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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Philip Muscat, M.P., Ministru ta' l-Edukazzjoni, u moqri għall-Ewwel darba fis-Seduta tat-8 ta' Frar, 1979.

A BILL introduced by the Honourable Philip Muscat, M.P., Minister of Education, and read the First time at the Sitting of the 8th February, 1979.

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-1979 li jemenda l-Att dwar l-Edukazzjoni, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1974 dwar l-Edukazzjoni, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Emenda ta' l-artikolu 20 ta' l-Att prinċipali.

2. L-artikolu 20 ta' l-Att prinċipali għandu jiġi emendat kif ġej:
- (a) fis-subartikolu (1) tiegħu minflok il-kliem "*Welfare Officer* ta' l-Edukazzjoni" għandhom jidhlu l-kliem "*welfare officer*"; u
 - (b) fis-subartikolu (2) tiegħu minflok il-kliem "*Il-Welfare Officer* ta' l-Edukazzjoni" għandhom jidhlu l-kliem "*Il-welfare officer*".

Emenda ta' l-artikolu 22 ta' l-Att prinċipali.

3. Fl-artikolu 22 ta' l-Att prinċipali minflok il-kliem "*Welfare Officer* ta' l-Edukazzjoni" għandhom jidhlu l-kliem "*welfare officer*".

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

4. Fil-paragrafu (a) ta' l-artikolu 24 ta' l-Att prinċipali minflok il-kliem "*tal-Welfare Officers* ta' l-Edukazzjoni, Tobba ta' l-Iskejjel u ta' Dentisti ta' l-Iskejjel" għandhom jidhlu l-kliem "*welfare officers*, tobbi ta' l-iskejjel u dentisti ta' l-iskejjel".

Sostituzzjoni ta' l-artikolu 28 ta' l-Att prinċipali.

5. Minflok l-artikolu 28 ta' l-Att prinċipali għandu jidhol dan li ġej:

"Welfare officers jistghu jaghmlu l-prosekuzzjoni minflok il-Pulizija.

28. (1) F'kull procedimentu dwar xi reat kontra xi disposizzjoni ta' dan l-Att, *welfare officer* jista' jaghmel il-prosekuzzjoni quddiem il-Qorti, jipproduci xhieda u jitratta l-każ minflok il-Pulizija.

(2) Meta x-xiehda ta' *welfare officer* jkollha tinghata f'xi każ fejn ikollu jagħixxi bhala ufficjal tal-prosekuzzjoni, dik ix-xiehda għandu jagħtiha qabel ma jassumi d-dmirijiet tiegħu bhala ufficjal tal-prosekuzzjoni, kemm-il darba l-htieġa biex jagħti x-xiehda tiegħu ma tinqalax fi stadju ulterjuri tal-procedimenti."

6. Fis-subartikolu (2) ta' l-artikolu 37 ta' l-Att prinċipali minnufih wara l-kliem "li għaliha tkun maħsuba l-hatra" għandhom jidhlu l-kliem "magħzula mill-Kunsill ta' dik l-università".

Emenda ta' l-artikolu 37 ta' l-Att prinċipali.

7. L-artikolu 39 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 39 ta' l-Att prinċipali.

(a) fis-subartikolu (3) tiegħu minflok il-kliem "skond is-subartikolu (2) ta'" għandhom jidhlu l-kliem "skond is-subartikolu (3) ta'"; u

(b) minnufih wara s-subartikolu (4) tiegħu għandu jidied is-subartikolu ġdid li ġej:

"(5) Il-Bord ta' l-Għażla ma jkunx skwalifikat milli jmessi x-xogħol tiegħu minhabba xi vakanza fost il-membri tiegħu; iżda dan ma għandux imexxi xogħol jekk ma jkunx hemm preżenti *quorum* ta' sitt membri."

8. L-artikolu 40 ta' dan l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 40 ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "mill-prinċipal tagħhom, iżda" għandhom jidhlu l-kliem "mill-prinċipal tagħhom fuq il-bażi ta' dawk il-htigiet, magħduda età u grad, kif jista' jistabbilixxi; iżda, bla hsara għal dawk il-htigiet,";

(b) fis-subartikolu (2) tiegħu, minnufih wara l-kliem "kif intqal qabel" għandhom jidhlu l-kliem "u ta' kull htigiet għan-nomina";

(c) minflok is-subartikolu (5) tiegħu, għandu jidhol is-subartikolu li ġej:

"(5) Meta prinċipal ikun lest li jimpjega bhala had-diema-studenti numru ta' persuni barra minn dawk l-impjegati li jkunu fl-istabbiliment tiegħu (jekk ikun hemm) nominati skond is-subartikolu (1) ta' dan l-artikolu, għandha ssir sejha għall-applikazzjonijiet minn, jew kif jiġi deċiż minn, il-Bord ta' l-Għażla.";

