

Naghti l-kunsens tieghi.

(L.S.)

GUIDO DE MARCO  
President

20 ta' Settembru, 2002

**ATT Nru. XVIII ta' l-2002**

*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 jsehħ 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 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 jitilqu mill-pajjiż ta' dak l-istat, li jiċċaqilqu liberament għewwa dawk l-istati għal dak iż-żmien skond ma jista' jiġi stabbilit fil-ftehim u li jahdmu jew jistabbilixxu, jipprovdu jew jirċievu servizzi hemmhekk; u "Stat li jkollu Ftehim" u "ċittadin ta' Stat li jkollu Ftehim" għandhom jiftiehm skond hekk; u meta l-istat ikun parti għal ftehim bħal dak soġġett 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 ghand awtorità nominata sabiex tkun awtorizzata teżerċita professjoni regolata f’Malta;

“applikazzjoni” tfisser talba li ssir minn applikant;

“awtorità kompetenti”, dwar –

(a) xi dokument, ċertifikat, diploma jew kwalifika; jew

(b) perijodu ta’ esperjenza professjonali u vokazzjonali,

tfisser l-awtorità, korp jew persuna fi Stat li jkollu Ftehim awtorizzata taht il-leġislazzjoni jew prattika stabbilita ta’ dak l-Istat li ghandha tohog, taghti jew tirrikonoxxi tali dokument, ċertifikat, diploma jew kwalifika, jew attestament ta’ livell ta’ kompetenza jew tiċċertifika perijodu ta’ esperjenza professjonali u vokazzjonali;

“awtorità nominata” tfisser korp jew awtorità li taghti, licenzja, permess jew *warrant* f’Malta nominata biex taghmel irrikonoxximent reċiproku ta’ kwalifiki dwar professjoni regolata jew attività professjonali regolata kif inhi elenkata fl-Ewwel Skeda jew li jistghu jiġu stabbiliti b’regolamenti minn żmien ghal żmien;

“diploma” tinkludi kull grad, diploma, ċertifikat, testimonjanza ta’ kompetenza, jew prova ohra bhal dawk ta’ kwalifiki formali jew ta’ edukazzjoni u tahrig moghtija minn awtorità kompetenti fi Stat li jkollu Ftehim, nominata skond il-liġi ta’ dak l-istat;

“Ministru” kemm-il darba ma jiġix speċifikat xort’ohra, tfisser il-Ministru responsabbli ghall-edukazzjoni;

“prattika” dwar xi professjoni regolata, tinkludi –

(a) li tibda teżerċita jew l-eżerċizzju tal-professjoni, kemm bhala persuna li tahdem ghal rasha jew bhala persuna impjegata; u

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

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

“professjoni regolata u attività professjonali 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 fl-Ewwel Skeda li tinsab ma’ dan l-Att, b’dan li ebda applikant ma jkollu jedd jeżerċita professjoni regolata jew attività professjonali regolata kemm-il darba ma jwettaqx il-kondizzjonijiet biex jibda jeżerċita jew iwettaq l-eżerċizzju ta’ dik il-professjoni jew attività skond id-dispożizzjonijiet ta’ dan l-Att jew ta’ xi ligi elenkata fit-Tieni Skeda li tinsab ma’ dan l-Att.

Prattika ta’  
professjoni regolata.

4. Awtorità nominata dwar professjoni regolata għandha tikkonsidra applikazzjoni malajr daqs kemm jista’ jkun raġonevolment prattikabbli, u għandha tavża lill-applikant bid-deċizzjoni tagħha flimkien mar-raġunijiet li tkun imsejsa 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 Rikonossiment Reċiproku sabiex tikkoordina l-attivitajiet ta’ l-awtoritajiet nominati f’Malta u tippromwovi applikazzjoni uniformi ta’ dan l-Att.

Koordinatur għal  
Rikonossiment  
Reċiproku.

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

6. (1) Il-Ministru għandu jwaqqaf ċentru li jkun magħruf bhala ċ-Ċentru Malti għal Rikonossiment ta’ Kwalifiki u ta’ Informazzjoni.

Ċentru Malti għal  
Rikonossiment ta’  
Kwalifiki u ta’  
Informazzjoni.

(2) Il-funzjonijiet ta’ dan iċ-Ċentru jinkludu:

(a) l-evalwazzjoni ta’ diplomi;

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

(c) il-gbir 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) l-infurzar u l-facilitazzjoni ta' l-applikazzjoni ta' l-artikoli dwar il-komparabbiltà ta' kwalifiki fl-edukazzjoni gholja, professjonali u vokazzjonali;

(f) il-facilitazzjoni ta' mobbiltà akkademika; u

(g) il-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 Reċiproku ta' Kwalifiki, hawnhekk iżjed 'il quddiem imsejjah "il-Bord", u dak il-Bord ikun magħmul minn *chairperson* u żewġ membri ohra 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' appelli fost id-diviżjonijiet tal-Bord, izda ebda żewġ diviżjonijiet tal-Bord ma għandhom ikunu jittrattaw l-istess tip ta' appelli.

