

Nru. 68

13. 4. 84

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Karmenu Mifsud Bonnici, M.P., Deputat Prim Ministru Anzjan u Ministru ta' l-Edukazzjoni u moqri għall-Ewwel darba fis-Seduta tat-2 ta' April, 1984.

A BILL introduced by the Honourable Karmenu Mifsud Bonnici, M.P., Senior Deputy Prime Minister and Minister of Education and read the First time at the Sitting of the 2nd April, 1984.

ATT biex ikompli jemenda l-Att ta' l-1974 dwar l-Edukazzjoni.

AN ACT further to amend the Education Act, 1974.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Att ta' l-1974 dwar l-Edukazzjoni.

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

Titolu
fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1984 li jemenda l-Att dwar l-Edukazzjoni u għandu jinqara u jiftiehem hekk waħda ma' l-Att ta' l-1974 dwar l-Edukazzjoni, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Sostituzzjoni
ta' l-artikoli
12 u 13 ta'
l-Att prinċipali.

2. Minflok l-artikoli 12 u 13 ta' l-Att prinċipali għandu jidhul dan li ġej:

"Skejjel
privati
jkollhom
liċenza.

12. (1) Salv dak li hu provdut aktar 'il quddiem, ebda persuna barra mill-Ministru ma għandha twaqqaf jew iżzomm skola kemm-il darba dik l-iskola ma jkollhiex liċenza mill-Ministru skond dan l-Att.

(2) Liċenza mahruġa taħt is-subartikolu (1) ta' dan l-artikolu tkun valida għal sena skolastika waħda u tista' tiġ-ġedded għal perijodi oħra kull wiehed minnhom ta' sena skolastika, kemm-il darba ssir applikazzjoni lill-Ministru għal dak il-ħruġ jew tiġdid mhux iktar tard mit-30 ta' April li jiġi qabel dik is-sena.

(3) Salv is-subartikolu (1) ta' l-artikolu 13, fil-ħruġ jew tiġdid ta' kull liċenza bħal dik il-Ministru jista' jstabilixxi dawk il-kondizzjonijiet u htigiet li jidhirlu xierqa, magħduda jekk jistgħux jintalbu mizati jew le, u, jekk jistgħu jintalbu, kemm ikunu, kif ukoll il-kondizzjonijiet u l-htigiet ta' dħul f'dawk l-iskejjel dwar il-kategoriji differenti ta' dawk l-iskejjel.

(4) Kull skola li għandha liċenza mill-Ministru taħt dan l-Att għandha tiġi registrata mid-Direttur f'reġistru miz-
mum għal hekk f'dik il-forma li jidhirlu xierqa jew li tista' tiġi preskritta; u dak ir-reġistru għandu jinżamm miftuħ għall-ispezzjon mill-pubbliku fil-hinijiet xierqa kollha.

(5) Għall-finijiet ta' dan l-artikolu sena skolastika b'riferenza għal skola tfisser il-perijodu minn meta tibda l-iskola f'xi sena sal-pubblikazzjoni tar-rizultati ta' l-eżamijiet finali fis-sena li taħbat wara u li f'ebda każ ma tkun iżjed minn tnax-il xahar kalendarju.

(6) Dan l-artikolu ma japplikax għal skola, li tkun proprjetà ta', jew immexxija minn, Gvern jew istituzzjoni barranija, li tkun imwaqqfa jew miżmuma skond arrangamenti speċjali mal-Gvern ta' Malta.

Licenzi
ta' skejjeġ
privati.

13. (1) Il-Ministru ma għandux johroġ jew iġedded licenza taħt l-artikolu 12 ta' dan l-Att kemm-il darba l-applikant ma jintrabatx bil-miktub li jħares il-kondizzjonijiet u l-ħtiġiet proposti tal-licenza u kemm-il darba ma jkunx sodisfatt li l-akkomodazzjoni, il-faċilitajiet, it-tagħmir u l-amenitajiet ta' l-iskola proposta kif ukoll il-persunal u l-kurrikulu ġenerali, u ż-żmien li fih skola għandha tibqa' miftuħa u taħdem, ma jkunx ta' livell li jipparaguna ma' dawk ta' skejjeġ tal-Gvern; u jista' f'kull żmien iħassar kull licenza maħruġa jew imġedda taħt dak l-artikolu jekk ma jibqax iktar hekk sodisfatt jew fil-każ ta' ksur tal-kondizzjonijiet jew ħtiġiet stabbiliti fil-licenza.

(2) Salv id-dispożizzjonijiet ta' l-artikolu 15 ta' dan l-Att meta xi skola tinżamm mingħajr licenza kif provdut fl-artikolu 12 ta' dan l-Att, jew meta fil-fehma tal-Ministru xi skola ma tkunx qed tinżamm skond xi kondizzjoni jew ħtieġa mposta fil-licenza, jew skond regolamenti li jistgħu jiġu preskritti taħt dan l-Att, il-Ministru jkun jista' bis-saħħa tal-liġi jieħu fuqu l-amministrazzjoni u t-tmexxija ta' dik l-iskola bl-esklużjoni tas-sid ta' dik l-iskola jew persuna oħra li tkun inkarigata minnha sakemm dak is-sid ta' dik l-iskola jew persuna oħra li tkun inkarigata minnha tintrabat li tħares il-kondizzjonijiet u l-ħtiġiet kollha tal-licenza u sadattant l-ispejjeż kollha li jistgħu jsiru jibqgħu għar-responsabbiltà ta' dak is-sid u l-Gvern ikollu jedd li jdaħħal lura dawk l-ispejjeż.

(3) Il-jedd eżercitat mill-Ministru skond is-sub-artikolu (2) ta' dan l-artikolu jkun bla ħsara għal kull kumpens li jista' jkun dovut lis-sid ta' l-iskola jew lill-persuna li jkollha l-jedd għalih minflok taħt id-dispożizzjonijiet tal-liġijiet ta' Malta.”.

3. Minnufih wara l-paragrafu (f) ta' l-artikolu 24 ta' l-Att prinċipali għandu jidhol il-paragrafu ġdid li ġej:

Emenda ta'
l-artikolu 24
ta' l-Att
prinċipali.

“(ff) biex jistabbilixxi ċ-ċirkostanzi li fihom u l-kondizzjonijiet li taħthom xi stabbiliment ta' l-edukazzjoni barrani jista' jagħmel eżamijiet f'Malta;”.

4. Meta għall-finijiet ta' dan l-Att skola mwaqqfa qabel l-1 ta' Ottubru, 1973, u li kienet qed taħdem f'dik id-data tkomplet tinżamm u tqieset li kellha licenza mill-Ministru taħt l-Att prinċipali, għandha tkompli hekk titqies li għandha licenza hekk iżda li —

Dispożizzjoni
transitorja.

(a) dwar edukazzjoni sekondarja, l-iskola ma tkomplex hekk titqies li għandha licenza mill-31 ta' Awissu 1984; u

(b) dwar kull edukazzjoni oħra l-iskola għandha tkompli hekk titqies li għandha liċenza sa dik id-data li l-Ministru jista' jstabbilixxi b'avviż fil-Gazzetta u dati differenti jistgħu jiġu hekk stabbiliti għal kategoriji differenti ta' edukazzjoni.

Għanijiet u Ragunijiet

B'dan l-Abbozz ta' liġi qiegħed jiġi emendat l-Att ta' 1974 dwar l-Edukazzjoni bil-għan li tkun tista' titwettaq ir-riforma li jrid jagħmel il-Gvern Soċjalista, jiġifieri, li kulhadd ikollu l-istess opportunità ta' taġġim b'xejn, u sabiex il-prinċipju tat-taġġim b'xejn għal kulhadd, li diġà qiegħed iseħħ fl-iskejjel tal-Gvern, jiġi estiż għall-iskejjel privati. Dan ser isir fil-qasam tal-edukazzjoni sekondarja mill-bidu tas-sena skolastika f'Settembru ta' din is-sena. Bis-setgħat li l-liġi ser taġġi lill-Gvern, l-iskejjel privati jistgħu xorta waħda jkomplu jitmexxew minn min qed imexxihom, kemm-il darba min imexxihom jagħmel dan mingħajr f'fals. F'każ li l-iskejjel privati jitmexxew mhux skond dan il-prinċipju u skond il-kondizzjonijiet tal-liċenza, il-Gvern jidhol għat-tmexxija ta' l-iskejjel, u dan isir a spejjeż tas-sidien ta' l-iskejjel.

L-Abbozz jaħseb ukoll biex ikunu jistgħu jiġu regulati aħjar fl-interess tal-poplu, affarijiet oħra fil-qasam tat-taġġim, b'halma huma l-eżamijiet barranin li jsiru f'pajjiżna, kif ukoll il-kondizzjonijiet ta' l-eżamijiet għad-dhul fl-iskejjel privati bil-għan li titneħħa kull diskriminazzjoni.

B'dan il-mod il-Gvern Soċjalista qiegħed jagħti għall-ewwel darba lill-ġenituri Maltin kollha, kemm dawk li għandhom il-mezzi, kif ukoll dawk li ma għandhomx, id-dritt ta' l-għażla vera ta' l-iskejjel għal uliedhom.

A BILL

entitled

AN ACT further to amend the Education Act, 1974.

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. This Act may be cited as the Education (Amendment) Act, 1984, and shall be read and construed as one with the Education Act, 1974, hereinafter referred to as "the principal Act".

Short title.

2. For sections 12 and 13 of the principal Act there shall be substituted the following:

Substitution of sections 12 and 13 of the principal Act.

"Private schools to be licensed.

12. (1) Save as hereinafter provided, no person other than the Minister shall establish or keep a school unless such school is licensed by the Minister under this Act.

(2) A licence issued under subsection (1) of this section shall be valid for one scholastic year and may be renewed for further periods each of one scholastic year, provided an application for such issue or renewal is made to the Minister not later than the 30th April preceding such year.

(3) Subject to subsection (1) of section 13, in issuing or renewing any such licence the Minister may lay down such conditions and requirements as he shall deem appropriate including whether fees may or may not be charged, and, if chargeable, to what extent, as well as the conditions and requirements of entry into such schools in respect of the different categories of such schools.

(4) Any school licensed by the Minister under this Act shall be registered by the Director in a register kept for that purpose in such form as he may deem appropriate or as may be prescribed; and such register shall be open to inspection by the public at all reasonable times,

(5) For the purposes of this section scholastic year with reference to a school means the period from the start of the school in any year to the publication of the results of the final examinations in the next following year and in any case not exceeding twelve calendar months.

(6) This section shall not apply to a school, owned and managed by a foreign government or institution, which is established or kept under special arrangements with the Government of Malta.

Licensing
of private
schools.

13. (1) The Minister shall not issue or renew a licence under section 12 of this Act unless the applicant undertakes in writing to abide by the proposed conditions and requirements of the licence and unless he is satisfied that the accommodation, facilities, equipment and amenities of the proposed school as well as its staff and general curriculum, and the time during which the school is to remain open and functioning are of a standard comparable to those of Government schools; and may at any time revoke any licence issued or renewed under that section if he ceases to be so satisfied or in the case of a breach of the conditions or requirements laid down in the licence.

(2) Saving the provisions of section 15 of this Act where any school is kept without a licence as provided in section 12 of this Act, or where in the opinion of the Minister any school is not being kept in compliance with any condition or requirement imposed in the licence, or with any regulations as may be prescribed under this Act, it shall be lawful for the Minister as of right to assume the administration and running of such school to the exclusion of the owner or other person in charge of such school until such time as the owner or other person in charge of the school undertakes to comply with all conditions and requirements of the licence and in the meantime all expenses which may be incurred shall continue to remain the liability of such owner and the Government shall have a right to the reimbursement of such expenses.

(3) The right exercised by the Minister under subsection (2) of this section shall be without prejudice to any compensation which may be due to the owner of the school or person claiming under him under the provisions of the laws of Malta."

Amendment of
section 24 of
the principal
Act.

3. Immediately after paragraph (f) of section 24 of the principal Act there shall be inserted the following new paragraph:

"(ff) to determine the circumstances in which and the conditions under which any foreign educational establishment may hold examinations in Malta;"

Transitory
provision.

4. Where for the purposes of this Act a school established before 1st October, 1973 and in operation on that date continued to be kept and was deemed to have been licensed by the Minister under the principal Act, shall continue to be deemed so licensed provided that —

(a) in respect of secondary education, the school shall cease to be deemed to be so licensed on the 31st August 1984; and

(b) in respect of any other education the school shall continue to be deemed to be so licensed until such date as the Minister may appoint by notice in the Gazette and different dates may be so appointed for different categories of education.

Objects and Reasons

This Bill amends the Education Act, 1974 with the purpose of implementing the reforms proposed by the Socialist Government, that is to say, that everybody will have the same opportunity to get free education, and so that the principle of free education, already implemented in Government schools, will be extended to private schools. This will be effected in the field of secondary education in the scholastic year commencing in September this year. By the powers vested in Government by law, private schools will still be run by the persons presently running them, provided that this is done without any payment.

If private schools are run counter to this principle and not in accordance with the conditions of the licence, Government will assume the running of the schools, at the expense of the owners of such schools.

The Bill also aims at the better regulation in the people's interest, of other matters in the educational field, such as foreign examinations held in Malta, as well as the conditions for entry examinations to private schools for the purpose of eliminating any discrimination.

By so doing the Socialist Government will for the first time give to all Maltese parents, whether they have the means or not, the right of a real choice of schools for their children.