>		
<i>Second engineer officer</i>		
<i>Officer in charge of an engineering watch</i>		
<i>Licensed testers</i>		
<i>Licensed driving instructor</i>		
<i>Able bodied seaman</i>	<i>Registrar General of Shipping and Seamen</i>	
<i>Efficient Hand Deck</i>		
Pilota	<i>Pilotage Board</i>	
<i>Mooringman</i>		
<i>Bunker operator</i>	Awtorità Marittima ta' Malta	
<i>Engine driver</i>	Awtorità Marittima ta' Malta	
Kaptan fil-port / barra l-port		
<i>General Purpose Hand</i>	Awtorità Marittima ta' Malta	
<i>Boatman</i>		
<i>Boatmaster Grade II</i>		
<i>Boatmaster Grade I</i>		
<i>Commercial Vessel Mate</i>		
<i>Commercial Vessel Master</i>		
<i>Marine Engine Driver 3</i>		
<i>Marine Engine Driver 2</i>		
<i>Marine Engine Driver 1</i>		
Inġinier		
<i>Radio Operator</i>	Awtorità Marittima ta' Malta	
Irkantatur	<i>Auctioneers Board</i>	
<i>Wireman</i>	Korporazzjoni Enemalta	Ministeru ghas-Servizzi Ekonomici
Gwardjan lokali	Kummissarju tal-Pulizija	Ministeru ta' l-Intern u l-Ambjent
Gwardjan privat		
<i>Probation officer</i>	Prim Ministru wara li ssir sejha mill-Kummissjoni dwar is-Servizz Pubbliku	
Kummissjunarju b' setgha li jaghti Ġurament	Ministeru tal-Ġustizzja u Gvern Lokali	Ministeru tal-Ġustizzja u Gvern Lokali

C 1178

<i>Cinema projectionists</i>	<i>Department of Industrial and Employment Relations</i>	<i>Ministeru tal-Politika Socjali</i>
<i>Engine Drivers</i>		
<i>(Steam) (First Grade)</i>		
<i>Engine Drivers</i>		
<i>(Steam) (Second Grade)</i>		
<i>Engine Drivers (Internal Combustion) (First Grade)</i>		
<i>Engine Drivers</i>		
<i>(Internal Combustion)</i>		
<i>(Second Grade)</i>		
<i>Electric Motor Driver</i>		
<i>(First Grade)</i>		
<i>Electric Motor Driver</i>		
<i>(Second Grade)</i>		
<i>Diving Instructor</i>	<i>Ministeru tas-Sahha</i>	<i>Ministeru tas-Sahha</i>

IT-TIENI SKEDA

(L-artikolu 3)

Lista ta' professjonijiet u attivitajiet milquta b'dan l-Att
Professjoni
Ghalliem
Instructor
Kindergarten assistant
Facilitator
Accountant
Awditur
Stock broker
Intermedjarji finanzjarji
Investment Service Providers
Sotto-aġenti ta' l-assigurazzjoni u <i>brokers</i> ta' l-assigurazzjoni reġistrati
Piżaturi
Inġinier
Bennej
Gwida tat-turisti
Pilota ta' l-ajru
Aircraft flight engineer
Aircraft flight navigator
Aircraft maintenance engineer
Apron controller
Air traffic control officer
Haddiem tal-Port
<i>Foreman</i> ta' Haddiem tal-Port
Scheduled bus service driver
Unscheduled service driver (coach)
White window mini-van driver
Minibus service driver
Taxi service driver
Motor hearse driver
Kaptan
Chief Mate
Officer in charge of navigational watch
Chief engineer officer
Second engineer officer
Officer in charge of an engineering watch
Licensed testers
Licensed driving instructor

