

Nagħti l-kunsens tiegħi.

(L.S.)

ANTON TABONE
Agent President

13 ta' Lulju, 2012

ATT Nru. XIII tal-2012

ATT biex jemenda diversi dispożizzjonijiet tal-Att dwar l-Edukazzjoni

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2012 li jemenda l-Att dwar l-Edukazzjoni u għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Edukazzjoni, hawn iżjed 'il quddiem msejjaħ "l-Att prinċipali".

Titolu fil-Qosor.

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(2) Dan l-Att għandu jibda jseħh f'dik id-data li l-Ministru responsabbli għall-edukazzjoni jista' b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

2. Fit-Taqsim ta' l-Att prinċipali, it-Titolu tat-Taqsima VI ta' l-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tat-Taqsim ta' l-Att tal-ligi prinċipali.

“Edukazzjoni Avvanzata u Ogħla”.

3. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

(a) fit-tifsira “entita” minflok il-kliem “Kummissjoni Nazzjonali għal Edukazzjoni Ogħla” għandhom jidhlu l-kliem

“Kummissjoni Nazzjonali għal Edukazzjoni Avvanzata u Ogħla” u minflok il-kliem “Kummissjoni Nazzjonali għal Edukazzjoni Ogħla” kull fejn dawn jinsabu fl-Att prinċipali, għandhom jidhlu l-kliem “Kummissjoni Nazzjonali għal Edukazzjoni Avvanzata u Ogħla”.

(b) it-tifsira “skola” għandha tiġi sostitwita bit-tifsira ġdida li ġejja:

“skola” tfisser istituzzjoni li r-rizorsi tagħha kemm ta’ persuni u kemm ta’ oġġetti huma ordinati sabiex jitmexxew ’il quddiem l-edukazzjoni u t-taħriġ ta’ persuni oħra permezz tat-tixrid tat-tagħrif u t-*tkabbir* tat-tagħlim.

Izda għall-finijiet ta’ licenza biex tiftaħ skola taħt dan l-Att, ma tinkludix dawn li ġejjin:

(a) provditur li joffri edukazzjoni avvanzata jew ogħla kif definiti fl-artikolu 63; u

(b) istituzzjoni għat-tmexxija ’l quddiem ta’ edukazzjoni u tagħrif ta’ natura esklussivament jew kwazi esklussivament reliġjuża;”.

Emenda tal-artikolu
20 tal-Att prinċipali.

4. L-artikolu 20 tal-Att prinċipali għandu jiġi emendat kif ġejj:

(a) is-subartikoli (4) sa (11) tiegħu għandhom jiġu enumerati bħala s-subartikoli (5) sa (12) tiegħu;

(b) minnufih wara s-subartikolu (3) tiegħu, għandu jidhrol dan is-subartikolu ġdid li ġejj:

“(4) Id-Direttorat għal Kwalità u Standards fl-Edukazzjoni jista’ jagħti licenza temporanja għal perjodu ta’ sena, fejn fil-fehma tiegħu iqis li dan ikun fl-interess pubbliku, bi qbil mal-Ministru. Dik il-licenza temporanja tkun tista’ tiġi soġġetta għal kundizzjonijiet speċifiċi li jkunu meħtieġa li jiġu mħarsa sa meta jiskadi dak il-perjodu.”;

(c) fis-subartikolu (10) tiegħu kif enumerat mill-ġdid, minflok il-kliem “jew obbligatorja, u lill-Kummissjoni Nazzjonali għal Edukazzjoni Ogħla f’każ li t-talba hi

għal skola fil-livell ta' edukazzjoni avvanzata jew oġġla:"
għandhom jidhlu l-kliem "jew obbligatorja:";

(d) minflok is-subartikolu (11) tiegħu kif enumerat mill-
għdid, għandu jidhlo dan is-subartikolu li ġej:

“(11) Meta applikazzjoni tiġi miċhuda, sospiza
jew imħassra, jew meta applikant ma jkunx ġie notifikat
bil-miktub bid-deċiżjoni tal-Ministru kif maħsub
fis-subartikolu (6), l-applikant jew id-detentur tal-
liċenza jista', fiż-żmien stabbilit fis-subartikolu (12),
jappella quddiem it-Tribunal ta' Revizjoni tal-Ġustizzja
skont id-dispożizzjonijiet tal-Att dwar il-Ġustizzja
Amministrattiva u xi regolamenti applikabbli magħmula
taħtu.”; u

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(e) minnufih wara s-subartikolu (12) kif enumerat mill-
għdid, għandu jidhlo dan is-subartikolu għdid li ġej:

“(13) Għalkemm ikun sar appell skont id-
dispożizzjonijiet ta' dan l-artikolu, il-liċenza għandha
titqies sospiza jew imħassra, skont il-każ, pendenti
d-deċiżjoni finali dwar kull appell li jista' jsir mid-
deċiżjoni tat-Tribunal ta' Revizjoni Amministrattiva
skont id-dispożizzjonijiet tal-Att dwar il-Ġustizzja
Amministrattiva u xi regolamenti applikabbli magħmula
taħtu.”.

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5. Fit-tifsira “għalliem” fl-artikolu 23 tal-Att prinċipali,
minflok il-kliem “tghinu jizviluppa l-ħiliet kreattivi u ta' ħsieb
skond l-età, l-izvilupp fiżiku, u skond il-potenzjal tal-ħiliet u tat-
talenti tiegħu”, għandhom jidhlu l-kliem “tghinu jizviluppa l-ħiliet
kreattivi u ta' ħsieb skont l-età, l-izvilupp fiżiku, morali, soċjali,
emozzjonali u intelletwali, u skont il-potenzjal tal-ħiliet u tat-
talenti tiegħu”.

Emenda tal-artikolu
23 tal-Att prinċipali.

6. Fil-paragrafu (e) tas-subartikolu (2) tal-artikolu 24 tal-
Att prinċipali, minflok il-kliem “taħt sorveljanza fi skola liċenzjata,
jew b'xi mod ieħor kif jista' jiddeciedi l-Kunsill” għandhom jidhlu
l-kliem “taħt sorveljanza fi skola jew provditur ta' edukazzjoni
avvanzata kif definita fl-artikolu 63 ta' dan l-Att, liema skola jew
providitur jkunu rikonoxxuti mill-awtorità kompetenti li tkun
inkarigata bil-liċenzjar ta' dik l-iskola jew provditur skond dan
l-Att jew regolamenti magħmula taħtu, jew b'xi mod ieħor kif
jista' jiddeciedi l-Kunsill”.

Emenda tal-artikolu
24 tal-Att prinċipali.

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Emenda tal-artikolu
26 tal-Att prinċipali.

