CHAPTER 606

TEACHING AND ALLIED PROFESSIONS ACT

AN ACT to regulate the professions in Education.

(Not yet in force)

ACT XXX of 2019.

Short title and commencement.

1. (1) The short title of this Act is the Teaching and Allied Professions Act.

(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 and different purposes of the Act.

Interpretation.

2. In this Act unless the contents otherwise requires:

"adaptation period" means a period during which a person may exercise the work of an educator in Malta under supervision in a licensed school, or in any other manner as the Council may decide, which period may include the provision of such further training to such person, as may be required by the Council;

"allied professions", for the purposes of this Act, means kindergarten educators and learning support educators in possession of a warrant, or a licence or a temporary licence;

"Council" means the Council for the Teaching and Allied Professions established by article 3;

"ECTS" means the European Credit Transfer System;

"ECVET" means the European Credits in Vocational Education and Training;

"educator", for the purposes of this Act, means a person in possession of a teachers' or a kindergarten educator or a learning support educator warrant; or a temporary teachers' or a kindergarten educator or a learning support educator warrant; or a temporary specialised licence or kindergarten educator or learning support educator licence; or a temporary kindergarten educator or a temporary learning support licence, as the case may be;

"electoral commission" means the commission established by article 4(1)(n);

"kindergarten educator", for the purposes of this Act, means

any person responsible for the education and care of children from three (3) to five (5) years of age;

"learning support educator", for the purposes of this Act, means any person providing direct and timely assistance to students with individual needs in classrooms and their teachers;

"licence" means a licence issued under the provisions of articles 13 and 14;

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"licensed school" means a school licensed under the provisions under the Education Act;

"Malta Qualifications Framework" shall have the same meaning as that given to it in the Malta Qualifications Framework for Lifelong Learning Regulations;

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"Minister" means the Minister responsible for education in Malta;

"prescribe" means prescribe by regulations made under this Act;

"professional and ethical standards" includes standards relating to the general conduct of an educator, including the behaviour of such member towards his students, during or consequential to the exercise of his job, and behaviour of such member towards other educators and towards society;

"qualification" means the attainment of a level of knowledge and skill that makes a person suitable to do a particular employment or activity and must meet the conditions of the Malta Qualifications Framework, or of international qualification structures recognised by the industry;

"teacher" means a person trained in the science of the educational process and in the use of the pedagogical skills in such manner that such person has the skill to create an environment which motivates every student and succeeds to teach such student effectively by motivating his aspirations for the highest values in life and 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 with the final aim that the student is trained to become a life long learner:

Provided that, for the purposes of this Act, and insofar as not otherwise provided in any other law, "teacher" does not include a kindergarten or learning support educator, a teacher in a school teaching a language as a foreign language, or any person who renders a teaching service in cultural, sport and religious sectors, insofar as this teaching is not being imparted as an integral part of compulsory education in terms of the curriculum in a licensed school:

Provided further that a teacher in possession of a Degree of Bachelor of Education in Early Childhood and Care teaching at kindergarten level shall be considered as a teacher for all intents and purposes of the law;

"temporary licence" means a temporary licence issued under article 15;

"temporary warrant" means a temporary warrant issued under article 15;

"to practise", in relation to the profession of an educator, includes the taking up or pursuit of the work of a teacher, kindergarten educator or learning support educator, as the case may be, in Malta, at compulsory education or at kindergarten level as bound by the curriculum or by any other programme approved by the Minister in a licensed school.

Council for the Teaching and Allied Professions.

3. (1) There shall be a Council, to be known as the Council for the Teaching and Allied Professions, which shall be composed of the following members:

(a) a President, to be appointed by the Minister, who has served, or who has the qualifications to serve, as a magistrate or as a judge;

(b) four (4) registered educators who have practised the profession of teacher for not less than eight (8) years, appointed by the Minister, two (2) of whom shall represent the State school sector and will be chosen in respect of one (1) of them from among the officials of the Commission and the other from among the officials of the Division of Education established under the Education Act; Cap. 605.

(c) four (4) practising registered teachers who have been practising the profession of teacher for not less than eight (8) years, elected by and from among all registered teachers, provided that two (2) of whom shall be teaching at the primary level and the other two (2) at the secondary and, or middle level of education, and in either case one (1) shall be teaching in the State school sector and the other in the non-State school sector, and for the purposes of this paragraph the voting for the election of these members shall be according to those procedures as may be prescribed;

(d) two (2) registered educators from among registered educators who have practised as educators for not less than eight (8) years, nominated by the trade union representing the majority of educators;

(e) one (1) practising kindergarten educator who has

practised this profession for not less than eight (8) years, elected by and from among all registered kindergarten educators, provided that, for the purposes of this paragraph, the voting for the election of such member shall be according to those procedures as may be prescribed:

Provided that in relation to the first appointment, "kindergarten educator" means any person who is qualified to be so registered under this Act;

(f) one (1) practising learning support educator who has practised the work of a learning support educator for not less than eight (8) years, elected by and from among all registered learning support educators and, for the purposes of this paragraph, the voting for the election of such member shall be according to those procedures as may be prescribed:

Provided that in relation to the first appointment, "learning support educator" means any person who is qualified to be so registered under this Act;

(g) two (2) members nominated by the University of Malta from among the permanent academic staff of the Faculty of Education;

(h) one (1) member nominated by the Malta College for Arts, Science and Technology from among the permanent academic staff of the College having responsibility for educational matters;

(i) one (1) member nominated by the Institute for Education; and

(j) a parent nominated by the parents' associations.

(2) The nominations made in terms of sub-article (1) shall, for the first time, be made within two (2) weeks from a request in writing made therefor by the Minister, and for any subsequent nomination, within one (1) month from the occurrence of any vacancy or, when the vacancy arises due to the expiry of the term of office, within one(1) month prior to the said expiry. In the absence of any such nomination, the Minister shall make the appointment from among teachers or parents, as the case may be.

(3) On the occurrence of any vacancy of a member elected in accordance with sub-article (1)(c), (e) and (f), 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.

(4) The members of the Council shall hold office for a term of three (3) years.

(5) The members of the Council shall, on the expiration of their term of office, be eligible to be re-appointed.

(6) In the event that any Council member vacates his office before completing the appointed term, the person appointed in his stead shall be appointed for the remaining period of the original appointment.

(7) The Minister shall designate a public officer to act as secretary to the Council, but such secretary shall not have a vote.

Functions of the Council.

4. (1) It shall be the function of the Council to regulate the profession of educators in Malta, and in particular to:

(a) keep under review and assess education and training standards and on the fitness to educate of each person who chooses to practice a profession in education;

(b) advise the Minister in relation to the standards, proficiency, experience and qualifications required for the holding and retaining of a warrant or licence under this Act;

(c) consider applications for comparability and recognition of qualifications in education;

(d) examine applications for a warrant to practise the teaching profession and decide on the award or refusal thereof;

(e) examine applications for a warrant or licence to practise the profession of a kindergarten educator or learning support educator and decide on the award or refusal thereof;

(f) keep an official register of all registered teachers and another register of those holding a temporary warrant, and another register of those holding a temporary specialised licence, and record therein any suspension, cancellation and reinstatement of a warrant or of a temporary warrant or of a temporary specialised licence;

(g) keep an official register of all registered kindergarten educators and another register of those holding a temporary licence or a temporary warrant, and record therein any suspension, cancellation and reinstatement of a warrant or of a licence or of a temporary licence or of a temporary warrant;

(h) keep an official register of all registered learning support educators and another register of those holding a temporary licence or a temporary warrant, and record therein

any suspension, cancellation and reinstatement of a warrant or of a licence or of a temporary licence or of a temporary warrant;

(i) keep an official register of all persons conducting practical sessions in the process of obtaining the necessary qualification as teachers, kindergarten educators or learning support educators;

(j) make recommendations to the Minister, following consultation with interested stakeholders under the provisions of this Act, on the code of professional standards and ethics that may be prescribed for the professional behaviour of educators;

(k) inquire into any formal allegation of professional misconduct, gross negligence or incompetence by a warranted and, or licensed educator;

(l) advise the Minister on any matter on which the opinion of the Council is sought by the Minister;

(m) draw up and publish an annual report concerning its activities in general;

(n) establish an electoral commission to organise and administer the elections referred to in article 3(1);

(o) perform such other functions as may arise from this Act or any other law, or as may be assigned to it by the Minister.

(2) The Council shall, not later than three (3) months after the end of each year, publish in the Gazette a list of persons who on the 31st December of the said year, were registered for the first time in the registers referred to in sub-article (1)(f), (g), (h) and (i).

(3) The Council shall, in the performance of its functions, keep in consideration the public interest.

Proceedings of the Council.

5. (1) The meetings of the Council shall be summoned by the President and the Council shall meet as often as may be necessary, but at least once every month.

(2) The number of members present necessary to constitute a quorum at the meetings of the Council shall be half the members plus one, but, subject to the presence of a quorum, the Council may act notwithstanding any vacancy among its members.

(3) The President of the Council shall have both an original vote and, in the case of a tie, a casting vote.

(4) Without prejudice to the aforesaid and to what may be prescribed, the Council may make its own rules and otherwise regulate its own procedures.

(5) In the exercise of its functions under this Act, the Council may consult with such persons as it may deem appropriate; for such purpose, the Council may invite any such person to attend meetings of the Council.

(6) The Council shall keep a true and correct record of all its proceedings and the Council shall give to the Minister such information as he may require.

Decisions on applications for warrants and licences.

6. (1) The Council shall consider and take decisions on an application for a warrant or for a licence, as the case may be, to practise the teaching profession or the profession of kindergarten educator or learning support educator, as the case may be, as soon as is reasonably practicable, but not later than four (4) months from the receipt of a complete application which includes the necessary documentation; the Council shall notify the applicant of its decision, together with the reasons upon which the decision was based.

(2) Decisions of the Council on an application for a warrant or licence in accordance with sub-article (1) shall be signed by the President of the Council.

Inquiries.

7. (1) The Council shall set up boards of inquiry to inquire into cases of any formal alleged professional misconduct, gross negligence or incompetence in relation to any warranted and, or licensed educator.

(2) Any board of inquiry so set up shall be composed of the President of the Council and at least four (4) other members of the Council.

(3) For the purposes of this article, the terms "professional misconduct", "gross negligence", or "incompetence", shall include but shall not be limited to any of the following:

(a) contravention against the Code of Ethics established under this Act;

(b) failure to comply with or breach of any regulations and, or legislation, which breach, in the opinion of the Council, may impact professional standards or practice;

(c) acting in a manner which may be detrimental to the education profession;

(d) displaying lack of skill in the practice of a profession in education or in carrying out of a duty or obligation undertaken in the practice of his profession.

(4) Any person who is the subject of any inquiry carried out by the board of inquiry shall be given the opportunity to make his defence and bring any evidence in his favour and for such purpose he may be represented by a lawyer or by any other person of his choice.

(5) On finalising the inquiry, the board of inquiry shall:

(a) if it finds in favour of the person subject to the inquiry, dismiss the case; or

(b) if it finds the person subject to inquiry guilty of the formal alleged professional misconduct, gross negligence or incompetence, make a report of its findings and reasons and submit it to the Council together with its recommendations for the imposition of any of the following penalties:

(i) suspension or cancellation of the warrant or licence subject to such conditions as may be appropriate;

(ii) imposition of conditions to be attached to a warrant or licence;

(iii) order the waiver, reduction or refund of any sums claimed for any services rendered.

(6) The board of inquiry shall give reasons for its decision.

(7) (a) After having considered the recommendations and findings of the board of inquiry, the Council shall take a decision on the matter which was the subject of the inquiry. Such decision shall have the support of at least ten (10) of the Council's members.

(b) The decision of the Council shall be notified to the person who was the subject of the inquiry. A decision whereby a warrant or licence is suspended or cancelled shall also be notified, as the case may be, to the employer and the Head of School.

(8) Upon a final decision ordering the cancellation of a warrant or licence, the Council shall strike off the name of such person from the official register of teachers, kindergarten educators or learning support educators, as the case may be, and shall publish this decision on the Gazette.

(9) For the purposes of this article, the members of the board of inquiry shall have the powers that are or may be conferred under the Inquiries Act, and shall conduct their inquiry as provided for in the said Act.

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Appeals.

8. (1) Any person who feels aggrieved by the decision of the Council to refuse an application for the issuing of a warrant or licence, or where no decision has been notified to the applicant within the time established in article 6, or by any decision of the Council in cases of any alleged professional misconduct, gross negligence or incompetence, may, within twenty (20) days of the notification of the decision, appeal to the Administrative Review Tribunal in accordance with the provisions of the Administrative Justice Act and any applicable regulations made thereunder.

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(2) Notwithstanding that an appeal has been instituted in accordance with the provisions of this article, the warrant or licence 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 Act or any applicable regulations made thereunder.

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(3) (a) Without prejudice to the provisions of sub-article (2) and to any other provision of this or any other law, the Administrative Review Tribunal may, on application, order that the suspension or cancellation of the warrant or licence be revoked pending the final decision of any appeal.

(b) Where the Administrative Review Tribunal has ordered the revocation of the suspension or cancellation pending the final decision of the appeal, it may order such suspension or cancellation to be re-imposed in its final decision.

Reference to Executive Police.

9. (1) When the Council is formally notified of any case where any person practises or assumes a professional competence for which the person is not authorised under the provisions of this Act, the Council shall refer the matter to the Police for prosecution of the offence in terms of article 18(2), (3) and (4).

(2) When the Council is aware of any case where any person obtained a warrant or licence in a deceitful or fraudulent manner, the Council shall refer the matter to the Police for prosecution of the offence in terms of article 18(1).

Working groups.

10. The Council may, from amongst its members, set up any working groups which it considers necessary or appropriate to facilitate the performance of its functions under this Act.

Warrant to practise the teaching profession.

11. (1) Subject to the provisions of this Act, no person shall exercise the teaching profession against remuneration or hold himself to be professionally qualified to do so unless such person is the holder of a warrant or a specialised licence issued under this Act.

(2) A person shall not qualify for a teachers' warrant unless such person:

(a) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and

(b) is of good conduct; and

(c) has full legal capacity; and

(d) is not enlisted in the Register established under the Protection of Minors (Registration) Act; and

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(e) is in possession of a qualification at a minimum of level 6 of the Malta Qualifications Framework comprising of a minimum of at least 180 ECTS; and

(f) is in possession of a qualification in education at a minimum of level 7 of the Malta Qualifications Framework comprising of a minimum of 120 ECTS which must include:

(i) competences in educational theory and in the methodology in one or more subject areas of study available in middle, secondary and post-secondary schools or in the methodology of subjects offered in primary and, or early childhood educational settings; and

(ii) a minimum of an aggregate period of thirteen (13) weeks, or the same equivalent in the number of working days, of supervised field placement in a licensed school; and

(iii) a further research component, adequately supervised and carried out according to established research ethics' procedures, which includes a dissertation, research project or research component/s of equivalent Malta Qualifications Framework standard to which not less than 15 ECTS are assigned:

Provided that a person proving three (3) years teaching experience in a licensed school and who is in possession of a qualification in education at a minimum of level 7 of the Malta Qualifications Framework comprising of a minimum of 90 ECTS shall be deemed to satisfy the requirements of this paragraph; and

(g) satisfies the Council that he has received adequate experience in the practice of the teaching profession under supervision in a school or provider of further education as licensed by the relevant authority, or in any other manner as the Council may decide, for an aggregate period of at least two (2) scholastic years full-time or its equivalent in part-time following the completion of such degree or such other professional qualification as above-mentioned, and for the purposes of this paragraph the practice by such teacher of the

profession to acquire the above-mentioned experience shall be deemed to be practice in accordance with this Act.

(3) The Minister may prescribe, instead of any of the requirements established under the foregoing provisions of this article, other requirements in terms of any international or multinational treaty or agreement entered into by Malta or with the provisions of any legislation the binding force of which derives from any such treaty or agreement or any agreement entered into with the trade union representing the majority of educators.

(4) Without prejudice to any provision of the Mutual Recognition of Qualifications Act, or regulations made thereunder, where the professional qualification in education is below the level prescribed under sub-article (2)(e) or (f), or when the components of the qualification are less than those required by the said sub-article (2)(e) or (f), or where the applicant does not have sufficient experience in the practice of the teaching profession as required by sub-article (2)(g), the Council shall not be precluded from imposing compensatory measures in accordance with the Recognition of Professional Qualifications Regulations, where applicable: Cap. 451. S.L. 451.03

Provided that where the Recognition of Professional Qualifications Regulations do not apply, the Council may require the applicant to undertake a period of adaptation and may also submit the applicant to a proficiency test and, or to a teaching practice period of not less than six (6) weeks. S.L. 451.03

Specialised licence.

12. (1) Notwithstanding anything contained in the provisions of this Act, where a person is not in possession of the qualifications required to be awarded a warrant to practice the teaching profession in terms of article 11, the Council may nevertheless grant a temporary specialised licence authorising such person to teach in the specific area for which the temporary specialised licence was granted.

(2) Temporary specialised licences shall only be issued in cases where, in the opinion of the Council, there is a need for the issue of such licences; and to persons who, in the discretion of the Council, are in possession of suitable qualifications to teach in the specific area for which the temporary specialised licence is granted.

(3) Temporary specialised licences shall have a validity of one (1) year, and they may be renewed.

Warrant or licence to practise the profession of kindergarten educator.

13. (1) Subject to the provisions of this Act, no person shall exercise the profession of kindergarten educator against remuneration or hold himself to be professionally qualified to do so unless such person is the holder of a warrant or licence issued under this Act.

(2) A person shall not qualify for a kindergarten educator warrant unless such person -

(a) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and

(b) is of good conduct; and

(c) has full legal capacity; and

(d) is not enlisted in the Register established under the Protection of Minors (Registration) Act; and

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(e) is in possession of a full qualification at level 6 or higher of the Malta Qualifications Framework in early childhood education and care, or a comparable qualification which must include a teaching practice component and a pedagogical component. The qualification must include:

(i) a minimum of 180 ECTS/ECVETS or their equivalent and the qualification must furthermore include a training practice component having a value of at least 16 ECTS/ECVETS or their equivalent, with cohorts of learners aged between the ages of three (3) and five (5) years; and

(ii) a kindergarten educator licence; or

(iii) in the case of kindergarten educators in employment at the time of the coming into force of this Act, a certificate from a head of school certifying that the applicant has received adequate experience in the practice of the profession of kindergarten educator for a period of two (2) years; or

(iv) the person must satisfy the Council that he has received adequate supervised experience as a kindergarten educator in a licensed school for a period of at least two (2) scholastic years.

(3) A person shall not qualify for a kindergarten educator licence unless such person -

(a) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and

(b) is of good conduct; and

(c) has full legal capacity; and

(d) is not enlisted in the Register established under the Protection of Minors (Registration) Act; and

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(e) is in possession of -

(i) a qualification in early childhood education and care at a minimum of level 4 of the Malta Qualifications Framework; and

(ii) in the case of kindergarten educators in employment at the time of the coming into force of this Act, a certificate from a head of school certifying that the applicant has received adequate experience in the practice of the profession of kindergarten educator for a period of two (2) years; or

(iii) the person must satisfy the Council that he has received adequate supervised experience as a kindergarten educator in a licensed school for a period of at least two (2) scholastic years.

(4) Without prejudice to any provision of the Mutual Recognition of Qualifications Act, or any regulation as made thereunder, where the qualification has a rating of less than level 6 or level 5 of the Malta Qualifications Framework, as the case may be, or when the pedagogical or teaching practice components are less than those required by sub-articles (2)(e)(i) or (3)(e)(i), or where the applicant does not have sufficient experience in the practice of the profession as required by sub-articles (2)(e)(ii) or (3)(e)(ii), the Council may require the applicant to undertake such adaptation, not exceeding twice the shortfall as the Council may specify. In addition the Council may also submit the applicant to a proficiency test. Cap. 451.

Warrant or licence to practise the profession of learning support educator.

14. (1) Subject to the provisions of this Act, no person shall exercise the profession of learning support educator in a kindergarten and, or compulsory school level against remuneration or hold himself to be professionally qualified to do so unless such person is the holder of a warrant or licence issued under this Act.

(2) A person shall not qualify for a learning support educator warrant unless such person -

(a) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and

(b) is of good conduct; and

(c) has full legal capacity; and

(d) is not enlisted in the Register established under the Protection of Minors (Registration) Act; and Cap. 518.

(e) is in possession of -

(i) a qualification in inclusive education at a

minimum of level 6 of the Malta Qualification Framework which must include practice and academic components in inclusive education. The qualification must include a minimum of 180 ECTS/ECVETS or their equivalent; and

(ii) a learning support educator licence; or

(iii) in the case of learning support educators in employment at the time of the coming into force of this Act, a certificate from a head of school certifying that the applicant has received adequate experience in the practice of the profession of learning support educator for a period of two (2) years; or

(iv) the person must satisfy the Council that he has received adequate supervised experience as a learning support educator in a licensed school for a period of at least two (2) scholastic years.

(3) A person shall not qualify for a learning support educator licence unless such person -

(a) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and

(b) is of good conduct; and

(c) has full legal capacity; and

(d) is not enlisted in the Register established under the Protection of Minors (Registration) Act; and

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(e) is in possession of:

(i) a qualification in inclusive education at a minimum of the Malta Qualification Framework level 4 which must include practice and academic components in inclusive education. The qualification must include a minimum of 16 ECTS/ECVETS or their equivalent, of which a training practice component having a value of at least 4 ECTS/ECVETS or their equivalent must be included; and

(ii) a qualification in inclusive education at a minimum of level 5 of the Malta Qualifications Framework which must include a practice component and academic components in inclusive education. The qualification must include a minimum of 30 ECTS/ ECVETS or their equivalent of which, a training practice component having a value of at least 8 ECTS/ECVETS or their equivalent must be included; and

(f) in addition to the qualifications referred to in paragraph (e):

(i) in case of persons already employed as a learning support educator at the time of coming into force of this Act, the person must be in possession of a certificate from a head of school certifying that the applicant has received adequate experience in the practice of the profession of learning support educator for a period of two (2) years; or

(ii) the person must satisfy the Council that he has received adequate supervised experience as a learning support educator in a licensed school for a period of at least two (2) scholastic years.

(4) Without prejudice to any provision of the Mutual Recognition of Qualifications Act, or any regulations made thereunder, where the qualification in inclusive education has a rating of less than level 6 or level 5 of the Malta Qualifications Framework, as the case may be, or when the pedagogical or teaching practice components are less than those required by sub-articles (2)(e)(i) or (3)(e)(i), or where the applicant does not have sufficient experience in the practice of the profession as required by sub-articles (2)(e)(ii) or (3)(f), the Council may require the applicant to undertake such adaptation, not exceeding twice the shortfall as the Council may specify. In addition the Council may also submit the applicant to a proficiency test. Cap. 451.

Temporary warrant and temporary licence.

15. Notwithstanding anything contained in the provisions of this Act, the Council may award a temporary warrant and, or a temporary licence having a validity period as may be established by the Council, that may be renewed to any person who, in the discretion of the Council, has the necessary proficiency to practice as an educator in Malta.

Application for a warrant or temporary licence or licence and their retention.

16. (1) Any person seeking to obtain a warrant or a temporary warrant or a temporary specialised licence or a licence or a temporary licence in accordance with this Act, shall make an application to the Council, which application shall be accompanied by all information and relevant documents in support of the application, including certificates issued by the competent authority about the comparability of qualifications and certificates of their authenticity as the Council may require:

Provided that an application made under this article shall not be deemed to have been filed by an applicant unless it is duly filled in and accompanied with all required information and documentation.

(2) The Council's decision whereby a warrant or temporary warrant or temporary specialised licence or a licence or a temporary licence, as the case may be, is suspended or cancelled shall be notified in writing to the warrant or licence holder, as the case may be, and to all licensed schools.

(3) A person shall not be qualified to obtain or shall not retain a warrant or temporary warrant or temporary specialised licence or a licence or a temporary licence in terms of this Act if such person has been convicted by any court of criminal jurisdiction of any crime because of which such person may not, in the Council's opinion, be fit to practice as an educator.

(4) Where a person loses his warrant or temporary warrant or temporary specialised licence or a licence or a temporary licence following a conviction as is referred to in sub-article (3), notice of such loss shall be given by the Council in the Gazette and shall be communicated by the Council to the person disqualified, unless such person has been interdicted by the judgement itself, and to all licensed schools.

Programmes of continuous professional development and of up-dating.

17. (1) The Council shall regularly draw the attention of registered educators to their obligation to periodically carry out programmes of continuous professional development and of up-dating necessary for the standards and the fitness to carry out their duties.

(2) The Council shall also periodically request registered educators to provide it with the necessary information showing which programmes they have followed.

(3) Whenever the case arises, the Council shall draw the attention of registered educators of their failure to fulfil the obligations as provided for in this article and shall give them a reasonable time to comply therewith.

(4) When a registered educator continues to ignore the request of the Council to follow programmes of continuous professional development and of updating, the warrant or licence pertaining to the warrant or licence holder may be suspended until such time as the warrant or licence holder proves that he is fulfilling the requirements of the obligation provided for in this article.

Offences and penalties.

18. (1) Any person who, for the purpose of obtaining a warrant or temporary warrant or temporary specialised licence or a licence or a temporary licence under the provisions of this Act, knowingly gives any false information or otherwise acts in a deceitful or fraudulent manner, shall be guilty of an offence and shall, on conviction, have his warrant or temporary warrant or temporary specialised licence or a licence or a temporary licence cancelled and shall be liable to a fine (multa) not exceeding two thousand five hundred euro (€2,500):

Provided that, upon the institution of such proceedings, the Court may suspend the warrant or licence until the final determination of the proceedings.

(2) Any person who, not being the holder of a teachers' warrant, or a temporary specialised licence, or a temporary warrant issued under this Act, practises the teaching profession in contravention of the provisions of this Act or any other Act, shall be guilty of an offence against this Act.

(3) Any person who, not being the holder of a kindergarten educator warrant or licence, or a temporary licence issued under this Act, practises the profession of a kindergarten educator in contravention of the provisions of this Act or any other Act, shall be guilty of an offence against this Act.

(4) Any person who, not being the holder of a learning support educator warrant, licence, or a temporary licence issued under this Act, practises the profession of a learning support educator in contravention of the provisions of this Act or any other Act, shall be guilty of an offence against this Act.

(5) Any person or any other organisation who shall employ any person other than a registered teacher or a person holding a temporary teachers' warrant or a temporary specialised licence for the purpose of the practising of the teaching profession shall be guilty of an offence:

Provided that for the purpose of this provision and subject to such regulations as may be prescribed, a person or any other organisation shall not be deemed to be in contravention of this provision if such person, not being a registered teacher or not holding a temporary warrant or temporary specialised licence, as the case may be, has applied with the Council for the award of a warrant, temporary licence, temporary warrant or temporary specialised licence, or is practising the teaching profession during an adaptation period or when in training, in any case under supervision in a licensed school or in any other manner as the Council may decide.

(6) Any person or any other organisation who shall employ any person other than a registered kindergarten educator or a person holding a temporary licence for the purpose of the practising of the profession of a kindergarten educator shall be guilty of an offence:

Provided that for the purpose of this provision and subject to such regulations as may be prescribed, a person or any other organisation shall not be deemed to be in contravention of this provision if such person, not being a registered kindergarten educator or holding a temporary kindergarten educator licence, has applied with the Council for the award of a kindergarten educator licence or temporary licence, or is practising the profession of a kindergarten

educator during an adaptation period or when in training, in any case under supervision in a licensed school or in any other manner as the Council may decide.

(7) Any person or any other organisation who shall employ any person other than a registered learning support educator or a person holding a temporary learning support educator licence for the purpose of practising of the profession of a learning support educator shall be guilty of an offence:

Provided that for the purpose of this provision and subject to such regulations as may be prescribed, a person or any other organisation shall not be deemed to be in contravention of this provision if such person, not being a learning support educator or holding a temporary licence, has applied with the Council for the award of a learning support educator licence or temporary learning support educator licence, or is practising the profession of a learning support educator during an adaptation period or when in training, in any case under supervision in a licensed school or in any other manner as the Council may decide.

(8) Any person who is found guilty of any offence referred to in sub-articles (2) to (7) shall be liable, on conviction, to a fine (multa) not exceeding one thousand and five hundred euro (€1,500), and, in the case of a continuing offence, to a fine (multa) of fifteen euro (€15) for each day during which the offence continues, subject to a maximum fine (multa) of five thousand euro (€5,000).

(9) The provisions of this article establishing offences shall be without prejudice to the provisions of any other law establishing offences and punishments in respect of the same acts or omissions and shall not, in particular, affect the application of any higher punishment under any other law.

Return of warrant or licence.

19. A warrant or licence holder may return his warrant or licence to the Council and make a request in writing that his name be cancelled from the related register.

Employment conditions.

20. The award of a warrant or licence under this Act shall have no effect on the employment conditions of the licence holder.

Non-application of this Act.

21. The provisions of this Act shall not apply to a teacher in a school teaching a language as a foreign language, or any person who renders a teaching service in cultural, sport and religious sectors, in so far as this teaching is not being imparted as an integral part of compulsory education in terms of the curriculum in a licensed school.

Power to make regulations.

22. The Minister may, after consultation with the Council, make regulations, not inconsistent with the provisions of this Act, to give better effect to any of such provisions and generally to regulate the teaching profession and the work of kindergarten educators and learning support educators, and, without prejudice to the generality of

the foregoing, such regulations may in particular include provisions with respect to:

(a) the establishment of qualifications required for the attainment of a temporary warrant, a temporary specialised licence or a temporary licence in terms of this Act;

(b) the establishment of standards, practices, procedures and other duties in the exercise of the profession and work of an educator;

(c) the professional conduct and code of ethics of educators and the standards of competency and integrity to be kept by educators;

(d) the requirements, conditions and frequency in relation to the programmes of continuous professional development for the maintenance of a warrant or licence;

(e) the work which can be performed and the services which can be rendered in terms of a warrant or licence, and the terms and conditions which can be attached to such warrant or licence;

(f) the fees that may be charged by the Council in connection with the issue of a warrant or licence, for the making of any registration under this Act;

(g) the procedures to be followed in cases of professional misconduct;

(h) the engagement of persons who are employed to work in a school by virtue of a temporary warrant or temporary licence;

(j) the forms, conduct certificates and other ancillary matters connected with the application for a warrant or licence, the tests to establish the legal capacity, the procedures connected with the nomination of members to the Council, and other matters relating to any other procedure which may be adopted by the Council;

(j) the appointment, composition and procedures of committees or sub-committees which the Council may feel necessary to appoint for any one of its functions; and

(k) any matter which is required or is authorised by this Act to be prescribed.

Transitory provisions regarding teachers' warrants. Cap. 327. Cap. 327. Cap. 605.

23. (1) Any person who, on the coming into force of this Act, is in possession of a warrant obtained under the provisions of the Education Act, prior to the repeal of the said Education Act by the Education Act shall be deemed to be a warrant holder with the same rights and obligations as though such warrant had been issued in accordance with the provisions and conditions of this Act.

Cap. 327. Cap. 605.

(2) A person shall be deemed to remain eligible for a teachers' warrant under the provisions of the Education Act, prior to its repeal by the Education Act, if he was so eligible under the said Education Act prior to the coming into force of this Act:

Provided that persons who at the time of entry into force of this Act have already satisfied the conditions in force prior to the entry into force of this Act, and persons who at the time of entry into force of this Act had already obtained or had registered in, and subsequently successfully obtained, a programme leading to a qualification which entitles the holder to apply for a teachers' warrant in accordance with the provisions in force prior to the entry into force of this Act, shall be eligible to apply for a teachers' warrant in accordance with the requirements existing prior to the entry into force of this Act.

Transitory provisions regarding kindergarten educators and learning support educators.

24. (1) A person who has been practising as a kindergarten educator for ten (10) years prior to the coming into force of this Act and who does not satisfy the criteria established in article 13 shall be deemed to be eligible for the award of a kindergarten educator licence under this Act.

(2) A person who is employed in the grade of a kindergarten educator (special education), a learning support educator I, a learning support educator, a learning support educator II and a learning support educator (Special Schools) at the time of the coming into force of this Act and who does not satisfy the criteria established in article 14 shall be deemed to be eligible for the award of a learning support educator licence under this Act.

Consequential amendments to other legislation and subsidiary legislation.

25. (1) Upon the coming into force of this Act, the words and phrases referred to in the third column of First Schedule, which words and phrases occur in the provisions specified in the second column of the said Schedule, which provisions are to be found in the enactments referred to in the first column of the said Schedule, shall be amended in accordance with the amendments referred to in the fourth column of the said Schedule.

(2) Upon the coming into force of this Act, the subsidiary legislation listed in the first column of the Second Schedule shall be deemed to have been made under the corresponding provisions of this Act, and shall be re-numbered accordingly as specified in the third column of the said Schedule.

FIRST SCHEDULE
(Article 25(1))

Consequential amendments to other legislation

LEGISLATION	PROVISION	PHRASE THAT IS TO BE AMENDED	AMENDMENT
Conditions of Entry and Residence of Third-Country Nationals for the Purposes of Research, Studies, Training and Voluntary Service in the Mobility Project for Young People: Voluntary Projects Regulations - S.L. 217.22	regulation 20	"by virtue of the Education Act"	"by virtue of the Teaching and Allied Professions Act"
	marginal note in regulation 20	"Cap. 327."	"Cap. 606"
Teachers (Code of Ethics and Practice) Regulations - S.L. 327.02	regulation 2	"for the purposes of articles 31, 39 and 40 of the Education Act"	"for the purposes of articles 7 and 23 of the Teaching and Allied Professions Act"
School Council Regulations - S.L. 327.43	regulation 2	-	*Regulation is to be revoked*
	marginal note in regulation 2	"Cap. 327."	*Remove*
	regulation 3	-	*Regulation is to be revoked*
	marginal note in regulation 3	"Cap. 327."	*Remove*
	Second Schedule, paragraph 2.4	"each year as contemplated in article 24(c) of the Education Act"	"each year"

SECOND SCHEDULE
(Article 25(2))

Subsidiary Legislation deemed to have been made under this Act

SUBSIDIARY LEGISLATION	CURRENT NUMBERING	NEW RE-NUMBERING TO BE GIVEN
Teachers (Code of Ethics and Practice) Regulations	S.L.327.02	S.L. 606.01