(d) minflok is-subartikolu (6) tiegħu għandu jidhol is-subartikolu li ġej:

"(6) Id-dhul ta' studenti oħra jsir wara sejha għall-applikazzjonijiet minn, jew skond kif jiġi deċiż minn, il-Bord ta' l-Għażla.";

(e) minflok is-subartikolu (7) tiegħu, għandu jidhol is-subartikolu li ġej:

"(7) Il-Bord ta' l-Għażla għandu jikkonsidra u jiddeċiedi n-nominazzjonijiet kollha, it-talbiet kollha għal konsiderazzjoni u l-applikazzjonijiet kollha li jsiru kif intqal qabel, u sabiex jasal għall-għażla kull membru tal-Bord għan-

du jimxi fuq l-età, kwalifiki, meriti u inklinazzjonijiet ta' kull kandidat kif ukoll fuq il-htigiet tal-principali u l-kondizzjonijiet stabbiliti minnu.”.

Emenda ta' l-artikolu 43 ta' l-Att principali.

9. L-artikolu 43 ta' l-Att principali ghandu jigi emendat kif gejj:

(a) fis-subartikolu (3) tieghu, minflok il-kliem “hekk mahtura jew eletta” ghandhom jidhlu l-kliem “hekk mahtura jew eletta; u meta persuna ghandha tigi mahtura jew eletta bhala membru ta' xi wiehed mill-imsemmija korpjiet minn fost persuni li jkollhom xi wahda mill-kwalifiki ta' hawn fuq u ma jkun hemm ebda persuni bhala dawk jew in-numru taghhom ikun limitat hafna, kull disposizzjoni li tehtieg xi kwalifika bhala dik m'ghandhiex tapplika.”;

(b) minflok is-subartikolu (5) tieghu ghandu jidhol is-subartikolu li gejj:

“(5) Bla hsara ghad-disposizzjonijiet ta' dan l-Att, membru ta' kull wiehed mill-imsemmija korpjiet ghandu jzomm il-kariga ghal dak iz-zmien li jigi speçifikat fil-hatra tieghu u jekk ma jkun speçifikat ebda zmien bhala dak hu ghandu, bla hsara kif intqal qabel, ma jibqax membru malli tghaddi sena mill-hatra tieghu; izda kull membru li jirtira, jekk hu jkun xort'ohra kwalifikat, jista' jerga' jinhatar.”.

Emenda ta' l-artikolu 45 ta' l-Att principali.

10. Fl-artikolu 45 ta' l-Att principali, minnufih wara s-subartikolu (3) tieghu ghandhom jidhlu s-subartikoli godda li gejjin:

“(4) Kull persuna, li tkun ufficjal pubbliku skond kif imfisser fil-Kostituzzjoni fil-31 jew qabel il-31 ta' Dicembru 1978, li taççetta, b'effett minn data qabel l-imsemmija data u bil-kunsens tal-Ministru, hatra ma' l-Università l-Gdida, ghandha, b'effett minn dik id-data u ghall-finijiet kollha barra minn dawk ta' l-Ordinanza dwar il-Pensjonijiet u ta' l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, titqies li speççat mis-servizz mal-Gvern u li bdiet servizz ma' l-Università l-Gdida, u ghall-finijiet ta' l-imsemmija Ordinanza u ta' l-imsemmi Att, safejn applikabbli ghaliha, servizz ma' l-Università l-Gdida ghandu jitqies li jkun servizz mal-Gvern skond it-tifsiriet taghhom rispettivament.

(5) Kull persuna hekk kif imsemmija fis-subartikolu (4) ta' dan l-artikolu li, minnufih qabel id-data effettiva tal-hatra taghha ma' l-Università l-Gdida, kienet tikkontribwixxi taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema ghandha tkompli tikkontribwixxi u tibbenefika taht dak l-Att ghall-finijiet kollha daqslikieku s-servizz taghha ma' l-Università l-Gdida kien servizz mal-Gvern.”.

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Ghanijiet u Ragunijiet

L-Ghan ewlieni ta' l-Abbozz hu li jipprovdi li ufficjali pubblici li jaççettaw hatriet ma' l-Università l-Gdida b'effett minn data qabel l-1 ta' Jannar 1979, izommu, kemm-il darba l-hatra tigi aççettata bl-approvazzjoni tal-Gvern, il-jeddijiet taghhom ghal pensjoni taht l-Ordinanza dwar il-Pensjonijiet u taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema. Ittiehdet l-okkazjoni sabiex çerti setghat u dmirijiet tal-Bord ta' l-Ghażla ta' Haddiema Studenti jkun iççarati.