C 1180

Able bodied seaman
Efficient Hand Deck
Pilota
Mooringsman
Bunker operator
Engine driver
Kaptan fil-port è barra l-port
General Purpose Hand
Boatman
Boatmaster Grade II
Boatmaster Grade I
Commercial Vessel Mate
Commercial Vessel Master
Marine Engine Driver 3
Marine Engine Driver 2
Marine Engine Driver 1
Inginier
Radio Operator
Irkantatur
Wireman
Gwardjan lokali
Gwardjan privat
Probation officer
Kummissjunarju b'setgha li jaghti Ġurament
Cinema projectionists
Engine Drivers (Steam) (First Grade)
Engine Drivers (Steam) (Second Grade)
Engine Drivers (Internal Combustion) (First Grade)
Engine Drivers (Internal Combustion) (Second Grade)
Electric Motor Driver (First Grade)
Electric Motor Driver (Second Grade)
Diving Instructor

IT-TIELET SKEDA

(Artikolu 10)

L-Ewwel Kolonna	It-Tieni Kolonna
Kodici ta' Organizzazzjoni u Proċedura Ċivili, Kap.12.	<p>1.0 Dan l-artikolu ġdid li ġej ghandu jidhol wara l-artikolu 87 tal-Kodici: “87A. Il-Ministru jista' jagħmel regolamenti biex iġib fis-seħħ id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki u r-regolamenti kollha magħmulin tahtu, dwar ir-Rikonoxximent Reciproku ta' Kwalifiki ta' Prokuraturi Legali.”.</p> <p>2.0 Ghandha tidhol Skeda D ġdida ma' dan il-Kodici –</p> <p>1.1 Ghandu jidhol l-artikolu 1 li ġej f' din l-Iskeda: “1. Għall-finijiet ta' din l-Iskeda -“Ftehim”, “Stat li jkollu Ftehim”, “Ċittadin ta' Stat li jkollu Ftehim” u “awtorità kompetenti” ghandu jkollhom l-istess tifsir mogħti lilhom fl-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki.”.</p> <p>2.2 L-artikoli 79, 80 u 81 tal-Kodici għandhom jiddaħħlu f' dik l-Iskeda D ġdida u għandhom jiġu enumerati mill-ġdid rispettivament bhala l-artikoli 2, 3 u 4 tagħha.</p> <p>2.3 Paragrafu (b) ta' dak l-artikolu 4 kif enumerat mill-ġdid ghandu jiġi sostitwit b'dan li ġej: “(b) ikun cittadin ta' Malta jew ta' Stat li jkollu Ftehim jew li jkollu xort'ohra permess li jaħdem f' Malta taht kull liġi;”.</p> <p>4.4 Paragrafu (c) ta' dak l-artikolu 4 kif enumerat mill-ġdid ghandu jiġi sostitwit b'dan li ġej: “(c) ikun kiseb il-grad akkademiku ta' Duttur tal-Liġi (LL.D) skond id-disposizzjonijiet ta' l-Istatut ta' l-Università ta' Malta, jew grad ekwivalenti f' xi università oħra jew istituzzjoni akkademika skond il-principji ta' Rikonoxximent Reciproku ta' Kwalifiki, wara li jkun studja l-liġi f' Malta jew barra mill-pajjiż;”.</p> <p>4.5 L-artikolu 84 tal-Kodici ghandu jiddaħħal fl-Iskeda D u ghandu jiġi enumerat mill-ġdid bhala l-artikolu 5 tagħha.</p> <p>4.6 Fis-subartikolu (1) ta' l-artikolu 5 kif enumerat mill-ġdid, il-kliem “tal-mewt, jew” għandhom jithassru.</p> <p>4.7 Subartikolu (3) ta' l-artikolu 5 ghandu jiġi enumerat mill-ġdid bhala subartikolu (4).</p>

4.8 Wara subartikolu (2) ta' l-artikolu 5, ghandu jidhol is-subartikolu ġdid li ġej: "(3) L-irtirar temporanju jew permanenti, mill-awtorità kompetenti fl-Istat li jkollu Ftehim fejn l-avukat ikun kiseb id-dritt juża titolu professjonali, ta' l-awtorizzazzjoni li jeżercita l-professjoni ghandu awtomatikament iwassal lill-avukat li jkun qed jiġi temporanjament jew permanentement projbit milli jeżercita f'Malta."

