

Nru. 135

21. 3. 80

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Philip Muscat, M.P., Ministru ta' l-Edukazzjoni u moqri għall-Ewwel darba fis-Seduta tal-5 ta' Marzu, 1980.

ATT biex ikompli jemenda l-Att ta' 1-1974 dwar l-Edukazzjoni.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Philip Muscat, M.P., Minister of Education and read the First time at the Sitting of the 5th March, 1980.

AN ACT further to amend the Education Act, 1974.

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, ħareġ b'liġi dan li ġej:—

Titolu fil-qosor
u bidu fis-sehħ.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1980 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 imsejjaħ "l-Att prinċipali".

(2) Id-disposizzjonijiet ta' dan l-Att għandhom jibdeu isehħu f'dik id-data li l-Ministru responsabbli għall-edukazzjoni jista' jistabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti dwar disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att:

Izda t-thassir ta' l-artikolu 35 ta' l-Att prinċipali bl-artikolu 5 ta' dan l-Att għandu jkollu effett mal-bidu fis-sehħ ta' dan l-Att, u l-artikolu li jissostitwih b'dan l-Att, jiġifieri l-artikolu 34, għandu jibda jsehħ mill-1 ta' Jannar, 1981 dwar is-sena finanzjarja 1982 u dwar is-snin ta' wara; izda għas-snin finanzjarji 1980 u 1981, l-awtoritajiet imsemminjin f'dawk l-artikoli għandhom kemm ikun prattikabbli jaqdu d-dmirijiet rispettivi tagħhom daqslikieku dawk id-disposizzjonijiet kellhom effett.

Emenda ta'
l-artikolu 2 ta'
l-Att prinċipali.

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok it-tifsira ta' "Kunsill" għandha tidhol it-tifsira li ġejja:

" "Kunsill" tfisser il-Kunsill imwaqqaf bħala awtorità ta' l-Università bl-artikolu 31 ta' dan l-Att;";

(b) it-tifsiriet ta' "l-Università l-Għdida u l-Università l-Qadima" għandhom jithassru;

(ċ) minflok it-tifsira ta' "Rettur" għandha tidhol it-tifsira li ġejja:

" "Rettur" tfisser ir-Rettur ta' l-Università;";

(d) minflok it-tifsira ta' "Senat" għandha tidhol it-tifsira li ġejja:

" "Senat" tfisser is-Senat imwaqqaf bħala awtorità ta' l-Università bl-artikolu 31 ta' dan l-Att;"; u

(e) minnufih wara t-tifsira ta' "Senat" għandha tiżdied it-tifsira ġdida li ġejja:

" "l-Università" tfisser L-Università ta' Malta msemmija fl-artikolu 29 ta' dan l-Att."

3. L-artikolu 5 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

(a) minflok il-paragrafi (ċ) u (e) tas-subartikolu (1) tiegħu għandu jidhol dan li ġej:

"(ċ) ir-Rettur ta' l-Università;";

(b) fil-paragrafu (b) tas-subartikolu (2) tiegħu, minflok il-kliem "mas-Senati ta' l-universitajiet" għandhom jidhlu l-kliem "mas-Senat ta' l-Università"; u

(ċ) fis-subartikolu (4) tiegħu, minflok il-kliem "Iċ-chairman u l-ħames membri msemmija fil-paragrafi (b), (ċ) u (e)" għandhom jidhlu l-kliem "Iċ-Chairman u l-erba' membri msemmija fil-paragrafi (b) u (ċ)".

4. L-artikolu 6 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 6 ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "l-Universitajiet" kull fejn jinsabu, għandhom jidhlu f'kull każ il-kliem "l-Università"; u

(b) fis-subartikolu (4) tiegħu, minflok il-kliem "F'Settembru ta' kull sena dan għandu" u "universitajiet", għandhom jidhlu rispettivament il-kliem "Il-Kumitat Permanenti għandu" u "Università".

5. Bla ħsara għal kull haġa li saret skond il-liġi bis-saħħa tagħhom, l-artikoli mid-29 sa l-44 (it-tnejn inklużi) ta' l-Att prinċipali huma b'dan imħassra u sostitwiti bl-artikoli li ġejjin:

Sostituzzjoni ta' l-artikoli mid-29 sa' l-44 ta' l-Att prinċipali.

"L-UNIVERSITA'

Kostituzzjoni u setgħat ta' l-Università.

29. (1) L-Università l-Ġdida (f'dan l-Att imsejja l-Università) għandha tkompli, taħt l-isem ta' L-Università ta' Malta, bħala korp imwaqqaf b'liġi li għandu personalità ġuridika distinta u li jkun jista', f'dik il-kapaċità u bla ħsara għad-disposizzjonijiet tal-liġi li minn żmien għal żmien tapplika għalih, li jkun parti f'kuntratti, li jakkwista, iżomm u jiddisponi minn proprjetà, li jħarrek u jiġi mħarrek, u li jkollu u juża sigill komuni.

(2) L-Università għandha wkoll tissuċċedi għal kull funzjoni, proprjetà u dritt ieħor ta' l-Università l-Qadima, ikollha s-setgħa li tkompli kull istruzzjoni li qabel kienet tiġi provduta minn dik l-Università, u tista' wkoll tiegħu dawk il-passi u tagħmel dak li jidhirlha meħtieġ biex tillikwida l-affarijiet u l-obbligi li jkunu għadhom pendenti ta' l-imsemmija Università l-Qadima.

(3) L-Università jkollha s-setgħa, bla ħsara għad-disposizzjonijiet ta' dan l-Att —

(a) li tipprovdi għal istruzzjoni, riċerki u tixrid ta' tagħlim f'dawk il-fergħat li l-Gvern, bil-għan li jilhaq il-ħtiġiet tal-pajjiż u wara konsultazzjoni mal-Kummissjoni, jista' jiddeċiedi minn żmien għal żmien;

(b) li tagħmel eżamijiet jew xort'oħra tagħmel valutazzjoni sabiex tiżgura liema persuni jkunu laħqu profiċjenza fil-fergħat rilevanti ta' l-istudju;

(ċ) li tagħti gradi, diplomi u distinzjonijiet akkade- miċi oħra wkoll f'fergħat ta' tagħlim li dwarhom ma tip- provdix istruzzjoni, kemm-il darba dwar dawk il-fergħat ta' tagħlim tkun sodisfatta li l-korsijiet li għalihom jin- għata grad, diploma jew distinzjoni oħra jkunu saru u ġew provduti minn awtoritajiet responsabbli u jkunu jip- paragunaw ma' dawk ta' universitajiet barra minn Malta li jkunu magħrufa internazzjonalment;

(d) li twaqqaf professorati, *readerships*, *lectureships* u postijiet u karigi oħra u li tagħmel ħatriet għalihom :

Iżda l-*istaff* akkademiku kollu tal-fakultà tal- medicġina u tal-kirugiġa, jew ta' xi fergħa ta' tagħlim ekwi- valenti, u dawk il-membri l-oħra ta' l-*istaff* akkademiku ta' l-Università li sabiex jaqdu dmirijietom sewwa bħala għalliema jeħtieġilhom aċċess għal sptar tal-Gvern, għandhom ikunu maħtura jew imqabbdha għal dmirijiet- hom mill-Prim Ministru minn fost persuni li jkollhom il-kwalifiki preskritti mill-Kunsill u li jew ikollhom kariga mal-Gvern jew xort'oħra jkunu jaqdu dmirijiet fi sptar tal-Gvern jew taħt servizz nazzjonali tas-saħħa;

(e) li tibni, tghammar u żżomm, għall-finijiet ta' l-Università, libreriji, laboratorji u bini ieħor.

(f) li tnedi u tagħti *fellowships*, *scholarships*, wir- jiet, boroż ta' studju, midalji u premjijiet oħra;

(g) li tipprovdi għal u tirregola r-residenza, id- dixxiplina u l-qagħda ta' l-uffiċjali, impjegati, għalliema u studenti ta' l-Università;

(h) li titlob u tircievi dawk il-*fees* li minn żmien għal żmien jistgħu jiġu preskritti;

(i) li tagħmel dak kollu, sew jekk inċidentali għall- imsemmija setgħat sew jekk le, li jkun meħtieġ jew sped- jenti sabiex jitmexxew 'il quddiem l-għanijiet ta' l-Univer- sità.

(4) Hlief bi ftehim mal-Ministru, il-korsijiet kollha provduti mill-Università għandhom jiġu provduti f'perijodi akkade miċi ta' mhux iktar minn sitt xhur il-wieħed.

Statuti,
regoli u
bye-laws ta'
l-Università.

30. (1) Bis-saħħa u għall-finijiet ta' l-imsemmija funz- jonijiet u setgħat, l-Università tista', skond id-disposizzjonijiet ta' dan l-Att, tagħmel statuti, regoli u *bye-laws*; u l-Università tkun immexxija skond dan l-Att u skond l-istatuti, ir-regoli u l-*bye-laws* tagħha safejn dawn ma jkunux inkonsistenti ma' xi waħda mid-disposizzjonijiet ta' dan l-Att.