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, 1979, and shall be read and construed as one with the Education Act, 1974, hereinafter referred to as "the principal Act". Short title.
2. Section 20 of the principal Act shall be amended as follows: Amendment of section 20 of the principal Act.
 - (a) in subsection (1) thereof for the words "an Education Welfare Officer" there shall be substituted the words "a welfare officer"; and
 - (b) in subsection (2) thereof for the words "The Education Welfare Officer" there shall be substituted the words "The welfare officer".
3. In section 22 of the principal Act for the words "an Education Welfare Officer" there shall be substituted the words "a welfare officer". Amendment of section 22 of the principal Act.
4. In paragraph (a) of section 24 of the principal Act for the words "Education Welfare Officers, School Medical Officers and School Dental Officers" there shall be substituted the words "welfare officers, school medical officers and school dental officers". Amendment of section 24 of the principal Act.
5. For section 28 of the principal Act there shall be substituted the following: Substitution of section 28 of the principal Act.

"Welfare officers may lay charges in lieu of Police. 28. (1) In any proceedings for any offence against any provision of this Act, a welfare officer may lay the charges before the Court, produce evidence and plead the case instead of the Police.

(2) Where the evidence of a welfare officer is to be given in any case in which he is to act as prosecuting officer, such evidence shall be given before he assumes his duties as prosecuting officer, unless the need for his evidence arises at a later stage of the proceedings.”.

Amendment of section 37 of the principal Act.

6. In subsection (2) of section 37 of the principal Act immediately after the words “for which the appointment is intended” there shall be inserted the words “chosen by the Council of that university”.

Amendment of section 39 of the principal Act.

7. Section 39 of the principal Act shall be amended as follows:

(a) in subsection (3) thereof for the words “under subsection (2) of” there shall be substituted the words “under subsection (3) of”; and

(b) immediately after subsection (4) thereof there shall be added the following new subsection:

“(5) The Selection Board shall not be disqualified from the transaction of business by reason of any vacancy among the members thereof; but it shall not transact business unless there is present a quorum of six members.”.

Amendment of section 40 of the principal Act.

8. Section 40 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words “employers, but” there shall be substituted the words “employer on the basis of such requirements, including age and grade, as he may determine; but, subject to such requirements,”;

(b) in subsection (2) thereof, immediately after the words “as aforesaid” there shall be inserted the words “and of any requirements for nomination”;

(c) for subsection (5) thereof, there shall be substituted the following subsection:

“(5) Where an employer is prepared to employ as worker-students a number of persons in addition to those employees within his establishment (if any) nominated in accordance with subsection (1) of this section, a call for applications shall be made by, or in a manner determined by, the Selection Board.”;

(d) for subsection (6) thereof there shall be substituted the following subsection:

“(6) The admission of other students shall be made following a call for applications made by, or in a manner determined by, the Selection Board.”;

(e) for subsection (7) thereof, there shall be substituted the following subsection:

“(7) The Selection Board shall consider and decide all nominations, all requests for consideration and all applications made as aforesaid, and in making the selection each member of the Board shall be guided by the age, qualifications, merits and aptitudes of each candidate as well as by the requirements of, and any conditions set, by the employer.”.

9. Section 43 of the principal Act shall be amended as follows:

Amendment of section 43 of the principal Act.

(a) in subsection (3) thereof for the words "he was so appointed or elected" there shall be substituted the words "he was so appointed or elected; and where a person is to be appointed or elected as a member of any of the bodies aforesaid from among persons having any of the above qualifications and there are no such persons or their number is very limited, any provision requiring any such qualification shall not apply";

(b) for subsection (5) thereof there shall be substituted the following subsection:

"(5) Subject to the provisions of this Act, a member of any of the bodies aforesaid shall hold office for such period as may be specified on his appointment and if no such period is so specified he shall, subject as aforesaid, cease to be a member on the expiration of one year from his appointment; but any retiring member shall, if he is otherwise qualified, be eligible for re-appointment."

10. In section 45 of the principal Act, immediately after subsection (3) thereof there shall be added the following new subsections:

Amendment of section 45 of the principal Act.

"(4) Any person who, being a public officer within the meaning of the Constitution on or before 31st December 1978, accepts, with effect from a date earlier than the date aforesaid and with the consent of the Minister, an appointment with the New University, shall, with effect from such date and for all purposes other than those of the Pensions Ordinance and the Widows' and Orphans' Pension Act, be deemed to have ceased to be in service with the Government and to have entered into service with the New University, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the New University shall be deemed to be service with the Government within the meanings thereof respectively.

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(5) Every such person as is referred to in subsection (4) of this section who, immediately before the effective date of his appointment with the New University, was a contributor under the Widows' and Orphans' Pensions Act shall continue to contribute and to benefit thereunder to all intents as if his service with the New University were service with the Government."

Objects and Reasons

The main Object of the Bill is to provide that public officers accepting appointments with the New University with effect from a date earlier than 1st January, 1979, will, provided the appointment is accepted with the approval of the Government, carry with them their pension rights under the Pensions Ordinance and the Widows' and Orphans' Pensions Act. Advantage has been taken to clarify certain powers and duties of the Worker-Student Selection Board.