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

(4) Il-membri tal-Bord għandhom jibqghu fil-kariga għal perijodu ta' tliet snin, u jistghu jerġghu jigu mahtura.

(5) Membru tal-Bord jista' jitneħha 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 jiddeċiedi kull appell li jsir minn applikant li jhoss ruhu aggravat b'xi deċiżjoni magħmula minn awtorità nominata taħt dan l-Att jew taħt xi liġi oħra indikata fit-Tieni Skeda li tinsab ma' dan l-Att.

(7) Kull appell bħal dak għandu jiġi ppreżentat fir-Registru tal-Bord fi żmien għaxart ijiem minn dik id-deċiżjoni.

(8) Id-deċiżjonijiet tal-Bord għandhom ikunu konklużivi hlief għar-rigward ta' punti ta' dritt li jkunu ġew deċiżi mill-Bord, li minnhom jista' jsir appell fi żmien għaxart ijiem quddiem il-Qorti ta' l-Appell (Ġurisdizzjoni Inferjuri); l-imhalef ikollu dritt jiddeċiedi *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 taħt l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

8. (1) Il-Ministru għandu jagħmel regolamenti biex iġib id-disposizzjonijiet ta' dan l-Att fis-sehh u dwar kull haġa li tista' tiġi ordnata taħt 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 tahriġ ta' livell sekondarju, post-sekondarju jew oghla, u ta' kull kors twil jew qasir sekondarju li possibbilment ikun komplementat b'tahriġ jew esperjenza professjonali;

(c) jipprovdi dwar id-dritt li persuna teżerċita 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 fl-Ewwel 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 u, jew vokazzjonali.

(2) Il-Ministru jista' wkoll b'regolamenti jżid Skedi ma' dan l-Att u jemenda jew jibdel xi skedi bhal dawk li jkunu korrentement fis-sehh inkluża l-possibilità li jżid jew ihassar professjonijiet jew attivitajiet professjonali minnhom.

Drittijiet.

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 taħt dan l-Att.

Emendi  
konsegwenzjali.

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

L-EWWEL SKEDA

(Artikolu 2)

Professjoni regolata/ Professjonali regolata	Attivita'	Awtorita' nominata	Ligi
Għalliem <i>Instructor</i> <i>Kindergarten Assistant</i> <i>Facilitator</i>		Ministru responsabbli għall-Edukazzjoni	Att dwar l-Edukazzjoni, Kap.327
<i>Accountant</i> Awditur		<i>Accountancy Board</i>	Att dwar il-Professjoni ta' l-Accountancy, Kap.281
<i>Stock broker</i>		Borża ta' Malta/Centru għas-Servizzi Finanzjarji ta' Malta	Att dwar il-Borża ta' Malta, Kap.345
Intermedjarji finanzjarji		Centru għas-Servizzi Finanzjarji ta' Malta	Att dwar il-Borża ta' Malta, Kap.345
<i>Investment Service Providers</i>		Centru għas-Servizzi Finanzjarji ta' Malta	Att dwar Servizzi ta' Investment, Kap.370
Sotto-agenti ta' l-assigurazzjoni u brokers ta' l-assigurazzjoni registrati		Centru għas-Servizzi Finanzjarji ta' Malta	Att dwar Brokers fl-Assigurazzjoni u Intermedjarji Ohra, Kap.404
Pizaturi		Awtorita' ta' Malta dwar <i>Standards</i>	Ordinanza dwar l-Uzin u l-Kejl, Kap.39
Inġinier		<i>Engineering Board</i>	Att dwar il-Professjoni ta' l-Inġinerija, Kap.321
Bennej		Bord tal-Bennejja	Kodici tal-Ligijiet tal-Pulizija, Kap.10
Gwidat tat-Turisti		Ministru responsabbli għat-Turizmu	Att dwar is-Servizz ta' Gwidat tat-Turisti, Kap.190
Pilota ta' l-ajru		Dipartiment ta' l-Avjazzjoni Civili	Air Navigation Order, (A.L.176/90) taht l-Att dwar l-Avjazzjoni Civili, Kap.232
<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>Foreman ta' Haddiem tal-Port</i>		<i>Port Workers Board</i>	Ordinanza dwar il-Haddiema tal-Port, Kap.171