7. L-artikolu 26 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fit-test Inġliż, fis-subartikolu (2) tiegħu, minflok il-kliem “nominations made in terms of the preceding article”, għandhom jidhru l-kliem “nominations made in terms of the preceding sub-article”; u

(b) is-subartikoli (3) sa (12) tiegħu għandhom jiġu enumerati bħala s-subartikoli (4) sa (13) tiegħu; u

(c) minnufih wara s-subartikolu (2), għandu jidhol dan is-subartikolu ġdid li ġej:

“(3) Meta jkun hemm xi vakanza ta’ membru elett skont il-paragrafu (ċ) tas-sub-artikolu (1), fejn dan ikun possibbli, il-Ministru għandu jahtar il-persuna li jkun imissha skont il-votazzjoni li tkun saret fl-elezzjonijiet li jkunu saru qabel għal dan il-għan, u kull persuna hekk maħtura għandha tibqa tokkupa dik il-kariga sakemm tiskadi l-ħatra tal-persuna li tkun qegħda tissostitwixxi.”.

Emenda tal-artikolu
32 tal-Att prinċipali.

8. L-artikolu 32 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “tappella lill-Qorti ta’ l-Appell fil-ġurisdizzjoni inferjuri tagħha”, għandhom jidhru l-kliem “tappella lit-Tribunal ta’ Revizjoni tal-Ġustizzja skont id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva u xi regolamenti applikabbli magħmula taħtu.”;

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “il-warrant jitqies sospiż jew imħassar, skond il-każ, pendent id-deċiżjoni finali tal-Qorti ta’ l-Appell”, għandhom jidhru l-kliem “il-warrant jitqies sospiż jew imħassar, skont il-każ, pendent id-deċiżjoni finali dwar kull appell li jista’ jsir mid-deċiżjoni tat-Tribunal ta’ Revizjoni Amministrattiva skont id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva u xi regolamenti applikabbli magħmula taħtu.”; u

(c) is-subartikoli (3) u (4) tiegħu għandhom jiġu mħassra.

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9. It-titolu ta-Taqsima VI tal-Att prinċipali għandu jiġi sostitwit bil-kliem “Edukazzjoni Avanzata u Ogħla”.

Sostituzzjoni tat-titolu ta-Taqsima VI tal-Att prinċipali.

10. L-artikolu 63 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 63 tal-Att prinċipali.

(a) minflok it-tifsira “akkreditament ta’ programmi jew ta’ istituzzjonijiet” għandu jidhol dan li ġej:

“ “akkreditament” tfisser approvazzjoni formali mill-awtorità kompetenti skond dan l-Att jew regolamenti magħmula tahtu li l-ħidma ta’ provditur, jew programm ta’ edukazzjoni avanzata jew ogħla tkun konformi ma’ livelli ta’ kwalità kif dawn ikunu approvati mill-awtorità kompetenti għall-akkreditament taht dan l-att jew regolamenti magħmula tahtu;

(b) it-tifsiriet “approvazzjoni” u “awtorizzazzjoni” għandhom jiġu mħassra;

(ċ) minflok it-tifsira “edukazzjoni avanzata” għandu jidhol dan li ġej:

“ “edukazzjoni avanzata” tfisser kull taġġim formali, mhux formali jew informali li ma tkunx parti mill-edukazzjoni obbligatorja, li tista’ sservi sabiex tinkiseb kwalifika nazzjonali klassifikata sa u li tkun tinkludi livell 4 tal-Qafas Malti tal-Kwalifiki, jew kwalifika barranija ta’ livell komparabbli;”

(d) minflok it-tifsira “edukazzjoni ogħla” għandu jidhol dan li ġej:

“ “edukazzjoni ogħla” tfisser kull taġġim formali, mhux formali jew informali li ma tkunx parti mill-edukazzjoni obbligatorja, li tista’ sservi sabiex tinkiseb kwalifika nazzjonali klassifikata fil-livell 5 tal-Qafas Malti tal-Kwalifiki jew ogħla, jew kwalifika barranija ta’ livell komparabbli;”

(e) it-tifsiriet “evalwazzjoni”, “istituzzjoni għal edukazzjoni avanzata”, “istituzzjoni għal edukazzjoni ogħla” u “istituzzjonijiet” għandhom jiġu mħassra;

(f) minnufih wara t-tifsira “Kummissjoni” għandhom jiżdiedu dawn it-tifsiriet godda li ġejjin:

“ “kwalifika” tfisser espressjoni formali ta’ għarfien, ħiliet u kompetenzi ta’ persuna, li tagħti għarfien uffičjali ta’ valur fis-suq tax-xogħol u fl-edukazzjoni u t-taħriġ;

“ “licenzjar” tfisser il-proċess, skond id-dispożizzjonijiet ta’ dan l-Att jew regolamenti magħmulin taħt dan l-Att għall-licenzjar u rapurtagġ perjodiku meħtieġ minn provdituri għat-twaqqif tagħhom jew għall-kisba jew għaż-żamma ta’ status speċifiku jew biex ikollhom id-dritt li jagħtu kwalifiki nazzjonali jew kwalifiki barranin ta’ livell komparabbli;”;

(g) minflok it-tifsira “li tiġi żgurata l-kwalità” u minnufih wara t-tifsira “akkreditament” għandu jidhol dan li ġej –

“assikurazzjoni ta’ kwalità” tirreferi għal proċess wieħed jew aktar -

(i) li jiggarantixxu l-kwalità ta’ edukazzjoni avvanzata u edukazzjoni oġhla f’kuntest ekonomiku, soċjali u kulturali, fuq livell nazzjonali, Ewropew u internazzjonali;

(ii) li jiżguraw l-użu ta’ kejl xieraq bħala għodda għat-titjib ta’ min jitgħallem u min jgħallem, tat-taħriġ u tar-riċerka; u

(iii) li jikkomunikaw ir-riżultat ta’ dan il-proċess f’qafas intern u estern ta’ kontabilità;”;

(h) it-tifsiriet “livell ISCED” u “livell NQF” għandhom jiġu mħassra;

(i) fit-tifsira “marka bażi”, minflok il-kelma “istituzzjonijiet” għandha tidhol il-kelma “provdituri”;

(j) minnufih wara t-tifsira “marka bażi” għandhom jiżdiedu dawn it-tifsiriet godda li ġejjin:

“ “il-Qafas Malti tal-Kwalifiki” tfisser il-qafas nazzjonali għat-tagħlim tul il-ħajja, li jkun strument

nazzjonali għall-iżvilupp u l-klassifikazzjoni ta' kwalifiki skond numru ta' kriterji stabbiliti permezz ta' deskritturi applikabbli għal numru ta' livelli differenti, kif imwaqqaf taħt dan l-Att jew regolamenti magħmulin taħtu;

“programm” tfisser kull kors formali ta' edukazzjoni, taħriġ jew riċerka ta' xorta akkademika, vokazzjonali jew professjonali li mhuwiex parti mill-edukazzjoni obbligatorja li jservi sabiex tinkiseb kwalifika klassifikata fil-Qafas Malti tal-Kwalifiki jew f'xi Qafas tal-Kwalifiki barrani rikonoxxut u komparabbli;

“provditur” tfisser kull individwu jew korp magħqud li jkun jipprovidi servizzi ta' edukazzjoni avanzata jew oġġla f'Malta jew minn Malta. Provditur jista' jkun università, kulleġġ, kumpannija, fondazzjoni, organizzazzjoni karitattiva, trust, istitut, sussidjarja, fergħa, xi entità ta' xi waħda minn dawn, jew xi individwu jew korp magħqud ieħor li jkollu għanijiet simili;

“provvista” tfisser l-azzjoni li biha jingħataw servizzi ta' edukazzjoni avanzata jew oġġla f'Malta jew minn Malta, u tinkludi b'mod *full-time* u *part-time*, programm ta' riċerka jew ta' orjentament vokazzjonali, taġġlim li jingħata mill-bogħod u taġġlim b'mod elettroniku, sħubija ma' providituri jew entitajiet oħra, il-kuntrattar ta' servizzi lill-oħrajn, fergħat u attivitajiet li l-provditur jagħmel barra minn Malta;”.

