CHAPTER 638

MALTA COLLEGE OF ARTS, SCIENCE, AND TECHNOLOGY ACT

AN ACT to provide, in lieu of Part VIII of the Education Act (Cap. 327), for the establishment, functions and purpose of the Malta College of Arts, Science and Technology, establishing governing bodies and principal officers thereof, the functions, composition and powers of such governing bodies, providing for financial provisions relating to the College, as well as providing for other matters connected therewith or ancillary thereto.

12th July, 2024

ACT XXXII of 2023.

ARRANGEMENT OF ACT

		Articles
Part I	Preliminary	1 - 2
Part II	Establishment, Functions and Purpose of the College	3 - 7
Part III	The Governing Bodies and Principal Officers of the College	8 - 24
Part IV	Financial Provisions	25 - 29
Part V	Miscellaneous	30 - 33

PART I
Preliminary

Short title.

1. The short title of this Act is the Malta College of Arts, Science, and Technology Act.

Interpretation.

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

"academic units" means quality-assured and time-framed education and training modules within programmes, which may include, but are not limited to, work-based learning and apprenticeships;

"administrative affairs" means matters pertaining to the day-to-day running of the College;

"apprenticeship" means systematic, long-term training alternating periods at the workplace and in an educational institution, in the voluntary sector or training centre. The apprentice is contractually linked to the employer and receives remuneration (wage or allowance). The employer assumes responsibility for providing the trainee with training leading to a specific occupation;

"applied and impact research" means the process of establishing

new knowledge or exploring the feasibility of new or improved technology, service or solution, based on a methodology used to solve a specific, practical problem undertaken with the specific aim of benefiting the industry in an impact oriented manner whether directly or indirectly;

"Award" means study programmes of shorter duration which do not fulfil the requirements in terms of the minimum credits required at the respective level of the Malta Qualification Framework;

"Board of Governors" means the Board of Governors established by article 9;

"body corporate" means a body having a distinct legal personality;

"body of persons" means any partnership, fellowship, society, or other association of persons whether vested with legal personality or not;

"College" means the Malta College of Arts, Science and Technology as defined by means of article 3;

"Deputy Principal" means the person or persons designated by the Principal to support his office in specific areas or sectors of the College;

"employment" means 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" shall be construed accordingly;

"function" means any responsibility, power, obligation, and duty;

Cap. 595. "Government entity" shall have the same meaning as assigned to it in the Public Administration Act;

"industry" means any general business activity and commercial enterprise which shall include but is not limited to sciences, biotechnology, pharmaceuticals, advertising, creative arts and media, construction, farming and agriculture, fashion, finance, information technology, infrastructure, manufacturing, retail, robotics, artificial intelligence, aerospace technology, space technology, telecommunications, as well as research and development;

"industry-driven and community based curricula" means curricula based on a wide variety of instructional methods and programs utilised to connect what is being taught to the needs of the Industry and the surrounding community, which includes but not limited to, work-based learning;

"MFHEA" means the Malta Further and Higher Education Authority established by the Further and Higher Education Act; Cap. 607.

"Minister" means the Minister responsible for education;

"MQF" means the Malta Qualifications Framework and shall have the same meaning as assigned to it by article 63 of the Education Act; Cap. 327.

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

"person" includes a body of persons and any body corporate established by law;

"President" means the person appointed in terms of article 18 to preside over and chair the Board of Governors;

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

"Qualifications" means the substantial programmes based on learning outcomes at the respective Level of the Malta Qualifications Framework and having enough workload to meet the requirements depending on the level as required by the Malta Qualifications Framework;

"PHE" means higher education offered at MQF Levels 5 upwards that offers profession-oriented education through close industry collaboration, applied and impact-oriented research, and practice-relevant knowledge that maintains the academic rigour;

"Principal" means the person appointed by the Board of Governors to perform the duties indicated in article 21 and any person who temporarily occupies that office;

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

"VET" means education and training offered at MQF Levels 1 - 4 that aims to equip people with knowledge, know-how, skills and, or competences required in particular occupations or more broadly on the labour market;

"VET provider" means an individual or body corporate who is the administrator of work placements, apprenticeships and internships providing vocational educational programmes at further education or higher levels, as licensed by the Malta Further and Higher Education Authority or is approved by international structures with qualification recognised by the industry;

"Vice President" means the person appointed by the Minister in terms of article 19, to act on behalf of the President and chair the

Board of Governors meetings in his absence or as directed from time to time;

"VPET" means education and training which aims to equip persons with knowledge, know-how, skills and, or competences required in particular occupations or more broadly on the labour market. For the purposes of this Act, VPET is an inclusive term which includes both Vocational Education and Training (VET) and Professional Higher Education (PHE);

"work-based learning" means the acquisition of knowledge and skills through carrying out – and reflecting on – tasks in a vocational context, either at the workplace (such as alternance training) or in a VET institution.

PART II
Establishment, Functions and Purpose of the College

The Malta College of Arts, Science and Technology.

3. The Malta College of Arts, Science and Technology, established by public deed by the Government of Malta on the 11 of August of the year 2000, shall strive, function, and endeavour to develop curricula, and design, provide, and deliver study VPET programmes, Work-Based Learning and Apprenticeship, and to further students' education in the vocational and professional sectors, and provide services that promote and enhance the College's students' and employees' well-being.

Legal personality and juridical representation of the College.

4. (1) The Malta College of Arts, Science and Technology, a Government entity, shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding, and disposing of any kind of property for the purposes of its functions, of employing its staff, of suing and being sued, of establishing commercial undertakings, including limited liability companies, and conducting all operations and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

(2) The College is a public entity and its employees, whilst part of the public sector, are not public officers or Government employees. The structures relating to wages, grades, posts, appointments and disciplinary procedures of the College's employees are distinct from those of the public sector unless otherwise specifically provided, this in accordance with the Public Administration Act.

Cap. 595.

(3) The legal and juridical representation of the College shall vest in the College's Principal:

Provided that the Board of Governors may appoint any one

or more of its members or of the officers or employees of the College to appear in the name and on behalf of the College in any judicial proceedings and in any act, contract, instrument or other document whatsoever:

Provided further that in order for the College to enter into contracts pertaining to the acquisition or disposal of immovable property under whichever title, a Board Resolution from the Board of Governors shall be required.

Official languages.

5. Maltese and English are the official languages of the College. The College administration may use either or both languages for official purposes.

Purpose of the College.

6. (1) The main objective of the College shall be that of an Education Institution which enables students to reach their potential. The College shall endeavour to ensure that education is accessible and available to all students, without discrimination, and to develop VPET curricula and establish vocational education, facilities and programmes of education and training, and of work and practical experience which the College may deem necessary to provide all with the opportunity to qualify in the vocational sectors taking into account the socio-economic situation of Malta.

(2) The College shall, in a general manner, ensure connectivity between the College, the community and the industry, in a manner which mirrors the requisites of the industry in the content and running of its educational programmes within and outside the College:

Provided that the College shall provide programmes of studies in VPET leading to qualifications at all levels of the MQF relevant to industry.

(3) The College shall organise programmes of study including but not limited to all the levels of the Malta Qualifications Framework.

(4) The College, as a VET provider, shall comply with the provisions of the Work-Based Learning and Apprenticeship Act, or any other subsequent and, or relevant legislation.

Cap. 576.

(5) The College shall endeavour and strive to achieve and maintain the quality of its vocational and professional programmes and apprenticeships at all levels of the MQF by establishing its own internal quality assurance system and a validation system based on external quality assurance as required by the relevant competent national authority and as established by the relevant legislation.

(6) The College shall ensure, in such areas as may be possible and according to the possibilities of the College, access to each person regardless of academic qualifications, and shall have special programmes to assist any person to achieve the required education, so

that such person may continue and terminate successfully such level according to established standards, and with this aim the College shall accredit prior learning.

(7) The College shall provide study programmes of vocational and professional education and training to help persons acquire Awards and Qualifications according to their needs through different modes of delivery, including all forms of work-based learning and apprenticeship as prescribed by the Work-Based Learning and Apprenticeship Act.

Cap. 576.

(8) The College shall:

(a) embed all forms of work-based learning, particularly apprenticeships, in vocational and professional education and training programmes at MQF Level 4 and in higher education qualifications;

(b) offer Awards and Qualifications at all levels of the Malta Qualifications Framework;

(c) promote Malta's vision as a hub of cultural, industrial, commercial and services activity for other regions of the world and in particular for the Euro-Mediterranean region;

(d) ensure that applied and impact-based research as well as community-based curricula be at the core of all student learning experiences, including in curriculum design and in the development of study programmes;

(e) educate its students in being able to appreciate and welcome the challenges and opportunities which the accelerated process of the global economy is bringing along with it as a result of the advances being made in the areas of communication, culture, information technology, and science;

(f) promote as part of its holistic education different modes of work based learning;

(g) promote an entrepreneurship culture through its different programmes of study and by offering practical on-the-job experience;

(h) cultivate a culture of open-mindedness, propriety, good governance, creativity, and innovation in the pursuit of excellence, and flexibility and space to do things differently, sustained by commitment, dedication, and integrity at College, at the students' future place of work, and in the exercise of the College's students' and personnel's profession, taking into account the students' well-being;

(i) foster among students a commitment towards occupational health and safety at the place of work;

(j) respond at a relevant time and in a relevant manner to the needs of the labour market, by networking and effective partnership at all levels of educational and training experience with the educational, economic, industrial, cultural and services sectors;

(k) foster the mindset, skills, and values conducive to agile employability and lifelong learning and retraining of its students;

(l) ensure the implementation of the principles of inclusive education by providing an equitable access to all persons in full respect of diversity;

(m) attribute the necessary importance to research sustainable innovation and development in the areas of applied arts, social sciences, engineering, science, and technology;

(n) develop programmes of study based on the concept of lifelong learning;

(o) ensure that the quality and standards of study programmes and of certificates awarded are recognised at both national and international levels;

(p) be guided by the national policies and strategies as adopted from time to time by Government;

(q) participate in bilateral and regional exchange programmes and particularly in the educational and training programmes, such as those of the European Union in which Malta participates from time to time;

(r) develop flexible learning strategies through the application of portfolio qualifications and the use of innovative technologies and methodologies.

(9) The College shall collaborate and communicate with the other National and International Educational Institutions, public and private institutions and organisations, the national employment agency, civil society, trade union organisations, chambers of commerce, business, trade, recognised trade unions who represent employees of the College and Industry associations, and the other national competent authorities which participate in the social and economic development of Malta.

(10) The College shall establish associate academies and institutes as the Board of Governors may deem appropriate.

Powers and functions of the College.

7. The College shall:

(a) through education and training in the subjects of arts, science, technology, technical knowledge and trades, guide students enrolled in any of its study programmes in the development of the required competences and proficiency for the exercise of jobs, professions and callings in the economic, industrial, and services sectors;

(b) on its own, or together with other institutions, whether public or private, local or foreign, organise such study programmes of instruction and training as it may deem necessary or expedient;

(c) on its own, or together with other institutions and organizations, organise such cultural, sports, and pastoral activities for the better formation and enrichment of an individual's personality;

(d) establish such entities, institutes, departments, centres, research hubs and programmes which it may deem necessary and shall supervise the administration thereof;

(e) establish the conditions for admission to the respective programme of studies and training, and of practical and work experience and prescribe the required regulations concerning examinations and the modalities of education and training in such study programmes;

(f) provide for adequate procedures for the certification of persons who have reached the necessary proficiency in the several areas of study and training;

(g) offer such Awards and Qualifications or other distinctions which it may deem suitable to such candidates who satisfy the prescribed conditions after following the required study programmes or having pursued distinguished careers in the arts, science and technology;

(h) establish the lecturing, teaching, training posts and administrative posts as may be required from time to time and appoint persons to such posts;

(i) establish and maintain as due, libraries, laboratories, workshops, services and other facilities required for teaching, training, experimentation, research and the dissemination of knowledge;

(j) establish internal auditing schemes which ensure the quality of education and training being imparted and the effective use of resources;

(k) make regulations concerning the performance and the conduct of students, lecturers and other persons entrusted with rendering any service at the College, whether engaged by an indefinite or a definite contract of service, or by a contract for services, or if seconded or on loan to the College by government, public or private entities;

(l) make regulations to safeguard the health and well-being of all parties mentioned in paragraph (k);

(m) establish policies and procedures to ensure student retention and promote their academic and educational success;

(n) administer the property, resources, and funds allotted to it from time to time by the Government with an aim of accomplishing the College programmes, including such other funds as it may receive or raise from other sources;

(o) do anything required to be done so as to accomplish its objectives according to this Act and in accordance to directives given by the Minister in pursuance of general Government policy.

Statutes, regulations and bye-laws.

8. (1) The College shall have the power to make statutes, regulations, and bye-laws in order to provide for its own administration and for the administration of its activities and of the entities created by it.

(2) Statutes shall be made by the Board of Governors and shall bind the whole College as well as the entities created by it.

(3) Regulations shall be made by the Vocational and Professional Council and shall provide for matters of an academic nature and shall bind the whole College.

(4) Bye-laws shall be made by the Boards of Studies and shall provide for matters of an academic nature and shall bind the Institute represented by the Board of Studies that made those bye-laws.

(5) The Vocational and Professional Council may, on the advice of the Board of Governors, make a statute that provides for a matter of an academic nature, and, or may amend or repeal, in whole or in part, such statute, however if such advice is not tendered within the term established by the Council, which term shall in no case be less than twenty-one (21) days from the date of the said request, the Council may make that statute or amend or revoke it without that advice.

(6) Statutes, regulations and bye-laws made by the competent governing bodies of the College in accordance with the provisions of this Part shall be promulgated and published to have the force of law:

Provided that the subsidiary legislation herein mentioned shall as soon as it is promulgated and published, be laid on the Table of the House in accordance with article 11 of the Interpretation Act.

Cap. 249.

(7) Any power given by this Act for the making of statutes, regulations or bye-laws by the competent governing body of the College shall be construed as including a power, exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary the statutes, regulations or bye-laws, and such power shall be exercisable without prejudice to the making of new statutes, regulations or bye-laws.

PART III
The Governing Bodies and Principal Officers of the College

Governing bodies and officers of the College.

9. (1) The governing bodies of the College shall be the following:

(a) the Board of Governors;

(b) the Vocational and Professional Council;

(c) the Administrative Council;

(d) the Boards of Studies.

(2) The non-executive principal officers of the College are:

(a) the President of the Board of Governors;

(b) the Vice-President and members of the Board of Governors.

(3) The executive principal officers of the College are:

(a) the Principal of the College;

(b) the Deputy Principals of the College;

(c) the Registrar;

(d) the Institute Directors.

(4) There shall be other officers, in addition to those listed under sub-article (3), as may be established by the Board of Governors from time to time. Such officers shall all be answerable to the Principal of the College for the conduct of their respective duties.

Composition of the Board of Governors.

10. (1) The Board of Governors shall be composed of not less than eleven (11) and not more than thirteen (13) members who, unless otherwise specifically provided for in this Act, shall be

appointed for a period of three (3) years and the members shall be eligible to be re-appointed for a further period of three (3) years, only once after their first term of office expires, up to a total maximum term of six (6) years.

(2) The Board of Governors shall consist of the following:

(a) the President appointed in accordance with article 19;

(b) the Vice-President appointed in according with article 20;

(c) the Chairperson of Malta Enterprise;

(d) the Chairperson of the National Skills Council;

(e) the Permanent Secretary of the Ministry for Education;

(f) a representative elected by and from the students of the College who shall hold office for a term not exceeding one (1) year;

(g) two (2) representatives elected by and from the employees of the College, which shall consist of one (1) representative elected from the academic employees and one (1) representative elected from the non-academic employees;

(h) three (3) members nominated by the Minister in consultation with the President amongst whom there shall be representatives of employers, employees, and civil society, and who, in the opinion of the Minister, possess: the necessary academic qualifications; professional experience; knowledge of the Maltese and global Industry and of the global evolution of work and technology; leadership qualities to develop and strengthen the good governance of the College; and who have an understanding of vocational education and the national and international labour market within the context of creating an open-minded, democratic, fair, prosperous, diverse, and inclusive society:

Provided that at least one (1) of the members of the Board of Governors shall be a person with a disability as defined by the Equal Opportunity (Persons with Disability) Act.

Cap. 413.

(3) The Principal of the College shall have the right to attend the meetings of the Board without having a right to vote, provided that he shall withdraw from each meeting where matters connected with his performance or contract of work are discussed.

(4) The members of the Board of Governors shall be persons having competence or experience in the education sector, vocational education, the cultural sector, the economy, industry and services sectors or in the social sectors, and who, in the opinion of the Minister, possess leadership qualities, and have an understanding of the importance of vocational education and training within the context of general socio-economic and democratic development.

(5) A member of the Board of Governors may at any time be removed from office by the Minister, after consultation with the President, on the grounds of inability to perform the functions of his office as required, either because of mental or physical illness, or upon the Board's recommendation that such member is deemed to be disruptive and, or a source of frequent conflict causing hindrance to the proper functioning of the Board of Governors, or for any other reason due to which the member would no longer be fit to occupy such office, which shall include a breach of confidentiality.

(6) A member of the Board of Governors may resign from his office through a letter addressed to the Minister. If any member tenders his resignation or is removed from his office by the Minister, in consultation with the President, or should the office of any member of the Board become in any manner vacant, the Minister, after consultation with the President, may appoint a qualified person to take up this post and any person who is so appointed shall keep on occupying that post up to the termination of the term of office of the person being so substituted and such person shall be eligible to be re-appointed subject to the limitations of sub-article (1).

(7) A member of the Board of Governors having a direct or indirect interest in any contract made or proposed to be made by the Board of Governors, or any financial interest or otherwise in any enterprise or activity which may affect the performance of his functions as a member in this Board, shall declare his interest in writing during the first sitting of the Board of Governors. A declaration of interests of members of the Board of Governors will be registered in the minutes of the Board meeting, and the Board member concerned shall withdraw from the meeting while such contract or matter in which he has an interest is being discussed. Declarations of interests are to be communicated to the Minister without delay. When such interest as the member may have is such that it may lead to his removal from office, the member shall immediately report the fact to the Minister and offer to tender his resignation, without prejudice to the Minister's power to remove such member from the Board.

(8) Any absence or vacancy among the members of the Board of Governors, or any participation in its meetings by any person who is not entitled to such act, does not invalidate the procedures of the Board, insofar as there is a quorum of not less than one-half of the

number of members of the Board plus one.

(9) Subject to the provisions of this Act and of any regulations made thereunder, the Board of Governors may appoint non-executive committees with established terms of reference.

(10) The Board of Governors shall take all necessary precautions and treat all information including but not limited to information passed on to them during or in anticipation of Board of Governors meetings as highly confidential in its relations with both public and private institutions.

(11) The Board of Governors may engage the services of non-executive Senior Advisors to provide objective and independent advice in order to assist the Board of Governors in its work. The said Senior Advisors shall report to the Board of Governors:

Provided that the number of Senior Advisors shall not exceed three (3) per one (1) calendar year.

(12) The Minister may, after consulting the President, make regulations regarding the procedures to be adopted by the Board of Governors in the course of its operations.

Functions of the Board of Governors.

11. (1) The Board of Governors shall be the highest governing body of the College and shall have the duty of performing the objectives and to exercise the powers of the College as laid down in the provisions of this Act, and shall in particular have the following functions:

(a) to acquire and control the resources, facilities and property, both movable and immovable, of the College:

Provided that insofar as immovable property is concerned, the College and, or any of its Principal Officers shall be precluded, both *ipso facto* and *ipso jure*, from alienating, transferring, selling, hypothecating or otherwise burdening and, or encumbering such property and, or from assigning any rights, obligations and, or title thereto to third parties to further such third parties' private, commercial, financial and, or profit-making interests to the detriment of any above-mentioned educational purposes and associated support services in line with the College's purposes and functions as outlined in article 7:

Provided further that the Board of Governors may resolve to allow an exemption to this restriction should a decision of the Board of Governors be taken by unanimous vote when all of its members are present. The objective criteria and reasons upon which the Board has based its decision shall be explicitly and expressly minuted on pain of nullity of its

decision;

(b) to facilitate relations with the Industry and to ensure the continuous connectivity between the College and the Industry as to be able to reflect the exigencies of the Industry in the College's methods, educational programmes and curricula;

(c) to approve the establishment of associate academies and institutes for the due performance of the educational and training tasks and of interdisciplinary co-operation;

(d) to approve the three-year Strategic Plan of the College;

(e) in support of the three-year strategic plan, to approve and ensure the execution of a three-year financial plan to approve the yearly budget of the College in line with the three-year strategic plan, which financial plan shall include a human resources plan;

(f) to supervise the expenditure and the administration of the College at all levels and to approve the annual budget proposals to be submitted to the Minister within a given time;

(g) to appoint, after a public call, a Principal and, on his advice, to also appoint the executive or senior managerial positions within the College;

(h) to set up and abolish, on the advice of the Principal, any post of an academic and administrative nature within the College;

(i) to make statutes, rules and other procedures, of a non-academic nature, in terms of the provisions of this Act;

(j) together with the Vocational and Professional Council, to ensure that proper education levels are retained and improved on, and to establish and supervise internal auditing schemes which ensure the quality of education;

(k) to facilitate agreements as appears necessary with sectors of economic activity in the country and with institutions in Malta and overseas for the better achievement of the objectives of the College;

(l) to establish and oversee the operations of the Internal Audit Office whose main function shall be the assurance of the proper functioning and good governance in the day-to-day operations of the College.

(2) The Board of Governors shall oversee that the qualification degrees, diplomas, awards, and certificates of the College are recognised both at a national and at an international level, and that, wherever applicable, are related to the standards established by the MFHEA.

(3) The Board of Governors shall meet to focus on strategic orientation and strategic decisions. The Board shall meet as necessary, however not less than once every two (2) months with a quorum of not less than half of the number of members of the Board plus one.

Composition of the Vocational and Professional Council.

12. (1) There shall be a Vocational and Professional Council which shall create, administer and monitor all education and training activities of the College including part-time commercial and non-commercial study programmes.

(2) The Vocational and Professional Council shall have full authority over the quality and standards of Awards and Qualifications offered by the College.

(3) The Vocational and Professional Council shall be constituted of the following members:

(a) the Principal, who presides *ex officio*;

(b) the Deputy Principals, *ex officio*;

(c) the Registrar, *ex officio*;

(d) two (2) members representing the industry appointed by the President;

(e) two (2) members appointed by the Minister;

(f) the Directors of all the Institutes *ex officio*;

(g) the Director, Education and Training Programmes;

(h) the Director, Quality Assurance;

(i) the Director, Student Services;

(j) two (2) members elected by and from amongst the full-time academic staff;

(k) two (2) members elected by and from amongst the students who shall hold office for a term not exceeding one (1) year:

Provided that personnel responsible for different academic functions may be invited to the meeting, as necessary.

Functions of the Vocational and Professional Council.

13. (1) The Vocational and Professional Council shall be responsible for the general direction of the academic, vocational and professional education and training of the College, and shall have the following functions:

(a) to ensure that the policies, strategy and decisions adopted by the Board of Governors in terms of article 10 are implemented;

(b) in line with the three-year strategic plan, prepare a three-year academic plan based on the plans prepared and submitted by each academic unit and ensure its execution;

(c) to regulate by means of policies and procedures the programmes of studies, training, research, documentation and examinations at the College and to establish such degrees, diplomas, certificates and awards for such candidates satisfying the prescribed conditions after following the required study programmes;

(d) to decide about the persons to whom the academic, vocational and professional degrees, diplomas, certificates and other distinctions shall be awarded;

(e) to establish, subject to the provisions of this Act, the entry conditions to the College, including those of part-time study programmes;

(f) to appoint Maltese or foreign examiners according to pre-established statutes and procedures, and to ensure that payment is effected for their services;

(g) to recognise, following a recommendation by the competent authorities according to law, such degrees, diplomas, certificates and distinctions of other universities or educational institutions;

(h) to approve the curricula and the syllabi submitted by the academic units and, where it deems it so necessary, to revert same with its advice about any proposed amendments;

(i) to recommend to the Board of Governors the establishment of new vocational and professional academic units leading to qualifications at all MQF levels which may include the introduction of new subject matter;

(j) to present to the Board of Governors, with the launch of each prospectus, an annual proposal of all academic units forecasted to be removed, retained and introduced in the prospectus of the following year;

(k) to ensure positive and active relations between the College and its professional and educational partners in Malta and overseas;

(l) to give advice to the Board of Governors on academic and professional matters.

(2) The Council shall meet at least every six (6) weeks and the quorum for the meetings shall be of not less than one-half of the number of members plus one.

Composition of the Administrative Council.

14. (1) There shall be an Administrative Council of the College, which is answerable to the Board of Governors, which shall be *inter alia* constituted of the following persons:

(a) the Principal, as Chairperson;

(b) the Deputy Principals;

(c) the Registrar;

(d) the Financial Controller:

Provided that Directors and Deputy Directors responsible for different administrative functions may be invited to the meeting, as necessary. Directors may also appoint Deputy Directors to substitute them during these proceedings.

(2) The Deputy Principal responsible for the Administration of the College shall act as Secretary to the Administrative Council.

Functions of the Administrative Council.

15. The Council shall meet at least every six (6) weeks in order to:

(a) ensure that the policies, strategy and decisions relating to administrative affairs adopted by the Board of Governors are implemented;

(b) propose policies, strategies and decisions relating to administrative affairs to be adopted by the Board of Governors to oversee the preparation of the three-year Financial Plan for the Board of Governors' approval;

(c) oversee the preparation of the yearly Human Resources Plan;

(d) approve and monitor the yearly Communications Plan;

(e) monitor the Financial Plan and the Human Resources Plan, as approved by the Board of Governors;

(f) ensure that recruitment within the College is carried out in a fair and transparent manner and according to laws and regulations as may come into force from time to time;

(g) monitor all staff movement within the College;

(h) approve all policies relating to the College's Administration;

(i) administer the use of all College facilities whether for commercial or non-commercial purposes;

(j) establish grievance policies and procedures, monitor their compliance, and oversee the workings of the Grievance Office.

Composition of the Board of Studies.

16. (1) There shall be a Board of Studies for each academic Institute or Section to be constituted of the following members:

(a) the Director of such Institute shall be the chair *ex officio*;

(b) the Registrar, or a representative of the office of the Registrar, *ex officio*;

(c) the Deputy Director of the relevant section/s of the Institute/Unit *ex officio*;

(d) the Institute Vocational Co-ordinators of the relevant academic units/sections;

(e) two (2) members elected by and from among the full-time lecturers of the academic unit;

(f) one (1) student representative elected by and from amongst the students of the academic unit who shall hold office for a term not exceeding one (1) year;

(g) one (1) member representing the industry appointed by the President;

(h) two (2) members representing the Minister:

Provided that there shall be a minimum of one (1) Board of Studies for each Institute:

Provided further that the Deputy Principal whose responsibility includes the particular Institute or Section, and the Deputy Principal whose responsibility includes the Registrar's Office shall have a right to be informed of and attend the meetings of the respective Boards of Studies:

Provided further that personnel responsible for different academic functions within the Institute or Unit may be invited to the meeting, as may be necessary.

(2) Without prejudice to article 18:

(a) the elections mentioned in paragraph (e) of sub-article (1) shall take place once every three (3) years provided that the same representative may be re-elected;

(b) the elections mentioned in paragraph (f) of sub-article (1) shall take place once per academic year provided that the same representative may be re-elected.

(3) The designated Deputy Principal shall have the right to convene a meeting of the Board of Studies of any academic unit whenever he may deem necessary and in such cases he shall preside the meeting.

Functions of the Board of Studies.

17. (1) The Board of Studies shall have the following functions:

(a) to develop and direct an academic plan for the academic unit;

(b) to approve and oversee all full and part-time curriculum programme matters at the Institute;

(c) to draft and propose bye-laws relating to the respective academic unit in terms of the provisions of this Act;

(d) to advise and support the Principal in providing administrative, academic, training and development operations within the College;

(e) to nominate examiners for consideration for approval of the Vocational and Professional Council;

(f) to propose research and continuous professional development projects to the Vocational and Professional Council.

(2) Policies and procedures which are made by the Board of Studies shall be sent to the Vocational and Professional Council for its approval and shall not be presented to the Board of Governors to be considered unless the Vocational and Professional Council only gives a conditional approval.

(3) The Boards of Studies shall meet at least once every six (6) weeks and the quorum of the meetings shall be of fifty per cent plus one.

Common provisions for the governing bodies of the College.

18. (1) Any appointed or elected person holding office on a governing body of the College shall, unless otherwise specifically provided elsewhere in this Act, hold such office for a period of three (3) years:

Provided that any person holding office on a governing body of the College shall continue to hold that office, notwithstanding such person having terminated the relative period, until the time when an election is held or another person is appointed to occupy that office in his stead:

Provided further that any nominated or elected person holding office on a governing body of the College may not, whether concurrently or subsequently, hold office of any other governing body of the College.

(2) Any governing body of the College may act notwithstanding any vacancy in its membership and quorum shall be computed as if there were no such vacancy.

(3) Any matter proposed for decision at any meeting of any governing body of the College shall be determined by a majority of the votes of the members present and voting, and, if on any such question the votes are equally divided, the presiding member shall have and exercise a casting vote.

Appointment, powers and duties of the President.

19. (1) The President shall be appointed for a term of three (3) years by the President of Malta, acting in accordance with the advice of the Prime Minister, after consulting with the Leader of the Opposition, which person shall be chosen on account of his involvement, in-depth knowledge, and experience in education and the industry as defined in article 2.

(2) The President shall be the most senior official of the College and shall be responsible for leading the College to comply with this Act and with national educational strategic policy as the official guardian of all established good governance policies and procedures at the College.

(3) The President shall promulgate the statutes, regulations and bye-laws of the governing bodies of the College and may revert once to any governing institution such statutes, regulations, and bye-laws which in his opinion are not in compliance with the laws of Malta.

(4) The President may in the event that there is no Principal or Principal-Designate to fulfil the duties of Principal as outlined in article 22, due to *force majeur*, appoint any one of the Deputy Principals to carry out such duties until such time when the Principal can resume his duties or a new Principal is appointed in terms of the provisions of this Act:

Provided that the President shall, within five (5) working days of appointment of the Principal, convene an emergency Board of Governors meeting in order to ratify the temporary appointment.

The Vice-President.

20. (1) The Vice-President shall be appointed by the Minister for a term not exceeding three (3) years, following consultation with the President.

(2) Whenever the office of President is temporarily vacant, and until a new President is appointed, and whenever the holder of such office is absent from Malta or on vacation or is for any reason unable to perform the functions conferred upon him by this Act, those functions shall be performed by the Vice-President.

(3) The Vice-President shall also perform the functions of the President whenever required to do so in writing by the President.

The Secretary to the Board of Governors.

21. (1) There shall be a Secretary to the Board of Governors who shall be chosen by the Board of Governors, after being nominated by the President following consultation with the Principal.

(2) The Secretary to the Board of Governors shall keep minutes as required of each Board of Governors meeting and shall perform the duties of liaison officer between the President and, or the members of the Board of Governors and the Principal of the College.

The Principal.

22. (1) The Principal, without prejudice to the powers vested in the governing bodies of the College by the provisions of this Act, shall have all the powers necessary for the governance and administration of the College, including the power to make such necessary appointments of officers and employees having an academic or technical background or of any other kind, for such period, under such conditions and in accordance with good governance policies and procedures established by the Board of Governors, including the power to decide upon any urgent matter of an educational or other nature:

Provided that any such aforementioned decision affecting any power or function vested by this Act in a governing body of the College shall be registered by the Principal and put on the agenda of that governing body in its first meeting after such decision.

(2) The Principal shall exercise authority over the teaching staff, examiners, students, examination candidates, College employees, and whosoever is entrusted with rendering any service, whether commercial or non-commercial, to the College, and he shall enforce discipline and the strict observance of the provisions of the Act, of the Statute of the Institutes, bye-laws and other rules made by the competent bodies of the College.

(3) The Principal shall confer the Awards, Qualifications and

other distinctions of the College.

(4) The Principal shall ensure that, insofar as it depends on him, the governing bodies are regularly constituted, and that he provides for the organisation of such elections required by this Act, including that they actually be held as established and without undue delay.

(5) The Principal shall ensure that the governing bodies meet regularly as established by this Act and shall be responsible for the planning and coordination of the activities of the different educational and training bodies and institutions and for the performance of the decisions of the competent authorities of the College.

(6) The Principal shall appoint and employ, through public calls, such employees as may from time to time be necessary for the due and efficient discharge of the functions of the College, under the terms and conditions as may be established from time to time by the Board of Governors, and without the need for any other formalities as may be from time to time be established in terms of the Public Administration Act.

Cap. 595.

Deputy Principals.

23. The Deputy Principals shall perform such functions as are delegated to them by the Principal, including that they act on his behalf as may be necessary.

The Registrar.

24. The Registrar shall:

(a) assist the Principal or his delegate in the day to day administration of the academic, educational and training programmes of the College, and he shall be responsible for the execution of the instructions of the Principal or his delegate;

(b) keep the College seal and also sign all documents on which the College seal is applied;

(c) sign the documents which certify the academic and vocational Awards and Qualifications conferred by the College and keep a full record thereof;

(d) act as secretary to the Vocational and Professional Council and, either directly or through a delegate, to the Institutes' Boards of Studies;

(e) be responsible for the records of all examinations held by the College and for the proper safekeeping of such records, and for keeping updated copies of the statutes, regulations and bye-laws;

(f) keep the rolls of the members of the Board of Governors, the Vocational and Professional Council, Institute Boards of Studies, examiners and students;

(g) keep records of the educational and training activities of each student;

(h) be responsible, after consultation with the Deputy Principals, for suitable arrangements about the teaching time-table; and

(i) carry out such other duties as may be called for by the Principal according to the exigencies of the College.

The Institute Directors.

25. The Institute Directors shall perform such functions as are assigned to them by the Principal including that they provide leadership to the Institute by managing both the strategic and operational requirements.

PART IV
Financial Provisions

Financing and control of the College finances.

26. (1) The Board of Governors, through the Administrative Council, shall during each financial year ensure the preparation and adoption of a budget of the revenue and expenditure of the College for the following year.

(2) The Board of Governors, through the Administrative Council, shall ensure that a three-year financial plan (reflecting the three-year strategic plan) is prepared, updated regularly and executed.

(3) The Board of Governors, through the Administrative Council, shall ensure the proper keeping of accounts and other records concerning its operations and transactions, and shall ensure that a relative statement of accounts is prepared for each financial year.

(4) The College accounts shall be audited by warranted qualified auditor or auditors appointed by the Board of Governors from time to time, while the financial administration of the College shall be subject to auditing by the Auditor General.

(5) The Board of Governors shall, by not later than six (6) months from the closing of each financial year, ensure that a copy of the audited statement of accounts, together with a report of the activities during that year of the College, is sent to the Minister together with a copy of the report made by the auditor or auditors about that statement, and the Minister shall without undue delay cause such statements and reports to be laid on the Table of the House.

Fees, rates and payments.

27. (1) The College may levy all fees, rates and other payments prescribed in its protocols or deemed to be prescribed by or under the Act and, or these regulations, or any other law related to the powers and functions of the College.

(2) The College shall be paid by Government out of the

Consolidated Fund such sums as Parliament authorises to be appropriated to meet the costs of specified works to be continued and for the day to day operation and management of the College.

Financial estimates.

28. (1) The College shall cause to be prepared in every financial year, and shall not later than six (6) weeks after the end of each such year adopt, estimates of the income and expenditure of the College for the next following financial year.

(2) In the preparation of such estimates the College shall take account of any funds and other moneys 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 of an Appropriation Act or of any other law and the College shall so prepare the said estimates as to ensure that the total revenues of the College 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 comparisons with previous years as the Minister responsible for finance may direct.

(4) A copy of the estimates shall, upon their adoption by the College, be sent forthwith by the College to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six (6) weeks after he has received a copy of the estimates from the College (or if at any time during that period the House is not in session within six (6) weeks from the beginning of the next following session), cause such estimates to be laid on the Table of the House together with a motion that the House approves the said estimates.

Monies payable by the College.

29. (1) All monies received by the College shall be paid into a bank or banks appointed as bankers of the College by a resolution of the Board of Governors of the College. Such monies shall, as far as practicable, be paid into any such banks from day to day, except such sum as the College may authorise to be retained to meet petty disbursements and immediate cash payments.

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

(3) Cheques against and withdrawals from any bank account of the College shall be signed by the Principal, or such other member or officer of the College as may be authorised by the Board of Governors of the College for that purpose.

Financial procedures.

30. The College 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 College 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 College; and any matter relevant to the proper keeping and control of the accounts and books, and the control of the finance, of the College;

(d) the submission of annual management accounts approved by the Board of Governors.

PART V
Miscellaneous

Official dress.

31. The proper official dress which the principal officers of the College academic staff, graduates, students and other members of the College are expected to wear on official occasions shall be prescribed by regulations made by the Board of Governors following consultations with the Vocational and Professional Council.

Conferment of degrees and diplomas.

32. (1) Qualifications shall be conferred at a public ceremony or, with the consent of the Board of Governors, privately or *in absentia*.

(2) A candidate shall be eligible for the conferment of a qualification only after certification by the Principal that all the conditions prescribed by statutes, regulations and bye-laws relevant to that qualification have been fulfilled, and insofar as all other obligations and responsibilities of the candidate towards the College have also been satisfied.

(3) No person may be considered as holding a qualification of the College unless such qualification has been conferred as prescribed in sub-article (1).

Transfer of assets to the College.

33. (1) With effect from the appointed day all property and undertakings shall, by virtue of this Act, and without further assurance, be transferred to, and shall vest in, the College under the same title by which they were held by the Government immediately before that day.

(2) Such transfer shall extend to the whole of such public property and undertakings and shall include all lands and other property movable or immovable, assets, powers, rights, privileges and causes of action held or enjoyed in connection therewith or appertaining thereto.