

MALTA

ATT Nru. XVIII ta' l-1997

ACT No. XVIII of 1997

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

AN ACT enacted by the Parliament of Malta.

ATT biex jemenda l-Att dwar l-Edukazzjoni, Kap. 327.

AN ACT to amend the Education Act, Cap. 327.

Naghti l-kunsens tieghi.

(L.S.)

Ugo Mifsud Bonnici
President

25 ta' Lulju, 1997

ATT Nru. XVIII ta' l-1997

ATT biex jemenda l-Att dwar l-Edukazzjoni, Kap. 327.

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

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1997 li jemenda l-Att dwar l-Edukazzjoni, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar l-Edukazzjoni, hawn aktar 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehh.

Kap. 327

(2) Dan l-Att għandu jiġi fis-sehh f'dik id-data li l-Ministru responsabbli għall-edukazzjoni jista' b'ordni fil-Gazzetta jistabbilixxi, u dati differenti jistghu jiġu hekk stabbiliti għal dispożizzjonijiet jew għanijiet differenti tiegħu.

2. L-artikolu 28 ta' l-Att prinċipali għandu jiġi emendat kif

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

(a) fil-paragrafu (g) tiegħu, minflok il-kliem "tixrid ta' l-għerf u x-xjenza." għandhom jidhlu l-kliem "tixrid ta' l-għerf u x-xjenza kif ukoll it-twaqqif ta' skemi ta' verifika akkademika u li jiżguraw il-kwalità."; u

(b) fil-paragrafu (i) tiegħu, minflok il-kliem "li tista' tircievi" għandhom jidhlu l-kliem "li tista' tircievi jew tiggenera".

Emenda ta'
l-artikolu 29 ta'
l-Att prinċipali.

3. Minflok l-artikolu 29 ta' l-Att prinċipali ghandu jidhol dan li ġej:

"Finanzjament u kontroll tal-finanzi ta' l-Università. 29. (1) Il-finanzi ta' l-Università ghandhom johorġu minn ftehim li perjodikament isir bejn l-Università u l-Gvern li jstipula, fost hwejjeġ ohra, l-ġhoti ta' fondi lill-Università mill-Gvern.

(2) L-ammont ta' fondi li ghandhom jiġu mdahhla fil-ftehim ghandu jiġi stabbilit in relazzjoni mal-bżonnijiet ta' l-Università biex twettaq l-iskopijiet taghha determinati fil-kontest tal-bżonnijiet tal-pajjiż kif jifhimhom il-Gvern.

(3) Il-ftehim stipulat bejn il-Gvern u l-Università u kull estensjoni jew sostituzzjoni tiegħu, ghandu jitqiegħed meta għadu abbozz fuq il-Mejda tal-Kamra tad-Deputati, u ghandu jiġi konkluz biss wara li jiġi diskuss fil-Kamra tad-Deputati f'seduta allokata għal hekk, fi żmien mhux iżjed minn 28 jum minn meta jkun imqiegħed.

(4) L-Università ghandha f'kull sena finanzjarja tara li jiġu mhejjija u ghandha taddotta estimi tad-dhul u infieq taghha għas-sena ta' wara.

(5) L-Università ghandha tara li jinżammu kontijiet sew u dokumentazzjoni ohra dwar l-operazzjonijiet u t-transazzjonijiet taghha, u ghandha tara li jiġi ppreparat rendikont tal-kontijiet taghha dwar kull sena finanzjarja.

(6) Il-kontijiet ta' l-Università ghandhom jiġu verifikati minn awditur jew awdituri mahtura mill-Kunsill minn żmien għal żmien.

(7) L-Università ghandha tara, mhux aktar tard minn tliet xhur wara l-ġheluq ta' kull sena finanzjarja, li kopja tar-rendikont tal-kontijiet verifikati taghha flimkien ma' rapport ta' l-attivitajiet taghha matul dik is-sena, jintbagħat lill-Ministru flimkien ma' kopja tar-rapport ta' l-awditur jew awdituri dwar dak ir-rendikont u l-Ministru ghandu bla dewmien iqiegħed dawk ir-rendikonti u rapporti fuq il-Mejda tal-Kamra tad-Deputati biex il-Kamra tiehu nota taghhom u tiddiskutihom f'mhux iżjed minn żewġ

seduti normali, allokati apposta, fi zmien tmien gimghat mit-tqeghid taghhom mill-Ministru.”.