(k) minflok it-tifsira “rikonoxximent” għandu jidhol dan li ġej:

“ “rikonoxximent” tfisser rikonoxximent formali tal-valur ta' kwalifika mill-awtorità kompetenti taħt dan l-Att, jew xi Att ieħor, jew xi regolamenti magħmulin taħtu, bil-ħsieb li dan jagħti aċċess għall-edukazzjoni u, jew impjeg;”;

(l) minnufih wara t-tifsira “rikonoxximent”, għandhom jidhlu dawn it-tifsiriet godda li ġejjin:

“ “taġġlim” jinkludi edukazzjoni u taħriġ;

“tagħlim formali” tfisser proċess ta’ tagħlim li jseħh f’kuntast organizzat u strutturat u huwa maħsub bħala tagħlim skond oġġettivi, ħin dedikat għat-tagħlim u appoġġ għat-tagħlim. Tagħlim formali huwa intenzjonat mill-perspettiva ta’ min ikun qiegħed jitgħallem u jwassal għal kwalifika;

“tagħlim informali” tfisser proċess ta’ tagħlim li jkun jirrizulta minn attivitajiet ta’ kuljum li jkun relatati ma’ xogħol, familja jew mistrieħ, li permezz tagħhom il-persuna takkwista u takkumula tagħrif, ħiliet, attitudnijiet, intuwitu u kompetenzi mill-esperjenzi ta’ kuljum u mill-ambjent li jkun espost għalih;

“tagħlim mhux formali” tfisser tagħlim integrat f’attività ppjanata li tkun organizzata barra mis-sistema tal-edukazzjoni formali, liema attività ma tkunx maħsuba bħala tagħlim, iżda tkun tikkonsisti minn element importanti ta’ tagħlim;

“tagħlim tul il-ħajja” tinkludi kull tip t’attività ta’ tagħlim li persuna tagħmel tul ħajjitha bil-għan li takkwista u ttejjeb l-attitudnijiet, valuri, tagħrif, ħiliet u kompetenzi tagħha, u takkwista kwalifiki li jsaħħu l-aspett personali u soċjali tagħha, kif ukoll jagħtu possibiltà għal karriera aħjar;”;

(m) minflok it-tifsira “verifika tal-kwalità” għandu jidhol dan li ġej:

“ “verifika tal-kwalità” tirreferi għall-proċess ta’ evalwazzjoni esterna tal-mekkaniżmi li jiżguraw il-kwalità interna, adottata minn provditur għall-użu tiegħu, u għall-ħarsien mill-providitur tal-obbligi tiegħu ta’ liċenzjar, akkreditament u obbligi oħra taħt dan l-Att jew regolamenti magħmula taħtu, biex kontinwament issegwi u ttejjeb il-ħidma ta’ provditur jew ta’ programm”;

Emenda tal-artikolu
64 tal-Att prinċipali.

11. Is-subartikolu (1) tal-artikolu 64 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tiegħu, minflok il-kliem “ta’ l-istituzzjonijiet ta’ edukazzjoni avvanzata u, jew oġġla” għandhom jidhlu l-kliem “tal-provdituri tal-edukazzjoni avvanzata u oġġla”;

(b) fil-paragrafu (b) tiegħu, minflok il-kliem “tas-setturi

ta' l-edukazzjoni avvanzata u oġhla f'Malta" għandhom jidhlu l-kliem "ta' l-edukazzjoni avvanzata u oġhla f'Malta";

(ċ) fil-paragrafu (ċ) tiegħu, minflok il-kliem "li għandha x'taqsam mas-settur ta' l-edukazzjoni avvanzata u oġhla" għandhom jidhlu l-kliem "li għandha x'taqsam mal-edukazzjoni avvanzata u oġhla".

12. Minflok l-artikolu 65 tal-Att prinċipali għandu jidhol li ġej:

Sostituzzjoni tal-artikolu 65 tal-Att prinċipali.

"Skop u funzjonijiet tal-Kummissjoni.

65. Il-Kummissjoni għandha:

(a) tifformula prinċipji gwida għall-edukazzjoni avvanzata u oġhla, li tkun l-edukazzjoni u t-taħriġ vokazzjonali, u tipproponi viżjoni, objettivi u miri strateġiċi ċari u sostennibbli għall-edukazzjoni avvanzata u oġhla;

(b) tirriċerka, tanalizza, tirrevedi u, permezz tal-Ministru, tagħti pariri lill-Gvern dwar l-iżvilupp, l-ippjanar u t-tmexxija tal-politika ta' l-edukazzjoni avvanzata u oġhla;

(ċ) taġixxi bħala l-awtorità kompetenti għall-liċenzjar, akkreditament, assikurazzjoni ta' kwalità u rikonoxximent ta' provdituri u programmi skond dan l-Att jew ta' regolamenti magħmula taħtu;

(d) iġġib 'il quddiem u tiffaċilita l-aċċess għat-tagħlim tul il-ħajja u t-trasferiment u l-progress fit-tagħlim tul-ħajja;

(e) tippromwovi u tinkoraġġixxi il-provvista tal-edukazzjoni u taħriġ vokazzjonali u r-rikonoxximent tagħha f'Malta u f'pajjiżi barranin;

(f) taqdi funzjonijiet taċ-Ċentru Malti għal rikonoxximent ta' kwalifiki u Informazzjoni taħt l-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki;

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(g) tippromwovi u żżomm il-Qafas Malti

tal-Kwalifiki u l-politika u l-kriterji li fuqhom għandu jissejjes dan il-Qafas;

(h) tapprova u tiżgura li tippubblika livelli nazzjonali ta' għarfien, ħiliet, kompetenzi u attitudnijiet għal kull settur ta' impjeg;

(i) tivvalida tagħlim li jkun sar b'mod informali u mhux formali u tikklassifika din il-validazzjoni f'livell tal-Qafas Malti tal-Kwalifiki;