4.9 Ghandu jidhol l-artikolu 6 li ġej f'din l-Iskeda: "4. Il-Ministru jista' jagħmel regolamenti biex iġib fis-seħh id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki u r-regolamenti kollha magħmulin tahtu, dwar ir-Rikonoxximent Reciproku ta' Kwalifiki ta' Avukati."

Att dwar l-
Arkitetti u
Inġinieri Ċivili
(Periti),
Kap. 390.

1.0 Fl-artikolu 2 tiegħu –

1.1 Ghandha tidhol it-tifsira ġdida li ġejja qabel it-tifsira ta' "Kamra": "Ftehim", "Stat li jkollu Ftehim", u "Ċittadin ta' Stat li jkollu Ftehim" ghandu jkollhom l-istess tifsir mogħti lilhom fl-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki;"

1.2 Minnufih qabel it-tifsira ta' "Bord" ghandha tidhol it-tifsira li ġejja: "awtorità kompetenti" ghandu jkollha l-istess tifsir mogħti lilha fl-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki;"

2.0 Ghandha tidhol Skeda ma' dan l-Att –

2.1 L-artikolu 3 ta' l-Att irid jiddaħħal f'din l-Iskeda u ghandu jiġi enumerat mill-ġdid bhala l-artikolu 1 tagħha.

2.2 Fis-subartikolu (1) ta' l-artikolu 1 kif enumerat mill-ġdid, minflok il-kliem "l-artikolu 5 ta' dan l-Att", ghandhom jidhlu l-kliem "l-artikolu 3 ta' din l-Iskeda".

2.3 Paragrafu (2a) ta' l-artikolu 1 kif enumerat mill-ġdid ghandu jiġi sostitwit b'dan il-paragrafu li ġej: "(2)(a) ikun cittadin ta' Malta jew ta' Stat li jkollu Ftehim jew li jkollu xort'ohra permiss li jahdem f'Malta taht kull liġi ohra;"

2.4 L-artikoli 4 u 5 ta' l-Att ghandhom jiddaħħlu f'din l-Iskeda u ghandhom jiġu enumerati mill-ġdid rispettivament bhala l-artikoli 2 u 3 tagħha.

2.5 Fl-artikolu 2 kif enumerat mill-ġdid minflok il-kliem "l-artikolu 3" kull fejn dawn jinsabu, ghandhom jidhlu l-kliem "l-artikolu 1 ta' din l-Iskeda".

2.6 Fis-subartikolu (1) ta' l-artikolu 3 kif enumerat mill-ġdid, minflok il-kliem "l-artikoli 3 jew 4 ta' dan l-Att", ghandhom jidhlu l-kliem "l-artikoli 1 jew 2 ta' din l-Iskeda".

2.7 Ghandu jidhol l-artikolu 4 li ġej f'din l-Iskeda: "4. Il-Ministru jista' jagħmel regolamenti biex iġib fis-sehh id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki u r-regolamenti kollha magħmulin tahtu, dwar ir-Rikonoxximent Reciproku ta' Kwalifiki ta' Periti."