4. L-artikolu 30 ta' l-Att prinċipali ghandu jiġi emendat kif Emenda ta' l-artikolu 30 ta' l-Att prinċipali.
 ġej:

(a) fis-subartikolu (2) tiegħu:

(i) minflok il-kelma “Pro-Rettur” fil-paragrafu (d) tiegħu, għandhom jidhlu l-kliem “Pro-Retturi”; u

(ii) minflok il-kelma “Dekani” fil-paragrafu (f) tiegħu, għandhom jidhlu l-kliem “Dekani u il-Viċi-Dekani”;

(b) minflok is-subartikolu (12) tiegħu ghandu jidhol dan li ġej:

“(12) Il-Pro-Retturi għandhom jiġu mahtura mir-Rettur għal zmien sena u għandhom kif delegati mir-Rettur jaqdu l-funzjonijiet tar-Rettur fl-istess ċirkostanzi li l-Pro-Kanċillier jkollu jaqdi l-funzjonijiet ta' Kanċillier taht id-dispożizzjonijiet tas-subartikolu (7) ta' dan l-artikolu. Wiehed mill-Pro-Retturi magħżul minn zmien għal zmien mir-Rettur, għandu wkoll jaqdi l-funzjonijiet tar-Rettur fl-istess ċirkostanzi li l-Pro-Kanċillier jkollu jaqdi l-funzjonijiet ta' Kanċillier taht id-dispożizzjonijiet tas-subartikolu (8) ta' dan l-artikolu.”;

(ċ) fis-subartikolu (14) tiegħu, minflok il-kelma “sentejn” għandhom jidhlu l-kliem “erba' snin”; u

(d) minnufih wara s-subartikolu (14) tiegħu, għandhom jidhlu s-subartikoli li ġejja:

“(15) L-Ombudsman ta' l-Università għandu jiġi mahtur għal zmien hames snin mill-Ombudsman mahtur taht l-Att ta' l-1995 dwar l-Ombudsman, hawn aktar 'il quddiem imsejjah “l-Ombudsman Parlamentari”. Hu għandu l-obbligu li jinvestiga u jirrapporta fuq kull ilment minn studenti jew impjegati ta' l-Università dwar affarijiet relatati ma' l-Università kif ukoll ilmenti minn persuni li jkunu ġew miċhuda d-dhul fl-Università, u li jissuggerixxi rimedju. Persuni li jkollhom ilment, li jkunu eżawrew dan ir-rimedju, jistgħu jġibu l-ilment taghhom quddiem l-Ombudsman Parlamentari. L-Ombudsman ta' l-Università

ghandu jirċievi dak is-salarju u *allowances*, li jkunu piż fuq il-Fond Konsolidat, kif jista' jiġi determinat mill-Ministru.

(16) L-Ombudsman ta' l-Università jista' jitnehha mill-kariga biss mill-Ombudsman Parlamentari wara parir mill-Kunsill ta' l-Università u dan minhabba inabilità ppruvata li jwettaq il-funzjonijiet tal-kariga tiegħu jew imġieba hażina ppruvata, liema parir jingħata permezz ta' indirizz mill-Kunsill għal dak il-ghan li jkollu l-appoġġ tal-voti ta' mhux anqas minn żewġ terzi tal-membri tiegħu.

(17) Il-Viċi-Dekan ta' Fakultà jiġi mahtur mir-Rettur għal żmien sena, wara li jkun ikkonsulta mad-Dekan tal-Fakultà rispettiva.

(18) Il-Viċi-Dekan, barra minn dawk il-funzjonijiet li jistgħu jiġu delegati lilu mid-Dekan, għandu jaqdi l-funzjonijiet ta' Dekan fl-istess ċirkostanzi li l-Pro-Kanċillier ikollu jaqdi l-funzjonijiet ta' Kanċillier taht id-dispożizzjonijiet tas-subartikoli (7) u (8) ta' dan l-artikolu.”.