Professjoni regolata/ Professjonali regolata	Attivita'	Awtorita' nominata	Ligi
<i>Scheduled bus service driver</i>		Direttorat tat-Transport Pubbliku	Att dwar Awtorita' dwar it-Transport ta' Malta, Kap.332
<i>Unscheduled service driver (coach)</i>		Awtorita' dwar it-Transport ta' Malta	
<i>White window mini-van driver</i>			
<i>Minibus service driver</i>			
<i>Taxi service driver</i>			
<i>Motor hearse driver</i>			
<i>Kaptan</i>		<i>Registrar General of Shipping and Seamen</i>	Att dwar il-Bastimenti Merkantili, Kap.234
<i>Chief Mate</i>			Regolamenti dwar Tahrig u Certifikazzjoni dwar Bastimenti Merkantili, (A.L. 197 ta' l-2001)
<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>Licensing and Testing Directorate</i> Awtorita' dwar it-Transport ta' Malta	Regolamenti dwar Testijiet biex Jicertifikaw li Vetturi bil-Mutur huma Tajba ghat-Triq, (A.L. 126 ta' l-1999); u Regolamenti dwar Licenzi ghas-Sewqan ta' Vetturi bil-Mutur, (A.L. 191 ta' l-2002)
<i>Licensed driving instructor</i>			taht l-Ordinanza dwar ir-Regolament tat-Traffiku, Kap.65
<i>Able bodied seaman</i>		<i>Registrar General of Shipping and Seamen</i>	Regolamenti dwar Certifikati bhala A.B. u E.D.H, (A.L.196 of 2001) taht l-Att dwar il-Bastimenti Merkantili, Kap.234
<i>Efficient Hand Deck</i>		<i>Pilotage Board</i>	Regolamenti dwar il-Pilutagg u l-Irmigg, (A.L. 163/75) taht l-Att dwar l-Awtorita' Marittima ta' Malta, Kap.352
<i>Pilota</i>			Att dwar Taxxa fuq Bunkering ta' Żjut, Kap.381
<i>Mooringman</i>		Awtorita' Marittima ta' Malta	Regolamenti dwar Bastimenti li jithaddmu Mekkaniament (Passiggieri u Merkanzija), (Avviz tal-Gvern 704/55) taht il-Kodici tal-Ligijiet tal-Pulizija, Kap.10
<i>Bunker operator</i>		Awtorita' Marittima ta' Malta	
<i>Engine driver</i>			
<i>Kaptan fil-port / barra l-port</i>			

Professjoni regolata/ Professjonali regolata	Attivita'	Awtorita' nominata	Ligi
<i>General Purpose Hand</i>		Awtorita' Marittima ta' Malta	Regolamenti dwar Bastimenti li Jithaddmu Mekanikament (Passigijeri u Merkanzija), (Avviz tal-Gvern 704/55) taht il-Kodici tal-Ligijiet tal-Pulizija, Kap.10
<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>			
<i>Ingénieur</i>			
<i>Radio Operator</i>		Awtorita' Marittima ta' Malta	Regolamenti dwar Certifikati ta' Operaturi tat-Telegrafija Minghajr Fili (A.L. 72 ta' l-1999) taht l-Ordinanza dwar it-Telegrafija Minghajr Fili, Kap.49
<i>Irkantatur</i>		<i>Auctioneers Board</i>	Att dwar l-Irkantaturi, Kap.342
<i>Wireman</i>		Korporazzjoni Enemalta	Regolamenti dwar il-provvista ta' l-elettriku, (A.L. 223/40) taht l-Att dwar Awtorita' ta' Malta dwar ir-Rizorsi, Kap.423
Gwardjan lokali		Kummissarju tal-Pulizija	Att dwar Gwardjani Privati u Lokali, Kap.389
Gwardjan privat			
<i>Probation officer</i>		Prim Ministru	Att dwar il-Probation ta' Hajjin, Kap.152
<i>Cinema projectionists</i>		Dipartiment tax-Xoghol	Kodici tal-Ligijiet tal-Pulizija, Kap.10
<i>Engine Drivers (Steam) (First Grade)</i>			Att dwar l-Awtorita' ghas-Sabha u s-Sigurta' fuq il-Post tax-Xoghol, Kap.424
<i>Engine Drivers (Steam) (Second Grade)</i>			
<i>Engine Drivers (Internal Combustion) (First Grade)</i>			
<i>Engine Drivers (Internal Combustion) (Second Grade)</i>			
<i>Electric Motor Driver (First Grade)</i>			
<i>Electric Motor Driver (Second Grade)</i>			

Professjoni regolata/ Professjonali regolata	Attivita'	Awtorita' nominata	Ligi
Periti		Il-Ministru responsabbli għax-xogħolijiet fuq ir-rakkomandazzjoni tal-Bord tal-Warrant tal-Periti	Att dwar il-Periti, Kap. 390
Avukati		Il-President ta' Malta	Kodici ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12
Prokuraturi Legali		Il-President ta' Malta	Kodici ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12
Konservaturi-restawrturi		Il-Ministru responsabbli għall-patrimonju kulturali fuq ir-rakkomandazzjoni tal-Bord tal-Warrant tar-Restawrturi	Att dwar il-Patrimonju Kulturali, Kap. 445
Għalliem tal-bughaddasa		Ministru responsabbli għas-Saħha	
Kirurgi Veterinarji		Il-President ta' Malta fuq ir-rakkomandazzjoni tal-Kunsill tal-Kirurġi Veterinarji	Att dwar is-Servizzi Veterinarji, Kap. 437