(j) tirrakkomanda *policies* ta' finanzjar, u ta' sistemi alternattivi ta' finanzjar tal-edukazzjoni avvanzata u oġhla, filwaqt li tindirizza l-kwistjoni ta' l-adeqwatezza ta' dan il-finanzjament u ta' kontabilità fil-provvista tal-edukazzjoni avvanzata u oġhla;

(k) tipproponi *policies* li jkollhom x'jaqsmu ma' l-istudenti dwar għażliet sostenibbli, aċċess ekwu u mobilità fl-edukazzjoni avvanzata u oġhla, appoġġ finanzjarju, servizzi ta' informazzjoni u gwida dwar passaġġi ta' żvilupp għal studenti;

(l) tirrakkomanda *policies* li jkollhom x'jaqsmu mar-riċerka, l-innovazzjoni, l-proprjetà intellettuali, u t-trasferiment ta' l-għerf;

(m) tfassal *policies* li jkollhom x'jaqsmu mad-dimensjoni internazzjonali ta' l-edukazzjoni avvanzata u oġhla u ma' l-espansjoni u d-diversifikazzjoni tal-provvediment tagħhom;

(n) tagħti pariri, u meta jkun il-każ, tagħmel dawk ir-rakkomandazzjonijiet li jidhrilha meħtieġa, lill-Gvern u lill-provdituri, dwar kull materja jew kwistjoni oħra li jkollha x'taqsam ma' l-edukazzjoni avvanzata u oġhla; u

(o) twettaq dawk il-funzjonijiet oħra kif il-Ministru jista' jirrakkomanda minn żmien għal żmien b'regolamenti magħmulin taħt dan l-Att.”.

(a) fil-paragrafu (a) tiegħu, minflok il-kliem “fost l-istituzzjonijiet ta’ l-edukazzjoni avvanzata u oġħla u dawk involuti b’mod rilevanti” għandhom jidhlu l-kliem “fost il-provdituri u dawk il-partijiet interessati rilevanti”;

(b) fil-paragrafu (b) tiegħu, minflok il-kliem “żviluppi settorjali li jkunu qegħdin isehħu” għandhom jidhlu l-kliem “żviluppi li jkunu qegħdin isehħu fl-edukazzjoni avvanzata u oġħla”;

(c) fit-test Inġliż, is-subparagrafu (ii) tal-paragrafu (d) tiegħu, minflok il-kliem “indicators on the further and higher sectors in Malta” għandhom jidhlu l-kliem “indicators on further and higher education in Malta”;

(d) fil-paragrafu (f) tiegħu, minflok il-kliem “reġistru aġġornat ta’ l-istituzzjonijiet u l-programmi awtorizzati u akkreditati f’Malta” għandhom jidhlu l-kliem “reġistru aġġornat ta’ provdituri akkreditati u liċenzjati minnha u programmi akkreditati minnha”;

(e) il-paragrafu (g) tiegħu għandu jiġi enumerat bhala l-paragrafu (h);

(f) minnufih wara l-paragrafu (f) tiegħu, għandu jidied dan il-paragrafu ġdid li dan li ġej:

“(g) iżzomm u tippubblika reġistru aġġornat ta’ kwalifiki klassifikati fil-Qafas Malti tal-Kwalifiki;”;

(g) fil-paragrafu (h) tiegħu kif enumerat mill-ġdid, minflok il-kliem “l-iskopijiet u l-funzjonijiet tagħha kif imfissra f’dan l-Att” għandhom jidhlu l-kliem “l-iskopijiet u l-funzjonijiet tagħha skond dan l-Att jew kull regolament magħmul tahtu”.

14. Fis-subartikolu (2) tal-artikolu 67 tal-Att prinċipali, minflok il-kliem “li jidhirlha xierqa fuq dan is-settur ta’ l-edukazzjoni” għandhom jidhlu l-kliem “li jidhirlha xierqa fuq l-edukazzjoni avvanzata u oġħla”. Emenda tal-artikolu 67 tal-Att prinċipali.

15. L-artikolu 68 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 68 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem

“disponibbli għall-istituzzjonijiet pubbliċi ta’ l-edukazzjoni avvanzata u oġġla” għandhom jidhlu l-kliem “disponibbli għall-provdituri pubbliċi ta’ l-edukazzjoni avvanzata u oġġla” u minflok il-kliem “sew minn istituzzjonijiet pubbliċi u privati” għandhom jidhlu l-kliem “sew minn provdituri pubbliċi u privati”; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “s-Segretarjat tagħhom” għandhom jidhlu l-kliem “s-Segretarjat tagħha”.

Emenda tal-artikolu 69 tal-Att prinċipali.

16. Fis-subartikolu (12) tal-artikolu 69 tal-Att prinċipali, il-kliem “istituzzjonijiet kemm pubbliċi kemm privati.” għandhom jiġu sostitwiti bil-kliem “provdituri kemm pubbliċi kemm privati.”.

Emenda tal-artikolu 71 tal-Att prinċipali.

17. Fit-test Inġliż tal-artikolu 71 tal-Att prinċipali, minflok il-kliem “may establish in agreement with the Minister” għandhom jidhlu l-kliem “may establish in agreement with the Minister”.

Żjeda ta’ artikolu ġdid mal-Att prinċipali.

18. Minnufih wara l-artikolu 71 tal-Att prinċipali, għandu jidhol dan l-artikolu ġdid li ġej:

“*Ombudsman.* “71A. Bla ħsara għad-dispożizzjonijiet tal-Att dwar l-*Ombudsman* u ta’ kull regola u regolamenti magħmulin tahtu, kull ilment minn studenti jew impjegati ta’ provdituri pubbliċi tal-edukazzjoni avvanzata jew oġġla dwar affarijiet relatati ma’ dawn il-provdituri, kif ukoll ilmenti minn persuni li jkunu ġew miċħuda dħul għal programm provdut minn dawn il-provdituri, għandu l-ewwel jiġi indirizzat lill-*Ombudsman* Parlamentari.”.

Emenda tal-artikolu 74 tal-Att prinċipali.

19. Fl-artikolu 74 tal-Att prinċipali, is-subartikoli (15) u (16) tiegħu għandhom jiġu mħassra u s-subartikoli (17) u (18) għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (15) u (16) rispettivament.

Emenda tal-artikolu 76 tal-Att prinċipali.

20. Fl-artikolu 76 tal-Att prinċipali, minflok il-paragrafi (d) sa (f) tiegħu, għandu jidhol dan li ġej:

“(d) tliet membri eletti mill-persunal akkademiku minn fost dawk minnhom li ma jkunux membri tas-Senat;

(e) tliet membri eletti mill-persunal mhux akkademiku u minn fostu;

(f) tliet membri eletti mill-istudenti tal-Università u minn fosthom, li mill-inqas wieħed minnhom għandu jkun student *post-graduate*;

21. Minflok il-paragrafu (e) tal-artikolu 78 tal-Att prinċipali, għandu jidhhol dan li ġej:

Emenda tal-artikolu 78 tal-Att prinċipali.

