



BRINGING EDUCATION INTO THE **21ST** CENTURY

EDUCATION ACT

Short title

1. The short title of this Act is the Education Act.

Interpretation.

2. In this Act, unless the context otherwise requires -

“Board for Educational Matters” means the board established by article [52](#) of this Act;

“College” means a College of State schools as provided for in Part III of this Act;

“Commission” means the Commission for General Education established by article 3 of the Education Regulatory Act;

“compulsory school age” means any age from five years to fifteen years, both inclusive, and accordingly a person shall be deemed to be of compulsory school age if he has attained the age of five years and has not attained the age of sixteen years or has not yet completed the last year of secondary school;

“curriculum” means the National Curriculum Framework for all schools at compulsory educational level;

“department” means the department responsible for education established by article [12](#) of this Act;

“directorate” means any directorate listed in the First Schedule to this Act as amended from time to time;

“director general” means a director general of a directorate of the Department of Education appointed in terms of article [13](#);

“employment” includes employment in any labour or work exercised by way of trade or for gain, whether the gain be to the person employed or to any other person, and whether the labour or work is done for wages or other compensation or not, and “to employ” should be construed accordingly;

“entity” includes a department, a college and any directorate, agency or other organisation as may be established by virtue of this Act or regulations made thereunder, or under any other law, and “entities” shall be construed accordingly;

“financial year” means the period of twelve months ending on the thirty-first of December of any year:

Provided that for the purposes of this Act the first financial year in respect of any entity shall consist of the period which starts running on the date of the coming into force of the relative articles of this Act relating to such entity, and ending on the thirty-first day of December of the following year:

"function" includes any responsibility, power and duty;

"General Estimates" means the estimates presented to the House of Representatives in respect of any financial year, of the expenditure for the service of that financial year and includes any supplementary estimates of expenditure for which it may be necessary to provide after those estimates have been presented to the House of Representatives and in this context "financial year" has the same meaning as it has for the purpose of the Constitution of Malta;

"Government" means the Government of Malta;

"head of school" means the natural person in whose name the licence to establish and run a school is issued in accordance with article [21](#);

"home educator" means any person, including the parent of a child, who holds a warrant to exercise the teaching profession and who is duly authorised to provide home schooling to a child in accordance with the provisions of Part IV of this Act and in accordance with the relevant provisions of the Education Regulatory Act;

"home schooling" means the progressive education of a minor provided or organised by his parent whereby a home educator provides tuition to the minor, at the expense of the parent, in substitution to state or non-state education in accordance with the provisions of [Part IV](#) of this Act and any regulations made under it, and in accordance with the relevant provisions of the Education Regulatory Act and "home schooling programme" shall be construed accordingly;

"individual needs" means needs or difficulties of a physical, sensory, intellectual or psychological nature;

"licensed school" means a school which is duly licensed in accordance with the Education Regulatory Act;

"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 or any other law;

"Minister" means the Minister responsible for education, and includes, within the limits of any given authority, any person who is specifically authorised by the Minister for any of the purposes of this Act, and "Ministry" shall be construed accordingly;

"national minimum conditions" means the national minimum conditions for all schools mentioned in article [5](#);

"officer" and "employee" include a public officer who is engaged to perform duties with any entity established under this Act;

"parent" means the father or the mother and includes any person who has the care and custody, whether legal or actual, of a child;

"prescribed" means prescribed by any regulation, statute, rule or bye-law;

"public officer" has the same meaning as is given to it by article 124 of the Constitution;

"remuneration" includes compensation in any form whether in money or in kind;

"scholastic day" means every day during a scholastic year not being a school holiday or a public holiday;

"scholastic year" means that period determined as the scholastic year in the national minimum conditions;

"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;

PART I

General Provisions

Right to education

3. Every citizen of the Republic of Malta has the right to education without any distinction of age, sex, religion or belief, economic means, race or ethnic origin, political opinion, disability, colour, sexual orientation or gender identity.

Obligations of the State

4. (1) It is the duty of the State -

- (a) to promote education in Malta based on the values of openness, democracy, inclusion, diversity, active citizenship, critical thinking, responsible behaviour and ethical conduct; and
- (b) to ensure the existence of a system of schools and other educational institutions in Malta catering for the full development of the whole personality of the person including his ability to work.

(2) In particular, it shall be the duty of the State -

- (a) to develop and implement an education policy based on the values set out in article 4;
- (b) to establish such educational facilities as are necessary to equip students with the knowledge, skills and competencies required to make the most of global opportunities and to deal with the challenges of society and the economy of today and tomorrow;
- (c) to ensure the teaching of the core curricular entitlement as established in the National Curriculum Framework;
- (d) to develop and regularly update a policy for early childhood care and education;
- (e) to provide for the primary education of children of compulsory school age;
- (f) to provide for the secondary education of children who have completed their primary education;
- (g) to ensure the provision of post-compulsory and tertiary education for students who have completed their secondary education;
- (h) to develop and regularly update a policy of life-long learning;

- (i) to develop and implement a policy of inclusive education for students having individual needs; and
- (j) to promote the teaching of the liberal and expressive arts, science, technology and sports among students.

Right of the State to regulate education

5. It shall be the right of the State -

- (a) to implement the Framework for the Education Strategy for Malta;
- (b) to implement the National Curriculum Framework of studies for all schools at compulsory education level;
- (c) to establish the national minimum conditions for all schools; and
- (d) to secure compliance with the National Curriculum Framework of studies and the national minimum conditions for all schools;
- (e) to ensure the provision of quality education by all providers in the education sector.

Duties of parents

6. (1) It shall be the duty of every parent of a minor -

- (a) to ensure that the minor receives all the necessary education for the development of the whole of his personality, including his ability to work and be an active citizen;
- (b) to ensure the motivation of the minor for education and his disposition for good behaviour and discipline;
- (c) to cause the minor to be registered in a school for the first scholastic year and during the period when he is of compulsory school age, provided that the Minister may, by regulations, make provision for special cases, including where the minor was not residing in the Maltese islands;
- (d) to ensure that the minor attends school on each scholastic day during all the period of compulsory school age, or up to the end of such further period as the Minister may prescribe by regulations, unless the minor has a good and sufficient cause to be absent from school; and
- (e) to cooperate fully and with due respect with the head of school and staff of the school attended by the minor.

