VERŻJONI ELETTRONIKA

I assent.

(L.S.) **DOLORES CRISTINA**
Acting President

11 th November, 2016

ACT No. L of 2016

AN ACT to make provision for the establishment of the Institute of Tourism Studies, and for matters ancillary or consequential thereto.

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

ARRANGEMENT OF ACT

		Articles
Part I	Preliminary	1 - 4
Part II	The Institute's Legal Personality and its general objectives	5 - 7
Part III	Governing Bodies	8 - 23
Part IV	Officers and Staff	24
Part V	Miscellaneous	25 - 31

PART I
Preliminary

1. The short title of this Act is the Institute of Tourism Studies Act, 2016. Short title.

2. The object of this Act is to regulate and provide for matters related to the Institute of Tourism Studies. Scope.

3. In this Act, unless the context otherwise requires: Interpretation.

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

VERŻJONI ELETTRONIKA

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

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

"the Chief Executive Officer" means the Chief Executive Officer of the Institute of Tourism Studies with such functions and responsibilities as established in article 17;

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

"the Institute" means the Institute of Tourism Studies;

"Internal Quality Assurance Committee (IQAC)" means the committee that will monitor the organisational performance in accordance with the National Quality Assurance Framework for Further and Higher Education;

"Malta Qualifications Framework" means the national framework for lifelong learning, being the national instrument for the development and classification of qualifications according to a set of criteria, established through descriptors and applicable to a different
Cap. 327. set of levels, as provided by the Education Act or any regulation made thereunder;

"the Minister" means the Minister responsible for tourism;

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

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

"Programme Quality Validation Board (PQVB)" means the board to oversee the effective operation of the Institute’s academic programmes through validation;

"programme" has the meaning assigned to it by article 63 of the
Cap. 327. Education Act;

"provider" has the meaning assigned to it by article 63 of the
Cap. 327. Education Act;

VERŻJONI ELETTRONIKA

"qualification" has the same meaning assigned to it by article 63 of the Education Act; Cap. 327.

"regular hours" shall mean a programme or course offered by the Institute for the purposes of which more than fifty percent of the teaching is delivered between 08.00 hrs and 17.00 hrs;

"student" shall mean all persons enrolled and participating full-time in a course or programme having level 6 or less offered by the Institute.

General. Cap. 497.

4. The provisions of this Act 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.

PART II
The Institute's Legal Personality and its general objectives

Legal personality and juridical representation of the Institute.

5. (1) The Institute shall be a body corporate having a distinct legal personality and shall be capable 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 this Act.

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

(3) The Institute 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 this Act, 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 Institute are Maltese and English. The Institute may use either of both languages for official purposes.

Aims.

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

(2) In fulfilling its mission the Institute shall adhere to the

VERŻJONI ELETTRONIKA

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 Institute 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.

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

VERŻJONI ELETTRONIKA

(b)The Institute 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 Institute.

PART III
Governing Bodies

Governing bodies of the Institute.

8. The governing bodies of the Institute shall be the following:

(a) the Board of Governors;

(b) the Board of Studies; and

(c) the Chief Executive Officer.

Composition of the Board of Governors.

9. (1) The Board of Governors shall be the highest governing body of the Institute. It shall be composed of not less than seven and not more than nine members. Three members are to be appointed by the Minister for Education and the other members are to be appointed by the Minister for Tourism for a period of not more than three years. 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 responsible for tourism 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 Chief Executive Officer 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,

VERŻJONI ELETTRONIKA

vocational training, the tourism industry, entrepreneurship, tourism policy or macro level tourism planning, and who, in the opinion of the Minister concerned, 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 concerned shall nominate as members of the Board of Governors such persons to represent the interests of any of the branches of the Institute, as may be required.

(5) A member of the Board of Governors may at any time be removed from office by the Minister who appointed him 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 both Ministers concerned. If any member tenders his resignation or is removed from his office by the Minister who appointed him or should the office of any member become in any manner vacant, the Minister concerned 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.

(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 this Act, 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.

VERŻJONI ELETTRONIKA

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 Institute as provided in this Act, and shall in particular have the following functions:

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

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

(c) to distribute between the departments and any branches within the Institute, as the case may be, the resources available to the Institute 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 Chief Executive Officer in achieving a level of excellence in the standards of the Institute's courses and programmes in order to empower the Institute's graduates to succeed in commanding challenging and rewarding careers in the tourism industry;

(f) to assist the Chief Executive Officer in ensuring that the Institute adheres to the requirements of the National Commission for Higher Education and the Malta Qualifications Council, as provided in this 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 article 7, to establish courses, programmes, departments, specialised centres, libraries, practical work stations, offices and other structures within the Institute for fulfilment of the mission of the Institute:

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 campuses of the Institute in Malta, Gozo and abroad;

VERŻJONI ELETTRONIKA

(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 Institute;

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

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

(l) to appoint the Chief Executive Officer, and on his advice, also appoint all other principal officers of the Institute;

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

(n) to issue guidelines and establish procedures concerning the performance and the conduct of students, teachers and other persons entrusted with rendering any service at the Institute, 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 Institute by government, public or private entities;

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

(p) to issue any other guidelines, rules and procedures as provided in this Act or in any regulations made thereunder;

(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 this Act or by any regulation made thereunder and required auditing procedures for the operations of the Institute;

(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 or private entities related to tourism or tourism education and with learning institutions in Malta and overseas for the fulfilment of the mission of the Institute;

VERŻJONI ELETTRONIKA

(u) through the Ministry responsible for tourism in cooperation with, where necessary, the Ministry responsible for education, to publicise and promote the Institute's policies, plans, courses, programmes and operations in a manner which establishes the Institute 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 Institute;

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

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

Board of Studies.

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

(a) the Director of Studies, *ex officio*;

(b) the academic departments within the academic

VERŻJONI ELETTRONIKA

structure;

(c) the Registrar, *ex officio*;

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

(e) one member elected by the students' council; and

(f) 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 Institute, and shall have the following functions:

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

(b) to propose to the Board of Governors guidelines regarding programmes and courses provided by the Institute, documentation and examinations at the Institute 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 Institute are in conformity with the approved academic policies of the Institute;

(e) to establish, subject to the provisions of this Act and of any regulations made thereunder, the entry conditions to programmes and courses of the Institute;

(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 Institute;

VERŻJONI ELETTRONIKA

(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 Institute.

(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 Institute.

13. (1) Any question proposed for decision at any meeting of any governing body of the Institute 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 this Act, 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.

Executive Management Office.

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

(a) the Chief Executive Officer who presides the Executive Management Office;

(b) the Director of Corporate Services; and

(c) the Director of Studies.

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 this Act, the Executive Management Office shall operate under the direction of the Chief Executive Officer 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

VERŻJONI ELETTRONIKA

development plan of the Institute;

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

(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 Institute;

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

(f) any other function as may be assigned to the Executive Management Office by the Chief Executive Officer.

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

Powers and duties of the Board of Governors.

16. (1) The Board of Governors shall be the highest office of the Institute and shall be responsible for ensuring that the Institute complies with this Act.

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

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

(4) The Board of Governors shall confer awards and distinctions of the Institute.

Functions and responsibilities of the Chief Executive Officer.

17. (1) Without prejudice to the powers vested in the governing bodies of the Institute by this Act, the Chief Executive Officer shall, subject to the direction of the Board of Governors, be responsible for the daily administration of the Institute and shall be vested with the legal representation of the Institute and any of its branches in Malta and Gozo.

(2) The Chief Executive Officer shall be appointed to hold

VERŻJONI ELETTRONIKA

office for a term not exceeding three years:

Provided that the Chief Executive Officer shall be eligible for reappointment for further periods each of not more than three years.

(3) The Chief Executive Officer shall exercise authority over the academic staff, examiners, learners, examination candidates, employees and whosoever is entrusted with rendering any service to the Institute, and he shall enforce discipline and the strict observance of this Act and the provisions of any regulations made thereunder and of the guidelines and procedures of the Institute.

(4) The Chief Executive Officer shall not hold any other office or position or carry on any business activity without prior approval in writing from the Minister.

(5) The Chief Executive Officer shall be responsible for ensuring the execution of the policies and decisions of the governing bodies of the Institute.

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

(7) The Chief Executive Officer shall ensure that the governing bodies are regularly constituted and that their work is planned and coordinated, ensuring that they meet regularly as established by this Act and that the decisions of the governing bodies of the Institute are executed.

(8) The Chief Executive Officer shall provide for the organisation of such elections required by this Act, including that they actually be held in the manner provided and without undue delay.

(9) The Chief Executive Officer shall ensure that the operations of the Institute shall follow a performance agreement of the Institute which is to be agreed to between the Permanent Secretary and the Institute and, for this purpose, article 40 of the Public Administration Act shall *mutatis mutandis* apply. Cap. 497.

(10) The Chief Executive Officer shall give effect, as soon as practicable, to any written request, not inconsistent with any provision of this Act, 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 Institute and any of its branches.

VERŻJONI ELETTRONIKA

(11) The Chief Executive Officer shall provide the Board with regular reports on the performance and finances of the Institute.

(12) The functions of the Chief Executive Officer shall include the overall responsibility for all aspects of the Institute and any of the branches of the Institute in Malta or Gozo.

(13) Without prejudice to the provisions of this Act, the Chief Executive Officer shall undertake any other function as directed by the Board of Governors.

Staff appointments with formal duties.

18. Appointment of all staff with formal and regular duties shall be made by the Chief Executive Officer and the Board of Governors shall be kept aware of any new recruit.

Official dress.

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

Granting of Awards.

20. (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 Institute only after certification by the Chief Executive Officer that all the conditions provided by the relevant guidelines of the Institute have been fulfilled, and insofar as all other obligations and responsibilities of the candidate towards the Institute have also been satisfied.

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

Branches of the Institute.

21. (1) The Institute shall establish, in the manner required in article 10, and by means of guidelines adopted by the Board of Governors, such branches of the Institute 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 Chief Executive Officer with respect to the execution of his functions and shall report to the Chief Executive Officer as may be required by the Chief Executive Officer.

(3) The Institute's branches in Malta and Gozo shall be governed by the Board of Governors established in accordance with

VERŻJONI ELETTRONIKA

article 9. The Board of Governors shall involve, as and where necessary, the Branch Managers in the manner provided in article 9(3), *mutatis mutandis*.

(4) The Institute 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 Institute.

(5) The guidelines referred to in sub-article (1) shall establish, in accordance with this Act, the manner in which the relations between the respective branch and the Institute 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 Institute.

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

Disclosure of interests.

22. (1) Where a member of any of the governing bodies of the Institute, a member of staff of the Institute, or any person in any other manner engaged to provide educational or other services to the Institute, has any interest in, or material to, any matter which falls to be considered by any of the Institute'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, which ever 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 Institute, 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 certain course of conduct, if adopted and pursued by a person, would be a failure by him to comply with the requirements of sub-article (1), the

VERŻJONI ELETTRONIKA

question shall be determined by the Board of Governors 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-article (1), particulars of the disclosure shall be recorded in the minutes of the relative meeting.

(4) Where a person referred to in this article 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-article (1) is a voting member of the Board of Governors, such matters as are revealed in accordance with this article 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.

23. (1) Save as otherwise provided by this Act or any other law, a person shall not, except where necessary for the 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 Institute or as a member of staff of the Institute or as a person in any other manner engaged to provide educational or other services to the Institute.

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

PART IV
Officers and Staff

Officers and staff.
Cap. 327.

24. (1) Articles 113 to 115 of the Education Act shall apply to the Institute in relation to staff appointments:

Provided that, for the purpose of this Act:

Cap. 327.

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

VERŻJONI ELETTRONIKA

(b) in assessing the pensionable emoluments of any officer detailed for duty with the Institute as provided in article 114 of the Education 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 Institute in excess of what he is entitled to as a public officer; and

Cap. 327.
Cap. 93.
Cap. 58

(c) during the time in respect of which any officer is detailed to perform duties with the Institute 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 equivalent or greater benefits.

(2) (a) Posts and salary scales with the Institute 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 this Act.

(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.

PART V
Miscellaneous

25. (1) Articles 116 to 124 of the Education Act shall apply to the Institute in relation to the financial matters of the Institute.

Financial provisions.
Cap. 327.

(2) The Institute shall be governed by the provisions of the Financial Administration and Audit Act, unless otherwise stated in the Institute's performance agreement entered into by the Permanent Secretary and the Institute in terms of Article 17(9), in which case the provisions of the said performance agreement shall prevail.

Cap. 174.

VERŻJONI ELETTRONIKA

Fees and stipends.