“(e) ħames membri eletti mill-istudenti tal-Università u minn fosthom, li mill-inqas tnejn minnhom għandhom ikunu studenti *post-graduate*”.

22. Minflok il-paragrafu (e) tal-artikolu 79 tal-Att prinċipali għandu jidhhol dan li ġej:

Emenda tal-artikolu 79 tal-Att prinċipali.

“(e) li jirrikonoxxi lil gradi, diplomi, ċertifikati u distinzjonijiet ta’ universitajiet jew provdituri ta’ edukazzjoni għolja barranin għall-finijiet ta’ dħul fi programm tal-Università;”.

23. Minflok il-paragrafu (e) tal-artikolu 80 tal-Att prinċipali, għandu jidhhol dan li ġej:

Emenda tal-artikolu 80 tal-Att prinċipali.

“(e) tliet membri eletti mill-istudenti tal-Fakultà u minn fosthom, li mill-inqas wieħed minnhom għandu jkun student *post-graduate*”.

24. Fis-subartikolu (2) tal-artikolu 89 tal-Att prinċipali, minflok il-kliem “Kunsill Malti għall-Kwalifiki” għandhom jidhlu l-l-kliem “Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Ogħla”.

Emenda tal-artikolu 89 tal-Att prinċipali.

25. Fis-subartikoli (3) u (4) tal-artikolu 93 tal-Att prinċipali, minflok il-kliem “Kunsill Malti għall-Kwalifiki” għandhom jidhlu l-kliem “Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Ogħla”.

Emenda tal-artikolu 93 tal-Att prinċipali.

26. Minflok l-artikolu 125 tal-Att prinċipali, għandu jidhhol dan li ġej:

Emenda tal-artikolu 125 tal-Att prinċipali.

“Registratur ta’ l-Eżamijiet. 125. Il-Ministru għandu jahtar Registratur ta’ l-Eżamijiet li jkun responsabbli:

(a) għat-tmexxija tal-eżamijiet għal provdituri pubbliċi tal-edukazzjoni avanzata jew ogħla li

jkunu stabbiliti b'dan l-Att jew tahtu, jew għal provdituri privati stabbiliti skont dan l-Att jew xi regolamenti magħmulin tahtu, hekk kif jistgħu jirrikjedu dawk il-provdituri;

(b) għat-tmexxija tal-eżamijiet għal provdituri jew korpi tal-eżamijiet barranin, hekk kif dawn jistgħu hekk jirrikjedu;

(ċ) għat-tmexxija tal-eżamijiet għad-dhul fis-servizz tal-Istat, ta' korporazzjonijiet pubbliċi u ta' soċjetajiet kummerċjali li fihom l-Istat għandu kontroll effettiv:

Izda għall-finijiet ta' dan il-paragrafu, l-Istat jitqies li għandu kontroll effettiv ta' soċjetà kummerċjali meta f'dik is-soċjetà iżjed minn ħamsin fil-mija tal-kapital jew tal-voti jkunu direttament jew indirettament jappartjenu lil, jew, kontrollati mill-Istat; u

(d) għat-tmexxija ta' kull eżami ieħor li l-Ministru jista' jiddisponi b'regolamenti magħmulin taht dan l-Att.”.

Emenda tal-artikolu
126 tal-Att prinċipali.

27. L-artikolu 126 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “skejjel ta' l-Istat u fl-Università”, għandhom jidhlu l-kliem “skejjel tal-Istat u fi provdituri pubbliċi tal-edukazzjoni avvanzata u oġġla”;

(b) fis-subartikolu (2) tiegħu:

(i) minflok il-kliem “eżamijiet u għal korsijiet speċjali barra l-ħinijiet normali”, għandhom jidhlu l-kliem “eżamijiet u għal korsijiet speċjali”; u

(ii) minflok il-kliem “jeżenta lil kull persuna milli jagħmel dak il-ħlas”, għandhom jidhlu il-kliem “jeżenta lil kull persuna milli jagħmel dak il-ħlas:” u minnufih wara, għandu jidhol dan il-proviso li ġej:

“B'dan illi, għall-finijiet ta' dan is-subartikolu, “korsijiet speċjali” tfisser dan li ġej:

(a) korsijiet *part-time* skont kif speċifikat fir-regolamenti;

(b) korsijiet li jwasslu għall-ksib ta' kwalifika klassifikata fil-livell 7 tal-Qafas Malti tal-Kwalifiki jew oġġla, hliet daww il-korsijiet li persuni jehthiegu jagħmlu għall-fini tal-ksib ta' warrant sabiex jipprattikaw professjoni skont dan l-Att jew xi liġi oħra; u

(ċ) korsijiet ta' *foundation studies* offruti mill-Università.”; u

(c) fit-test Inġliż, fis-subartikolu (3) tiegħu, minflok il-kliem “students receiving further education after having completed their secondary education”, għandhom jidhlu l-kliem “students who continue with their education after having completed their secondary education”.

28. L-artikolu 127 tal-Att prinċipali għandu jigi mħassar.

Thassir tal-artikolu 127 tal-Att prinċipali.

29. L-artikolu 135 tal-Att prinċipali għandu jigi emendat kif ġej:

Emenda tal-artikolu 135 tal-Att prinċipali.

(a) il-paragrafu (t) tiegħu għandu jigi sostitwit b'dan li ġej:

“(t) biex jipprovdi għal proċessi ta' liċenzjar, akkreditament, assikurazzjoni ta' kwalità u rikonossiment;”;

(b) minnufih wara l-paragrafu (t) tiegħu, għandhom jidhlu dawn l-paragrafi godda li ġejjin:

“(u) biex jipprovdi għal proċessi tal-validazzjoni ta' tagħlim li jkun sar b'mod informali u mhux formali bl-għan li din il-validazzjoni tkun klassifikata f'livell tal-Qafas Malti tal-Kwalifiki;

(v) biex jirregola kull haġa li għandha x'taqsam mat-tagħlim tal-Inġliż bħala lingwa barranija;

(w) biex jirregola l-aċċess u għbir ta' informazzjoni, statistika u data mill-Kummissjoni

Nazzjonali għal Edukazzjoni Avvanzata u Ogħla u mis-Segretarjat ta' l-istess Kummissjoni li huma mwaqqfin bl-artikoli 64 u 70 rispettivament;

(x) biex jestendi l-funzjonijiet tal-Kummissjoni Nazzjonali għal Edukazzjoni Avvanzata u Ogħla skond l-artikolu 65 (o);

(y) biex jipprovdi għat-twaqqif u d-deskrizzjoni tal-Qafas Malti tal-Kwalifiki kif imfisser fl-artikolu 63, minn żmien għal żmien; u

(z) biex jistabilixxi pieni amministrattivi li ma jeċċedux penali ta' erbat elef Euro (4,000) li jistgħu jeħlu persuna, skola, provditur jew korp magħqud li jiksru d-dispożizzjonijiet ta' regolamenti magħmulin taħt dan l-Att:

Iżda –

(a) il-Ministru jista' b'regolamenti ssemmi l-awtorità kompetenti li tkun responsabbli biex timponi u tinforza dawn il-pieni amministrattivi rigward dawk ir-regolamenti;

(b) meta xi piena amministrattiva li tkun giet imposta taħt dan il-paragrafu ssir waħda finali, din tkun tikkostitwixxi titolu eżekuttiv għall-effetti u l-finijiet tat-Titolu VII tat-Taqsima I tat-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.”.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 498 tal-4 ta' Lulju, 2012.