Rights of parents

7. Subject to the provisions of this Act, it is the right of every parent of a minor to give his decision with regard to any matter concerning the education of the minor, provided that such decision is in the best interests of the minor in accordance with article 8(1).

Best educational interests of the minor

8. (1) Decisions with regard to matters concerning the education of a minor shall be based primarily on the best educational interests of the minor with due regard to the interests of other students attending the same school as the minor and the continued effective and efficient operation of the school.

(2) Where the head of the school with which a minor is registered believes that the decision of the minor's parent or parents with regard to any matter concerning the education of the minor is not in accordance with the principle set out in subarticle (1), he shall forthwith bring the matter to the attention of the department. In such case the department may, if it considers it appropriate to do so taking into account the circumstances of the case, make an application to the Board for Educational Matters for a decision on the matter.

(3) The Board shall, after giving the department and the parents of the minor the opportunity to make their submissions in such manner and within such time as may be fixed by the Board, and, if it considers so appropriate after listening to the minor and any other person, give a decision on the matter.

(4) An application may also be made to the Board by any parent for a decision with regard to any matter concerning the education of the minor where it is not possible to obtain the consent of the other parent of the minor or where there is disagreement amongst the parents of the minor on any matter concerning the education of the minor. The Board shall, after giving the parents of the minor the opportunity to make their submissions in such manner and within such time as may be fixed by the Board, and, if it considers so appropriate after listening to the minor and any other person, give a decision on the matter:

Provided that where the whereabouts of a parent are not known, it shall not be required to allow such parent the opportunity to make submissions.

(5) The head of school and the parents of the minor shall ensure that the decision of the Board is implemented.

Duties of schools

9. It shall be the duty of schools -

- (a) in the case of primary and secondary schools, to accomplish the education strategy for Malta and the National Curriculum Framework according to the

potential and the various skills of students attending thereat and according to the ethos, identity and character of the particular school, and to ensure that the National Curriculum Framework is translated into appropriate curricula, programmes, pedagogies and assessments for the students through an adequate school development plan and that these are implemented;

- (b) to secure and ensure compliance with the national minimum conditions established for schools;
- (c) to establish a culture of lifelong learning and conducive conditions for effective quality teaching and learning based on the values set out in [article 4](#);
- (d) to promote high standards of learning and teaching in collaboration with educators, learners and parents' committees in a spirit of collective responsibility;
- (e) to encourage student involvement and participation;
- (f) to conduct a student impact assessment before introducing new policies or educational initiatives
- (g) to establish a safe learning environment;
- (h) to ensure a healthy culture of good conduct and discipline;
- (i) to consult and engage in dialogue to identify the needs of educators, learners and parents;
- (j) to establish good leadership and management and to promote a team culture among the school's senior management team and staff through cooperation, especially with regards to initiatives, challenges and problems related to the school as a whole;
- (k) to promote the continuous professional development of educators;
- (l) to establish a culture conducive to an effective home-school partnership; and
- (m) to develop an active role within the community, and encourage community involvement and participation;

Minister to represent State

10. Wherever under the provisions of this Act a right or a duty is vested in or imposed on the State, that right or duty shall be exercised or fulfilled by the Minister.

PART II

Constitution and Functions of the Department of Education

Department of Education

11. (1) There shall be a department of government responsible for education which shall be known as the Department of Education which shall consist of the Directorates listed in the First Schedule to this Act.

(2) The Minister may amend the said Schedule and establish or remove any directorates as he may deem necessary by means of an Order in the Government Gazette.

(3) Without prejudice to the provisions of this Act, each directorate shall be under the responsibility, guidance and administration of a Director General who shall be responsible for the executive management, administration and administrative control of the officers and employees of the directorate.

(4) The functions of the Department of Education are to be performed by the directorates in such manner as shall be determined by the Minister, as he deems appropriate, from time to time.

Functions of the Department of Education

12. (1) The functions of the Department of Education shall include the following:

(a) without prejudice to article 10, to implement any matter required to achieve the objectives and execute the duties of the State under Articles [4](#) and [5](#) of this Act under the general direction of the Minister;

(b) to ensure the effective and efficient operation and delivery of services to State schools within an established framework of decentralisation and autonomy.

(2) In particular the Department of Education shall:

(a) ensure that all information, data and statistics required for the drafting and the planning of policy, strategies, guidelines and directives in education are researched, collated, compiled, and analysed, and, subject to any other law, take all necessary steps so that these may be accessible to whosoever is involved and who may have an interest;

(b) plan, provide and allocate the resources, human and otherwise, services, and learning tools, both of a pedagogical, psychosocial, managerial and operative nature and other ancillary support tools, as required in State schools;

- (c) promote, encourage and monitor the democratic governance of schools through School Councils with the active participation of parents, educators and students;
- (d) promote, support, coordinate and ensure lifelong learning services and initiatives, including educational and cultural initiatives within the community, e-learning and distance learning, adult education, evening classes and other initiatives relating to complementary education and services for persons having specific learning difficulties;
- (e) provide the resources required for inclusive and special educational programmes and for other schemes related to individual educational needs;
- (f) ensure the supply and the coordination of career guidance services, including the implementation of programmes with the social partners and civil society aimed at achieving improved school-workplace congruence and assist in the transition stages, including those from school to work;
- (g) ensure the provision of services required to generate a culture of respect for all and to deal effectively with issues of good conduct and discipline, of child abuse, of bullying and of substance abuse;
- (h) promote the physical and mental health of students through health information and promotion, medical screening services and healthy life-style programmes;
- (i) administer State aid to non-State schools;
- (j) sustain an effective dialogue with whosoever is involved in the educational system and aim for the widest consensus possible about any matter which may be relevant to education;
- (k) cooperate with local and foreign institutions, and encourage and facilitate a better participation in programmes, scholarships, and the international exchange of students and personnel, particularly in the institutions and programmes of the European Union;
- (l) prepare any required guidelines, statistics, or strategy as may be required by the Minister for the better implementation of education policy and provision of educational services;
- (m) generally give advice to the Minister on any matter relating to education and perform any other function that the Minister may from time to time assign to the department;
- (n) implement any matter required for the proper execution of any provision of this Act;

- (o) carry out any other function as may be necessary for the attainment of the objectives and the fulfilment of the duties pertaining to the State as provided for by this Act.