- | | |
|---|---|
| Att dwar il-Professjoni ta' l- <i>Accountancy</i> , Kap. 281. | <p>1.0 Ghandu jidhol l-artikolu ġdid li ġej wara l-artikolu 8 ta' l-Att: "8A. Il-Ministru jista' jagħmel regolamenti biex iġib fis-sehh id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki u r-regolamenti kollha magħmulin tahtu, dwar ir-Rikonoxximent Reciproku ta' Kwalifiki ta' <i>Accountant</i> u <i>Awditur</i>."</p> |
| Att dwar il-Professjoni ta' l- <i>Inġinerija</i> , Kap. 321. | <p>1.0 Ghandu jidhol l-artikolu ġdid li ġej wara l-artikolu 5 ta' l-Att: "5A. Il-Ministru jista' jagħmel regolamenti biex iġib fis-sehh id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki u r-regolamenti kollha magħmulin tahtu, dwar ir-Rikonoxximent Reciproku ta' Kwalifiki ta' <i>Inġinier</i>."</p> |
| Att dwar l- <i>Edukazzjoni</i> , Kap. 327. | <p>1.0 Ghandu jidhol l-artikolu ġdid li ġej wara l-artikolu 12 ta' l-Att: "12A. Il-Ministru jista' jagħmel regolamenti biex iġib fis-sehh id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki u r-regolamenti kollha magħmulin tahtu, dwar ir-Rikonoxximent Reciproku ta' Kwalifiki ta' <i>Għalliem</i>."</p> |
| Att dwar is-Servizzi Veterinarji, Kap. 437. | <p>1.0 Ghandu jidhol l-artikolu ġdid li ġej wara l-artikolu 45 ta' l-Att: "45A. Il-Ministru jista' jagħmel regolamenti biex iġib fis-sehh id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki u r-regolamenti kollha magħmulin tahtu, dwar ir-Rikonoxximent Reciproku ta' Kwalifiki ta' <i>Kirurgi Veterinarji</i>."</p> |
| Att dwar il-Patrimonju Kulturali, Kap. 445. | <p>1.0 Ghandu jidhol l-artikolu ġdid li ġej wara l-artikolu 33 ta' l-Att: "33A. Il-Ministru jista' jagħmel regolamenti biex iġib fis-sehh id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki u r-regolamenti kollha magħmulin tahtu, dwar ir-Rikonoxximent Reciproku ta' Kwalifiki ta' <i>Konservatur-Restawratur</i>."</p> |

Ghanijiet u Raġunijiet

L-ghan ta' l-Abbozz hu biex jipprovdi dwar il-possibiltà li jsiru pattijiet dwar ir-rikonoxximent reciproku ta' kwalifiki bejn Malta u Stati oħrajn.

**A BILL
entitled**

AN ACT relating to the Mutual Recognition of Qualifications.

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:-

1. (1) The short title of this Act is the Mutual Recognition of Qualifications Act, 2002. Short title and commencement.

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

2. In this Act, unless the content otherwise requires - Interpretation.

“Agreement” means an agreement between states or between groups of states to which Malta is a party, reciprocally granting to citizens of such states or their dependants the right to enter, remain and reside in and leave the country of such state, to move freely within such states for such period as may be established in the agreement and to work or establish, provide or receive services therein; and “Agreement State” and “citizen of an Agreement State” shall be construed accordingly; and where a state is a party to such an Agreement subject to modifications and adaptations, a citizen of an Agreement State shall be subject to such modifications or adaptations as may be prescribed;

“applicant” means a person from an Agreement State applying to a designated authority for authorization to practise a regulated profession in Malta;

“application” means a request submitted by an applicant;

“competent authority”, in relation to –

- (a) any document, certificate, diploma or qualification;
- or
- (b) a period of professional experience,

means the authority, body or person in an Agreement State authorized under the legislation of that State to issue, award or recognize such document, certificate, diploma or qualification, or attestation of competence or to certify any such period of professional experience;

“designated authority” means a body or authority in Malta designated for the mutual recognition of qualifications in relation to a regulated profession as listed in the First Schedule or as may be determined by regulations from time to time;

“diploma” includes any degree, diploma, certificate, attestation of competence, or other similar evidence of formal qualifications or of education and training awarded by a competent authority in an Agreement State designated according to the law of that state;

“Minister” unless otherwise specified, means the Minister responsible for education;

“practice” in relation to any regulated profession, includes –

- (a) the taking up or pursuit of the profession, whether in a self-employed capacity or as an employed person; and
- (b) the right to use, in the course of such pursuit, a professional title or designatory letters, or the enjoyment of any special status corresponding to a diploma, granted by a designated authority for that profession;

“professional experience” means the actual and lawful pursuit of the profession concerned in an Agreement State;

“regulated profession and regulated professional activity” means those regulated professions and professional activities listed in the Schedules to this Act.