MICHAEL FRENDO
Speaker

Raymond Scicluna
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

ANTON TABONE
Acting President

13th July, 2012

ACT No. XIII of 2012

An ACT to amend the law related to Education

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

1. (1) The title of this Act is the Education (Amendment) Act, 2012 and it shall be read and construed as one with the Education Act, hereinafter in this part referred to as “the principal Act”.

Short Title.

Cap. 327.

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

2. In the Arrangement of Act of the principal Act, for the words “Establishment and Functions of the National Commission for Higher Education” there shall be substituted the words “Further and Higher Education”.

Amendment of Arrangement of Act of the principal Act.

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

Amendment of article 2 of the principal Act.

(a) in the definition “entity” for the words “National Commission for Higher Education” there shall be substituted

the words “National Commission for Further and Higher Education” and for the words “National Commission for Higher Education” wherever they occur in the principal Act, there shall be substituted the words “National Commission for Further and Higher Education”;

(b) for the definition “school” in Article 2 of the principal Act there shall be substituted the following:

“ “school” means an institution the resources of which, both of persons and of things, are ordained towards the promotion of the education and training of other persons through the dissemination of knowledge:

Provided that for the purposes of a licence to open a school under this Act it does not include any of the following:

(a) a provider offering further or higher education as defined in article 63; and

(b) an institution for the promotion of instruction and knowledge of an exclusively or almost exclusively religious character;”.

Amendment of article
20 of the principal
Act.

4. Article 20 of the principal Act shall be amended as follows:

(a) sub-articles (4) to (11) thereof shall be renumbered as sub-articles (5) to (12) thereof;

(b) immediately after sub-article (3) thereof, there shall be added the following new sub-article:

“(4) Where it deems it to be in the public interest, the Directorate for Quality and Standards in Education may, upon agreement with the Minister, grant a temporary licence for a period of one year. Such temporary licence shall be subject to specific conditions which are required to be fulfilled until the expiration of such period in order to lead to eligibility for an application for a licence under the previous sub-articles.”;

(c) in sub-article (10) thereof as renumbered, for the

words “or compulsory education level, and the National Commission for Higher Education should the request be in respect of a school at a further or higher education level:”, there shall be substituted the words “or compulsory education level.”;

(d) for sub-article (11) thereof as renumbered, there shall be substituted the following sub-article:

“(11) When an application has been refused, suspended or cancelled, or when the applicant has not been served in writing by the Minister as established in sub-article (6), the applicant or licence holder may, within the time prescribed in sub-article (12), appeal to the Administrative Review Tribunal in accordance with the provisions of the Administrative Justice Act and any applicable regulations made thereunder.”; and Cap. 490.

(e) immediately after sub-article (12) thereof as renumbered, there shall be added the following new sub-article:

“(13) Notwithstanding that an appeal would have been lodged in accordance with this article, a licence shall be considered as having been suspended or cancelled, as the case may be, pending the final decision of any appeal that may be made from the decision of the Administrative Review Tribunal in accordance with the provisions of the Administrative Justice Act or any applicable regulations made thereunder.”. Cap. 490.

5. In the definition of “teacher” in article 23 of the principal Act, for the words “help him develop creative and thinking skills according to his age, his physical and intellectual development and according to the potential of his skills and talents”, there shall be substituted the words “help him develop creative and thinking skills according to his age, his physical, moral, social, emotional and intellectual development and according to the potential of his skills and talents”. Amendment of article 23 of the principal Act.

6. In paragraph (e) of sub-article (2) of Article 24 of the principal Act, for the words “under supervision in a licensed school, or in any other manner as the Council may decide” there shall be substituted the words “under supervision in a school or provider of further education as defined in article 63 of this Act, Amendment of article 24 of the principal Act.

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which school or provider is recognised by the relevant competent authority tasked with the licensing thereof by or under this Act, or in any other manner as the Council may decide”.

Amendment of article 26 of the principal Act.

7. Article 26 of the principal Act shall be amended as follows:

(a) in the English text, for the words “nominations made in terms of the preceding article”, there shall be substituted the words “nominations made in terms of the preceding sub-article”; and

(b) sub-articles (3) to (12) thereof shall be renumbered as sub-articles (4) to (13) thereof;

(c) immediately after sub-article (2) thereof, there shall be added the following new sub-article:

“(3) On the occurrence of any vacancy of a member elected in accordance with paragraph (c) of sub-article (1), where possible, the Minister shall appoint the person who was the runner-up in the elections previously held for such purpose, and any person who is so appointed shall keep on occupying such post up to the termination of the term of office of the person being so substituted.”

Amendment of article 32 of the principal Act.

8. Article 32 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words “appeal to the Court of Appeal in its inferior jurisdiction”, there shall be substituted the words “appeal to the Administrative Review Tribunal in accordance with the provisions of the Administrative Justice Act and any applicable regulations made thereunder.”;

(b) in sub-article (2) thereof, for the words “the warrant shall be considered as suspended or cancelled, as the case may be, pending the final decision of the Court of Appeal”, there shall be substituted the words “the warrant shall be considered as suspended or cancelled, as the case may be, pending the final decision of any appeal that may be made from the decision of the Administrative Review Tribunal in accordance with the provisions of the Administrative Justice

Cap. 490.

Act or any applicable regulations made thereunder.”; and

(c) subarticles (3) and (4) thereof shall be deleted.

9. For the Title of Part VI of the principal Act there shall be substituted the following:

Substitution of Title of Part VI of the principal Act.

“Further and Higher Education”.

10. Article 63 of the principal Act shall be amended as follows:

Amendment of article 63 of the principal Act.

(a) for the definition “accreditation of programmes and institutions” there shall be substituted the following:

“ “accreditation” means formal approval by the competent authority under this Act or any regulations made thereunder that the operation of a further or higher education provider, or that a programme of further or higher education, meets quality standards;”;

(b) the definitions “approval” and “authorisation” shall be deleted;

(c) in the definition “benchmark” for the word “institutions” there shall be substituted the word “providers”;

(d) the definition “evaluation” shall be deleted;

(e) immediately after the definition “the Commission”, there shall be added the following new definition:

“ “formal learning” means learning that occurs in an organised and structured context and is explicitly designated as learning in terms of objectives, time or learning support. Formal learning is intentional from the learner’s point of view and leads to a qualification;”;

(f) for the definition “further education” there shall be substituted the following:

“ “further education” means all non-compulsory formal, non-formal and informal learning which serves to obtain a national qualification classified up to and

including level 4 of the Malta Qualifications Framework, or a foreign qualification at a comparable level;”;

(g) the definition “further education institution” shall be deleted;

(h) for the definition “higher education” there shall be substituted the following:

“ “higher education” means all non-compulsory formal, non-formal and informal learning or research which serves to obtain a national qualification classified at level 5 of the Malta Qualifications Framework or higher, or a foreign qualification at a comparable level;”;

(i) the definitions “higher education institution”, “institutions” and “ISCED level” shall be deleted;

(j) immediately after the definition “higher education”, there shall be added the following new definitions:

“ “informal learning” means a learning process resulting from daily life activities related to work, family or leisure, by which an individual acquires and accumulates knowledge, skills, attitudes, insight and competences from daily experiences and from exposure to one’s environment;

“learning” includes education and training;

“licensing” means the process in accordance with the provisions of this Act or any regulations made under this Act for the licensing and periodic reporting required from providers to establish themselves or to attain or maintain a specific status, or to confer national qualifications or foreign qualifications at a comparable level;

“lifelong learning” includes all kind of learning activities that an individual undertakes throughout life, with the aim of acquiring and improving attitudes, values, knowledge, skills and competences, and acquiring qualifications that enhance an individual’s personal and social dimension as well as the prospects of a better career;

“Malta Qualifications Framework” means the national framework for lifelong learning, being the national instrument for the development and classification of qualifications according to a set of criteria, established through descriptors and applicable to a different set of levels, as provided by this Act or any regulation made under this Act;”

(k) the definition “NQF level” shall be deleted;

(l) immediately after the definition “Malta Qualifications Framework”, there shall be added the following new definitions:

“non-formal learning” means learning embedded in a planned activity organised outside the formal educational system, which activity is not explicitly designed as learning but which contains an important learning component;

“programme” means any academic, vocational or professional course of formal non-compulsory learning or research which serves to obtain a qualification classified within the Malta Qualifications Framework or to a foreign recognised and comparable qualifications framework;

“provider” means any individual or body corporate providing further education or higher education services in or from Malta. A provider may be a university, college, company, foundation, charity, trust, institute, subsidiary, branch, an entity of any of these, or any other an individual or body corporate with similar scope;

“provision” means the act of providing further or higher education in or from Malta, and includes full-time and part-time taught, research or vocationally-oriented programmes, distance learning, e-learning, partnerships with other providers or business entities, sub-contracting of services, franchising and offshore activities of a provider; Cap. 451.

“qualification” means a formal expression of knowledge, skills and competences of the individual, which confers official recognition of value in the labour

market and in education and training;”;

(m) for the definition “quality assurance” there shall be substituted the following:

“quality assurance” refers to one or more processes which:

(i) safeguard the quality of further and higher education within the economic, social and cultural context, on a national, European and international level;

(ii) ensure the use of appropriate measures as a means of improving the quality of teaching, learning, training and research; and

(iii) communicate the outcome of such findings within an internal and external framework of accountability;

(n) for the definition “quality audit” there shall be substituted the following:

“ “quality audit” refers to an external evaluation process of internal quality assurance mechanisms adopted by a provider for its own use, and of the provider’s adherence to any licensing, accreditation and other obligations under this Act or any regulations made thereunder, in order to continuously monitor and improve the operation of a provider or of a programme;”

(o) for the definition “recognition” there shall be substituted the following:

“ “recognition” means a formal acknowledgement by the competent authority under this or any other Act, or any regulations made thereunder, of the value of an educational qualification with a view to giving access to educational and, or employment activities.”.

11. Sub-article (1) of article 64 shall be amended as follows:

(a) in paragraph (a) thereof, for the words “further and

higher education institutions” there shall be substituted the words “providers of further and, or higher education”;

(b) in paragraph (b) thereof, for the words “further and higher education sectors in Malta” there shall be substituted the words “further and higher education in Malta”;

(c) in paragraph (c) thereof, for the words “connected with the further and higher education sectors” there shall be substituted the words “connected with further and higher education”.

12. For article 65 of the principal Act, there shall be substituted the following:

Substitution of article 65 of the principal Act.

“Aim and Functions of the Commission.

65. The Commission shall:

(a) formulate the guiding principles for further and higher education, including vocational education and training, and propose a clear vision and sustainable strategic targets and objectives for further and higher education;

(b) research, analyse, review and, through the Minister, give advice to the Government on the development, planning and governance of further and higher education policy;

(c) act as the competent authority for licensing, accreditation, quality assurance and recognition of providers and programmes as provided by this Act or any regulation made under this Act;

(d) promote and facilitate access to life-long learning and transfer and progression in lifelong learning;

(e) promote and foster the provision of vocational education and training and its recognition in Malta and abroad;

(f) perform the functions of the Malta Qualifications Recognition Information Centre under the Mutual Recognition of Qualifications Act;

(g) promote and maintain the Malta Qualifications Framework and establish the policies and criteria on which the Framework shall be based;

(h) approve and ensure the publication of national standards of knowledge, skills, competences and attitudes for each employment sector;

(i) validate informal and non-formal learning and classify such validation at a level of the Malta Qualifications Framework;

(j) recommend financing policies, and alternative financing systems, of further and higher education while addressing the issue of the adequacy of this financing and of accountability in the provision of further and higher education;

(k) propose policies which are related to students on sustainable options, equity in access and mobility in further and higher education, financial support, services of information and guidance about pathway development for students;

(l) recommend policies related to research, innovation, intellectual property, and knowledge transfer;

(m) formulate policies related to the international dimension of further and higher education and to the expansion and diversification of their provision;

(n) advise and, where the case shall so require, make such recommendations as may appear to be required, to the Government and to providers, on any matter or other issue related to further higher education; and

(o) perform such other functions as the Minister may designate from time to time by means of regulations under this Act.”.

13. Article 66 shall be amended as follows:

Amendment of article
66 of the principal
Act.

(a) in paragraph (a) thereof, for the words “among the institutions in the further and higher education sectors and with relevant stakeholders” there shall be substituted the words “among providers and with relevant stakeholders”;

(b) in paragraph (b) thereof, for the words “current sectoral developments” there shall be substituted the words “current developments in further and higher education;”;

(c) in the English text, sub-paragraph (ii) of paragraph (d) thereof, for the words “indicators on the further and higher sectors in Malta” there shall be substituted the words “indicators on further and higher education in Malta”;

(d) in paragraph (f) thereof, for the words “updated register of authorised and accredited institutions and programmes available in Malta;” there shall be substituted the words “updated register of providers accredited and licensed by it and programmes accredited by it;”;

(e) paragraph (g) thereof shall be renumbered as paragraph (h) ;

(f) immediately after paragraph (f), there shall be the following new paragraph:

“(g) maintain and publish an updated register of qualifications classified within the Malta Qualifications Framework;”

(g) in paragraph (h) thereof as renumbered, for the words “objectives and functions as explained in this Act” there shall be substituted the words “objectives and functions as provided in this Act or any regulations made thereunder”;

14. In sub-article (2) of article 67 of the principal Act, for the words “which it deems to be fit on this educational sector” there shall be substituted the words “which it deems to be fit on further and higher education”.