(2) L-istatuti għandhom isiru u, meta jkunu saru jistgħu jiġu emendati jew revokati bil-mezz ta' statuti oħra, mill-Kunsill ta' l-Università; statut jista' wkoll jagħti setgħa lill-Kunsill li jagħmel regoli u kull setgħa bħal dik tinkludi s-setgħa biex dawk ir-regoli jiġu emendati jew revokati :

Izda —

(a) ebda disposizzjoni ta' statut jew regola dwar xi haġa akkademika ma għandha ssir kemm-il darba l-Kunsill ma jkunx qabel ikkonsulta dwar dan mas-Senat u mal-Kumitat Permanenti tal-Kummissjoni; u

(b) ebda statut jew regola, jew xi emenda jew revoka tiegħu, ma għandha tibda ssehh kemm-il darba u sakemm ma jagħtix il-kunsens tiegħu l-Kanċillier li jaġixxi fuq il-parir ta' kumitat magħmul mill-Ministru, mill-Ministru responsabbli għas-saħħa, mill-Ministru responsabbli għall-iżvilupp, u minn żewġ membri oħra, li jkunu membri tal-Parlament, li jiġu nominati mill-Kap ta' l-Oppozizzjoni.

(3) Regoli magħmula kif intqal qabel jistgħu jagħtu s-setgħa lill-Kunsill li jagħmel, wara konsultazzjoni mas-Senat, *bye-laws* fuq hwejjeġ akkademici, sal-limitu ta', u sugġett għal, dawk il-kondizzjonijiet stabbiliti f'dawk ir-regoli; u kull setgħa bħal dik tinkludi s-setgħa li dawk il-*bye-laws* jiġu emendati jew revokati; izda ebda *bye-law*, jew xi emenda għaliha jew revoka tagħha, ma għandha tibda ssehh kemm-il darba u sakemm ma jagħtix il-kunsens tiegħu l-Kanċillier li jaġixxi fuq il-parir tal-kumitat imwaqqaf bil-paragrafu (b) tas-subartikolu (2) ta' dan l-artikolu.

(4) Kull haġa li tinsab fi statut, regola jew *bye-law* li tkun kontra jew ma tkunx taqbel ma' xi waħda mid-disposizzjonijiet ta' dan l-Att, jew ma' xi statut jew regola li taħtha ssir, tkun mingħajr effett.

(5) Il-pubblikazzjoni ta' statut, regola jew *bye-law* f'pubblikazzjoni uffiċjali ta' l-Università tkun prova *prima facie* li dak l-istatut, regola jew *bye-law* tkun valida u fis-seħh.

(6) Għall-fini ta' dan l-Att, l-espressjoni "haġa akkademika" tinkludi —

(a) il-kwalifiki għad-dhul, ir-registrazzjoni, ir-residenza, l-għajjnuna u d-dixxiplina ta' studenti;

(b) il-kondizzjonijiet għall-għoti ta' gradi, diplomi, certifikati u marki oħra ta' distinzjoni;

(c) korsijiet ta' studju u eżamijiet;

(d) il-kondizzjonijiet għall-għoti ta' *scholarships*, premjijiet u xort'oħra ta' thegġiġ jew għajjnuna lil studenti;

(e) l-użu ta' libreriji, laboratorji, hwienet tax-xogħol u stabbilimenti oħra ta' l-Università; u

(f) ilbies akkademiku.

(7) Il-kumitat imwaqqaf bil-paragrafu (b) tas-subartikolu (2) ta' dan l-artikolu, jista' jaġixxi minkejja kull nuqqas fin-numru tal-membri tiegħu, izda n-numru tal-membri meħtieġ biex ikun hemm *quorum* ikun tlieta. Hlief kif intqal qabel, il-Kumitat jista' jagħmel ir-regoli tiegħu jew xort'oħra jirregola l-proċedura tiegħu.

L-awtoritajiet u l-uffiċjali prinċipali ta' l-Università.

31. (1) L-awtoritajiet ta' l-Università għandhom ikunu:

(a) il-Kunsill, li jkun l-ogħla korp tat-tmexxija ta' l-Università;

- (b) is-Senat; u
- (c) il-Bordijiet tad-diversi fakultajiet.

(2) L-Università għandu jkollha Kanċillier. Il-President tar-Repubblika jkun Kanċillier *ex-officio*; u persuna mahtura jew li tiegħu l-funzjonijiet tal-kariga tal-President tar-Repubblika għandha wkoll, fil-waqt li tkun hekk qed taġixxi, taqdi l-funzjonijiet ta' Kanċillier.

(3) L-Università għandu jkollha wkoll Rettur li, bla ħsara għall-istatuti u r-regoli ta' l-Università u tad-deċiżjonijiet u l-awtorità li tiġi fuqu tal-Kunsill u tas-Senat, ikun l-awtorità prinċipali akkademika u amministrattiva ta' l-Università. Dak l-uffiċjal ikun mahtur mill-Kanċillier li jaġixxi fuq il-parir tal-Prim Ministru mogħti wara konsultazzjoni mal-Kunsill. Huwa għandu jzomm il-kariga sakemm iġġaddi l-perijodu li għalih kien mahtur jew, jekk ebda perijodu ma jkun hekk stabbilit, sakemm jilhaq l-età ta' rtir skond l-istatuti u r-regoli xierqa ta' l-Università; iżda dan jista' f'kull każ jitneħħa mill-kariga mill-Kanċillier li jaġixxi fuq il-parir tal-Kunsill.

(4) Bla ħsara għad-disposizzjonijiet tal-paragrafu (1) tas-subartikolu (2) ta' l-artikolu 33 ta' dan l-Att, ir-Rettur għandu jkollu r-rappreżentanza ġuridika ta' l-Università.

Twaqqif
tal-Kunsill
ta' l-Uni-
versità.

32. (1) Il-Kunsill ta' l-Università ikun imwaqqaf u regolat kif provdut hawnhekk iżjed 'il quddiem.

(2) Il-Kunsill ikun magħmul mill-membri li ġejjin:

(a) president mahtur mill-Kanċillier, li jaġixxi fuq il-parir tal-Prim Ministru, għal perijodu ta' mhux iżjed minn tliet snin;

(b) ir-Rettur;

(c) tliet membri mahtura mill-Prim Ministru għal perijodu ta' sena;

(d) erba' membri mahtura għal perijodu ta' sena mill-erba' prinċipali li jhaddmu l-akbar għadd ta' ħad-diema-studenti fil-hin tal-ħatra, kull prinċipal minnhom jahtar membru wieħed;

(e) membru mahtur għal perijodu ta' sena mit-*trade union* li tirrappreżenta l-akbar għadd ta' persuni mpjegati mill-prinċipali msemmija fil-paragrafu (d) ta' dan is-subartikolu;

(f) membru mahtur għal perijodu ta' sena mill-kumitati tax-xogħol ta' l-imsemmija prinċipali;

(g) erba' membri ta' l-*istaff* akkademiku ta' l-Università, li minnhom mhux iktar minn wieħed ikun membru ta' xi waħda mill-fakultajiet, li tlieta minnhom ikunu mahtura għal perijodu ta' sena mis-Senat ta' l-Università u l-ieħor ikun elett għal perijodu ta' sena mill-*istaff* akkademiku ta' l-Università;

(h) membru elett minn u minn fost il-korp ta' l-istudenti ta' l-Università għal perijodu ta' sena;

(i) membru elett minn u minn fost l-*istaff* mhux akkademiku ta' l-Università għal perijodu ta' sena;

Izda kull meta jkunu se jiġu diskussi u deċiżi mill-Kunsill hwejjeg li, fil-fehma tal-President tal-Kunsill ikunu jolqtu fakultà partikolari li ma tkunx rappreżentata fuq il-Kunsill jew fil-livell ta' l-*istaff* akkademiku jew f'tal-korp ta' l-istudenti, jew tat-tnejn, u tkun il-fehma ta' l-istess President li dan il-proviso għandu jiġi applikat, wiehed mill-membri msemija fil-paragrafu (g) ta' dan is-subartikolu magħżul mill-President għandu jiġi sostitwit minn wiehed mill-membri ta' l-*istaff* akkademiku tal-Bord tal-fakultà milquta kif intqal u li jiġu maħtura minn dak il-Bord u fil-każ ta' membru msemmi fil-paragrafu (b) ta' dan is-subartikolu mir-rappreżentant tal-korp ta' l-istudenti fuq dak il-Bord.

(3) L-elezzjoni tal-membri tal-Kunsill mill-korp ta' l-istudenti u mill-*istaff* akkademiku u mhux akkademiku ta' l-Università għandha ssir b'votazzjoni sigrieta li tinzamm u timexxa għal hekk mir-Rettur li fiha l-istudenti reġistrati kollha jew, skond il-każ, il-membri kollha ta' l-*istaff* akkademiku u mhux akkademiku ta' l-Università, ikollhom jedd li jivvotaw.

(4) Ir-Rettur ikun *ex-officio* viċi-president tal-Kunsill ta' l-Università.

(5) F'kull laqgħa tal-Kunsill, il-President tal-Kunsill jew il-membri l-ieħor li jmexxi l-laqgħa jkollu, f'każ ta' voti ndaq, vot ieħor jew vot deċiżiv.