3. This Act shall apply to the professions and professional activities listed in the Second Schedule hereof, provided that no applicant shall be entitled to practise a regulated profession or a regulated professional activity unless he fulfils the conditions for the taking up or pursuit of that profession or activity in accordance with the provisions of this Act or of any enactment listed in the Third Schedule to this Act.

Practice of a regulated profession.

4. A designated authority for a regulated profession shall consider an application as soon as it is reasonably practicable, and shall notify the applicant of its decision together with the reasons upon which it is based within four months of receipt of all the relevant documents.

Decision of designated authorities.

5. (1) The Minister shall designate a person to be known as the Mutual Recognition Coordinator to coordinate the activities of the designated authorities in Malta and to promote uniform application of this Act.

Mutual Recognition Coordinator.

(2) Designated authorities in Malta shall furnish the Mutual Recognition Coordinator, with any requested information as he may reasonably require for the purposes of his functions under this Act.

6. (1) The Minister shall set up a centre to be designated as the Malta Qualification Recognition Information Centre.

Malta Qualification Recognition Information Centre.

(2) The functions of this Centre shall include:

(a) the evaluation of diplomas;

(b) the provision of assistance to designated authorities, learning institutes and individuals, counterpart bodies and other interested parties in the comparative analysis and evaluation of qualifications;

(c) the collection and dissemination of information related to professional and vocational qualifications;

(d) the promotion of recognition of Maltese qualifications abroad;

(e) ensuring and facilitating application of the articles regarding comparability of higher education, professional and vocational qualifications;

(f) facilitating academic mobility; and

(g) the promotion of transparency of qualifications.

Right of appeal.

7. (1) There shall be a Board, which shall have such number of divisions as the Minister may by order in the Gazette prescribe, to be known as the Mutual Recognition of Qualifications Appeals Board, hereinafter referred to as "the Board", and such Board shall consist of a chairperson and two other members who shall be appointed by the Prime Minister from among persons of known integrity who appear to him to be qualified by reason of having had experience of, and shown capacity in, matters deemed appropriate for such purpose.

(2) The Minister may make regulations to regulate the distribution by types of appeals amongst the divisions of the Board, provided that no two divisions of the Board shall deal with the same types of appeals.

(3) A member of the Board shall abstain and may be challenged in such circumstances as would disqualify a judge in terms of Sub-Title II of Title II of Book Third of the Code of Organization and Civil Procedure; and in any such case either the member shall be substituted by another person appointed for the purpose by the Prime Minister acting on the advice of the Minister, or the appeal, when there is more than one division of the Board in office, may be referred by order of the Board from one division of the Board to another.

(4) The members of the Board shall hold office for a period of three years, and shall be eligible for re-appointment.

(5) A member of the Board may be removed from office by the Prime Minister acting on the advice of the Minister, on grounds of gross negligence, conflict of interest, incompetence, or acts or omissions unbecoming a member of the Board.

(6) Except where a designated authority does not have its own means of appeal, the Board shall have jurisdiction to hear and determine all appeals made by an applicant aggrieved by any decision made by any designated authority under this Act.

(7) Any such appeal has to be filed in the Registry of the Board within ten days from such decision.

(8) The decisions of the Board shall be final except with respect to points of law decided by the Board, from which an appeal shall lie within ten days to the Court of Appeal (Inferior Jurisdiction);

the judge shall have the right to decide *in camera* that such appeal is frivolous or vexatious following the closing of the stage of written submissions; such appeal shall also be regulated by rules of court made under article 29 of the Code of Organization and Civil Procedure.

8. (1) The Minister shall make regulations to bring the provisions of this Act into effect and in respect of any matter which may be prescribed under this Act; without prejudice to the generality of the foregoing, the Minister may, by such regulations:

Power to make regulations.

(a) prescribe the parameters for the determination of evidence of formal qualifications;

(b) provide for the recognition of any post-secondary education and training courses and long or short secondary courses, possibly complemented by professional training or experience;

(c) provide for the right to practise and use of professional title; and

(d) provide for the recognition of professional experience, adaptation periods, proof of good conduct and aptitude test:

Provided that in the case of professional activities not listed in the Second Schedule hereof, the Minister may, with the concurrence of the Minister responsible for labour, make regulations for the recognition of qualifications on the basis of professional experience.

(2) The Minister may also by regulations add Schedules to this Act and amend or vary any such schedules currently in force including the possibility of moving an activity from one Schedule to the other and adding or deleting activities therefrom.

9. The Minister may, with the concurrence of the Minister responsible for finance, make orders with respect to the amount of fees payable for anything done or service rendered under this Act.

Fees.

10. The enactments in the first column of the Third Schedule to this Act shall have effect subject to the amendments appearing relative thereto in the second column of the said Schedule.

Consequential amendments .

FIRST SCHEDULE

(Article 2)

Designated Authorities

Profession	Designated Authority	
Teacher	Minister responsible for Education supported by the Teaching Profession Warrants Board	Ministry of Education
Instructor		
Kindergarten assistant		
Facilitator		
Accountant	Accountancy Board	Ministry of Finance
Auditor		
Stock broker	Malta Stock Exchange / Malta Financial Services Centre	
Financial intermediaries	Malta Financial Services Centre	
Investment Service Providers		
Insurance sub-agents and registered insurance brokers		
Weighers	Malta Standards Authority	
Engineer	Engineering Board	Ministry for Resources and the Infrastructure
Mason	Masons Board	
Tourist Guide	Ministry for Tourism	Ministry of Tourism
Aircraft pilot	Department of Civil Aviation	Ministry for Transport and Communications
Aircraft flight engineer		
Aircraft flight navigator		
Aircraft maintenance engineer		
Apron controller		
Air traffic control officer		
Port worker		
Foreman of port worker		
Scheduled bus service driver	Public Transport Directorate - Malta Transport Authority	
Unscheduled service driver (coach)		
White window mini-van driver		
Minibus service driver		
Taxi service driver		
Motor hearse driver		

Master	Registrar General of Shipping & Seamen	
Chief Mate		
Officer in charge of navigational watch		
Chief engineer officer		
Second engineer officer		
Officer in charge of an engineering watch		
Licensed testers	Licensing and Testing Directorate	
Licensed driving instructor	Malta Transport Authority	
Able bodied seaman	Registrar General of Shipping & Seamen	
Efficient Hand Deck		
Pilot	Pilotage Board	
Mooringman	Malta Maritime Authority	
Bunker operator		
Engine driver		
Master inside / outside harbour	Malta Maritime Authority	
General Purpose Hand		
Boatman		
Boatmaster Grade II		
Boatmaster Grade I		
Commercial Vessel Mate		
Commercial Vessel Master		
Marine Engine Driver 3		
Marine Engine Driver 2		
Marine Engine Driver 1		
Engineer		
Radio Operator	Malta Maritime Authority	
Auctioneer	Auctioneers Board	
Wireman	Enemalta Corporation	Ministry for Economic Services
Local warden	Commissioner of Police	Ministry for Home Affairs and the Environment
Private guard		
Probation officer	Prime Minister after call through Public Service Commission	

Commissioner for Oaths	Ministry for Justice and Local Government	Ministry for Justice and Local Government
Cinema projectionists	Department of Industrial and Employment Relations	Ministry for Social Policy
Engine Drivers (Steam) (First Grade)		
Engine Drivers (Steam) (Second Grade)		
Engine Drivers (Internal Combustion) (First Grade)		
Engine Drivers (Internal Combustion) (Second Grade)		
Electric Motor Driver (First Grade)		
Electric Motor Driver (Second Grade)		
Diving Instructors	Ministry of Health	Ministry of Health

SECOND SCHEDULE

(Article 3)

List of professions and professional activities effected by this Act

<i>Profession</i>
Teacher
Instructor
Kindergarten assistant
Facilitator
Accountant
Auditor
Stock broker
Financial intermediaries
Investment Service Providers
Insurance sub-agents and registered insurance brokers
Weighers
Engineer
Mason
Tourist Guide
Aircraft pilot
Aircraft flight engineer
Aircraft flight navigator
Aircraft maintenance engineer
Apron controller
Air traffic control officer
Port worker
Foreman of port worker
Scheduled bus service driver
Unscheduled service driver (coach)
White window mini-van driver
Minibus service driver
Taxi service driver
Motor hearse driver
Master
Chief Mate
Officer in charge of navigational watch

Chief engineer officer
Second engineer officer
Officer in charge of an engineering watch
Licensed testers
Licensed driving instructor
Able bodied seaman
Efficient Hand Deck
Pilot
Mooringman
Bunker operator
Engine driver
Master inside / outside harbour
General Purpose Hand
Boatman
Boatmaster Grade II
Boatmaster Grade I
Commercial Vessel Mate
Commercial Vessel Master
Marine Engine Driver 3
Marine Engine Driver 2
Marine Engine Driver 1
Engineer
Radio Operator
Auctioneer
Wireman
Local warden
Private guard
Probation officer
Commissioner for Oaths
Cinema projectionists
Engine Drivers (Steam) (First Grade)
Engine Drivers (Steam) (Second Grade)
Engine Drivers (Internal Combustion) (First Grade)
Engine Drivers (Internal Combustion) (Second Grade)
Electric Motor Driver (First Grade)
Electric Motor Driver (Second Grade)
Diving instructor

THIRD SCHEDULE

(Article 10)

First Column	Second Column
Code of Organization and Civil Procedure, Cap.12.	<p>1.0 There shall be inserted the following new article after article 87 of the Code:</p> <p style="padding-left: 40px;">“87A. The Minister may make regulations for bringing into effect the provisions of the Mutual Recognition of Qualifications Act and subsidiary legislation issued thereunder, in relation to the Mutual Recognition of Qualifications of Legal Procurators.”.</p> <p>2.0 There shall be inserted a new Schedule D to this Code –</p> <p>2.1 There shall be inserted the following Article 1 to this Schedule:</p> <p style="padding-left: 40px;">“1. For the purposes of this Schedule -</p> <p style="padding-left: 80px;">“Agreement”, “Agreement State”, “Citizen of an agreement State” and “competent authority” shall have the same meaning assigned to them in the Mutual Recognition of Qualifications Act, 2002.”.</p> <p>2.2 Articles 79, 80 and 81 of the Code shall move into such new Schedule D and shall be re-numbered respectively as articles 2, 3 and 4 thereof.</p> <p>2.3 Paragraph (b) of such article 4 as renumbered shall be substituted by the following:</p> <p style="padding-left: 40px;">“b) he is a citizen of Malta or of an Agreement State or is otherwise permitted to work in Malta under any law;”.</p> <p>2.4 Paragraph (c) of such article 4 as renumbered shall be substituted by the following:</p> <p style="padding-left: 40px;">“ (c) he has obtained the academical degree of Doctor of Law (LL.D) in accordance with the provisions of the Statute of the University of Malta, or an equivalent degree at such other university or academic institution in accordance with the principles of Mutual Recognition of Qualifications, after having studied law in Malta or abroad”.</p>

2.5 Article 84 of the Code shall move into Schedule D and shall be re-numbered as article 5 thereof.

2.6 In sub-article (1) of article 5 as renumbered, the words “the punishment of death, or to” shall be deleted.

2.7 Sub-article (3) of article 5 shall be re-numbered as sub-article (4).

2.8 After sub-article (2) of article 5, there shall be inserted the following new sub-article:

“(3) The temporary or permanent withdrawal, by the competent authority in the Agreement State in which the advocate acquired the right to use the professional title, of the authorization to practise the profession shall automatically lead to the advocate being temporarily or permanently prohibited from practising in Malta.” .