**IT-TIENI SKEDA**  
(Artikolu 7(6))

L-Ewwel Kolonna	It-Tieni Kolonna
<p>Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap.12.</p>	<p><b>1.0</b> Ghandu jidhol l-artikolu 1 li ġej qabel l-artikolu 79 tal-Kodiċi:</p> <p>"78A. Għall-finijiet ta' dan it-Titolu u ta' Titolu VIII ta' l-Ewwel Ktieb ta' dan il-Kodiċi, il-kliem "Ftehim", "Stat li jkollu Ftehim", "Ċittadin ta' Stat li jkollu Ftehim" u "awtorita' kompetenti" għandu jkollhom l-istess tifsir mogħti lilhom fl-Att ta' l-2002 dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki."</p> <p><b>2.0</b> L-Artikolu 81 tal-Kodiċi għandu jiġi emendat kif ġej:</p> <p><b>2.1</b> Paragrafu (b) għandu jiġi sostitwit b'dan li ġej:</p> <p>"(b) ikun cittadin ta' Malta jew ta' Stat li jkollu Ftehim jew li jkollu xort'ohra permiss li jahdem f'Malta taht kull liġi;"</p> <p><b>2.2</b> Paragrafu (ċ) għandu jiġi sostitwit b'dan li ġej:</p> <p>"(ċ) ikun kiseb il-grad akkademiku ta' Duttur tal-Liġi (LL.D.) skond id-disposizzjonijiet ta' l-Istitut ta' l-Università ta' Malta, jew grad komparabbli minn dik l-awtorita' kompetenti ohra skond il-prinċipji tar-Rikonoxximent Reċiproku ta' Kwalifiki, wara li jkun studja l-liġi f'Malta jew fi Stat li jkollu Ftehim;"</p> <p><b>3.0</b> Ghandu jidhol l-artikolu ġdid li ġej wara l-artikolu 81 tal-Kodiċi:</p> <p>"81A. Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti biex iġib fis-seħħ id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u r-regolamenti kollha magħmulin tahtu, dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki ta' Avukati."</p> <p><b>4.0</b> L-artikolu 84 tal-Kodiċi għandu jiġi emendat kif ġej:</p> <p><b>4.1</b> Fis-subartikolu (1), il-kliem "tal-mewt, jew" għandhom jithassru.</p> <p><b>4.2</b> Is-subartikolu (3) għandu jiġi enumerat mill-ġdid bhala subartikolu (4) ta' dan l-artikolu.</p> <p><b>4.3</b> Wara s-subartikolu (2), għandu jidhol is-subartikolu ġdid li ġej:</p>

	<p>"(3) L-irtirar temporanju jew permanenti, mill-awtorita' kompetenti fl-Istat li jkollu Ftehim fejn l-avukat ikun kiseb id-dritt juza titolu professjonali, ta' l-awtorizzazzjoni li jeżercita l-professjoni ghandu awtomatikament iwassal lill-avukat li jkun qed jigi temporanjament jew permanentement projbit milli jeżercita f'Malta."</p> <p><b>5.0</b> L-artikolu 87 tal-Kodiċi ghandu jigi emendat kif ġej:</p> <p><b>5.1</b> Paragrafu (b) ghandu jigi sostitwit b'dan li ġej:  "(b) ikun ċittadin ta' Malta jew ta' Stat li jkollu Ftehim jew li jkollu xort'ohra permess li jahdem f'Malta taht kull ligi;"</p> <p><b>5.2</b> Paragrafu (c) ghandu jigi sostitwit b'dan li ġej:  "(c) ġie approvat mill-bord ta' l-eżaminaturi tal-Fakulta' tal-Ligi, wara ezami regolari fil-materji tal-kors ta' l-istudji li ghandhom jaghmlu l-kandidati ghall-professjoni ta' prokuratur legali, skond ir-regolamenti ta' l-Universita' ta' Malta, jew grad komparabbli minn dik l-awtorita' kompetenti ohra skond il-prinċipji tar-Rikonoxximent Reċiproku ta' Kwalifiki, wara li jkun studja l-ligi f'Malta jew fi Stat li jkollu Ftehim;"</p> <p><b>6.0</b> Dan l-artikolu ġdid li ġej ghandu jidhol wara l-artikolu 87 tal-Kodiċi:  "<b>87A.</b> Il-Ministru responsabbli ghall-gustizzja jista' jaghmel regolamenti biex igib fis-sehh id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u r-regolamenti kollha maghmulin tahtu, dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki ta' Prokuraturi Legali."</p> <p><b>7.0</b> It-Tariffa K ta' l-Iskeda A li tinsab mal-Kodiċi ghandha tigi emendata kif ġej:  <b>7.1</b> It-titolu ta' din it-Tariffa ghandu jigi sostitwit b'dan li ġej:  <b>"TARIFFA K  Drittijiet li jithallsu lill-Periti"</b></p> <p><b>7.2</b> Il-kliem "arkitett" u "arkitett u Inġinier Ċivili" kull fejn jidhru f'din it-Tariffa, ghandhom jigu sostitwiti bil-kelma "perit".</p>
<p>Att dwar l-Arkitetti u Inġinieri Ċivili (Periti), Kap. 390.</p>	<p><b>1.0</b> It-Titoli ta' dan l-Att ghandhom jigu emendati kif ġej:</p> <p><b>1.1</b> It-Titolu l-qasir ta' dan l-Att ghandu jigi sostitwit b'dan li ġej:  <b>"ATT DWAR IL-PERITI".</b></p> <p><b>1.2</b> It-Titolu t-twil ta' dan l-Att ghandu jigi sostitwit b'dan li ġej:</p>

*"biex jirregola l-Periti u sabiex jipprovdi għal hwejjeg li għandhom x'jaqsmu ma' dan jew li huma ancillari għalihom."*

2.0 L-artikolu 1 għandu jiġi sostitwit b'dan li ġej:

"1. It-titolu ta' dan l-Att hu Att dwar il-Periti."