(6) Il-Kunsill ma jkunx skwalifikat mit-tmexxija tax-xogħol tiegħu minhabba li jkollu xi nuqqas fin-numru tal-membri tiegħu.

(7) In-numru ta' membri meħtieġ biex ikun hemm *quorum* ikun tmienja.

(8) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, u ta' kull statut jew regola magħmula bis-saħħa tiegħu, il-Kunsill jirregola l-proċedura tiegħu stess.

Funzjonijiet
u selgħat
tal-Kunsill.

33. (1) Il-Kunsill huwa l-ogħla organu ta' tmexxija ta' l-Università u l-amministratur tal-proprjetà ta' l-Università.

(2) Il-Kunsill ikollu l-awtorità —

(a) li jzomm, jikkontrolla u jamministra dik il-proprjetà, reali u personali, kif ukoll il-fondi ta' l-Università;

(b) li jagħmel statuti, regoli u *bye-laws* skond id-disposizzjonijiet ta' l-artikolu 30 ta' dan l-Att u li jissottometti dawk l-istatuti, regoli u *bye-laws* għall-kunsens tal-Kanċillier;

(c) wara li jikkunsidra r-rakkomandazzjonijiet tas-Senat, u bl-approvazzjoni tal-Kumitat Permanenti tal-Kummissjoni, li jistabbilixxi, jissospendi jew jabolixxi professorati, *readerships*, *lectureships* u postijiet u karigi oħra fl-Università;

(d) li jistabbilixxi, bl-approvazzjoni tal-Kumitat Permanenti tal-Kummissjoni, il-pagi ta' l-*istaff* akkademiku u mhux akkademiku ta' l-Università;

(e) bla ħsara għad-disposizzjonijiet ta' dan l-Att u bil-mod hemmhekk provdut, li jahtar l-*istaff* akkademiku u mhux akkademiku ta' l-Università;

(f) wara li jikkunsidra r-rakkomandazzjonijiet tas-Senat, li jahtar ezaminaturi u li jistabbilixxi l-*fees* li jistgħu jithallsu lil dawk l-ezaminaturi;

(g) li jistabbilixxi t-taqsimiet ta' kull fakultà jew skola, u l-kap, jekk ikun hemm, ta' kull taqsima bħal dawk;

(h) li jaççetta tħollijiet b'wirt, donazzjonijiet u għotjiet li jsiru lill-Università;

(i) li jagħti *scholarships*, premjijiet u xort'oħra ta' thegħiġ jew għajnuna ta' l-istudenti;

(j) li jipprovdni l-bini, il-postijiet, l-għamara, l-apparat u l-materjal l-ieħor għall-qadi tal-funzjonijiet ta' l-Università;

(k) li jkun parti u, bil-kunsens komuni tal-partijiet f'kuntratt jew xort'oħra skond il-liġi, li jibdel u jhassar kuntratti magħmula f'isem l-Università;

(l) li jagħti lil wieħed jew aktar mill-membri tiegħu r-rappreżentanza ġuridika ta' l-Università, kemm-il darba avviż ta' dak l-għoti jiġi pubblikat mingħajr dewmien fil-Gazzetta;

(m) li jeżerçita s-setgħat l-oħra kollha ta' l-Università li dwarhom m'huwiex xort'oħra provdut b'dan l-Att jew b'xi statut jew regola ta' l-Università li jkunu saru taħtu.

(3) Dak kollu li jidhol mill-Università bħala *fees*, għotjiet, donazzjonijiet jew investimenti, jew minn x'imkien ieħor, għandu jifforma parti mill-proprjetà ta' l-Università, flimkien ma' kull bini jew somom kapitali oħra li jistgħu jingħatawliha.

(4) Sabiex jistabbilixxi l-ammont li għandu jiġi rakkomandat li jithallas lill-Università bħala flus, u għal kull wieħed mill-għanijiet ta' dan l-Att, il-Gvern jista' jagħmel arrangamenti għal żjarat ta' l-Università.

(5) Il-Kunsill ta' l-Università għandu jippubblika rapport annwali, flimkien ma' dikjarazzjoni finanzjarja verifikata, u għandu jieħu ħsieb li kopja tagħhom tintbagħat lill-Ministru li għandu kemm jista' jkun malajr wara li jirçeviha jqiegħed kopja tar-rapport fuq il-Mejda tal-Kamra tad-Deputati.

Estimi ta' nfiq u allo-kazzjonijiet finanzjarji.

34. (1) Il-Kunsill ta' l-Università għandu, mhux iktar tard mill-aħħar ta' Ġunju ta' kull sena, jieħu ħsieb li jitlestew u jiġu approvati estimi tal-htigiet finanzjarji tagħha għas-sena finanzjarja ta' wara li tibda fl-1 ta' Jannar, u proposti għall-allokazzjoni tal-mezzi tagħha; u għandu jissottometti dawk l-estimi u proposti lill-Kummissjoni.

(2) Il-Kummissjoni għandha, mhux iktar tard mill-aħħar ta' Settembru ta' l-istess sena, tagħmel rapport lill-Ministru li jkun fih dawk ir-rakkomandazzjonijiet dwar l-estimi u l-proposti li jkunu ġew sottomessi lilha.

(3) L-estimi u l-proposti ta' l-Università għandhom jitqiegħdu għall-konsiderazzjoni u d-deciżjoni ta' Kumitat tal-Kamra kollha mill-Ministru responsabbli għall-finanzi li għandu, flimkien ma' dawk il-kummenti jew rakkomandaz-

zjonijiet li jidhirlu xierqa li jagħmel, iġid lill-Kumitat x'somma l-Gvern bi f'siebu jdaħħal fl-estimi annwali li jkun imisshom jitqiegħdu quddiem il-Kamra bħala vot ta' nfieq dwar l-Università jew is-somma li tkun diġà ivvotata mill-Kamra, skond il-każ. Is-sottomissjoni lill-Kumitat issir b'dik il-możzjoni li l-imsemmi Ministru jidhirlu xierqa li jressaq.

(4) Il-Kumitat għandu jzomm tliet seduti biex jidiskuti l-możzjoni mressqa taħt dan l-artikolu, u għandu jirregola l-proċeduri tiegħu hekk li rappreżentanti tal-Kunsill ta' l-Università u tal-Kummissjoni jkunu jistgħu jagħmlu s-sottomissjonijiet tagħhom u jkunu jistgħu jagħtu t-tweġibiet u l-ispejgazzjonijiet tagħhom.

(5) Kull somma ivvotata mill-Kamra għall-infieq mill-Università għandha tintefaġ skond l-estimi u l-proposti approvati mill-Kumitat tal-Kamra skond dan l-artikolu.

Is-Senat u
l-Bordijiet
tal-fakultà.

35. (1) Is-Senat ta' l-Università jkun magħmul mill-membri li ġejjin:

- (a) ir-Rettur, li jkun *chairman ex-officio* tas-Senat;
- (b) rappreżentant minn kull waħda mill-fakultajiet ta' l-Università, li jkun kap ta' dipartiment jew taqsima ta' dik il-fakultà, elett minn u minn fost l-*istaff* akkademiku tal-fakultà għal perijodu ta' sena;
- (ċ) is-segretarju tal-Kummissjoni;
- (d) rappreżentant tal-korp ta' l-istudenti ta' l-Università elett minn u minn fost dak il-korp għal perijodu ta' sena:

Iżda kull meta jkunu se jiġu diskussi u deċizi mis-Senat fiwejjeġ li, fil-fehma ta' *Chairman* ikunu jolqtu fakultà partikolari u tkun il-fehma ta' l-*istess Chairman* li dan il-proviso għandu jiġi applikat, il-membri msemmi f'dan is-sub-paragrafu għandu jiġi sostitwit mir-rappreżentant tal-korp ta' l-istudenti tal-Bord tal-fakultà milquta kif intqal.

(2) Il-Bord ta' kull fakultà jkun magħmul mill-membri li ġejjin:

- (a) ir-rappreżentant tal-fakultà tas-Senat, li jkun *chairman ex-officio* tal-Bord;
- (b) il-kapijiet tad-dipartimenti tal-fakultà;
- (ċ) żewġ rappreżentanti ta' l-*istaff* akkademiku tal-fakultà (jew dak in-numru oġġla li jista' jiġi speċifikat fl-istatut ta' l-Università), eletti minn u minn fost dak l-*istaff* għal perijodu ta' sena;
- (d) membru maħtur għal sena mill-prinċipal li jkun jimpjega l-akbar numru ta' haddiema-studenti fil-fakultà fiż-żmien tal-hatra u membru ieħor elett mill-prinċipali li jipprovdu xogħol li għandu x'jaqsam ma' suġġett mgħallem fil-fakultà;
- (e) rappreżentant tal-korp ta' l-istudenti tal-fakultà eletta minn u minn fost dak il-korp.