Emenda ta'
l-artikolu 32 ta'
l-Att prinċipali.

5. Minflok il-paragrafu (h) ta' l-artikolu 32 ta' l-Att prinċipali, għandu jidhol dan li ġej:

“(h) għadd ta' membri mahtura mill-Prim Ministru, minn fost rappreżentanti minn ta' quddiem fl-oqsma ta' l-ekonomija industrijali jew soċjali, biex jirrappreżentaw l-interess ġenerali tal-pajjiż, liema għadd qatt ma għandu jkun iżjed mill-għadd tal-membri kollha msemmija fil-paragrafi (ċ), (d), (e), (f) u (g) ta' dan l-artikolu.”.

Emenda ta'
l-artikolu 34 ta'
l-Att prinċipali.

6. Minflok il-paragrafu (b) ta' l-artikolu 34 ta' l-Att prinċipali, għandu jidhol dan li ġej:

“(b) il-Pro-Retturi, li minnhom wiehed kif jista' jiġi minn żmien għal żmien determinat mir-Rettur, ikun il-Viċi-president;”.

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

7. Minnufih f'tarf is-subartikolu (1) ta' l-artikolu 39 ta' l-Att prinċipali, għandu jidhol il-proviso li ġej:

“Iżda kull persuna li jkollha kariga f'korp ta' tmexxija ta' l-Università għandha tkompli żżomm dik il-kariga, minkejja li jkun temm iż-żmien tagħha, sakemm issir l-elezzjoni jew il-hatra ta' persuna oħra biex tiegħu post dik il-persuna.”.

8. Il-paragrafu (ċ) fl-artikolu 40 ta' l-Att prinċipali ghandu jiġi mhassar. Emenda ta' l-artikolu 40 ta' l-Att prinċipali.

9. L-artikolu 46 ta' l-Att prinċipali ghandu jiġi mhassar. Thassir ta' l-artikolu 46 ta' l-Att prinċipali.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 100 tal-Ġimgħa, 18 ta' Lulju, 1997.

MYRIAM SPITERI DEBONO
Speaker

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

I assent.

(L.S.)

Ugo MIFSUD BONNICI
President

25th July, 1997

ACT No. XVIII of 1997

AN ACT to amend the Education Act, Cap. 327

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.
Cap. 327

1. (1) This Act may be cited as the Education (Amendment) Act, 1997, and shall be read and construed as one with the Education Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on such date as the Minister responsible for education may by order in the Gazette establish and different dates may be so established for different provisions and different purposes thereof.

Amendment of
section 28 of the
principal Act.

2. Section 28 of the principal Act shall be amended as follows:

(a) in paragraph (g) thereof, for the words "diffusion of knowledge and sciences;" there shall be substituted the words "diffusion of knowledge and sciences as well as the establishment of academic audit and quality assurance schemes;"; and

(b) in paragraph (i) thereof, for the words "it may receive" there shall be substituted the words "it may receive or generate".

Amendment of
section 29 of the
principal Act.

3. For section 29 of the principal Act there shall be substituted the following:

“Financing
and control
of the
finances
of the
University.”

29. (1) The finance of the University shall derive from periodic agreements entered into between the University and the Government stipulating, among other things, the supply of funds to the University by the Government.

(2) The amount of funds to be stated in the agreement shall be established in relation to the requirements of the University to achieve its aims determined in the context of the needs of the country as perceived by the Government.

(3) The agreement stipulated between the Government and the University, and any extension or substitution thereof, shall be laid in draft on the Table of the House of Representatives, and shall be entered into only after it has been discussed in the House of Representatives in a sitting for that purpose not later than 28 days from the day on which it is so laid.

(4) The University shall in each financial year cause to be prepared and shall adopt estimates of its income and expenditure for the following year.

(5) The University shall cause to be kept proper accounts and other records in respect of its operation and transactions and shall cause to be prepared a statement of accounts in respect of each financial year.