Appointment of Directors General

13. The Directors General of the directorates of the Department of Education shall be appointed by the Prime Minister for a period of three years under such terms and conditions as may be stated in the letter of appointment. The appointment of a Director General shall be made after a public call for which there may apply such persons who have the qualifications, the educational experience and the qualities necessary for the management of these Directorates. When a term of office expires, such person may be re-appointed for a further period or periods.

Right to information

14. (1) The Department of Education may request, collect and verify any information, data and statistics, as may be required for the performance of its functions.

(2) The Department of Education shall have access to all information which State Schools may possess, and shall be entitled to request and obtain all data it may require to perform its functions from students, parents, personnel and from public and private educational institutions, and this data should be given to the Department within a reasonable time from the date of request.

(3) The Department shall have access to other statistics and data of personal, economic and social nature as required in order that it may perform its functions according to this Act.

PART III

State Schools

State Schools and Colleges

15. (1) With the aim of ensuring the existence of a system of schools to secure the objectives set out in Article 4 of this Act, the Minister shall establish such State Schools in Malta and Gozo as the Minister may deem necessary from time to time. Each State School shall be under the responsibility, guidance and administration of a Head of School.

(2) With the aim of enhancing co-operation and networking among State schools, the Minister may also establish such State Colleges in Malta and Gozo as the Minister may deem necessary from time to time. State Colleges shall be composed of those State Schools as the Minister may direct from time to time. Every State College shall have a Principal who shall be responsible for the co-operation and networking among State Schools forming part of the College.

(3) The State Schools are those listed in the Second Schedule to this Act. The Minister may amend the said Schedule by means of an Order in the Government Gazette.

Legal personality and juridical representation of State Schools.

16. (1) Each State School, whether forming part of a State College or not, shall be a body corporate having a legal and distinct personality and shall be capable, subject to the provisions of this Act, to enter into contracts, acquire, hold and dispose of any kind of property for the purposes of its functions, or to sue or to be sued, and to perform all such matters and such operations which are incidental or conducive to the exercise or the execution of its functions under this Act.

(2) The legal and judicial representation of every State School shall vest in its Head of School, provided that each Head of School may appoint any one or more of the officers or employees of the respective State School, to appear on his behalf and in his name in any judicial proceedings and on any deed, contract, instrument or other document of whatsoever nature.

Autonomy of Schools

17. (1) The Minister and the Department of Education shall promote the application of the principle of subsidiarity and self governance in the management and administration of State Schools, within a framework of decentralisation and autonomy of the educational operation and services provided by schools according to the priorities, targets and national strategies adopted by the Government.

(2) Nothing in Part Two of this Act shall be construed as preventing the Minister, for the purpose of implementing the principle of subsidiarity and self-governance in the

management and administration of State Schools, from delegating or assigning any of the functions of the Department of Education to the Schools or Colleges established under this Part of the Act.

School Development Plan

18. (1) The school development plan shall be the main educational policy and implementation tool and shall, in particular, aim to facilitate the implementation and pursuance of the learning outcomes framework in view of the differing contexts of every school and the particular needs of its students.

(2) The school development plan shall be for a three year period. It shall be prepared by the Head of School as provided in article [35\(2\)\(c\)](#).

(3) The Head of School shall review the implementation of the school development plan on an annual basis.

College Development Plan

19. (1) The college development plan shall seek to secure synergy among the schools forming part of the College and that national policies on matters of education are followed and implemented. The college development plan is to include a business plan for the different schools forming part of the college.

(2) The college development plan shall be for a three year period. It shall be prepared by the College Principal together with the heads of the schools forming part of the College, and the College Board.

(3) The College Principal shall review the implementation of the college development plan on an annual basis.

Functions of State Schools and Colleges.

20. (1) In addition to the duties of schools in article [9](#), it shall be the function of each State School:

- (a) to identify and offer diverse learning and educational pathways to address the diverse needs of students;
- (b) to promote contact with child care centres to facilitate the smooth transition between early childhood and the entry into kindergarten centres and schools;
- (c) to ensure that the national policy on inclusive education is being applied and that there are available the resources, tools and facilities required; and

(d) to ensure the prompt and effective implementation of such other functions as may be assigned by the Minister from time to time.

(2) It shall be the function of each State College:

(a) to ensure networking and coordination among the schools forming part of the College;

(b) to facilitate the implementation of the duties of the State set out in article 4;

(c) to ensure collaboration with State Schools pertaining to other Colleges;

(d) to establish association agreements with other institutions and organisations which are conducive to learning in its broadest sense and which may assist to equip students with the knowledge, skills, competencies and values required for active citizenship, employability and entrepreneurship;

(e) to ensure the prompt and effective implementation of such other function as may be assigned by the Minister from time to time.

Heads of School and College Principals

21. (1) Every State School shall have a Head of School who shall be responsible for decisions concerning educational matters within the school and report to the College Principal.

(2) Every State College shall have a Principal who shall be responsible to the Director General who is assigned the general responsibility for state schools as regards the performance of his functions.

(3) College Principals shall be appointed by the Minister on the basis of a definitive and renewable contract, with a selection process, following a public call made by the Department of Education, and for which there may apply persons having the required professional qualifications, educational experience, and managerial and leadership skills.

Functions of the Head of School

22. (1) It shall be the duty of every Head of School to ensure that the functions of the school as provided for in Articles [9](#) and [20\(1\)](#) are being accomplished. The core role of the Head of School shall be to:

(a) promote and pursue the mission of the school in providing a high quality education for all students;

(b) provide strategic leadership and direction to school staff and the overall day-to-day management of the school;

- (c) assume a leading role in organizing and coordinating all activities related to curriculum delivery and development; and
- (d) perform such other function as may be assigned by the Minister from time to time.

(2) Amongst other functions the Head of School shall in particular:

- (a) keep abreast with and ensure that national policies on matters of education and school policies are followed and implemented;
- (b) act as a leader in the implementation of the curriculum;
- (c) draw up and implement the School Development Plan together with the senior management and educators of the school and in consultation with learners, parents and the local civil community;
- (d) take decisions about the emotional and behavioural difficulties manifested by students, including those to provide for the services and the resources required, for the establishment of nurture groups and learning support zones in the schools, for the transfer of students from the class and the school to these zones and to learning support centres, resource centres or other educational placements available within the College or across Colleges after consultation with the Department;
- (e) formulate school rules to maintain internal order and discipline within the school, including provisions for the suspension and the exclusion of students from the class and the school as part of a process of discipline and their reintegration within the parameters of national policy;
- (f) ensure and promote good conduct in the school, inclusive education, the prevention of child and substance abuse, the safeguard of learners from violence, bullying and harassment, and the prevention of absenteeism;
- (g) ensure that a mentor system for the school is in place;
- (h) identify and facilitate the training needs of school staff and plan staff development opportunities;
- (i) enable parents to become partners and active collaborators in the education of their children at school and promote lifelong learning among both parents and the local civil community generally;
- (j) prepare a business plan for three years as well as the annual estimates of the school and apportion the funds allocated by the Department of Education according to the needs of the school as indicated in the estimates;

- (k) regularly present reports on the activity of the school and provide the necessary data to the Department of Education and the Council of Heads of Schools;
- (l) ensure the proper implementation any other function that may be assigned to State Schools from time to time; and
- (m) perform such other function as may be assigned by the Minister or the Department from time to time.

Functions of the College Principal

23. (1) It shall be the duty of every College Principal to ensure that the functions of the College as provided for in article [20\(2\)](#) are being accomplished. The core role of the College Principal shall be to coordinate, facilitate and promote:

- (a) cooperation and collaboration in all educational spheres among the schools within the College, thereby allowing synergy to take place;
- (b) networking among all educators to share, improve and enhance good practices and thereby strengthen collegiality;
- (c) opportunities for continued professional training and development of all educators;
- (d) outreach initiatives that make possible synergies with the community (social, civil, and economic).

(2) The College Principal shall in particular

- (a) ensure that quality and standards are being maintained within the schools forming part of the College;
- (b) advise and support Heads in the overall management, administration and conduct of schools;
- (c) serve as mentor to Heads of School within the College;
- (d) coordinate the provision of student and education personnel support services across the College;
- (e) preside over the meetings of the Council of Heads of School forming part of the College and in the drawing up of the Council agenda he should give due consideration to the proposals of the Heads of school;
- (i) perform such other function as may be assigned to the College Principal by the Minister from time to time.

The College Board

24. (1) Every College shall have a Board which shall be composed of the College Principal and not less than five, but not more than seven other members appointed by the Minister. The Minister shall appoint one of the members, as President. The members of the Board appointed by the Minister shall be appointed for three years provided that when the term of office of a member expires he may be reappointed for a further term or terms.

(2) The Minister shall appoint the members of the Board from among persons who in his opinion may give a valid contribution to the College and in making such appointments he should seek to ensure a balanced mix of skills and experiences from the civil, social and business community.

(3) The College Board shall oversee the implementation of the College Development Plan, support the College, to acquire the services and the resources required for the implementation of its functions, and establish collaboration between the College and the civil community.

Partnership with non-State Schools

25. (1) State Schools shall seek to create partnerships with non-State colleges or schools in Malta and in other countries and may conclude agreements of collaboration in favour of the education of students.

(2) Such partnership agreements shall provide for opportunities of collaboration, the use and sharing of resources, and exchanges of experience, good practice and educational programmes.

Use of school premises for learning, cultural or other activities

26. (1) The Head of School may enter into agreements of a limited duration with third parties, for such consideration as he deems appropriate, for the use of the premises and facilities of State Schools, or part thereof, as learning centres, or centres for the pursuit of activities of physical exercise and sports education, or for cultural activities of arts, music and drama, or for such other similar activities as the Head of School considers appropriate from time to time, provided that

(a) such activities shall not cause interference with teaching and education of the students of State Schools; and

(b) priority shall always be given to the use of State Schools by the Government for such activities as the government considers appropriate.

(2) The Head of School shall not enter into any agreement as is referred to in sub-article (1) without the prior authorisation in writing of the Director General with general responsibility for educational services.

(3) Where authorisation is granted as provided in subarticle (2), the provisions of the Disposal of Government Land Act shall not apply: Provided that the agreement shall not confer any real rights to third parties.

(4) Any income obtained from an agreement as is referred to in subarticle (1) shall belong to the school.

(5) The Minister may give such directives or issue such regulations as he considers appropriate in connection with the use of the premises and facilities of State Schools by third parties, including the conditions under which rights of use may be granted, and the use which is to be made of any proceeds generated by a school from the agreements referred to in subarticle (1).

School Council and Students' Council

27. (1) Every State School, whether it is a school forming part of a College or not, shall have a School Council which shall be composed of parents and educators, and a Students' Council which shall be composed and selected and which shall have the functions, duties, powers and procedures such as the Minister may from time to time establish by means of regulations.

Good behaviour and discipline in schools

28. (1) Subject to the provisions of this Act, the Head of School and the teaching and non-teaching staff of a school, including whosoever directly or indirectly is involved in the educational process of students in the school, shall be responsible to ensure the maintenance of good behaviour by the students and for the keeping of discipline in the school.

(2) The Minister may, from time to time, issue such regulations, policies or directives as he considers appropriate, including a code of discipline, to ensure that good behaviour and discipline is maintained in State Schools. Such regulations, policies or directives may also make provision for the suspension and the exclusion of students from the class and the school as part of a process of discipline and reintegration, for the means of making an appeal and for the reconsideration of decisions on discipline taken by competent authorities, for the implementation by schools of the code of discipline, and for any other matter ancillary thereto as may be required.

(3) Subject to the provisions of this Act or of any other law, the regulations and the code of discipline mentioned in the preceding sub-article hereof may include provisions about the conduct and the discipline required from educators, other school staff, parents and visitors to a school.

(4) In line with applicable policies and codes of behaviour a student may be kept in detention.

(5) Where a student's behaviour is violent or aggressive and endangers his own safety or that of another student or a person working at the school, a teacher or other person working in the school may take such measures which are reasonable, proportionate and necessary in the circumstances to avert such danger in accordance with applicable policies and codes of behaviour. The Department shall endeavour to provide the school staff with the relevant training for this purpose.

Children who are hard to reach

29. (1) The Minister may make regulations and policies and give directives, as he deems appropriate to reach out to all children entitled to attend school, including for the establishment of alternative learning programmes, nurture groups and learning support zones in the school and of learning support centres and resource centres outside the school, for the transfer of students from the class and the school to these zones and centres, and for any other matter ancillary thereto as may be required.

(2) The Minister may make regulations and policies and give directives as may in his opinion be required to provide students with individual educational needs, including the multi-disciplinary assessment of their condition, the process of statementing, the formulating and the application of an individual educational programme, special arrangements on the assessment, tests and examinations of concerned students, the programmes in resource centres, the application of therapies or the giving of medicines as prescribed by competent professional persons according to any law in force to students while at a school or centre, means for the reconsideration of and appeals from decisions on an application for the statementing of a student, and on any other matter ancillary thereto as may be required.

Teaching of the catholic religion and of philosophy of life and ethics in State schools

30. (1) The State shall make provision for the education and teaching of the catholic religion in State schools for those students whose parents have chosen to instruct the children in such religion and to establish the *curriculum* for the education and teaching of this religion in those schools according to the dispositions in this regard of the Bishops in Ordinary of these Islands.

(2) The State shall make provision for the education and teaching of philosophy of life and ethics for those students whose parents have chosen not to instruct their children in the catholic religion.

PART IV

HOME SCHOOLING

31. (1) It shall be lawful for a parent of a minor of compulsory school age to apply to the Commission for General Education to provide home schooling to the minor.

(2) An application to provide home schooling to a minor may only be made and considered in the following cases:

- (a) minors who are temporarily or permanently in poor health or have a serious illness or a serious condition and who cannot otherwise attend school; or
- (b) minors whose parents are only temporarily working or temporarily residing in Malta; or
- (c) minors whose parents have diverse philosophies to those provided by state or non-state schools: Provided that the application for home schooling is not made on racist or similar grounds, or for reasons which the Commission does not consider to be proper taking into account the circumstances; and,
- (d) in each of the above cases, home schooling is considered to be in the best interest of the minor taking into account the circumstances and situation of the minor and his family.

33. (1) Where the Commission is of the opinion that the necessary conditions for the provision of home schooling to a minor have been satisfied it shall authorise the parent of the minor to provide home schooling to the minor at the parent's expense and subject to such conditions as it may deem appropriate in the best interests of the minor.

(2) A parent who causes his minor child to follow a home schooling programme in accordance with all the conditions imposed by the Commission shall be deemed to have satisfied his obligations under [article 6](#) of the Act.

34. The Minister may, after consultation with the Commission, make regulations:

- (a) to provide generally for the regulation of home schooling;
- (b) to make provisions for the granting of authorisation to provide home schooling programmes;
- (c) to establish criteria on the qualification and authorisation of home educators and for the withdrawal of such authorisation;
- (d) for the accreditation of home schooling programmes;
- (e) to establish penalties for breach of the provisions of this Part of the Act or any regulations made in terms of this article;

- (f) to establish for fees to be paid by applicants in respect of any applications made under this Part of the Act or any regulations made in terms of this article;
- (g) for any incidental and supplementary matter which the Minister considers expedient to provide for, for the effective implementation of this Part of this Act;
- (h) to provide for any matter which is not inconsistent with the provisions of this Act and to give better effect to any of such provisions.

PART V

Educational Entities

Establishment of Entities

35. Without prejudice to the provisions of this Act or of some other law, the Prime Minister may by Order in the Gazette establish other entities, including those agencies, directorates, departments or other educational institutions as he may deem necessary for the better quality and provision of education and training services in the country, and the Prime Minister may also by an Order in the Gazette constitute any entity established under this Act as a body corporate with its own juridical and distinct personality, and the Prime Minister shall in such a case, by means of regulations, provide for any matter that may be necessary for the effective management of the entity mentioned in the relative Order.

Staff appointments

36. (1) Subject to the provisions of the Constitution and of any other enactment applicable hereto, including this Act, any entity, acting with the concurrence of the Minister, may appoint and employ such officials and other employees which may from time to time be required for the due and efficient performance of its functions.

(2) Such appointment and employment of the said officials and employees shall be effected with such remuneration and upon such terms and conditions as the entity may, in concurrence with the Minister, from time to time, determine.

Status of public officers detailed for duty with an entity

37. (1) The Prime Minister may, at the request of any entity made with the concurrence of the Minister, from time to time direct that any public officer be detailed for duty with an entity in such capacity and with effect from such date and for such duration as may be specified in the Prime Minister's direction.

(2) The period during which an order, as herebefore mentioned, shall apply in regard of an officer specified therein, unless the officer retires from public service or otherwise does not remain in office as from an earlier date, shall be such as may be specified in the order, unless such order is previously revoked by the Prime Minister.

(3) Where any officer is detailed for duty with an entity according to the provisions of this article, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the entity, but he shall for other intents and purposes remain and be considered and treated as a public officer.

(4) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid –

(a) shall not during the time in respect of which he is so detailed –

i.) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

be so employed that his remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the entity; and

(b) shall be entitled to have his service with the entity considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and liable to any liability to which he would be liable, but for the fact of his being detailed for duty with an entity.

(5) Where an application is made as provided in subarticle (4)(a)(i), the same consideration shall be given thereto as if the applicant had not been detailed for service with the entity.

(6) The entity shall pay to the Government, where applicable, such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the entity as aforesaid during the period in which he is so detailed.

Offer of permanent employment to public officers detailed for duty with the entities

38. (1) An entity may, with the approval of the Prime Minister, offer to any officer detailed for duty with the said entity under the provision of article [37](#) permanent employment with the entity at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister, offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the entity, offered to him under the provisions of subarticle (1), shall for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the entity on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the entity shall be deemed to be service with the Government within the meanings thereof respectively.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the entity was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the entity were service with the Government.

(5) The entity shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the entity as aforesaid during the period commencing on the date of such officer's acceptance.

(6) For the purpose of the Pensions Ordinance the pensionable emoluments of such public officer on retirement shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post and incremental level at which the officer retires from the entity.

(7) (a) For the purposes of this article posts and salary grades with the entity shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

i) The classification referred to in paragraph (a) shall be carried out by a Board composed of a Chairperson appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the entity concerned. The classification shall be subject to the final approval of the Minister responsible for finance.

ii) Such classification shall take place within three months of any adjustment of salaries of employees in Government service and, or of employees of an entity.

(b) No post shall be classified in a grade higher than that of a Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(c) Without prejudice to the provisions of article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification.

Entities to meet expenditure out of revenue

39. (1) Without prejudice to the following provisions of this article, every entity shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as possible and practicable, be met out of its revenue.

(2) In case an entity registers any excess of revenue over expenditure, this excess shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the entity to the formation of reserve funds to be used for the purposes of the functions of the entity.

(3) Any funds of an entity not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

Advances from Government

40. The Minister responsible for finance may, after consultation with the Minister, make advances to the entity of such sums as he may agree to be required by the entity for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as he may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant under his hand authorising the Accountant General to make such advance.

Power to borrow or raise capital

41. (1) For the purpose of carrying out any of its functions under this Act, the entity may, with the approval in writing of the Minister, given after consultation with the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, and under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) An entity may also, from time to time, borrow, by way of overdraft or otherwise, such sums as it may require by way of working capital for carrying out its functions under this Act:

Provided that for any facility in an amount exceeding sixty nine thousand and eight hundred and eighty-one euro and twenty cents (€69,881.20), there shall be required the approval of the Minister in writing.

Borrowing from Government

42. (1) The Minister responsible for finance may, for any requirements of an entity of a capital nature, contract or raise loans, or incur liabilities, for such periods and on such terms and conditions as he may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

(2) Notice of any loans, liabilities or advances made or incurred under the foregoing provisions of this article shall be given to the House of Representatives as soon as practicable.

(3) Pending the raising of any such loan as is mentioned in subarticle (1), or for the purpose of providing the entity with working capital, the Minister responsible for finance

may, by warrant under his hand, and without further appropriation other than this Act, authorise the Accountant General to make advances to the entity out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to an entity, and any other moneys to be advanced to an entity under this article, shall be paid into a fund specially established for the purpose.

(5) Sums received by the Accountant General from an entity in respect of advances made to the entity under this article, shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects amounts received by way of interest into the Consolidated Fund.

Estimates of entity

43. (1) An entity shall cause to be prepared in every financial year, and shall not later than the end of September of each such year adopt, estimates of the income and expenditure of the entity for the next following financial year:

Provided that the estimates for the first financial year of each entity shall be prepared and adopted within such time as the Minister may by notice in writing to the entity specify.

(2) In the preparation of such estimates the entity shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and the entity shall so prepare the said estimates as to ensure that the total revenues of the entity are at least sufficient to meet all sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made out in such form and shall contain such information and such comparison with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the entity, be sent forthwith by the entity to the Minister and to the Minister responsible for finance. The Minister shall at the earliest opportunity and not later than six weeks after he has received a copy of the estimates from the entity, after consultation with the Minister responsible for finance, approve the same with or without amendment. The Minister shall as soon as practicable cause the total amount of these approved estimates to form an integral part of the Government General Estimates.

Expenditure to be according to approved estimates

44. (1) No expenditure shall be made or incurred by an entity unless provision therefor has been made in the estimates approved as provided in article [43](#).

(2) Notwithstanding the provisions of subarticle (1) -

- (a) until the expiry of six months from the beginning of a financial year, or until the approval of the estimates for that year by the Minister, whichever is the earlier date, the entity may make or incur expenditure for carrying on its functions under this Act not exceeding in the aggregate one-half of the amount approved by the Minister for the preceding financial year;
- (b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister given after consultation with the Minister responsible for finance, be made or incurred in respect of another head or sub-head of the estimates;
- (c) in respect of the first financial year, the entity may make or incur expenditure not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;
- (d) if in respect of any financial year it is found that the amount approved by the Minister is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the entity may adopt supplementary estimates for approval by the Minister, and in any such case the provisions of this Act applicable to the estimates shall as near as practicable apply to the supplementary estimates.

Accounts and audit

45. (1) The entity shall cause to be kept proper accounts and other records in respect of its operations, and shall cause to be prepared a statement of accounts in respect of each financial year.

(2) The accounts of the entity shall be audited by an auditor or auditors to be appointed by the entity and approved by the Minister:

Provided that the Minister responsible for finance may, after consultation with the Minister, require the books and accounts of every entity to be audited or examined by the Auditor General who shall for the purpose have the power to carry out such physical checking and other verifications as he may deem necessary.

(3) After the end of each financial year, and not later than the date on which the estimates of the entity are forwarded to the Minister under article [43\(4\)](#), each entity shall cause a copy of the statement of account duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditor or auditors on that statement or on the accounts of the entity.

(4) The Minister shall, as soon as practicable, cause a copy of every such statement and report to be laid on the Table of the House of Representatives.

Deposit of revenues and payment by the entity

46. (1) All monies accruing to the entity shall be paid into a bank or banks appointed as bankers by the entity with the approval of the Minister. Such monies shall, as far as practicable, be paid into any such banks from day to day, except for such sum as the entity may authorise to be retained to meet petty disbursements and immediate cash payments.

(2) All payments out of the funds of the entity, other than petty disbursements not exceeding a sum as from time to time may be fixed by the entity, shall be made by such officer or officers of the entity as the entity shall appoint or designate for that purpose.

(3) Cheques against and withdrawals from any bank account of the entity shall be signed by such officer of the entity as may be appointed or designated by the entity for that purpose and shall be countersigned by such other member or officer of the entity as may be authorised by the entity for that purpose.

(4) Each entity shall also make provision with respect to:

- (a) the manner in which and the officer or officers by whom payments are to be authorised or approved;
- (b) the title of any account held with the bank or banks into which the monies of the entity are to be paid, and the transfer of funds from one account to the other;
- (c) the method to be adopted in making payments out of funds of the entity and generally with respect to any matter which is relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the entity.

Contracts of supply or work

47. No entity shall, except with the approval of the Minister granted for special reasons and after consultation with the Minister responsible for finance, award or enter into any contract for the supply of goods or materials or for the execution of works, or for the rendering of services, to or for the benefit of the entity, which is estimated by the entity to exceed six thousand and nine hundred and eighty-eight euro and twelve cents (€6,988.12) in value, or such other amount as the Minister responsible for finance may by regulations under this article prescribe, except after notice of the intention of the entity to enter into the contract has been published and competitive tenders have been issued.

PART VI
Offences and Penalties

Employment of minors

48 (1) No person may employ a minor of compulsory school age or otherwise bound to regularly attend school under the provisions of this Act without the written permission of the Department of Education.

(2) The Department may give its permission under subarticle (1) when, having made the necessary investigations, it is of the opinion that there are sufficient reasons to justify the exemption provided that the employment of the minor would not be of harm to the health or normal development of that minor.

(3) When giving its permission in accordance with subarticle (2), the Department may impose such conditions requiring the minor to attend such alternative educational or training programmes as may be prescribed, and any such permission shall be considered immediately withdrawn if any of the conditions imposed in such permission are not observed.

(4) The Department referred to in this article may approve work experience and training programmes which, when so approved, shall not be deemed to constitute employment for the purposes of this article.

Offences committed by parents

49. (1) Any parent of a minor who -

(a) fails to register that minor in a State school or in a licensed school under for the first scholastic year starting when he is of compulsory school age or fails to ensure that the minor is so registered at all times for every scholastic year during the whole period that the minor is of compulsory school age or fails to cause that minor to continue to be so registered up to the end of the scholastic year during which the minor ceases to be of compulsory school age or up to the end of such further period as the Minister may by regulations prescribe; or

(b) fails to ensure, without a good and sufficient cause, that the minor attends school regularly on each scholastic day during such period that the minor is of compulsory school age and up to the end of the scholastic year during which the minor ceases to be of compulsory school age and up to the end of such further period as the Minister may by regulations prescribe; or

(c) fails to abide by a decision of the Board for Educational Matters;

shall be guilty of an offence and shall, on conviction, be liable to the punishments established for contraventions and to a fine (*ammenda*) for each day during which the offence continues in the case of a continuing offence:

Provided that no criminal proceedings for an offence under paragraph (b) of this sub-article shall be taken unless the parent, within three days from the date he receives a notice from the Department of Education requesting him to explain the absence of the minor from school, fails to give a good and sufficient explanation.

(2) In the case of a second or subsequent conviction for an offence committed by any parent against the provisions of article 49 (1), the Civil Court (Voluntary Jurisdiction) may, upon an application by the Department of Education, give any direction or order it may deem fit in the circumstances, and may even, if the circumstances so warrant, deprive that parent of his authority, whether "*de jure*" or "*de facto*", over the minor and may appoint a tutor for that minor.

Offences in relation to the employment of a minor

50. Any person who contravenes the provisions of article [48\(1\)](#) shall be guilty of an offence and shall, on conviction, be liable to the punishments established for contraventions and to a fine (*ammenda*) for every day of employment of the minor.

PART VII
Miscellaneous

The Board for Educational Matters

51. (1) There shall be a Board to be known as the Board for Educational Matters with the functions and duties set out in [article 8](#) of this Act and any such further function as the Minister may assign to it by Regulations.

(2) The Board shall be appointed by the Minister and shall be composed of not less than three

(3) but not more than five (5) members including a chairperson who in the opinion of the Minister have adequate knowledge on matters related to the education of children. The chairperson shall be a person who is eligible to be appointed a magistrate. One of the members of the Board shall be a psychologist and another shall be an educational officer.

(4) The members of the Board shall be appointed for three (3) years but when such term expires they may be reappointed.

(5) Any member of the Board may be removed from office by the Minister on grounds of inability to perform the functions of the office, professional misconduct or misbehaviour.

(6) Subject to the provisions of this Part and to any regulations made hereunder, the Board shall regulate its own procedure.

(7) The Board shall have the power to appoint any expert as may be required in particular cases.

(8) Any decision of the Board shall be taken by a majority of votes; however in the case of an equality of votes, the Chairperson shall have a casting vote.

(9) Decisions of the Board shall be in writing and shall be communicated to all involved parties.

(10) The Minister shall designate an officer of the Department to act as Secretary to the Board. The Secretary to the Board shall have no vote.

(11) There shall be no need of legal assistance to appear before the Board and the Board shall operate in such a manner as not to make legal assistance necessary.

(12) Where the Department or the parent of a minor feels aggrieved by the decision of the Board an appeal may be lodged to the Administrative Review Tribunal within twenty-one days of the decision given by the Board in accordance with the provisions of the Administrative Justice Act and any applicable regulations made thereunder.

(13) Notwithstanding that an appeal has been instituted in accordance with the provisions of the preceding sub article, the decision of the Board shall be executed pending the final

decision of any appeal that may be made from the decision of the Administrative Review Tribunal.

Registrar of Examinations

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

- (a) the conduct of any examinations on behalf of providers of further or higher education 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 requested by the Minister .

Gratuity teaching and subsidy in certain cases

53. (1) In State schools and public providers of further or higher education all teaching shall be given to Maltese citizens without any fee being charged. So as to ensure the full exercise of choice of school by parents, the State shall, through agreements of subsidy of non-State schools, when such are of a non profit-making character, in accordance with the availability of public funds, provide gradually for the same gratuity of teaching in such schools as is afforded to students in State schools.

(2) The Minister may by regulations prescribe the fees to be charged for examinations and special courses and the fees to be paid by students who are not Maltese citizens:

Provided that the Minister may exempt any person from the payment of those fees:

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.

(3) The Minister may determine rates of stipends payable to students who continue with their education after having completed their secondary education and may impose conditions for the payment of such stipends.

(4) The Minister may by regulations order that no fees shall be charged for the teaching of Maltese citizens in schools other than State schools and of a non profit-making character provided that in such a case the Minister shall before making such an order ensure that the schools to which the order applies shall be in a position to continue to provide their services and shall supplement from public funds the financial means of those schools where, following investigations conducted together with those schools, such necessity arises.

(5) Without prejudice to sub-article (4), the Minister may by regulations determine the maximum fees which may be charged for the teaching of Maltese citizens in schools other than State schools and the maximum fees so determined may be different for different schools or for different levels or sectors of schools other than State schools:

Provided that in making such regulations the Minister shall ensure on the basis of an objective assessment of the schools to which the regulations apply that these shall be in a position to continue to provide their services and for this purpose the Minister shall, if necessary, supplement the financial means of those schools through public funds.

Persons considered to be public officers

54. For the purposes of the Criminal Code and of any provision relating to a criminal offence, the members of the Department, any Board, Directorate, College, Committee, Commission, Council and any officer or employee of any entity, shall be considered and be treated as public officers.

Relations with the Minister

55. (1) The Minister may, from time to time give to any of the entities or to any of its officers or employees such directives and orders, not being inconsistent with the provisions of this Act, as the Minister may deem opportune with regard to the policy that has to be followed by them and to the operation and implementation of their functions, and on any other matter which appears to the Minister to be connected with the education, and the entity, officer or employee concerned shall, as much as possible without delay, comply with and act in accordance with these directives and orders and shall conduct their functioning in accordance with these principles.

(2) Every entity shall give the Minister all required facilities so that he may obtain all information connected with their affairs and activities of any entity, officer or employee, and for this purpose they shall supply the Minister with returns, bills and any other information connected thereto, or with their functions, and give him all required facilities

to audit all given information, in such manner and within such times as the Minister may reasonably require.

Power to make regulations

56. The Minister may, subject to the provisions of this Act, make regulations to give effect to any of the provisions of this Act, or to regulate or otherwise provide about anything in respect of the functions and the activities which affect education according to this Act, and may in particular, but without prejudice to the generality of the aforesaid, make regulations for any of the following purposes:

- (a) subject to the provisions of the Constitution or of any other law which may be applicable, provide for any matter as may be necessary, including advertisements, the process of applications, selection boards, interviews, examinations, the assessment and evaluation of candidates, publication of results, connected with the process of appointment or promotion or assignment of position to any officer and employee of an entity, and to acquire such necessary data for the records of the staff of the entities;
- (b) to provide for the appointment, conditions of employment, duties and powers of teachers, officers and employees of the entities, and also of officers and employees of a Department or other agency who may have functions by any other law which regard the health and the treatment of children and students, including provisions to empower each one of such officers to visit children at their homes and to examine them or to make other investigations:

Provided that in regulations relating to officers and employees of a Department or agency falling under the responsibility of another Minister, the Minister shall make such regulations with the approval of such other Minister;

- (c) to better provide for the duties and functions of Heads, officers and employees and for the assignment of duties in a place or an entity according to their grade or position and for their transfer from one place to another within an entity;
- (d) to require the parents to give to the Minister, the Directors General, and to each Director, Principal, Head of school, officer or employee of any entity, as duly authorised by the Minister or by the Directors General, or by a Principal such data about their children as is necessary for the due performance of the functions and the duties of each entity and its officers, including such data as may be specified in the regulations;
- (d) to establish, communicate and require the execution of a National Curriculum Framework of studies subject to the specific religious nature of any school;

- (e) to establish the qualifications of professional persons, officers and other employees of the entities and schools, the curricula, terms, school days and times, students' uniforms, parents' days, the national minimum conditions of schools, and any other matter connected with or incidental to the implementation of the functions or to the operation and administration of entities and of State schools and to the discipline to be kept thereat;
- (f) to establish any fee and payment which may be due by or under this Act, or for the services given in compliance with the provisions of this Act;
- (g) to give direction for the better practice of any profession related to education, including initial training and continuous professional development of officials and employees of entities and to establish benchmarks, standards and assures quality, including internal quality assurance and external auditing processes, in institutions, schools and educational entities;
- (h) to provide about any form or procedure which may be required or expedient and about which there would be no specific procedure in this Act;
- (i) to establish rules by means of which the Government may give effect to international conventions relating to education and which has already been ratified by the Government of Malta or in order to achieve compliance with every international obligation pertaining to the Government of Malta or with European Union Directives on any matter or field concerning education and training;
- (j) to establish, unless otherwise provided in this Act or in any other law, a statute and rules to regulate the mission, scope, functions, powers and duties, financial accountability or otherwise, and any other procedure which has to be followed, performed and observed by any entity, Committee or Council established by or under this Act;
- (k) to afford, subject also to the provisions of any other law, to a person aggrieved by the decision of any entity, or anybody or organisation established under this Act, means and procedures either to lodge its complaints and aggravation about a decision or to contest or appeal from such a decision and to be so satisfied if its aggravation is upheld;
- (l) to regulate the meetings of any entity, board, or committee, including procedures relating to a quorum, making decisions by means of voting, keeping of minutes and any other matter ancillary thereto;
- (m) to provide on any incidental or supplementary matter, including the power of entry and inspection of any premises or place where instruction and teaching take place or may take place in accordance with this Act, as the Minister may deem expedient for the enforcement of any provision of this Act and regulations made thereunder or to give greater effect thereto;

- (n) to establish anything which is due to be or may be established under this Act and to provide on any other matter as may be deemed to be appropriate;
- (o) to establish the fines for any contravention or breach of any provision of regulations made under this Act, or for non-compliance with any provision or any requirement imposed under such provision:

Provided that regulations made under this article may provide differently for different aims or circumstances, for different classes or kinds of schools, and for different classes of learners;

- (p) to make provision on any matter related to the mutual recognition of professions;
- (q) to better regulate the operation and the provision of services in the Colleges and schools, including all matters concerning personnel, equipment, building, management, the use of school premises after normal school hours, partnerships between Colleges and State schools, and non-State schools and international exchanges, and participation in EU programmes;
- (r) to provide processes of licensing, accreditation, quality assurance and recognition;
- (s) 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;
- (t) to provide for any matter relating to the teaching of English as a foreign language;
- (u) 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 -

(i) 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;

(ii) 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 Organisation and Civil Procedure

FIRST SCHEDULE

Directorates of the Department of Education

Directorate for Educational Services

Directorate for Operations

SECOND SCHEDULE

State Schools