(3) Il-membri msemmija fil-paragrafu (d) tas-sub-artikolu (1) u fil-paragrafu (e) tas-subartikolu (2) ta' dan l-artikolu jkunu eletti kif provdut fis-subartikolu (3) ta' l-artikolu 32 ta' dan l-Att; u d-disposizzjonijiet ta' dak is-subartikolu

għandhom japplikaw ukoll, bil-modifiki u addattamenti meħtieġa, għall-elezzjoni tal-membri msemmija fil-paragrafu (b) tas-subartikolu (1) u fil-paragrafu (ċ) tas-subartikolu (2) ta' dan l-artikolu. Dawn il-membri kollha jkun u eletti għal perijodu ta' sena.

(4) Bla ħsara għad-disposizzjonijiet ta' dan l-Att u ta' kull statut jew regola magħmula bis-saħħa tiegħu u bla ħsara wkoll għall-awtorità tal-Kunsill li hija fuq fil-ħwejjeġ kollha li jolqtu l-Università, is-Senat ikollu t-tmexxija tal-ħwejjeġ akkademiċi ta' l-Università, u l-Bord ta' kull fakultà jkun il-korp konsultattiv tas-Senat u tal-Kunsill fuq ħwejjeġ akkademiċi li jolqtu dik il-fakultà:

Iżda ebda haġa f'dan l-Att m'għandha tiftiehem li ma tħallix lill-Kunsill milli jagħti bidu għal jew jiddeċiedi ħwejjeġ li jidhirlu xierqa li għandu jittratta.

(5) Is-Senat u Bord ta' Fakultà ma jkunux skwalifikati milli jmexxu x-xogħol tagħhom minhabba xi nuqqas fin-numru tal-membri tagħhom.

(6) In-numru ta' membri meħtieġ biex ikun hemm *quorum*, sew jekk fil-każ tas-Senat sew ta' Bord ta' Fakultà, ikun il-maġġoranza tan-numru tal-membri li għal dak iż-żmien ikunu maħtura bħala membri.

(7) Bla ħsara għad-disposizzjonijiet ta' dan l-Att u ta' kull statut jew regola li ssir bis-saħħa tiegħu, is-Senat u Bord ta' Fakultà jistgħu jirregolaw il-proċedura tagħhom stess.

Haħra ta' l-istaff akkademiċi u mhux akkademiċi ta' l-Università.

36. (1) Bla ħsara għad-disposizzjonijiet l-oħra ta' dan l-Att, il-ħatra ta' professuri, *lecturers* u membri oħra ta' l-istaff akkademiċi ta' l-Università għandha ssir fuq ir-rakkomandazzjoni ta' bord ta' għażla li jkun magħmul minn ħames membri, jiġifieri, *chairman* maħtur mill-Ministru u erba' membri maħtura mill-Kunsill li tnejn minnhom ikunu membri ta' l-istaff akkademiċi ta' l-Università:

Iżda l-Kumitat Permanenti jista' jindika li-*chairman* il-kondizzjonijiet li taħthom applikant, li jkollu l-kwalifiki akkademiċi meħtieġa għall-post li jkun se jimtela u li jissodisfa l-kondizzjonijiet l-oħra kollha li jkun hemm fis-sejha għall-applikazzjonijiet, ikun ukoll meħtieġ, sabiex jaqdi aħjar id-dmirijiet tiegħu bħala għalliem, barra milli jattendi għad-dmirijiet tiegħu fl-Università, jieħu ħsieb ta' jew jieħu sehem fit-tnejn, direzzjoni u eżekuzzjoni ta' xi xogħol, skema jew proġett ma' Dipartiment tal-Gvern, mal-Korporazzjoni ta' Malta għall-Iżvilupp jew ma' korp parastatali. Meta jkun hemm dik l-indikazzjoni mill-Kumitat Permanenti, i-*chairman* għandu jikkonsulta ma' l-awtoritajiet xierqa li jkollhom x'jaqsmu fl-oqsma speċifiċi dwar l-esperjenza Prattika meħtieġa f'dawk l-oqsma, qabel ma' l-bord ta' l-għażla jgħaddi biex jagħmel ir-rakkomandazzjoni tiegħu.

(2) Il-ħatra ta' membri ta' l-istaff mhux akkademiċi għandha, kemm-il darba ma ssir skond eżamijiet li jsiru skond regoli magħmula taħt l-artikolu 30 ta' dan l-Att, issir fuq ir-rakkomandazzjoni ta' bord ta' għażla li jkun magħmul minn ħames membri jiġifieri r-Rettur, bħala *chairman*, membru ta' l-istaff akkademiċi ta' l-Università, magħzul mill-

Kunsill u tliet membri oħra maħtura mill-Ministru, li wieħed minnhom ikun maħtur minn fost l-istaff mhux akkademiku ta' l-Università.

(3) Bla ħsara għad-disposizzjonijiet ta' dan l-Att u ta' kull regolamenti magħmula mill-Ministru taħt dan l-artikolu, il-bord ta' għażla mwaqqaf b'dan l-artikolu jista' jirregola l-proċedura tiegħu.

Dhul fl-
Università.

37. (1) Id-dhul fl-Università jkun biss kif provdut f'dan l-Att u, bla ħsara għal dawk id-disposizzjonijiet, skond l-istatuti u r-regoli applikabbli għall-Università.

(2) Flief kif provdut b'dan l-Att, id-dhul għandu jsir fuq il-bażi tas-sistema haddiem-student, jiġifieri fuq is-sistema fejn haddiem li jkollu l-kwalifiki meħtieġa biex jibda xi wieħed mill-korsijiet skond l-istatuti u r-regoli ta' l-Università jiġi magħżul, bil-mod provdut b'dan l-Att, biex jidhol u jalterna perijodu ta' xogħol fil-post tax-xogħol tiegħu ma' perijodi ta' studji fl-Università.

(3) Fid-dhul għal xi kors, l-Università għandha tagħti preferenza lil haddiema-studenti; u l-istudenti l-oħra jithallew jidhlu biss jekk in-numru ta' studenti li b'mod xieraq jista' jiġi aċċettat għal dak il-kors ikun iżjed min-numru ta' haddiema-studenti magħżula biex jidhlu għalih.

(4) Meta student li ma jkunx haddiem-student jidhol kif intqal qabel dan għandu, jekk il-Ministru hekk jordna dwar il-kors li għalih dak l-istudent jidhol, jattendi għal dak il-kors bil-ħlas ta' dawk il-*fees* li jkunu applikabbli għall-każ tiegħu u kif il-Ministru, wara konsultazzjoni mal-Kunsill ta' l-Università u bi ftehim mal-Ministru responsabbli għall-finanzi, jista' minn żmien għal żmien jiddeċiedi b'regolament taħt dan l-artikolu.

(5) Persuna tista' tidhol bħala student biss jekk —

(a) ikollha l-kwalifiki meħtieġa skond l-istatuti jew ir-regoli applikabbli; u

(b) tkun magħżula għad-dhul mill-Bord ta' l-Għażla ta' l-Istudenti jew ikun ġie aċċettat taħt is-subartikolu

(6) ta' dan l-artikolu.

(6) Ebda haġa f'dan l-artikolu ma għandha ttelef lill-Università milli tagħmel, bi ftehim mal-Ministru, arrangamenti speċjali dwar studenti li kienu qed jirċievu iSTRUZZJONI fl-Università l-Qadima fil-bidu fis-seħħ ta' dan l-artikolu jew dwar studenti li ma jkunux ċittadini ta' Malta jew li ma kenux ordinarjament residenti f'Malta; lanqas ma għandu s-subartikolu (4) ta' dan l-artikolu jiftiehem li jneħhi s-setgħat ta' l-Università li tipreskrivi *fees*.

Bord ta'
l-Għażla ta'
l-Istudenti.

38. (1) Għandu jkun hemm Bord ta' l-Għażla ta' l-Istudenti (hawnhekk iżjed 'il quddiem imsejjaħ il-Bord ta' l-Għażla) li l-funzjoni tiegħu tkun li jagħzel persuni biex jidhlu fl-Università bħala studenti u biex jaqdi dawk id-dmirijiet l-oħra li huma aċċessarji jew inċidentali għal hekk jew li jkunu mogħtija lil mill-Ministru.

(2) Il-Bord ta' l-Għażla jkun magħmul minn *Chairman* u minn għaxar membri oħra maftura mill-President li jaġixxi fuq ir-rakkomandazzjoni tal-kumitat imwaqqaf bil-paragrafu (b) tal-proviso għas-subartikolu (2) ta' l-artikolu 30 ta' dan l-Att; u dak il-kumitat għandu jagħmel l-għażla tiegħu, barra minn dik tač-*Chairman*, minn fost persuni li fil-fehma tiegħu, jistgħu b'mod xieraq jirrapprezentaw ġenituri, *unions*, prinċipali, l-Università u l-awtoritajiet edukattivi.

(3) Il-prinċipal ta' kandidat biex jiġi magħżul bħala haddiem-student u rappreżentant tal-kumitat tal-haddiema li għandu x'jaqsam miegħu jew ta' l-*union* imsemmija fl-artikolu 39 ta' dan l-Att ikollhom jedd li joqgħodu fuq il-Bord ta' l-Għażla fil-waqt li jkunu qed jiġu diskussi dawk il-kandidati, hliet meta l-Bord ta' l-Għażla jkun qed iqis talba magħmula lil skond is-subartikolu (3) ta' l-artikolu 39 ta' dan l-Att, iżda dawn ma jkollhom febda każ jedd li jivvotaw.