(6) The accounts of the University shall be audited by an auditor or auditors appointed by the Council from year to year.

(7) The University shall, not later than three months after the end of each financial year, cause a copy of a statement of its audited accounts together with a report on its activities during that year, to be sent to the Minister together with the report of the auditor or auditors with respect to such statement and the Minister shall without delay lay such statements and reports on the Table of the House of Representatives so that the House may take note thereof and discuss the same in not more than two normal sittings, allocated for that purpose, within eight weeks from their being laid by the Minister.”.

4. Section 30 of the principal Act shall be amended as follows:

- (a) in subsection (2) thereof:

Amendment of
section 30 of the
principal Act.

(i) for the word "Pro-Rector" in paragraph (d) thereof, there shall be substituted the word "Pro-Rectors"; and

(ii) for the word "Deans" in paragraph (f) thereof, there shall be substituted the words "Deans and Deputy Deans";

(b) for subsection (12) thereof there shall be substituted the following:

"(12) The Pro-Rectors shall be appointed by the Rector for a term of one year and shall as delegated by the Rector, perform the functions of the Rector in the circumstances that the Pro-Chancellor would perform the functions of the Chancellor under the provisions of subsection (7) of this section. One of the Pro-Rectors determined from time to time by the Rector, shall also perform the functions of the Rector in the same circumstances that the Pro-Chancellor would perform the functions of the Chancellor under the provisions of subsection (8) of this section.";

(c) in subsection (14) thereof for the word "two" there shall be substituted the word "four"; and

(d) immediately after subsection (14) thereof there shall be added the following new subsections:

"(15) The University Ombudsman shall be appointed for a term of five years by the Ombudsman appointed in terms of the Ombudsman Act, 1995, hereinafter referred to as "the Parliamentary Ombudsman". He shall have the duty to investigate and report on any complaint by the students or employees of the University on matters related to the University as well as complaints by persons who have been refused entry into the University, and to suggest redress. Complainants, who have exhausted this remedy may still, bring their complaint to the Parliamentary Ombudsman. The University Ombudsman shall be paid such salary and allowances, which shall be a charge on the Consolidated Fund, as may be determined by the Minister.

(16) The University Ombudsman may only be removed from office by the Parliamentary Ombudsman on the advice of the Council, and this for proved inability to perform the functions of his office or proved misbehaviour, which advice is to be given by an address of the Council for that purpose having the support of the votes of at least two-thirds of its members.

(17) The Deputy Dean of a Faculty shall be appointed by the Rector for a period of one year, in consultation with the Dean of the respective Faculty.

(18) The Deputy Dean besides such other functions as may be delegated to him by the Dean, shall perform the functions of the Dean in the same circumstances that the Pro-Chancellor would perform the functions of Chancellor under the provision of subsection (7) and subsection (8) of this section.”.

5. For paragraph (h) of section 32 of the principal Act there shall be substituted the following:

Amendment of section 32 of the principal Act.

“(h) a number of members appointed by the Prime Minister from among the leading representatives of the economic, industrial and social fields, to represent the general interest of the country, such number never to exceed the number of all the members mentioned in paragraphs (c), (d), (e), (f) and (g) of this section.”.

6. For paragraph (b) of section 34 of the principal Act there shall be substituted the following:

Amendment of section 34 of the principal Act.

“(b) the Pro-Rectors, one of whom as may be designated by the Rector from time to time shall be the Vice-president;”.

7. Immediately at the end of subsection (1) of section 39 of the principal Act, there shall be added the following proviso:

Amendment of section 39 of the principal Act.

“Provided that any person holding office on the governing body of the University shall continue so to hold office, despite the expiry of his term, until the election or appointment of another person to substitute that person.”.

8. Paragraph (c) in section 40 of the principal Act shall be deleted.

Amendment of section 40 of the principal Act.

9. Section 46 of the principal Act shall be repealed.

Repeal of section 46 of the principal Act.

A 502

Passed by the House of Representatives at Sitting No. 100 of
Friday, 18th July, 1997.

Myriam Spiteri Debono
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives.