VERŻJONI ELETTRONIKA

B 1118

L.N. 131 of 2012

EDUCATION ACT
(CAP. 327)
Institution of Tourism Studies Regulations, 2012

IN EXERCISE of the powers conferred by article 132 of the Education Act, the Minister of Education and Employment has made the following regulations:-

Title.

1. The title of these regulations is the Institution of Tourism Studies Regulations, 2012.

Scope.

Cap. 327.

2. The object of these regulations is to regulate and provide for matters related to the Institution of Tourism Studies in accordance with article 132(2) of the Education Act as an entity established in terms of article 2 of the Education Act.

Interpretation.

3. (1) In these regulations, unless the context otherwise requires:-

Cap. 327.

"the Act" means the Education Act;

"award" has the same meaning assigned to it by the Act or by regulations made thereunder for the purpose of establishing the Malta Qualifications Framework;

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

"Board of Studies" means the Board established by regulation 11;

"the Chairman" means the Chairman of the Board of Governors of the Institution of Tourism Studies;

"the Deputy Chairman" means the Deputy Chairman of the Board of Governors of the Institution of Tourism Studies;

"the Director" means the Executive Director of the Institution of Tourism Studies with such functions and responsibilities as established in regulation 19;

"the Institution" means the Institution of Tourism Studies;

"Malta Qualifications Framework" has the same meaning assigned to it by article 63 of the Act;

"the Minister" means the Minister responsible for education;

"the Permanent Secretary" means the person appointed to supervise educational provision in Malta in terms of the Public Administration Act; Cap. 497.

"the Principal Permanent Secretary" means the person appointed in terms of article 14 of the Public Administration Act; Cap. 497.

"programme" has the meaning assigned to it by article 63 of the Act;

"provider" has the meaning assigned to it by article 63 of the Act;

"qualification" has the same meaning assigned to it by article 63 of the Act;

General. Cap. 497.

4. The provisions of these regulations shall be without prejudice to the functions of the Principal Permanent Secretary under the Public Administration Act and to his powers to issue directives and guidelines with respect to government agencies.

Legal personality and juridical representation of the Institution.

5. (1) In accordance with the Institution's status as an entity established in terms of article 2 of the Act, the Institution shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of the Act and of these regulations, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under the Act and these regulations.

(2) The legal and juridical representation of the Institution shall vest in the Director, provided that the Board of Governors may appoint any one or more of its members or of the officers or employees of the Institution to appear in the name and on behalf of the Institution in any judicial proceedings or in any act, contract, instrument or any other document.

(3) The Institution shall assume the legal personality previously vested in the Institute of Tourism Studies Department within the Ministry responsible for education and, from the entry into force of these regulations, shall assume responsibility for all assets, liabilities and obligations previously entered into by the said Department or by other bodies on its behalf.

Official languages.

6. The official languages of the Institution are Maltese and English. The Institution may use either of both languages for official purposes.

Aims.

7. (1) The Institution shall have as its mission to develop persons through quality learning to achieve excellence in tourism.

(2) In fulfilling its mission the Institution shall adhere to the following principles:

(a) the provision of a learner-centred curriculum and which promotes creativity, innovation, participation, reflection, personal independence and the holistic development of learners;

(b) the provision of an inclusive learning environment, ensuring equitable access to all persons irrespective of any diversity;

(c) the promotion of professional development through lifelong learning opportunities for all types of learners;

(d) the provision of individual guidance and mentoring to learners;

(e) the development of specialised technical, leadership and entrepreneurial skills in line with trends and requirements of the tourism industry;

(f) the promotion of internationalisation, with a holistic understanding of differences between local and foreign cultures;

(g) the requirement of performance of ethical and environmentally conscious practices and a commitment towards professionalism and health and safety in the place of work;

(h) the ongoing development and strengthening of tourism studies as a key element of vocational education in Malta; and

(i) through its operations, the promotion of Malta as a place of educational tourism and the promotion of tourism in Malta generally.

(3) (a) The Institution shall provide the following courses and programmes of learning including practical and work experience, that lead to recognised qualifications in accordance with the Malta Qualifications Framework, in trades, skills, and professions as may be necessary in the tourism, restaurants and the catering industry and services, including by distance learning and or by any other effective means and from any suitable place according to the objective of the course or programme:

(i) at the levels up to and including level 5 of the Malta Qualifications Framework; and

(ii) with the approval of the Minister, at levels 6 to 8 of the Malta Qualifications Framework:

Provided that such courses and programmes shall also include suitable course and programme options for industry pre-entrants and specialised programmes for personnel in the tourism industry.

(b) The Institution shall ensure the following:

(i) that the courses and programmes provided in accordance with paragraph (a) aim to develop technical, generic and behavioural skills and competencies, integrate theory and practice and promote modern leadership approaches;

(ii) that the work placements for learners which are established as part of the courses and programmes referred to in paragraph (a) are provided according to established quality standards as required by the Institution.

8. (1) The governing bodies of the Institution shall be the following: Governing Bodies of the Institution.

(a) the Board of Governors; and

(b) the Board of Studies.

(2) The principal officers of the Institution are:

(a) the Chairman;

(b) the Director;

(c) the Deputy Director;

(d) the Head of Academic Affairs;

(e) the Head of Administration;

(f) the Registrar;

(g) the Heads of Departments; and

(h) the Branch Managers.

Composition of the Board of Governors.

9. (1) The Board of Governors shall be the highest governing body of the Institution. It shall be composed of not less than seven and not more than nine members to be appointed by the Minister for a period of three years and the members shall be eligible to be re-appointed after their term of office expires. The members of the Board shall serve in their personal capacity.

(2) The Minister shall appoint from among the members of the Board of Governors a Chairman and a Deputy Chairman. Where the Chairman is abroad or for any other reason, for a temporary period, is unable to perform his functions, the Deputy Chairman shall act as Chairman and shall perform the powers and functions of the Chairman.

(3) The Director shall have a right to attend the meetings of the Board of Governors without having a right to vote, provided that he shall withdraw from each meeting where matters concerning him personally are discussed.

(4) The members of the Board of Governors shall be such persons having competence or experience in the education sector, vocational training, the tourism industry, entrepreneurship, tourism policy or macro level tourism planning, and who, in the opinion of the Minister, possess leadership qualities, and have an understanding of the importance of tourism studies within the context of general socio-economic development:

Provided that the Minister shall nominate as members of the Board of Governors such persons to represent the interests of any of the branches of the Institution, as may be required.

(5) A member of the Board of Governors may at any time be removed from office by the Minister on the grounds of inability to perform the functions of his office as required, either because of mental disorder or physical illness, or for any other reason due to which the member would no longer be fit to occupy such office or due to bad conduct.

(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 or should the office of any member become in any manner vacant, the Minister 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 reappointed.

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(7) 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 of Governors plus one.

(8) Subject to the provisions of the Act and of these regulations, the Board of Governors may appoint committees and generally regulate its own procedures.

(9) The Board of Governors shall appoint a Secretary to keep minutes and a record of the meetings and of its decisions.

(10) The Board of Governors shall meet at least once every two months.

(11) The Board of Governors shall take all necessary precautions and treat information on commercially sensitive matters in a highly confidential manner in its relations with both public and private entities that may be concerned.

Functions and powers of the Board of Governors.

10. (1) The Board of Governors shall have the duty of performing the objectives and to exercise the powers of the Institution as provided in the Act and in these regulations, and shall in particular have the following functions:

(a) to develop the direction, strategy and image of the Institution and any of its branches, including the adoption of periodic development plans for the Institution and its branches;

(b) to acquire, administer and control the resources, facilities and property, both movable and immovable, of the Institution, including the procurement and utilisation of resources for the running of the Institution and any of its branches;

(c) to distribute between the departments and any branches within the Institution, as the case may be, the resources available to the Institution by way of funds and by way of premises, facilities, services, equipment and persons;

(d) to liaise with the tourism industry and other organisations in its endeavour to constantly monitor and develop learners' needs;

(e) to assist and advise the Director in achieving a level of excellence in the standards of the Institution's courses and programmes in order to empower the Institution's graduates

to succeed in commanding challenging and rewarding careers in the Tourism Industry;

(f) to assist the Director in ensuring that that the Institution adheres to the requirements of the National Commission for Higher Education and the Malta Qualifications Council, as provided in the Act or any regulation made thereunder and to national policies and strategies in education or tourism as adopted by Government from time to time;

(g) subject to the provisions of regulation 7, to establish courses, programmes, departments, specialised centres, libraries, practical work stations, offices and other structures within the Institution for fulfilment of the mission of the Institution:

Provided that the courses, programmes and departments may only be established by the Board of Governors following consultation with the Board of Studies.

(h) with the approval of the Minister, to constitute branches of the Institution in Malta, Gozo and abroad;

(i) to determine, in accordance with the requirements of the Malta Qualifications Framework, the conditions for admission into a programme or course provided by the Institution;

(j) to provide appropriate procedures for the assessment and certification of learners;

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

(l) to appoint the Director, and on his advice, also to appoint all other principal officers of the Institution;

(m) to set up, and abolish, any post of an academic or other nature and make appointments thereto;

(n) to make guidelines and establish procedures concerning the performance and the conduct of students, teachers and other persons entrusted with rendering any service at the Institution, whether engaged by an indefinite or a definite contract of service, or by a contract for service, or if seconded or on loan to the Institution by government, public or private entities;

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(o) to make guidelines to establish rules relating to any programme or course provided by the Institution;

(p) to make any other guidelines, rules and procedures as provided in these regulations;

(q) to appoint Maltese or foreign examiners according to pre-established guidelines and procedures, and to ensure that payment is effected for their service;

(r) to ensure that proper academic and training levels are retained and improved upon;

(s) to establish internal quality assurance schemes as required by the Act or any regulation made thereunder and required auditing procedures for the operations of the Institution;

(t) to endeavour to undertake relevant projects of a cross-border nature and to enter into such agreements as appear to it necessary with public of private entities related to tourism or tourism education and with learning institutions in Malta and overseas for the fulfilment of the mission of the Institution;

(u) through the Ministry responsible for education in cooperation with, where necessary, the Ministry responsible for tourism, to publicise and promote the Institution's policies, plans, courses, programmes and operations in a manner which establishes the Institution and its branches as a vital element of the Malta Tourism infrastructure;

(v) to establish ancillary activities related to tourism with the direct purpose of enhancing the learning experience of learners and to work actively towards the expansion of the commercial aspects and the international dimension of the Institution;

(w) to set up within the Institution, as and when appropriate, a residence conducive to the mission of the Institution including within it any of the services provided by the Institution to the public;

(x) to perform any other function which it may deem necessary to execute the powers and functions of the Institution which are not, by means of these regulations, vested in another governing body of the Institution; and

(z) to undertake any other function assigned to it by

the Minister from time to time.

(2) The Board of Governors shall also approve the curricula and the syllabi submitted by the Board of Studies and, where it deems it so necessary, to revert the same to such Board of Studies together with its advice about any proposed amendments.

(3) The Board of Governors shall, where so approved by the National Commission for Further and Higher Education, certify the capabilities for the exercise of a trade, calling and profession, and also of proficiency in any trade, technical work, technology, or any other commercial or economic activity related to tourism.

(4) The Board of Governors shall ensure that the awards of the Institution are recognised both at a national and at an international level, and that, wherever applicable, are related to the standards established in the Malta Qualifications Framework.

The Board of Studies.

11. The Board of Studies shall be constituted of the following members:

(a) the Director who presides *ex officio*;

(b the Deputy Director *ex officio*;

(c) the Head of Academic Affairs *ex officio*;

(d) the Registrar *ex officio*;

(e) the Heads of the Department *ex officio*;

(f) one member elected by and from among the academic staff;

(g) one member, being the president of the Institution's primary student association, elected by and from among the learners in the Institution; and

(h) two members from among the members of the Board of Governors.

Functions of the Board of Studies.

12. (1) The Board of Studies shall be responsible for the general direction of the provision of programmes and courses of the Institution, and shall have the following functions:

(a) to propose to the Board of Governors the programmes and courses to be provided by the Institution, following consultation with interested stakeholders regarding the curriculum of such programmes and courses;

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(b) to propose to the Board of Governors guidelines regarding programmes and courses provided by the Institution, documentation and examinations at the Institution and to establish such awards and distinctions for such candidates satisfying the applicable conditions on completion of the programmes and courses;

(c) to decide about the persons to whom the awards and other distinctions shall be awarded;

(d) to verify that the assessment procedures used by the Institution are in conformity with the approved academic policies of the Institution;

(e) to establish, subject to the provisions of the Act and these regulations, the entry conditions to programmes and courses of the Institution;

(f) to nominate Maltese or foreign examiners according to pre-established guidelines and procedures to the Board of Governors for its approval;

(g) to recognise, following a recommendation by the competent authorities according to the Act, such qualifications, awards and distinctions of other education providers for the purpose of access into a programme or course of the Institution;

(h) to advise to the Board of Governors on any matter related to learning in relation to tourism; and

(i) to deal about any other matter which refers to education and training and as may arise in the administration of the Institution.

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

(3) The Board of Studies may act notwithstanding any vacancy in its membership and the *quorum* shall be computed as if there was no such vacancy.

Common provisions for the Governing Bodies of the Institution.

13. (1) Any question proposed for decision at any meeting of any governing body of the Institution 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 member presiding shall have and exercise a casting vote.

(2) Unless otherwise provided in these regulations, persons holding office on a Governing body not *ex officio* shall hold that office for a period of two years:

Provided that such persons shall continue so to hold office, despite the expiry of their term, until the election or appointment of another person to substitute that person.

The Executive Management Office.

14. There shall be an Executive Management Office of the Institution which shall be constituted of the following persons *ex officio*:

(a) the Director who presides the Executive Management Office;

(b) the Deputy Director;

(c) the Head of Academic Affairs;

(d) the Registrar; and

(e) the Head of Administration.

Functions of the Executive Management Office.

15. (1) Without prejudice to the functions and responsibilities of the members of the Executive Management Office as provided in these regulations, the Executive Management Office shall operate under the direction of the Director and shall have the following functions:

(a) upon consultation with the Board of Studies, to develop and propose periodically to the Board of Governors the development plan of the Institution;

(b) to ensure proper dialogue and communication within the Institution;

(c) to ensure that the policies, strategy and decisions adopted by the Board of Governors and by the Board of Studies are implemented;

(d) to ensure co-ordination and the effective and efficient functioning of the structures, departments, centres, officers and employees of the Institution;

(e) to ensure that all necessary measures are applied, including disciplinary procedures and the auditing and quality assurance processes of all operations within the Institution; and

(f) any other function as may be assigned to the

Executive Management Office by the Director.

(2) The Executive Management Office shall hold minuted meetings on a regular basis as directed by the Board in accordance with the daily requirements of the Institution.

Powers and duties of the Chairman of the Board of Governors.

16. (1) The Chairman of the Board of Governors shall be the highest officer of the Institution and shall be responsible for ensuring that the Institution complies with the Act and these regulations.

(2) The Chairman shall issue guidelines and procedures of the governing bodies of the Institution and may revert as many times as necessary to any governing body such guidelines and procedures which in his opinion are not in terms of the law.

(3) The Chairman shall whenever he deems it necessary, have the power to convene and preside the Board of Governors, the Board of Studies and the Executive Management Office.

(4) Whenever the office of Chairman is temporarily vacant, and until a new Chairman 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 these regulations, those functions shall be performed by the Deputy Chairman of the Board of Governors.

Functions and responsibilities of the Director.

17. (1) Without prejudice to the powers vested in the governing bodies of the Institution by the Act and by the provisions of these regulations, the Director shall, subject to the direction of the Board, be responsible for the daily administration of the Institution, shall be the Chairman of the Board of Studies *ex officio* and shall be vested with the legal representation of the Institution and any of its branches in Malta and Gozo.

(2) The Director shall be appointed to hold office for a term not exceeding three years:

Provided that the Director shall be eligible for re-appointment for further periods each of not more than three years.

(3) The Director shall exercise authority over the academic staff, examiners, learners, examination candidates, employees and whosoever is entrusted with rendering any service to the Institution, and he shall enforce discipline and the strict observance of the Act and the provisions of these regulations and of the guidelines and procedures of the Institution.

(4) The Director shall not hold any other office or position or

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carry on any business activity without the consent in writing of the Board of Governors.

(5) The Director shall be responsible for ensuring the execution of the policies and decisions of the governing bodies of the Institution.

(6) The Director shall have the power to summon the Board of Studies and the Executive Management Office.

(7) The Director shall confer awards and distinctions of the Institution.