(4) Bla h'sara għad-disposizzjonijiet ta' dan l-Att u ta' kull regoli li l-Ministru jista' minn żmien għal żmien jagħmel għal hekk, il-Bord ta' l-Għażla jista' jagħmel ir-regoli tiegħu stess jew xorti oħra jirregola l-proċedura tiegħu stess u jista' jitlob dawk il-pariri li jidhirlu xierqa.

(5) Il-Bord ta' l-Għażla ma jkunx skwalifikat mit-tmexxija tax-xogħol tiegħu minhabba li jkollu xi nuqqas fin-numru tal-membri tiegħu; iżda ma jkunx jista' jaħdem kemm-il darba ma jkunx hemm preżenti *quorum* ta' sitt membri.

Proċedura
għall-għażla
ta'
haddiema-
studenti.

39. (1) Il-haddiema-studenti jiġu nominati mill-prinċipal tagħhom stess meta iqis il-htigiet, magħduda l-età u l-grad, skond kif hu jiddeċiedi; iżda, bla h'sara għal dawk il-htigiet, in-nominazzjonijiet għall-għażla għandhom isiru bi ftehim bejn il-prinċipal u l-kumitat tal-haddiema elett mill-impjegati ta' dak il-prinċipal, jekk ikun hemm, jew jekk ma jkunx hemm kumitat tal-haddiema bħal dak, bi ftehim mat-*trade union* li jkollha l-aktar għadd ta' membri fost l-impjegati ta' dak il-prinċipal u li tkun tirrappreżenta għall-anqas tletin fil-mija ta' dawk l-impjegati; u jekk ma jkun hemm ebda kumitat jew *union* bħal dawk, in-nominazzjonijiet għandhom isiru mill-prinċipal waħdu.

(2) Il-prinċipal għandu jiehu h'sieb li lista ta' l-impjegati nominati kif intqal qabel u ta' kull htiega għal nominazzjoni jitwaħħlu f'post fejn jidhru sewwa u fejn fih jistgħu jidhlu l-impjegati tiegħu u dawn għandhom jinżammu hekk imwaħħla għal perijodu ta' mhux inqas minn hamest ijiem tax-xogħol. Il-lista għandha turi wkoll id-data ta' l-ewwel pubblikazzjoni tagħha.

(3) Kull impjegat ta' prinċipal li jkun għamel nominazzjonijiet kif intqal qabel u li ismu ma jkunx ġie mniżżel biex jintgħazel jista', mhux iktar tard minn għaxart ijiem tax-xogħol wara l-pubblikazzjoni ta' l-imsemmija lista, jitlob lill-Bord ta' l-Għażla biex hu jiġi kunsidrat għall-għażla u għandu jingħata l-opportunità li jagħmel dawk is-sottomissjonijiet lill-Bord kif jidhirlu xieraq. Meta jirċievi xi talba bħal dik il-Bord ta' l-Għażla għandu wkoll jagħti opportunità lill-prinċipal u lill-kumitat tal-haddiema jew lill-*union* li jkunu issottomettew in-nomina ta' l-impjegati l-oħra li jagħmlu s-sottomissjonijiet tagħhom.

(4) In-numru ta' nominazzjonijiet għandu, kemm jista' jkun, ikun id-doppju tan-numru ta' haddiema-studenti li l-prinċipal ikun lest li jimpjega.

(5) Meta prinċipal ikun preparat li jimpjega bħala haddiema-studenti numru fl-istabbiliment tiegħu (jekk ikun hemm) nominati skond is-subartikolu (1) ta' dan l-artikolu, għandha ssir sejha għal applikazzjonijiet minn, jew skond kif jiġi deċiż mill-Bord ta' l-Għażla.

(6) Id-dhul ta' studenti oħra jsir wara li tinhareg sejha għal applikazzjonijiet minn, jew skond kif jiġi determinat, mill-Bord ta' l-Għażla.

(7) Il-Bord ta' l-Għażla għandu jikkonsidra u jid-deċiedi n-nominazzjonijiet kollha, it-talbiet għall-konsiderazzjonijiet kollha u l-applikazzjonijiet kollha li jsiru kif intqal qabel, u sabiex jasal għall-għażla kull membru tal-Bord għandu jimxi fuq l-età, kwalifiki, meriti u inklinazzjonijiet ta' kull kandidat, il-ħtiġiet tal-prinċipal, u kull kondizzjonijiet magħmula minnu, kif ukoll ir-relazzjoni bejn ix-xorta tax-xogħol offert mill-prinċipal u l-istudji li jkun se jagħmel il-haddiem-student.

Relazzjoni
ijiet
bejn
haddiem-
student u
prinċipal.

40. (1) Kull prinċipal li jaċċetta li jieħu numru ta' haddiema-studenti jkun marbut li jhalli fl-impieg, jew li jimpjega, lill-persuni magħżula għal dak il-prinċipal, u, sugġett biss għan-numru ta' postijiet li jkun hemm, għandu jagħtihom dak l-impieg u jhallashom dak is-salarju jew paga skond il-progress li jkun sar u l-kwalifiki li jkunu nkisbu minn dawk l-istudenti u dak is-salarju jew dik il-paga ma għandhomx ikunu inqas mis-salarju jew mill-paga li minn żmien għal żmien ikunu stabbiliti mill-Ministru b'ordni fil-Gazzetta:

Iżda prinċipal jista' jeħtieġ li haddiem-student jint-rabat li jkompli fl-impieg miegħu għal dak il-perijodu u taħt dawk il-penaltajiet li jiġu approvati mill-Ministru.

(2) It-tilwimiet kollha li jinqalgħu bejn prinċipal u haddiem-student dwar l-impieg tiegħu għandhom, minkejja kull liġi oħra, jaqgħu biss taħt il-ġurisdizzjoni ta' l-Att ta' l-1976 dwar ir-Relazzjonijiet Industrijali, bl-istess mod u proċedura u sa l-istess limitu kif provdut bl-imsemmi Att għal kazi- jiet ta' tkeċċija ngusta allegata.

Ilsna
uffiċjali.

41. L-ilsien Malti u l-ilsien Inġliż ikunu l-ilsna uffiċjali ta' l-Università.

1000
1000
1000
1000

Supplementali

Disposiz-
zjoni
generali
dwar
membri ta'
korpjiet
imsemmija
f'dan l-Att.

42. (1) Id-disposizzjonijiet li ġejjin ta' dan l-artikolu għandu jkollhom effett dwar membri ta' kull kunsill, senat, bord, kummissjoni, kumitat jew korp ieħor imwaqqaf jew imwaqqaf mill-ġdid b'dan l-Att jew tahtu, kif minn żmien għal żmien ikunu fis-seħh.

(2) Meta persuna tkun mahtura f'kariga li d-detentur tagħha jkun, minhabba dik il-kariga *chairman* jew membru *ex-officio* ta' xi wieħed mill-imsemmija korpjiet, il-

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persuna li taġixxi f'dik il-kariga għandha, sakemm tkun hekk qed taġixxi u sakemm xort'oħra tkun kwalifikata, ukoll taġixxi bħala *chairman* jew membru *ex-officio* ta' dak il-korp.

(3) Meta persuna tkun maħtura jew eletta bħala membru ta' xi wieħed mill-imsemmija korpijiet minhabba li tkun membru tal-Kamra tad-Deputati, jew minhabba li tkun student reġistrat ta' l-Università, jew tkun membru ta' l-*istaff* akkademiku jew mhux akkademiku ta' l-Università, jew minhabba xi kwalifika simili jew analoga, dik il-persuna ma tibqax membru ta' dak il-korp jekk ma tibqax ikollha l-kwalifiki li għar-raġuni jew minhabba fiha tkun ġiet hekk maħtura jew eletta; u meta persuna tkun se tiġi hekk maħtura jew eletta bħala membru ta' xi wieħed mill-imsemmija korpijiet minn fost persuni li jkollhom xi waħda mill-kwalifiki ta' hawn fuq u ma jkun hemm ebda persuni bħal dawk jew in-numru taġġhom ikun limitat hafna, kull disposizzjoni li tkun teħtieġ xi kwalifika bħal dik m'għandhiex tapplika.

(4) Kull membru ta' l-imsemmija korpijiet, barra minn membri *ex-officio*, jista' jirriżenja b'avviż bil-miktub lill-awtorità li tkun haħritu jew li-*chairman* tal-korp li jkun.

(5) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, membru ta' xi wieħed mill-imsemmija korpijiet għandu jżomm il-kariga għal dak iż-żmien li jiġi speċifikat fil-ħatra tiegħu u jekk ma jiġi speċifikat ebda żmien bħal dak dan għandu, bla ħsara kif intqal qabel, ma jibqax membru meta tgħaddi sena mill-ħatra tiegħu; iżda kull membru li jirtira ikun jista' jekk ikun xort'oħra kwalifikat, jerga' jiġi maħtur.

