



MALTA

ATT Nru. XX ta' l-1979

ATT mahruġ b'ligi mill-Parlament ta' Malta.

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

ACT No. XX of 1979

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Education Act, 1974.



Naghti l-kunsens tiegħi.

Anton Gubbigen
President

30 ta' Mejju, 1979

ATT Nru. XX ta' l-1979

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 im-sejjaħ "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-Iskejjeġ u ta' Dentisti ta' l-Iskejjeġ" għandhom jidhlu l-kliem "welfare officers, tobbi ta' l-iskejjeġ u dentisti ta' l-iskejjeġ".

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

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

"Welfare
officers
jistghu
jaghmlu
l-prose-
kuzzjoni
minflok il-
Pulizija.

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

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

6. Fis-subartikolu (2) ta' l-artikolu 37 ta' l-Att prinċipali minnufih wara l-kliem "li għaliha tkun maħsuba l-ħatra" għandhom jidhlu l-kliem "magħżula 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 jżjed is-subartikolu ġdid li ġej:

"(5) Il-Bord ta' l-Għażla ma jkunx skwalifikat milli jmexxi x-xogħol tiegħu minħabba 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 ħsara 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";

(ċ) minflok is-subartikolu (5) tiegħu, għandu jidhlo is-subartikolu li ġej:

"(5) Meta prinċipal ikun lest li jimpjega bħala haċċ-diemma-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 jidhlo is-subartikolu li ġej:

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

(e) minflok is-subartikolu (7) tiegħu, għandu jidhlo 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-prinċipal u l-kon-dizzjonijiet stabbiliti minnu.”.

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

9. L-artikolu 43 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (3) tiegħu, minflok il-kliem “hekk maħtura jew eletta” għandhom jidhru l-kliem “hekk maħtura jew eletta; u meta persuna għandha tiġi 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 tagħhom ikun limitat hafna, kull disposizzjoni li teħtieġ xi kwalifika bħal dik m'għandhiex tapplika.”;

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

“(5) Bla ħsara għad-disposizzjonijiet ta' dan l-Att, membru ta' kull wieħed mill-imsemmija korpijiet għandu jzomm il-kariga għal dak iż-żmien li jiġi speċifikat fil-ħatra tiegħu u jekk ma jkun speċifikat ebda żmien bħal dak hu għandu, bla ħsara kif intqal qabel, ma jibqax membru malli tghaddi sena mill-ħatra tiegħu; iżda kull membru li jirtira, jekk hu jkun xort'oħra kwalifikat, jista' jerga' jinħatar.”.

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

10. Fl-artikolu 45 ta' l-Att prinċipali, minnufih wara s-subartikolu (3) tiegħu għandhom jidhru s-subartikoli ġodda li ġejjin:

“(4) Kull persuna, li tkun uffiċjal pubbliku skond kif imfisser fil-Kostituzzjoni fil-31 jew qabel il-31 ta' Diċembru 1978, li taċċetta, b'effett minn data qabel l-imsemmija data u bil-kunsens tal-Ministru, ħatra ma' l-Università l-Ġdida, għandha, b'effett minn dik id-data u għall-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 spiċċat mis-servizz mal-Gvern u li bdiet servizz ma' l-Università l-Ġdida, u għall-finijiet ta' l-imsemmija Ordinanza u ta' l-imsemmi Att, safejn applikabbli għaliha, servizz ma' l-Università l-Ġdida għandu jitqies li jkun servizz mal-Gvern skond it-tifsiriet tagħhom rispettivament.

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

Kap. 143
Kap. 95

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 280 tad-29 ta' Mejju, 1979.



Skrivan tal-Kamra tad-Deputati



Speaker



I assent.

Ferdinand Marcos
President

30 May, 1979

ACT No. XX of 1979

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.

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".

Amendment of section 20 of the principal Act.

2. Section 20 of the principal Act shall be amended as follows:

(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".

Amendment of section 22 of the principal Act.

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 24 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".

Substitution of section 28 of the principal Act.

5. For section 28 of the principal Act there shall be substituted the following:

"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."

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 37 of the principal Act.

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

Amendment of section 39 of the principal Act.

(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."

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

Amendment of section 40 of the principal Act.

(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.”.

Amendment of section 43 of the principal Act.

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

(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.”.

Amendment of section 45 of the principal Act.

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

“(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.

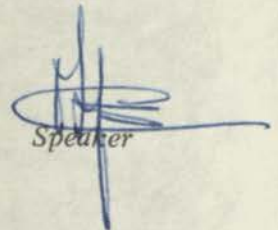
(5) Every such person as is referred to in subsection (4) of this section who, immediately before the effective date of his appointment with the New University, was a contributor under the Widows’ and Orphans’ Pensions Act shall continue to contribute and to benefit thereunder to all intents as if his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

Cap. 143
Cap. 95

Passed by the House of Representatives at Sitting No. 280 of the 29th May, 1979.



Clerk to the House of Representatives



Speaker