26. (1) For the purposes of this Act, a student who is:

(a) a citizen of another Member State of the European Union who is entitled to equal treatment to Maltese citizens by virtue of EU legislation and treaty provisions dealing with free movement of workers; or

(b) a citizen of any other country who is entitled to equal treatment to Maltese citizens in matters related to employment by virtue of the application to that country of EU legislation and treaty provisions dealing with the free movement of workers; or

(c) any other person who is entitled to equal treatment to Maltese citizens in terms of the law, and, or EU legislation and, or treaty provisions referred to in paragraphs (a) and (b), as the case may be, on account of his family relationship with persons mentioned in paragraphs (a) or (b); or

(d) a third country national who has been granted long term resident status in Malta under Regulation 4 of the Status of Long-Term Residents (Third Country Nationals) Regulations, or who has been granted a residence permit under Regulation 18(3) thereof; as well as family members of such third country national, as defined in Regulation 15(1) of the Status of Long-Term Residents (Third Country Nationals) Regulations and in Regulation 4 of the Family Reunification Regulations, when such family members have been granted a residence permit under the Family Reunification Regulations, shall be entitled to pay the same fees as EU/EEA students.

(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:

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

(3) The Minister may determine rates of maintenance grants or stipends payable to students within the Institute and may impose conditions for the payment of such.

Relations with the Minister. Cap. 327.

27. (1) Article 134 of the Education Act shall apply to the Institute's relations with the Minister:

Provided that any reference to the Minister in the said article shall, for the purposes of this article, mean the Minister

VERŻJONI ELETTRONIKA

responsible for tourism.

(2) The Institute shall afford to the Minister facilities for obtaining any information with respect to the property and activities of the Institute, and for this purpose the Chief Executive Officer 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 regulations made thereunder, the Institute 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 Institute directions in writing of a general character not inconsistent with the provisions of this Act, on the policy to be followed by the Institute in the carrying out of its functions, under this Act, and the Institute shall, as soon as possible, give effect to all such directions.

(5) Any guidelines issued by the Institute as provided in this Act require approval by the Minister for them to have effect.

(6) Save as otherwise provided in this Act, article 38 of the Public Administration Act shall, *mutatis mutandis*, apply to the Institute. 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; Cap. 497.

(8) The Minister may, by virtue of this Act, make regulations governing the functions and duties of any board, committee or body established under this Act;

(9) The Minister may, subject to the provisions of this Act, make regulations to give effect to any of the provisions of this Act, or to regulate or otherwise provide about any matter in respect of the functions and the activities which affect the Institute in accordance with this Act.

Transfer of property.

28. (1) The property and undertakings owned by the Government and used by it immediately before the date of the coming into force of this Act, where used by it for the operation of any of the functions vested in the Institute by virtue of this Act shall, on the date aforesaid, by virtue of this Act and without further assurance, be

VERŻJONI ELETTRONIKA

transferred to and be vested in the Institute under the same title by which they were held by the Government immediately before the said date. The provisions of this article 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 this Act, were owned by the Government and used by it for the exercise of any of the functions which by this Act are being transferred to or vested in the Institute, shall, with effect from such day as may be specified in any such Order and by virtue of this Act and without any further assurance, be transferred to and vested in the Institute 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, apparatus, 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 things included therein as aforesaid.

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

Vesting of rights in the Institute.

29. Subject to the provisions of this Act, 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 this Act affecting or relating to any of the properties or undertakings transferred to the Institute by or under this Act shall have full force and effect against or in favour of the Institute, and shall be enforceable freely and effectually, as if the Institute of Tourism Studies had been named therein or been a party thereto, 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.

VERŻJONI ELETTRONIKA

Transitory provisions.

30. (1) When anything has been commenced by or under the authority of the Government prior to the date of the coming into force of this Act, and such thing relates to any of the properties or undertakings or any right or liability transferred to the Institute by or under this Act, such thing may be carried on and completed by or as authorised by the Institute.

(2) Where, immediately before the coming into force of this Act, 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 this Act, the Institute 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 Institute by this Act and securing and giving full effect to the transfer of any property or undertaking or any right or liability to the Institute by this Act 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 Institute.

Revocation of the Institution of Tourism Studies Regulations. S.L. 327.423

31. The Institution of Tourism Studies Regulations are hereby revoked without prejudice to anything done or omitted to be done thereunder.

Passed by the House of Representatives at Sitting No. 448 of the 7th November, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA

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