Twaqqif
tal-korpijiet
imsemmija
f'dan l-Att.

43. Il-korpijiet kollha mwaqqfa jew imwaqqfa mill-ġdid b'dan l-Att jew taħtu għandhom ikunu kostitwiti kif provdut bid-disposizzjonijiet ta' dan l-Att kif ikunu fis-seħħ minn żmien għal żmien; iżda kull korp li jkun imwaqqaf mal-bidu fis-seħħ ta' dan l-artikolu u kull ħatra jew elezzjoni bħala membru ta' xi korp bħal dak ma tkunx milquta minhabba biss emenda jew sostituzzjoni ta' disposizzjoni ta' dan l-Att; u sakemm ma jkunx jidher ħsieb kuntrarju u bla ħsara għad-disposizzjonijiet rilevanti ta' dan l-Att kif ikunu fis-seħħ dak iż-żmien, kull bord bħal dak għandu jkompli jaħdem sakemm ikun kostitwit kif meħtieġ b'dan l-Att u kull ħatra bħal dik għandha tibqa' sseħħ għall-bqija taż-żmien li jkun fadlilha.”

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

6. L-artikolu 45 ta' l-Att prinċipali għandu jiġi emendat kif ġej:
- (a) l-artikolu għandu jiġi numerat bħala artikolu 44; u
 - (b) minnufih wara s-subartikolu (5) tiegħu għandu jiżdied is-subartikolu ġdid li ġej:

“(6) Kull riferenza għall-Università l-Ġdida fis-subartikoli (4) u (5) ta' dan l-artikolu għandhom jinkludu riferenzi għall-Università.”.

Disposizzjonijiet
tranzitorji.

7. Minkejja kull ħaġa li tinsab fid-disposizzjonijiet ta' l-artikoli mid-29 sa l-43 (it-tnejn inklużi) ta' l-Att prinċipali kif sostitwiti bl-artikolu 5 ta' dan l-Att —

(a) l-istatuti u r-regoli ta' l-Università għandhom jiġu magħmula kemm jista' jkun malajr, iżda sakemm isir dan, u sal-limitu li dan ma jkunx sar ir-riferenzi kollha fl-imsemmija disposizzjonijiet

ta' l-Att prinċipali għal statuti u regoli għandhom, jiftiehemu bħala riferenzi għal deċiżjonijiet tal-Kunsill ta' l-Università; u

(b) meta tghaddi għand l-Università fakultà ta' l-Università l-Qadima, il-membri tal-Bord ta' dik il-fakultà fiż-żmien li hekk tghaddi għandhom jikkostitwixxu l-Bord ta' dik il-fakultà fl-Univer- sità għall-bqija taż-żmien li jkun fadlilhom bħala membri.

Ghanijiet u Raġunijiet

Il-Għan ewlieni ta' dan l-Abbozz huwa li jgħaqqad f'Università waħda l-Università l-Gdida u l-Università l-Qadima.

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:—

Short title and commencement.

1. (1) This Act may be cited as the Education (Amendment) Act, 1980, and shall be read and construed as one with the Education Act, 1974, hereinafter referred to as "the principal Act".

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

Provided that the repeal of section 35 of the principal Act by section 5 of this Act shall take effect on the coming into force of this Act, and the section substituted therefor by this Act, that is to say section 34, shall come into force on 1st January, 1981 with respect to the financial year 1982 and subsequent years; but for the financial years 1980 and 1981, the authorities mentioned in those sections shall as far as practicable perform their respective duties as if those provisions were in operation.

Amendment of section 2 of the principal Act.

2. Section 2 of the principal Act shall be amended as follows:

(a) for the definition of "Council" there shall be substituted the following definition:

" "Council" means the Council established as an authority of the University by section 31 of this Act;";

(b) the definitions of "New University" and "Old University" shall be deleted;

(c) for the definition of "Rector" there shall be substituted the following definition:

"Rector" means the Rector of the University;"

(d) for the definition of "Senate" there shall be substituted the following definition:

"Senate" means the Senate established as an authority of the University by section 31 of this Act;" and

(e) immediately after the definition of "Senate" there shall be added the following new definition:

"the University" means The University of Malta referred to in section 29 of this Act."

3. Section 5 of the principal Act shall be amended as follows:

Amendment of section 5 of the principal Act.

(a) for paragraphs (c) and (e) of subsection (1) thereof there shall be substituted the following:

"(c) the Rector of the University;"

(b) in paragraph (b) of subsection (2) thereof, for the words "the Senates of the universities" there shall be substituted the words "the Senate of the University"; and

(c) in subsection (4) thereof, for the words "The chairman and the five members mentioned in paragraphs (b), (c) and (e)" there shall be substituted the words "The Chairman and the four members mentioned in paragraphs (b) and (c)".

4. Section 6 of the principal Act shall be amended as follows:

Amendment of section 6 of the principal Act.

(a) in subsection (1) thereof, for the word "Universities" wherever it occurs, there shall be substituted the word "University"; and

(b) in subsection (4) thereof, for the words "In September of each year it" and "universities", there shall be substituted respectively the words "The Standing Committee" and "University".

5. Without prejudice to anything lawfully done thereunder, sections 29 to 44 (both inclusive) of the principal Act are hereby repealed and substituted by the following sections:

Substitution of sections 29 to 44 of the principal Act.

"THE UNIVERSITY

Constitution and powers of the University.

29. (1) The New University (in this Act referred to as the University) shall continue, under the name of The University of Malta, to be a statutory body having a distinct legal personality and capable, in such capacity and subject to the provisions of the law from time to time applicable to it, of entering into contracts, of acquiring, holding and disposing of property, of suing and being sued, and of having and using a common seal.

(2) The University shall also succeed to all functions, property and other rights of the Old University, shall have power to continue any instruction previously provided by that University and may also take such steps and do such things as it may deem appropriate to wind up any outstanding affairs and liabilities of the said Old University.

(3) The University shall, subject to the provisions of this Act, have the power —

(a) to provide for instruction, research and dissemination of knowledge in such branches of learning as the Government, with the object of meeting the needs of the country and after consultation with the Commission, may from time to time determine;

(b) to hold examinations or otherwise make assessments for the purpose of ascertaining the persons who have attained proficiency in the relevant branches of studies;

(c) to grant and confer degrees, diplomas and other academic distinctions even in branches of learning in respect of which it does not provide instruction, provided in respect of such branches of learning it is satisfied that the courses for which the degree, diploma or other distinction is conferred have been set and provided by responsible authorities and are comparable with those of internationally recognized universities abroad;

(d) to institute chairs, readerships, lectureships and other posts and offices and to make appointments thereto:

Provided that all the academic staff of the faculty of medicine and surgery, or of any equivalent branch of learning and such other members of the academic staff of the University who require to have access to a Government hospital in order that they may properly perform their duties as teachers, shall be appointed or detailed for duty by the Prime Minister from among persons who have the qualifications prescribed by the Council and who either hold office with the Government or otherwise perform duties in a Government hospital or under a national health service;

(e) to erect, equip and maintain, for the purposes of the University, libraries, laboratories and other buildings;

(f) to institute and award fellowships, scholarships, exhibitions, bursaries, medals and other prizes;

(g) to provide and regulate the residence, discipline and welfare of the officers, employees, teachers and students of the University;

(h) to demand and receive such fees as may from time to time be prescribed;

(i) to do all acts and things, whether or not incidental to the powers aforesaid as may be requisite or expedient in order to further the objects of the University.

(4) Except with the concurrence of the Minister, all courses provided by the University shall be provided in academic periods of not more than six months each.

Statutes,
rules and
bye-laws of
the University.

30. (1) In the exercise and for the purposes of the functions and powers aforesaid, the University may, in accordance with the provisions of this Act, make statutes, rules and bye-laws; and the University shall be governed by this Act and by its statutes, rules and bye-laws in so far as these are not inconsistent with any of the provisions of this Act.

(2) Statutes shall be made and, when made may be amended or revoked by means of other statutes, by the Council of the University; a statute may also empower the Council to make rules, and any such power shall include the power to amend and revoke such rules:

Provided that —

(a) no provision of a statute or rule shall be made in respect of any academic matter unless the Council has first consulted thereon the Senate and the Standing Committee of the Commission; and

(b) no statute or rule, or any amendment or revocation thereof, shall come into force unless and until it is assented to by the Chancellor acting on the advice of a committee composed of the Minister, the Minister responsible for health, the Minister responsible for development and two other members, being Members of Parliament, designated by the Leader of the Opposition.

(3) Rules made as aforesaid may empower the Council to make, after consultation with the Senate, bye-laws on academic matters, within such limits and subject to such conditions as may be set out in such rules; and any such power shall include the power to amend or revoke such bye-laws; but no bye-law, or any amendment or revocation thereof, shall come into force unless and until it is assented to by the Chancellor acting on the advice of the committee established by paragraph (b) of subsection (2) of this section.

(4) Anything contained in a statute, rule or bye-law which is contrary to or inconsistent with any of the provisions of this Act, or of any statute or rule under which it is made, shall be without effect.