(8) The Director shall ensure that, insofar as it depends on him, the governing bodies are regularly constituted and that their work is planned and coordinated, ensuring that they meet regularly as established by these regulations and that the decisions of the governing bodies of the Institution are executed.

(9) The Director shall provide for the organisation of such elections required by these regulations, including that they actually be held in the manner provided and without undue delay.

(10) The Director shall ensure that the operations of the Institution shall follow a performance agreement of the Institution which is to be agreed to between the Permanent Secretary and the Institution and, for this purpose, article 40 of the Public Administration Act shall *mutatis mutandis* apply.

Cap. 497.

(11) The Director shall give effect, as soon as practicable, to any written request, not inconsistent with any provision of these regulations which the Minister may make, in relation to the policy to be followed by him in the discharge of his functions, and in relation to any matter which appears to the Minister to affect the Institution and any of its branches.

(12) The Director shall provide the Board with regular reports on the performance and finances of the Institution.

(13) The functions of the Director shall include the overall responsibility for all aspects of the Institution and any of the branches of the Institution in Malta or Gozo.

(14) Without prejudice to the provisions of these regulations, the Director shall undertake any other function as directed by the Board of Governors.

Deputy Director.

18. (1) Without prejudice to the provisions of these

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regulations, the Deputy Director shall perform such functions as are delegated to him by the Director, including that he acts on his behalf as may be necessary.

(2) Where reference is made in these regulations to the Director, this shall be construed to mean the Deputy Director in relation to the functions delegated by the Director to the Deputy Director.

(3) Where the Director is absent, the Deputy Director shall act on behalf of the Director during his absence. Where the post of Director is vacant for a period of time, the Deputy Director shall, for such period, act instead of the Director, and shall, during such period, have such functions and responsibilities as attributable to the Director under these regulations.

Head of Academic Affairs.

19. The Head of Academic Affairs shall, under the direction of the Director, be responsible for the academic team and the academic content of the Institution, including the curriculum, the delivery of programmes and courses and quality assurance of the teaching provided by the Institution. To such end, he shall perform such functions and duties as may be requested by the Director according to the exigencies of the Institution.

Head of Administration.

20. (1) The Head of Administration shall assist the Director in the administration and the day to day functioning of the Institution, its employees, its finances and all movable and immovable property. Wherever so requested by the Director, he shall execute decisions made by the governing bodies.

(2) The Head of Administration shall also advise the Director regarding such internal auditing of finances or operations of the Institution, and such financial or operational control as he deems necessary and shall also carry out the same.

(3) The Head of Administration shall, under the direction of the Director, be responsible for the day to day administration of the Institution’s finances, reporting to the Director. In the fulfilment of this responsibility, the Head of Administration shall have the following functions:

(a) to prepare the following:

(i) the annual budget of revenue and expenditure;

(ii) the annual comparative statement of revenue and expenditure;

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(iii) the annual balance sheet and statement of accounts; and

(iv) the quarterly management accounts;

(b) to ensure the collection of revenue and moneys due to the Institution;

(c) to maintain an adequate accounting system embracing the whole of the financial operations of the Institution;

(d) to be responsible for all ordering and purchasing and for the control of stores and inventories;

(e) to advise the Director on expenditure out of approved provisions; and

(f) in conjunction with the Director, to countersign bills of exchange, cheques, bank drafts, letters of credit and all other banking, financial and commercial documents, subject to any restrictions made by the Board of Governors.

(4) Without prejudice to the provisions of these Regulations, the Administrative Director shall perform such other duties as may be requested by the Director according to the exigencies of the Institution.

The Registrar.

21. The Registrar shall, under the direction of the Director, have the following functions:

(a) to manage the student management information system of the Institution and to manage the work placements of students;

(b) to keep the Institution seal and also sign all documents to which the Institution seal is applied;

(c) to sign the documents which certify the awards given by the Institution and keep a full record thereof;

(d) to act as secretary to the Board of Studies;

(e) to ensure the proper safekeeping of the records of all examinations held by the Institution;

(f) to keep updated copies of the guidelines and procedures of the Institution;

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(g) to keep the rolls of the members of the Board of Studies, examiners and students;

(h) to manage the administrative and organisational process related to all aspects of the learning activities of the students;

(i) to keep records of the learning activities of each student;

(j) to keep the statistics of the Institution;

(k) to make suitable arrangements for the learning timetable, upon consultation with the Board of Studies; and

(l) without prejudice to the provisions of these regulations, to perform such other duties as may be requested by the Director according to the exigencies of the Institution.

Heads of Department.

22. (1) There shall be one Head of Department for each department established within the Institution in accordance with these regulations.

(2) Heads of Department shall, under the direction of the Director, be responsible for all matters relating to the proper functioning of their respective department. To such end, they shall perform such duties as may be requested by the Director according to the exigencies of the Institution.

Staff appointments with formal duties.

23. (1) Appointment of all staff with formal and regular duties shall be made by the Director and confirmed by the Board of Governors.

(2) The appointment of academic staff with formal and regular duties shall be made in the grades determined by the Board of Governors, with the approval of the Minister, according to the qualifications and professional experience of the person being appointed. Posts may be advertised for appointments within specified grades.

Official dress.

24. The proper official dress which the principal officers of the Institution, academic staff, employees, graduates, learners and other members of the Institution are expected to wear on official occasions shall be provided in guidelines made by the Board of Governors.

Granting of awards.

25. (1) Awards shall be granted at a public ceremony or, with the consent of the Board of Governors, at a private ceremony or *in absentia*.

(2) A candidate shall be eligible for an award of the Institution only after certification by the Director that all the conditions provided by the relevant guidelines of the Institution been fulfilled, and insofar as all other obligations and responsibilities of the candidate towards the Institution have also been satisfied.

(3) No person may be considered as holding an award of the Institution unless such award has been conferred as prescribed in sub-regulation (1).

Branches of the Institution.

26. (1) The Institution shall establish, in the manner required in regulation 10, and by means of guidelines adopted by the Board of Governors, such branches of the Institution in Malta, Gozo or overseas, with such departments as it may deem necessary.

(2) The Board of Governors shall appoint a Branch Manager for each of its branches in Malta or Gozo. The Branch Manager shall be responsible for the administration of the branch to which he is assigned, shall be answerable to the Director with respect to the execution of his functions and shall report to the Director as may be required by the Director.

(3) The Institution's branches in Malta and Gozo shall be governed by the Board of Governors established in accordance with regulation 9. The Board of Governors, shall involve, as and where necessary, the Branch Managers in the manner provided in regulation 9(3), *mutatis mutandis*.

(4) The Institution shall ensure that the financing, planning, education and training provision, staff appointments and salaries and any relevant fees of the branches shall be integrated within one overarching system applicable to the Institution.

(5) The guidelines referred to sub-regulation (1) shall establish, in accordance with these regulations, the manner in which the relations between the respective branch and the Institution shall take place, in particular with respect to the development of programmes and courses, the awards given by branches, the external relations of the branches, appointments of staff in the branches and any other matter that falls under the responsibility of the Board of Governors and the Director in relation to the Institution.

(6) The Board of Governors shall make such arrangements for any of the Institution's branches overseas which may, with the approval of the Minister, be exempt from the requirements of sub-regulations (2) to (5) insofar as such branch serves to fulfil the mission of the Institution as provided in these regulations.

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Disclosure of interests.

27. (1) Where a member of any of the governing bodies of the Institution, a member of staff of the Institution, or any person in any other manner engaged to provide educational or other services to the Institution, has any interest in, or material to, any matter which falls to be considered by any of the Institution's governing bodies, he shall -

(a) disclose to the governing body, as the case may be, the nature of his interest at the first meeting of the governing body after such interest is acquired or in advance of any consideration of the matter, whichever is the earlier;

(b) take no part in any consideration of such matter and neither influence nor seek to influence a decision in relation to such matter;

(c) if he is a member of a governing body of the Institution, withdraw from the meeting of such governing body for so long as the matter is being discussed or considered and shall not vote or otherwise act in such capacity in relation to the matter.

(2) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by him to comply with the requirements of sub-regulation (1), the question shall be determined by the Board and the decision and its motivation shall be recorded in the minutes of the meeting where the decision was taken.

(3) Where a disclosure is made to a governing body pursuant to sub-regulation (1), particulars of the disclosure shall be recorded in the minutes of the relative meeting.

(4) Where a person referred to in this regulation fails to make the required disclosure, the Board of Governors shall decide the appropriate action (including removal from office or termination of contract) to be taken.

(5) Where a person having an interest referred to in sub-regulation (1) is a voting member of the Board of Governors, such matters as are revealed in accordance with this regulation are to be forwarded 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 of Governors.

Disclosure of information.

28. (1) Save as otherwise provided by these regulations or any other law, a person shall not, except where necessary for the

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proper performance of his functions, without the consent of the Board of Governors, disclose to any person any non-public information obtained while performing, or as a result of having performed, duties as a member of any of the governing bodies of the Institution or as a member of staff of the Institution or as a person in any other manner engaged to provide educational or other services to the Institution.

(2) Nothing in sub-regulation (1) shall prevent disclosure to the Minister of information in a report made by or to the Institution or on behalf of the Institution.

(3) Saving any disciplinary action which the Board may deem appropriate to take, any person who contravenes the provisions of these regulations shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) of not less than one thousand and one hundred euro (1,100) and not more than two thousand and five hundred euro (2,500) or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.

Officers and staff.

29. (1) Articles 113 to 115 of the Act shall apply to the Institution in relation to staff appointments:

Provided that, for the purpose of these regulations:

(a) any reference to the Prime Minister in article 114 of the Act shall be construed as reference to the Principal Permanent Secretary, following the direction of the Prime Minister;

(b) in assessing the pensionable emoluments of any officer detailed for duty with the Institution as provided in article 114 of the Act, for the purposes of any pension entitlement under the Pensions Ordinance and the Widows' and Orphans' Pensions Act, no account shall be taken of any allowances, bonuses or gratuities paid to such officer by the Institution in excess of what he is entitled to as a public officer; and

Cap. 93.
Cap. 58.

(c) during the time in respect of which any officer is detailed to perform duties with the Institution as provided in the previous paragraph, his terms and conditions of service shall not be less favourable than those which are attached to his appointment with the Government during the period aforesaid. Such terms and conditions shall not be deemed to be less favourable because they are not in all respects identical or superior to those enjoyed by the officer concerned at the date of such detailing, if in the opinion of the Prime Minister such terms and conditions, taken as a whole, offer substantially

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equivalent or greater benefits.

(2) (a) Posts and salary scales with the Institution shall be classified in an exercise carried out by a board composed of a chairperson appointed by the Minister responsible for finance and two other members, one appointed by the Minister responsible for personnel policies in general in the public service and one appointed by the Board of Governors. The classification shall be subject to the final approval of the Minister responsible for finance.

(b) Such classification shall take place within six months from the date of the coming into force of these regulations.

(c) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the Pensions Ordinance less favourable than those to which he would have been entitled prior to such classification. Cap. 93.

30. In accordance with the provisions of article 130 of the Act, the members of the Board of Governors and any officer or employee of the Institution, shall be considered and be treated as public officers for the purposes of the Criminal Code. Persons considered to be public officers. Cap. 9.

31. (1) Articles 116 to 124 of the Act shall apply to the Institution in relation to the financial matters of the Institution. Financial Provisions.

(2) The Institution shall be governed by the provisions of the Financial Administration and Audit Act, unless otherwise stated in the Institution's performance agreement entered into by the Permanent Secretary and the Institution in terms of regulation 17(10), in which case the provisions of the said performance agreement shall prevail. Cap.174

32. (1) In accordance with the provisions of article 126 of the Act, all full-time learning undertaken by Maltese students in the Institution during regular hours shall be without any fee being charged. Fees and stipends.

(2) The Minister, upon being so advised by the Board of Governors, may by regulations prescribe the fees to be charged for examinations and special courses and programmes outside regular hours and the fees to be paid by students who are not Maltese citizens:

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

(3) In accordance with article 126 of the Act, the Minister may determine rates of maintenance grants or stipends payable to learners within the Institution and may impose conditions for the payment of such.

Relations with the Minister.

33. (1) Article 134 of the Act shall apply to the Institution's relations with the Minister.

(2) The Institution shall afford to the Minister facilities for obtaining any information with respect to the property and activities of the Institution, and for this purpose the Board of Governors shall furnish the Minister with returns, accounts and other information with respect thereto, and shall afford to him facilities for the verification of any information furnished, in such manner and at such times as the Minister may reasonably require.

(3) Save as otherwise provided in the Act or in these regulations, the Institution shall be under the general direction of the Minister and, subject to such direction, under the supervision of the Permanent Secretary.

(4) The Minister may, in relation to matters that appear to him to affect the public interest, from time to time give to the Institution directions in writing of a general character not inconsistent with the provisions of the Act or of these regulations, on the policy to be followed by the Institution in the carrying out of its functions, by or under the Act and these regulations, and the Institution shall, as soon as possible, give effect to all such directions.

(5) Any guidelines made by the Institution as provided in these regulations require approval by the Minister for these to come into effect.

Cap. 497.

(6) Save as otherwise provided in the Act or these regulations, article 38 of the Public Administration Act shall, *mutatis mutandis*, apply to the Institution.

Cap. 497.

(7) The Minister may establish an Advisory Board to assist the Director in the manner provided under article 42 of the Public Administration Act.

Transfer of property.

34. (1) The property and undertakings owned by the Government and used by it immediately before the date of the coming into force of these regulations, where used by it for the operation of any of the functions which by these regulations are being transferred to or vested in the Institution shall, on the date aforesaid, by virtue of these regulations and without further assurance, be transferred to and be vested in the Institution under the same title by which they were

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held by the Government immediately before the said date. The provisions of this regulation shall not apply to immovable property.

(2) The use and administration of the immovable assets from time to time specified in an order made by the President of Malta and published in the Gazette (hereinafter referred to as "the immovable assets") being immovable assets which, immediately before the coming into force of these regulations, were owned by the Government and used by it for the exercise of any of the functions which by these regulations are being transferred to or vested in the Institution, shall, with effect from such day as may be specified in any such Order and by virtue of these regulations and without any further assurance, be transferred to and vested in the Institution under the same title by which they were held by the Government before such day.

(3) The transfer and vesting aforesaid shall extend to the whole of such property and undertakings and, without prejudice to the generality aforesaid, shall include all plant, equipment, apparata, instruments, vehicles, craft, buildings, structures, installations, land, roads, works, stocks and other property movable or immovable, assets, powers, rights and privileges and all things necessary or ancillary thereto which are held or enjoyed in connection therewith or appertaining thereto, as well as all obligations affecting or relating to any of the aforesaid property or undertakings or other thing included therein as aforesaid.

(4) Any transfer of property, whether moveable or immovable, shall be subject to all those terms and conditions that the President, on consultation with the Minister, may deem necessary to ensure that such property is exclusively used for the purposes of the functions of the Institution or purposes ancillary thereto.

Vesting of rights in the institution.

35. Subject to the provisions of these regulations, all laws, rules, regulations, orders, judgements, decrees, awards, deeds, bonds, contracts, agreements, instruments, documents, warrants and other arrangements, subsisting immediately before the date of the coming into force of these regulations affecting or relating to any of the properties or undertakings transferred to the Institution by or under these regulations shall have full force and effect against or in favour of the Institution, and shall be enforceable freely and effectually, as if instead of the Government or governmental authority that had been named therein or had been a party thereto, and otherwise in substitution of the Government or governmental authority.

Transitory provisions.

36. (1) When anything has been commenced by or under the authority of the Government prior to the date of the coming into

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force of these regulations, and such thing relates to any of the properties or undertakings or any right or liability transferred to the Institution by or under these regulations, such thing may be carried on and completed by or as authorised by the Institution.

(2) Where, immediately before the coming into force of these regulations, any legal proceedings are pending to which the Government is or is entitled to be a party, and such proceedings are related to any of the properties or undertakings, or any right or liability transferred by or under these regulations, the Institution shall, as from the date aforesaid, be substituted in such proceedings for the Government, or shall be made a party thereto in like manner as the Government could have become substituted, and such proceedings shall not abate by reason of such substitution.

(3) The Minister may, by order, make such incidental, consequential and supplemental provisions as he may deem necessary or expedient for the purpose of determining, as appropriate, the assets transferred to the Institution by these regulations and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Institution by these regulations and make such orders as may be necessary to make any powers and duties exercisable by the Government in relation to any of the transferred property or undertakings exercisable by or on behalf of the Institution.

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