Amendment of article
67 of the principal
Act.

15. Article 68 of the principal Act shall be amended as follows:

Amendment of article
68 of the principal
Act.

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(a) in sub-article (1) of article 68 of the principal Act, for the words “available to further and higher public educational institutions” there shall be substituted the words “available to public further and higher education providers” and for the words “both from public and private institutions” there shall be substituted the words “both from public and private providers”; and

(b) in the Maltese text of sub-article (2) thereof, for the words “s-Segretarjat taġħhom” there shall be substituted the words “s-Segretarjat taġħha”.

Amendment of article 69 of the principal Act.

16. In sub-article (12) of Article 69 of the principal Act, for the words “public and private institutions” there shall be substituted the words “public and private providers”.

Amendment of article 71 of the principal Act.

17. In the English text of sub-article (4) of Article 71 of the principal Act, for the words “may establish in agreement with the Minister” there shall be substituted the words “may establish in agreement with the Minister”.

Addition of new article to the principal Act.

18. Immediately after article 71 of the principal Act there shall be added the following new article:

“Ombudsman. 71A. Subject to the provisions of the Ombudsman Act and of any rules and regulations made thereunder, any complaint by the students or employees of public providers of further or higher education on matters related to such providers, as well as complaints by persons who have been refused entry into any programme offered by such providers, shall in the first instance be addressed to the Parliamentary Ombudsman.”.

Amendment of article 74 of the principal Act.

19. In article 74 of the principal Act, sub-articles (15) and (16) thereof shall be deleted and sub-articles (17) and (18) thereof shall be renumbered as sub-articles (15) and (16) respectively.

Amendment of article 76 of the principal Act.

20. In article 76 of the principal Act, for paragraphs (d) to (f) thereof, there shall be substituted the following:

“(d) three members elected by the academic staff from those amongst them who are not members of the Senate;

(e) three members elected by and from among the non-academic staff;

(f) three members elected by and from among the University students, at least one of whom shall be a post-graduate student;”.

21. For paragraph (e) of article 78 of the principal Act, there shall be substituted the following: Amendment of article 78 of the principal Act.

“(e) five members elected by and from among the University students, at least two of whom shall be post-graduate students;”.

22. For paragraph (e) of article 79 of the principal Act there shall be substituted the following: Amendment of article 79 of the principal Act.

“(e) to recognise degrees, diplomas, certificates and distinctions of foreign universities or providers of higher education for the purpose of admission to a programme of the University;”.

23. For paragraph (e) of article 80 of the principal Act, there shall be substituted the following: Amendment of article 80 of the principal Act.

“(e) three members elected by and from among the students of the Faculty, at least one of whom shall be a post-graduate student;”.

24. In subarticle (2) of article 89 of the principal Act, for the words “Malta Qualifications Council” there shall be substituted the words “National Commission for Further and Higher Education”. Amendment of article 89 of the principal Act.

25. In subarticles (3) and (4) of article 93 of the principal Act, for the words “Malta Qualifications Council” there shall be substituted the words “National Commission for Further and Higher Education”. Amendment of article 93 of the principal Act.

26. For article 125 of the principal Act, there shall be substituted the following: Amendment of article 125 of the principal Act.

“Registrar of Examinations.

125. The Minister shall appoint a Registrar of Examinations who shall be responsible for:

(a) the conduct of any examinations on behalf of public providers of further or higher education established by or under this Act, or on behalf of private providers established in accordance with

this Act or any regulations made thereunder, as may be requested by such providers;

(b) the conduct of examinations on behalf of foreign providers or foreign examination bodies, as may be requested by them;

(c) the conduct of examinations for induction into the service of the State, public corporations and commercial partnerships in which the State has effective control:

Provided that for the purposes of this paragraph, the State shall be deemed to have effective control of a commercial partnership wherein that partnership more than fifty per cent of the capital or voting power is owned or controlled, directly or indirectly, by the State ; and

(d) the conduct of any other examinations as may be prescribed by the Minister by regulations under this Act. ”.

Amendment of article 126 of the principal Act.

27. Article 126 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words “State schools and the University”, there shall be substituted the words “State schools and public providers of further or higher education”;

(b) in sub-article (2) thereof:

(i) for the words “examinations and special courses outside regular hours”, there shall be substituted the words “examinations and special courses”; and

(ii) in the proviso thereof, for the words “the Minister may exempt any person from the payment of those fees.”, there shall be substituted the words “the Minister may exempt any person from the payment of those fees:”, and immediately after there shall be added the following new proviso:

“So however that, for the purposes of this sub-article, “special courses” means the following:

(a) part-time courses as specified by such regulations;

(b) courses that lead to a qualification classified at level 7 of the Malta Qualifications Framework or higher, except for those courses which persons are required to undertake for the purpose of obtaining a warrant to practise a profession in accordance with this Act or any other law; and

(c) foundation studies courses offered by the University.”; and

(c) in the English text, in sub-article (3) thereof, for the words “students receiving further education after having completed their secondary education”, there shall be substituted the words “students who continue with their education after having completed their secondary education”.

28. Article 127 of the principal Act shall be deleted.

Deletion of article 127 of the principal Act.

29. Article 135 of the principal Act shall be amended as follows:

Amendment of article 135 of the principal Act.

(a) for paragraph (t) thereof, there shall be substituted the following:

“(t) to provide processes of licensing, accreditation, quality assurance and recognition;”;

(b) immediately after paragraph (t) there shall be added the following new paragraphs:

“(u) to provide processes for the validation of informal and non-formal learning with the aim of such validation to be classified at a level of the Malta Qualifications Framework;

(v) to provide for any matter relating to the teaching of English as a foreign language;

(w) to regulate access to and gathering of information, statistics and data by the National Commission for Further and Higher Education and the Secretariat of the same Commission, that are both established by articles 64 and 70 respectively;

(x) to extend the functions of the National Commission for Further and Higher Education as provided under article 65(o);

(y) to provide for the establishment and description, from time to time, of the Malta Qualifications Framework as defined in article 63; and

(z) to establish administrative fines not exceeding a penalty of four thousand Euro (4,000) to which any person, school, provider or body corporate contravening any regulations made under this Act may become liable:

Provided that –

(a) the Minister may by regulations designate which competent authority shall be responsible for imposing and enforcing such administrative fines with respect to the regulations concerned;

(b) when any administrative fine imposed under this paragraph becomes final, it shall constitute an executive title for the effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure.”.

Passed by the House of Representatives at Sitting No. 498 of the 4th July, 2012.

MICHAEL FREUDO
Speaker

Raymond Scicluna
Clerk to the House of Representatives