(5) The publication of a statute, rule or bye-law in an official publication of the University shall constitute *prima facie* evidence that such statute, rule or bye-law is valid and in force.

(6) For the purpose of this Act, the expression "academic matter" includes:

(a) the qualifications for admission, registration, residence, welfare and discipline of students;

(b) the conditions for the award of degrees, diplomas, certificates and other marks of distinction;

(c) courses of studies and examinations;

(d) the conditions for the award of scholarships, prizes and other forms of encouragement or assistance to students;

(e) the use of libraries, laboratories, workshops and other establishments of the University; and

(f) academic dress.

(7) The committee established by paragraph (b) of subsection (2) of this section may act notwithstanding any vacancy among its members but the number of members required to form a quorum shall be three. Save as aforesaid the committee may make its own rules or otherwise regulate its own procedure.

Authorities
and principal
officers
of the
University.

31. (1) The authorities of the University shall be:
- (a) a Council, which shall be the supreme authority of government of the University;
 - (b) the Senate; and
 - (c) the Boards of the various faculties.

(2) The University shall have a Chancellor. The President of the Republic shall be *ex-officio* Chancellor; and a person appointed to or assuming the functions of the office of President of the Republic shall, for such time as he is so acting, also perform the functions of Chancellor.

(3) The University shall also have a Rector who, subject to the statutes and rules of the University and to the decisions and overriding authority of the Council and of the Senate, shall be the principal academic and administrative authority of the University. Such officer shall be appointed by the Chancellor acting on the advice of the Prime Minister given after consultation with the Council. He shall hold office until the expiration of the period for which he was appointed, or if no such period was fixed, until he reaches retiring age in accordance with the relevant statutes and rules of the University; but he may in any case be removed from office by the Chancellor acting on the advice of the Council.

(4) Without prejudice to the provisions of paragraph (1) of subsection (2) of section 33 of this Act, the Rector shall have the legal representation of the University.

Constitu-
tion of the
Council of
the Univer-
sity.

32. (1) The Council of the University shall be constituted and regulated as hereinafter provided.

(2) The Council shall consist of the following members:

(a) a president appointed by the Chancellor, acting on the advice of the Prime Minister, for a term not exceeding three years;

(b) the Rector;

(c) three members appointed by the Prime Minister for a period of one year;

(d) four members appointed for a period of one year by the four employers employing the largest number of worker-students at the time of the appointment, each such employer appointing one member;

(e) a member appointed for a period of one year by the trade union representing the largest number of persons employed by the employers referred to in paragraph (d) of this subsection;

(f) a member appointed for a period of one year by the workers' committees of the employers aforesaid;

(g) four members of the academic staff of the University of which not more than one shall be a member of any one faculty, of which three shall be appointed for a period of one year by the Senate of the University and one shall be elected for a period of one year by the academic staff of the University;

(h) a member elected by and from the student body of the University for a period of one year;

(i) a member elected by and from the non-academic staff of the University for a period of one year:

Provided that whenever matters are to be discussed and decided by the Council which, in the opinion of the President of the Council concern a particular faculty which is not represented on the Council either at the level of the academic staff or that of the student body, or both, and it is the opinion of the said President that this proviso should apply, one of the members mentioned in paragraph (g) of this subsection selected by the President shall be replaced by one of the academic members of the Board of the faculty concerned appointed by that Board and in the case of a member mentioned in paragraph (h) of this subsection by the representative of the student body on that Board.

(3) The election of the members of the Council by the student body and by the academic and non-academic staff of the University shall take place by secret ballot held and conducted for the purpose by the Rector and at which all the registered students or all the members of the academic and non-academic staff of the University, as the case may require, shall be entitled to vote.

(4) The Rector shall be ex-officio vice-president of the Council of the University.

(5) At any meeting of the Council, the President of the Council or other member chairing the meeting shall, in case of equality of votes, have a second or casting vote.

(6) The Council shall not be disqualified from transacting business by reason of any vacancies among the members thereof.

(7) The number of members required to form a quorum shall be eight.

(8) Subject to the provisions of this Act, and of any statute or rule made thereunder, the Council may regulate its own procedure.

Functions
and
powers of
the Council.

33. (1) The Council shall be the supreme organ of government of the University and the administrator of the property of the University.

(2) The Council shall have power —

(a) to hold, control and administer the property, real and personal, as well as the funds of the University;

(b) to make statutes, rules and bye-laws in accordance with the provisions of section 30 of this Act and to submit such statutes, rules and bye-laws for the Chancellor's assent;

(c) after considering the recommendations of the Senate, and with the approval of the Standing Committee of the Commission, to institute, suspend or abolish professorships, readerships, lectureships and other posts and offices in the University;

(d) to determine, with the approval of the Standing Committee of the Commission, the emoluments of the academic and non-academic staff of the University;

(e) subject to the provisions of this Act and in the manner therein provided, to appoint the academic and non-academic staff of the University;

(f) after considering the recommendations of the Senate, to appoint examiners and to determine any fees that may be paid to such examiners;

(g) to determine subdivisions in each faculty or school, and the head, if any, of any such subdivision;

(h) to accept bequests, donations and grants made to the University;

(i) to award scholarships, prizes and other forms of encouragement or assistance to students;

(j) to provide the buildings, premises, furniture, apparatus and other material needed for the furtherance of the functions of the University;

(k) to enter into and, by mutual consent of the parties or otherwise according to law, vary or cancel contracts made on behalf of the University;

(l) to vest in any one or more of its members the legal representation of the University, provided a notice of such vesting is published without delay in the Gazette;

(m) to exercise all other powers of the University not otherwise provided for by this Act or by any statute or rule of the University made thereunder.

(3) All revenue accruing to the University from fees, grants, donations or investments, or from any other cause whatsoever, shall form part of the property of the University together with any buildings or capital sums that may be assigned to it.

(4) For the purposes of determining the amount to be recommended for payment to the University by way of grant, and for any of the other purposes of this Act, the Government may arrange for visitations of the University.

(5) The Council of the University shall publish an annual report, accompanied by an audited financial statement, and shall cause a copy thereof to be transmitted to the Minister who shall as soon as practicable thereafter lay a copy of the report on the table of the House of Representatives.

Estimates of expenditure and budgetary allocations.

34. (1) The Council of the University shall, not later than the end of June of each year, cause to be prepared and approve estimates of its financial requirements for the following financial year commencing on 1st January, and proposals for the allocation of its resources; and shall submit such estimates and proposals to the Commission.

(2) The Commission shall, not later than the end of September of the same year, make a report to the Minister containing its recommendations on the estimates and proposals submitted to it.

(3) The estimates and proposals of the University shall be submitted for consideration and decision by a Committee of the whole House by the Minister responsible for finance who shall, together with such comments or recommendations as he may deem appropriate to make, indicate to the Committee the sum the Government proposes to include in its next annual estimates to the House as a vote of expenditure in respect of the University or the sum already so voted by the House, as the case may require. The submission to the Committee shall be made by such motion as the said Minister may deem appropriate.

(4) The Committee shall devote three sittings to the debate on a motion moved under this section, and shall so regulate its procedure that representatives of the Council of the University and of the Commission may make their submissions and may give answers and explanations.

(5) Any sum voted by the House for expenditure by the University shall be expended in accordance with the estimates and proposals approved by the Committee of the House under this section.

The Senate and Faculty Boards. 35. (1) The Senate of the University shall consist of the following members —

(a) the Rector, who shall be *ex-officio* chairman of the Senate;

(b) a representative from each of the faculties of the University, being a head of a department or division of that faculty, elected by and from the academic staff of the faculty for a period of one year;

(c) the secretary to the Commission;

(d) a representative of the student body of the University elected by and from that body for a period of one year:

Provided that whenever matters are to be discussed and decided by the Senate which, in the opinion of the chairman, concern a particular faculty and it is the opinion of the chairman that this proviso shall apply, the members mentioned in this sub-paragraph shall be replaced by the representative of the student body on the Board of the faculty concerned.

(2) The Board of each faculty shall consist of the following members:

(a) the representative of the faculty on the Senate, who shall be *ex-officio* chairman of the Board;

(b) the heads of departments of the faculty;

(c) two representatives of the academic staff of the faculty (or such higher member as may be specified in the statute of the University elected by and from such staff for a period of one year;

(d) a member appointed for a period of one year, by the employer employing the largest number of worker-students in the faculty at the time of the appointment and another member elected by employers who provide work related to a subject taught in the faculty;

(e) a representative of the student body of the faculty elected by and from that body.

(3) The members referred to in paragraph (d) of subsection (1) and paragraph (e) of subsection (2) of this section shall be elected as provided in subsection (3) of section 32 of this Act; and the provisions of that subsection shall also apply, with the necessary modifications and adaptations, to the election of the members mentioned in paragraph (b) of subsection (1) and paragraph (c) of subsection (2) of this section. All such members shall be elected for a period of one year.

(4) Subject to the provisions of this Act and of any statute or rule made thereunder and subject also to the overriding authority of the Council in all matters affecting the University, the Senate shall have the general direction of the academic matters of the University, and the Board of each faculty shall be the advisory body to the Senate and to the Council on academic matters concerning that faculty:

Provided that nothing in this Act shall be construed as precluding the Council from initiating or determining any matter it may deem appropriate to deal with.