2.9 There shall be inserted the following Article 6 to this Schedule:

“4. The Minister may make regulations for bringing into effect the provisions of the Mutual Recognition of Qualifications Act and subsidiary legislation issued thereunder, in relation to the Mutual Recognition of Qualifications of Advocates.”.

Architecture
and Civil
Engineering
Professionals
(Periti) Act,
Cap. 390.

1.0 In article 2 thereof –

1.1 There shall be inserted the following new definitions before the definition of “Board”:

“Agreement”, “Agreement State”, and “Citizen of an agreement State” shall have the same meaning assigned to them in the Mutual Recognition of Qualifications Act, 2002;”

1.2 Immediately after the definition of “Chamber” there shall be inserted the following definition:

“competent authority” shall have the same meaning assigned to it in the Mutual Recognition of Qualifications Act, 2002;”.

2.0 There shall be inserted a Schedule to this Act –

2.1 Article 3 of the Act shall move into this Schedule and shall be re-numbered as article 1 thereof.

2.2 In sub-article (1) of article 1 as re-numbered, for the words “article 5 of this Act”, there shall be substituted the words “article 3 of this Schedule”.

3.3 Paragraph (2a) of article 1 as re-numbered shall be substituted by the following paragraph:

“(2)(a) he is a citizen of Malta or of an Agreement State or is otherwise permitted to work in Malta under any law;”.

3.4 Articles 4 and 5 of the Act shall move into this Schedule and shall be re-numbered respectively as articles 2 and 3 thereof.

3.5 In Article 2 as re-numbered for the words “article 3” wherever they appear, there shall be substituted the words “article 1 of this Schedule”.

3.6 In sub-article (1) of article 3 as re-numbered, for the words “articles 3 or 4 of this Act”, there shall be substituted the words “articles 1 or 2 of this Schedule”.

3.7 There shall be inserted the following Article 4 to this Schedule:

“4. The Minister may make regulations for bringing into effect the provisions of the Mutual Recognition of Qualifications Act and subsidiary legislation issued thereunder, in relation to the Mutual Recognition of Qualifications of Architect.”.

Accountancy
Profession
Act,
Cap. 281.

1.0 There shall be inserted the following new article after article 8 of the Act:

“**8A.** The Minister may make regulations for bringing into effect the provisions of the Mutual Recognition of Qualifications Act and subsidiary legislation issued thereunder, in relation to the Mutual Recognition of Qualifications of Accountant and Auditor.”.

Engineering
Profession
Act,
Cap. 321.

1.0 There shall be inserted the following new article after article 5 of the Act:

“**5A.** The Minister may make regulations for bringing into effect the provisions of the Mutual Recognition of Qualifications Act and subsidiary legislation issued thereunder, in relation to the Mutual Recognition of Qualifications of Engineer.”.

E d u c a t i o n
Act,
Cap. 327.

1.0 There shall be inserted the following new article after article 12 of the Act:

“**12A.** The Minister may make regulations for bringing into effect the provisions of the Mutual Recognition of Qualifications Act and subsidiary legislation issued thereunder, in relation to the Mutual Recognition of Qualifications of Teacher.”.

Veterinary Services Act, 45 of the Act:
Cap. 437. **1.0** There shall be inserted the following new article after article

“**45A.** The Minister may make regulations for bringing into effect the provisions of the Mutual Recognition of Qualifications Act and subsidiary legislation issued thereunder, in relation to the Mutual Recognition of Qualifications of Veterinary Surgeons.”.

Cultural Heritage Act, 33 of the Act:
Cap. 445. **1.0** There shall be inserted the following new article after article

“**33A.** The Minister may make regulations for bringing into effect the provisions of the Mutual Recognition of Qualifications Act and subsidiary legislation issued thereunder, in relation to the Mutual Recognition of Qualifications of Conservator-Restorer.”.

Objects and Reasons

The object of the Bill is to provide for the possibility of entering into agreements for the mutual recognition of qualifications between Malta and other States.