3.0 Il-kelma "Chamber" kull fejn tidher fit-test Ingliż ta' l-Att, bl-eċċezzjoni tal-kliem "Chamber of Architects" fis-subartikolu (3) ta' l-artikolu 21, għandha tiġi sostitwita bil-kelma "perit".

4.0 Fl-artikolu 2 tiegħu –

4.1 Għandhom jidhlu t-tifsiriet l-godda li ġejjin qabel it-tifsira ta' "Kamra":

"Ftehim", "Stat li jkollu Ftehim", u "Ċittadin ta' Stat li jkollu Ftehim" għandu jkollhom l-istess tifsir mogħti lilhom fl-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki;"

4.2 Minnufih qabel it-tifsira ta' "Bord" għandha tidhol it-tifsira li ġejja:

"awtorita' kompetenti" għandu jkollha l-istess tifsir mogħti lilha fl-Att ta' l-2002 dwar ir-Rikonoxximent Reciproku ta' Kwalifiki;"

5.0 Paragrafu (2)(a) ta' l-artikolu 3 għandu jiġi sostitwit b'dan il-paragrafu li ġej:

"(2)(a) ma tkunx ċittadin ta' Malta jew ta' Stat li jkollu Ftehim jew xort'ohra jkollha l-permess li taħdem f' Malta bis-saħħa ta' xi liġi;"

6.0 Is-subartikolu (3) ta' l-artikolu 5 għandu jiġi sostitwit b'dan is-subartikolu:

"(3) Kull persuna li jingħatalha *warrant* bħal dak għandha, qabel ma tibda teżercita l-professjoni tagħha, tiegħu quddiem il-Qorti ta' l-Appell, f'seduta bil-miftuh, il-gurament ta' fedelta' msemmi fl-artikolu 10 tal-Kodiċi ta' Organizzazzjoni u Procedura Ċivili u l-gurament ta' kariga kif miġjub hawn taħt:

*Jiena, ..... nahlef / solennament niddikjara li [naghmel] fedelment u bl-onesta' u bir-reqqa kollha d-dmirijiet ta' Perit u mill-ahjar li naf u li nista'. Hekk Alla jghini."*

7.0 Is-subartikolu (1) ta' l-artikolu 7 għandu jiġi emendat kif ġej:

7.1 Fil-paragrafu (e), il-kliem "fl-artikolu 4 ta' dan l-Att" għandhom jiġu sostitwiti bil-kliem "fl-artikolu 4 ta' dan l-Att; u".

	<p>7.2 Ghandu jizzied paragrafu (f) ġdid:</p> <p>"(f) li johroġ ċertifikat li juri li l-persuna li fittieq teżercita l-professjoni fi Stat li jkollu Ftehim qieghda teżercita l-attivitajiet fil-qasam ta' l-arkitettura u ta' l-inginerija ċivili f'Malta fejn hija stabbilita."</p> <p>8.0 Is-subartikolu (1) ta' l-artikolu 8 ghandu jiġi sostitwit bis-subartikolu li ġej:</p> <p>"8. (1) Id-detenturi ta' <i>warrant</i> kollha ghandu jkollhom id-dritt li jkunu membri tal-Kamra u li jieħdu sehem fl-attivitajiet tagħha."</p> <p>9.0 L-artikolu 20 ghandu jiġi emendat kif ġej:</p> <p>9.1 Il-paragrafu (c) ghandu jiġi enumerat mill-ġdid bhala l-paragrafu (d) tiegħu.</p> <p>9.2 Ghandu jidhol paragrafu (c) ġdid minnufih wara l-paragrafu (b) tiegħu:</p> <p>"(c) il-bidu fis-sehh tad-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u [r-regolamenti] kollha magħmulin tahtu, dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki ta' Perit."</p>
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:</p> <p>"8A. Il-Ministru jista' jagħmel regolamenti biex igib fis-sehh id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u [r-regolamenti] kollha magħmulin tahtu, dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki ta' <i>Accountant</i> u <i>Awditur</i>."</p>
Att dwar il-Professjoni ta' l-Inginerija, Kap. 321.	<p>1.0 Ghandu jidhol l-artikolu ġdid li ġej wara l-artikolu 5 ta' l-Att:</p> <p>"5A. Il-Ministru jista' jagħmel regolamenti biex igib fis-sehh id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u [r-regolamenti] kollha magħmulin tahtu, dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki ta' <i>Inginier</i>."</p>
Att dwar l-Edukazzjoni, Kap. 327.	<p>1.0 Ghandu jidhol l-artikolu ġdid li ġej wara l-artikolu 12 ta' l-Att:</p> <p>"12A. Il-Ministru jista' jagħmel regolamenti biex igib fis-sehh id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u [r-regolamenti] kollha magħmulin tahtu, dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki ta' <i>Għalliem</i>."</p>

Att dwar is-Servizzi Veterinarji, Kap. 437.	<p>1.0 L-artikolu 43 ghandu jigi emendat kif ġej:</p> <p>1.1 Il-paragrafu (a) tas-subartikolu (3) tiegħu ghandu jigi mhassar.</p> <p>1.2 Il-paragrafu (b) tas-subartikolu (3) tiegħu ghandu jigi sostitwit bil-paragrafu li ġej:</p> <p>"(b) ikun iggradwa fil-medicina u l-kirurgija veterinarja, billi jkollu grad jew xi kwalifika formali rikonoxxuti mill-Kunsill, bhala li jkun komparabbli mal-grad jew kwalifika formali, fis-sugġett, f'Malta, jekk ikun hemm, u fl-imsiehba fil-kummerç;"</p> <p>1.3 Il-paragrafu (c) tas-subartikolu (3) tiegħu ghandu jigi mhassar.</p> <p>1.4 Il-paragrafu (f) tas-subartikolu (3) tiegħu ghandu jigi mhassar.</p> <p>1.5 Is-subartikolu (4) tiegħu ghandu jigi mhassar.</p> <p>1.6 Il-paragrafu (b) tas-subartikolu (5) tiegħu ghandu jigi sostitwit bil-paragrafu li ġej:</p> <p>"(b) Kull kirurgu veterinarju ikollu jedd li jitnizzlu magħn ismu fir-Reġistru tal-Kirurgi Veterinarji, kull grad jew diploma li jista' jkollu, sakemm dak il-grad, dik id-diploma jew kwalifika formali komparabbli tkun tirrigwarda l-professjoni ta' kirurgu veterinarju u tkun rikonoxxuta mill-Kunsill."</p> <p>2.0 Ghandu jidhol l-artikolu ġdid li ġej wara l-artikolu 45 ta' l-Att:</p> <p>"45A. Il-Ministru jista' jagħmel regolamenti biex iġib fis-sehħ id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u [r-regolamenti] kollha magħmulin tahtu, dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki ta' Kirurgi Veterinarji."</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:</p> <p>"33A. Il-Ministru jista' jagħmel regolamenti biex iġib fis-sehħ id-disposizzjonijiet ta' l-Att ta' l-2002 dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u [r-regolamenti] kollha magħmulin tahtu, dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki ta' Konservatur-Restawratur."</p>

A 1784

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 787 tat-18 ta' Settembru,  
2002.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

GUIDO DE MARCO  
President

20th September, 2002

**ACT No. XVIII of 2002**

*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 context otherwise requires -

Interpretation.

“Agreement” means an agreement 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 attestation of competence; or

(b) a period of professional and vocational experience,

means the authority, body or person in an Agreement State authorized under the legislation or established practice 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 and vocational experience;

“designated authority” means a licence, permit or warrant awarding body or authority in Malta designated for the mutual recognition of qualifications in relation to a regulated profession or regulated professional activity 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 or professional activity 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 First 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 Second 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 Qualifications Recognition Information Centre.

Malta Qualifications 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 institutions 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) the enforcement and facilitation of the application of the articles regarding comparability of higher education, professional and vocational qualifications;

- (f) the facilitation of 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 or under any enactment in the second Schedule to 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 secondary, post-secondary or higher 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 First 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 and, or vocational 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 adding or deleting professions or professional 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.

A 1790

Consequential  
amendments.

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

FIRST SCHEDULE

(Article 2)

Regulated Profession/Professional Activity	Designated Authority	Legislation
Teacher	Minister responsible for education	Education Act, Cap.327
Instructor		
Kindergarten Assistant		
Facilitator	Accountancy Board	Accountancy Profession Act, Cap.281
Accountant		
Auditor	Malta Stock Exchange / Malta Financial Services Centre	Malta Stock Exchange Act, Cap.345
Stock broker		
Financial intermediaries	Malta Financial Services Centre	Malta Stock Exchange Act, Cap.345
Investment Service Providers	Malta Financial Services Centre	Investment Services Act, Cap.370
Insurance sub-agents and registered insurance brokers	Malta Financial Services Centre	Insurance Brokers and other Intermediaries Act, Cap.404
Weights	Malta Standards Authority	Weights and Measures Ordinance, Cap.39
Engineer	Engineering Board	Engineering Profession Act, Cap.321
Mason	Masons Board	Code of Police Laws, Cap.10
Tourist Guide	Minister responsible for Tourism	Tourist Guide Service Act, Cap.190
Aircraft pilot	Department of Civil Aviation	Air Navigation Order, 1990 (LN176/90) under the Civil Aviation Act, Cap.232
Aircraft flight engineer		
Aircraft flight navigator		
Aircraft maintenance engineer		
Apron controller		
Air traffic control officer	Port Workers Board	Port Workers Ordinance, Cap.171
Port worker		
Foreman of port worker		

Regulated Profession/Professional Activity	Designated Authority	Legislation
Scheduled bus service driver	Public Transport Directorate - Malta Transport Authority	Malta Transport Authority Act, Cap.332
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	Licensing and Testing Directorate Malta Transport Authority	Motor Vehicle Roadworthiness Test Regulations, (L.N. 126 of 1999) Motor Vehicles (Driving Licences) Regulations, (L.N. 191 of 2002)
Licensed testers		
Licensed driving instructor	Registrar General of Shipping and Seamen	Merchant Shipping (A.B. and E.D.H. Certificates) Regulations, (L.N. 196 of 2001)
Able bodied seaman		
Efficient Hand Deck	Pilotage Board	Pilotage and Mooring Regulations, 1975 (L.N. 163/75) under the Malta Maritime Authority Act, Cap.352
Pilot	Malta Maritime Authority	Bunkering (Fuels) Tax Act, Cap.381
Mooringman	Malta Maritime Authority	Mechanically Driven Boats (Passengers and Cargo) Regulations, (G.N. 704/55) under the Code of Police Laws, Cap.10
Bunker operator	Malta Maritime Authority	
Engine driver		
Master inside / outside harbour		

Regulated Activity	Profession/Professional	Designated Authority	Legislation
General Purpose Hand		Malta Maritime Authority	Mechanically Driven Boats (Passengers and Cargo) Regulations, (G.N. 704/55) under the Code of Police Laws, Cap.10
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	Wireless Telegraphy Ordinance Cap 49 - Wireless Telegraphy (Certificates of Operators) Regulations, (L.N. 72 of 1999)
Auctioneer		Auctioneers Board	Auctioneers Act, Cap.342
Wireman		Enemalta Corporation	Electricity Supply Regulations, (L.N.223/40)
Local warden		Commissioner of Police	Private Guards and Local Wardens Act, Cap.389
Private guard			
Probation officer		Prime Minister	Probation of Offenders Act, Cap.152
Cinema projectionists		Department of Labour	Code of Police Laws, Cap.10
Engine Drivers (Steam) (First Grade)			Occupational Health and Safety Authority Act, Cap.424
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)			

Regulated Profession/Professional Activity	Designated Authority	Legislation
Periti	Minister responsible for Works on the recommendation of the <i>Bord tal-Warrant tal-Periti</i>	Periti Act, Cap.390
Advocates	President of Malta	Code of Organisation and Civil Procedure, Cap.12
Legal Procurators	President of Malta	Code of Organisation and Civil Procedure, Cap.12
Conservators-Restorers	Minister responsible for cultural heritage on the recommendation of the <i>Bord tal-Warrant tar-Restawrturi</i>	Cultural Heritage Act, Cap.445
Diving Instructors	Minister responsible for Health	
Veterinary surgeons	President of Malta on the recommendation of the Veterinary Surgeons' Council	Veterinary Services Act, Cap.437

**SECOND SCHEDULE**  
(Article 7(6))

First Column	Second Column
<p>Code of Organization and Civil Procedure, Cap.12.</p>	<p><b>1.0</b> There shall be inserted the following Article before article 79 of the Code:</p> <p>“78A. For the purposes of this Title and of Title VIII of Book First of this Code, the expressions “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><b>2.0</b> Article 81 of the Code shall be amended as follows:</p> <p><b>2.1</b> Paragraph (b) shall be substituted by the following new paragraph:</p> <p>“(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><b>2.2</b> Paragraph (c) shall be substituted by the following new paragraph:</p> <p>“(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 a comparable degree from such other competent authority in accordance with the principles of Mutual Recognition of Qualifications, after having studied law in Malta or in an Agreement State;”</p> <p><b>3.0</b> There shall be inserted the following new article after article 81 of the Code:</p> <p>“81A. The Minister responsible for justice 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.”</p> <p><b>4.0</b> Article 84 of the Code shall be amended as follows:</p> <p><b>4.1</b> In subarticle (1) the words “the punishment of death, or to” shall be deleted.</p> <p><b>4.2</b> Subarticle (3) shall be re-numbered as subarticle (4) thereof.</p> <p><b>4.3</b> After sub-article (2), there shall be inserted the following new sub-article:</p>

"(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 authorisation to practise the profession shall automatically lead to the advocate being temporarily or permanently prohibited from practising in Malta."

5.0 Article 87 of the Code shall be amended as follows:

5.1 Paragraph (b) shall be substituted by the following:

"b) he is a citizen of Malta or of an Agreement State or is otherwise permitted to work in Malta under any law;"

5.2 Paragraph (c) shall be substituted by the following:

"(c) he has been approved by the examining board of the Faculty of Law, at a regular examination in the subjects of the course of studies to be followed by candidates for the profession of legal procurator, in accordance with the regulations of the University of Malta, or a comparable degree from such other competent authority in accordance with the principles of Mutual Recognition of Qualifications, after having studied law in Malta or in an Agreement State;"

6.0 There shall be inserted the following new article after article 87 of the Code:

λ, 2002,  
"87A. The Minister responsible for justice 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."

7.0 Tariff K of Schedule A annexed to the Code shall be amended as follows:

7.1 The Title of this Tariff shall be substituted by the following:

**"TARIFF K  
Fees payable to Periti"**

7.2 For the expressions "architect" and "architect and civil engineer" wherever they appear in this Tariff, there shall be substituted the expression "perit".

<p>Architecture and Civil Engineering Professionals (Periti) Act, Cap. 390</p>	<p>1.0 The Titles of the Act shall be amended as follows:</p> <p>1.1 The short Title of the Act shall be substituted by the following: "PERITI ACT".</p> <p>1.2 The long Title to the Act shall be substituted by the following: <i>"To regulate Periti and to provide for matters connected therewith or ancillary thereto."</i></p> <p>2.0 Article 1 shall be substituted by the following: "1. The title of this Act is Periti Act."</p> <p>3.0 For the expression "Chamber" wherever it appears in the English text of the Act, with the exception of the expression "Chamber of Architects" in article 21(3), there shall be substituted the expression "Kamra".</p> <p>4.0 In article 2 thereof –</p> <p>4.1 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;"</p> <p>4.2 Immediately after the definition of "Board" 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;"</p> <p>5.0 Paragraph (2)(a) of article 3 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;"</p> <p>6.0 Subarticle (3) of article 5 shall be substituted by the following subarticle: "(3) Any person who is granted such a warrant shall, before entering upon the exercise of his profession, take before the Court of Appeal, in a public sitting, the oath of allegiance referred to in article 10 of the Code of Organisation and Civil Procedure and the oath of office in the following terms:  <i>I..... do swear/solemnly affirm that I will faithfully and with all honesty and exactness perform the duties of a Perit to the best of my knowledge and ability. So help me God."</i></p>
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	<p><b>7.0</b> Subarticle (1) of article 7 shall be amended as follows:</p> <p><b>7.1</b> In paragraph (e), for the expression "article 4 of this Act." there shall be substituted the expression "article 4 of this Act; and".</p> <p><b>7.2</b> There shall be added a new paragraph (f):</p> <p>"(f) issue a certificate stating that the person wishing to practise the profession in an Agreement State is lawfully pursuing the activities in the field of architecture and civil engineering in Malta where he is established."</p> <p><b>8.0</b> Subarticle (1) of article 8 shall be substituted by the following subarticle:</p> <p>"8. (1) All warrant holders shall have the right to belong to the Kamra and to participate in its activities."</p> <p><b>9.0</b> Article 20 shall be amended as follows:</p> <p><b>9.1</b> Paragraph (c) shall be renumbered as paragraph (d) thereof.</p> <p><b>9.2</b> A new paragraph (c) shall be inserted immediately after paragraph (b) thereof:</p> <p>"(c) the bringing into effect of the provisions of the Mutual Recognition of Qualifications Act and subsidiary legislation issued thereunder, in relation to the Mutual Recognition of Qualifications of Perit."</p>
Accountancy Profession Act, Cap. 281	<p><b>1.0</b> There shall be inserted the following new article after article 8 of the Act:</p> <p>"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."</p>
Engineering Profession Act, Cap. 321	<p><b>1.0</b> There shall be inserted the following new article after article 5 of the Act:</p> <p>"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."</p>
Education Act, Cap. 327	<p><b>1.0</b> There shall be inserted the following new article after article 12 of the Act:</p> <p>"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."</p>

<p>Veterinary Services Act, Cap. 437</p>	<p><b>1.0</b> Article 43 shall be amended as follows:</p> <p><b>1.1</b> Paragraph (a) of subarticle (3) thereof shall be deleted.</p> <p><b>1.2</b> Paragraph (b) of subarticle (3) thereof shall be substituted by the following:</p> <p>"(b) has graduated in veterinary medicine and surgery, having a degree or formal qualification recognised by the Council, as being comparable to the degree or formal qualification, in the subject, in Malta, if any, and in trading partners;"</p> <p><b>1.3</b> Paragraph (c) of subarticle (3) thereof shall be deleted.</p> <p><b>1.4</b> Paragraph (f) of sub-article (3) thereof shall be deleted.</p> <p><b>1.5</b> Subarticle (4) thereof shall be deleted.</p> <p><b>1.6</b> Paragraph (b) of subarticle (5) thereof shall be substituted by the following:</p> <p>"(b) Every veterinary surgeon shall be entitled to have entered against his name in the Veterinary Surgeons' Register, any degree or diploma which he may hold, provided that such degree, diploma or comparable formal qualification relates to the profession of veterinary surgeon and is recognised by the Council."</p> <p><b>2.0</b> There shall be inserted the following new article after article 45 of the Act:</p> <p>"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."</p>
<p>Cultural Heritage Act, Cap. 445</p>	<p><b>1.0</b> There shall be inserted the following new article after article 33 of the Act:</p> <p>"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."</p>

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Passed by the House of Representatives at Sitting No. 787 of the 18th  
September, 2002.

**ANTON TABONE**  
*Speaker*

**RICHARD J. CAUCHI**  
*Clerk to the House of Representatives*