(5) The Senate and a Faculty Board shall not be disqualified from transacting business by reason of any vacancy among its members.

(6) The number of members required to form a quorum, whether in the case of the Senate or of a Faculty Board, shall be a majority of the number of members for the time being appointed as members.

(7) Subject to the provisions of this Act and of any statute or rule made thereunder, the Senate and a Faculty Board may regulate its own procedure.

Appoint-
ment of
academic
and non-
academic
staff of the
University.

36. (1) Subject to the other provisions of this Act, the appointment of professors, lecturers and other members of the academic staff of the University shall be made on the recommendation of a selection board consisting of five members, namely, a chairman appointed by the Minister and four members appointed by the Council of which two shall be members of the academic staff of the University:

Provided that the Standing Committee may indicate to the chairman the conditions under which an applicant, having the academic qualifications required for the post to be filled and satisfying all other conditions made in the call for applications, will, for the proper performance of his duties as teacher, besides attending to his duties at the University, also be required to undertake or participate in the preparation, direction and execution of any work, scheme or project with a Government Department, the Malta Development Corporation or a parastatal body. Where such an indication is made by the Standing Committee the chairman shall consult the proper authorities concerned in the specific fields with regard to the practical experience required in such fields, before proceeding with the recommendation of the selection board.

(2) The appointment of members of the non-academic staff shall, unless made in pursuance of examinations held in accordance with rules made under section 30 of this Act, be made on the recommendation of a selection board consisting of five members namely the Rector, as chairman, a member of the academic staff of the University chosen by the Council and three other members appointed by the Minister, of whom one shall be so appointed from among the non-academic staff of the University.

(3) Subject to the provisions of this Act and of any regulations made by the Minister under this section, the selection board established by this section may regulate its own procedure.

Admission
to the
University.

37. (1) Admission to the University may be allowed only as provided in this Act and, subject to those provisions, in accordance with the applicable statutes and rules of the University.

(2) Except as provided in this Act, admission shall be made on the basis of the worker-student system, that is to say on the system whereby a worker having the necessary qualifications to join one of the courses in accordance with the statutes and rules of the University is selected, in manner provided by this Act, for admission and alternates a period of work at his place of work with a period of studies at the University.

(3) In allowing admission to any course, the University shall give preference to worker-students; and other students may be allowed admission only where the number of students that may be properly accepted for that course exceeds the number of worker-students selected for admission thereto.

(4) Where a student other than a worker-student is admitted as aforesaid he shall, if the Minister so directs in respect of the course to which such student is admitted, attend that course against the payment of such fees as may be applicable to his case and as the Minister, after consulting the Council of the University and with the concurrence of the Minister responsible for finance, may from time to time by regulation under this section determine.

(5) A person may be admitted as a student only if —

- (a) he is in possession of the necessary qualifications required by the applicable statutes or rules; and
- (b) he has been selected for admission by the Students Selection Board, or has been admitted under subsection (6) of this section.

(6) Nothing in this section shall preclude the University from making, with the concurrence of the Minister, special arrangements with respect to students who were receiving instruction at the Old University on the coming into force of this section or with respect to students who are not citizens of Malta or not ordinarily resident in Malta; nor shall subsection (4) of this section be construed as depriving the University of the power to prescribe fees.

Students
Selection
Board.

38. (1) There shall be a Students Selection Board (hereinafter referred to as the Selection Board) whose function shall be to select persons for admission to the University as students and to perform such other duties as are ancillary or incidental thereto or are assigned to it by the Minister.

(2) The Selection Board shall consist of a Chairman and of ten other members appointed by the President acting on the recommendation of the committee established by paragraph (b) of the proviso to subsection (2) of section 30 of this Act; and such committee shall make its selection, other than that of the Chairman, from among persons who in its opinion may adequately represent parents, unions, employers, the University and the education authorities.

(3) The employer of a candidate for selection as a worker-student and a representative of the relevant workers' committee or union referred to in section 39 of this Act shall be entitled to sit with the Selection Board during their deliberations affecting such candidates, except where the Selection Board is considering a request made to it under subsection (3) of section 39 of this Act; but they shall in no case have the right to vote.

(4) Subject to the provisions of this Act and to any rules which the Minister may from time to time make for that purpose, the Selection Board may make its own rules or otherwise regulate its own procedure and may seek such advice as it may deem appropriate.

(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.

Procedure
for
selection of
worker-
students.

39. (1) Worker-students shall be nominated by their employer on the basis of such requirements, including age and grade, as he may determine; but, subject to such requirements, the nominations for selection shall be made by agreement between the employer and the workers' committee elected by the employees of that employer, if any, or if there is no such workers' committee, by agreement with the trade union having the largest membership among the employees of that employer and representing at least thirty per cent of such employees; and if there is no such committee or union, the nominations shall be made by the employer alone.

(2) The employer shall cause a list of the employees nominated as aforesaid and of any requirements for nomination to be posted up in a prominent place accessible to his employees and to be kept there for a period of not less than five working days. The list shall also show the date of its first publication.

(3) Any employee of an employer who has made nominations as aforesaid whose name has not been submitted for selection may, not later than ten working days after the publication of the list aforesaid, request the Selection Board to consider him for selection and shall be given the opportunity to make such representations to the Board as may be appropriate. Upon any such request the Selection Board

shall also give an opportunity to the employer and to the workers' committee or union submitting the nomination of the other employees to make their representations.

(4) The number of nominations shall, as far as practicable, be twice the number of worker-students the employer is prepared to employ.

(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.

(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.

(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, the requirements of, and any conditions set, by the employer, as well as the relationship between the nature of the work offered by the employer and the studies to be undertaken by the worker-student.

Relations
between
worker-
student and
employer.

40. (1) Every employer accepting to assume a number of worker-students shall be bound to keep in employment, or to employ, the persons selected for that employer, and, subject only to availability of posts, shall give them such employment and pay them such salary or wage as is commensurate with the progress made and the qualifications obtained by such students and any such salary or wage shall be not less than the applicable salary or wage from time to time fixed by the Minister by order in the Gazette:

Provided that an employer may require a worker-student to bind himself to continue in employment with him for such period and under such penalties as may be approved by the Minister.

(2) All questions between an employer and a worker-student concerning his employment shall, notwithstanding any other law, fall exclusively under the jurisdiction of the Industrial Relations Act, 1976, in the same manner and procedure and to the same extent as is provided by the said Act for cases of alleged unfair dismissals.

Official
languages.

41. The Maltese and English languages shall be the official languages of the University.

Supplemental

General
provision
regarding
membership
of bodies
referred to
in this Act.

42. (1) The following provisions of this section shall have effect in regard to membership of any council, senate, board, commission, committee or other body established or re-established by or under this Act, as from time to time in force.

(2) Where a person is appointed to an office the holder of which is, by reason of that office, *ex-officio*, the chairman or a member of any of the aforesaid bodies, the person acting in such an office shall, for so long as he is so acting and if he is otherwise qualified, also act as *ex-officio* chairman or member of such body.

(3) Where a person is appointed or elected as a member of any of the bodies aforesaid by reason of his membership of the House of Representatives, or because he is a registered student of the University, or is a member of the academic or non-academic staff of the University, or because of any similar or analogous qualification, such person shall cease to be a member of any of the bodies aforesaid if he ceases to possess the qualification by reason or in view of which he was so appointed or elected; and where a person is to be so 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.

(4) Any member of any of the bodies aforesaid, other than members *ex-officio*, may resign by notice in writing to the authority by which he was appointed or to the chairman of the body concerned.

(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 in 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.

Constitution of bodies referred to in this Act.

43. All bodies established or re-established by or under this Act shall be constituted as provided by the provisions of this Act as they are from time to time in force; but any such body as constituted on the coming into force of this section and any appointment or election as a member of any such body shall not be effected by reason only of an amendment or substitution of a provision of this Act; and unless the contrary intention appears and subject to the relevant provisions of this Act as then in force, any such board shall continue to function until it is constituted as required by this Act and any such appointment shall continue in operation for the remaining period of the then current term."

Amendment of section 45 of the principal Act.

6. Section 45 of the principal Act shall be amended as follows:
 (a) the section shall be re-numbered as section 44; and
 (b) immediately after subsection (5) thereof there shall be added the following new section:

"(6) Any references to the New University in subsections (4) and (5) of this section shall include references to the University."

Transitory provisions.

7. Notwithstanding anything contained in the provisions of sections 29 to 43 (both inclusive) of the principal Act as substituted by section 5 of this Act —

(a) the statutes and rules of the University shall be made as soon as practicable, but until such time as this is done, and to the extent that it is not done, all references in the aforesaid provisions of the principal Act to statutes and rules shall be construed as references to decisions of the Council of the University; and

(b) where the University succeeds to a faculty of the Old University the members of the Board of that faculty at the time of such succession shall constitute the Board of that faculty in the University for the remaining period of their then current term.

Objects and Reasons

The main Object of the Bill is to merge the New University and the Old University into one University.