

## CHAPTER 451

### MUTUAL RECOGNITION OF QUALIFICATIONS ACT

*Relating to the Mutual Recognition of Qualifications.*

20th September, 2002;  
1st May, 2004

*ACT XVIII of 2002, as amended by Acts XVII of 2003 and X of 2004; and  
Legal Notice 248 of 2004.*

1. The short title of this Act is the Mutual Recognition of Qualifications Act. Short title.

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

"applicant" means a person from an Agreement State applying to a designated authority for authorization to practise a regulated profession in Malta;

Interpretation.  
Amended by:  
L.N. 248 of 2004.

"application" means a request submitted by an applicant;

"competent authority", in relation to -

(a) any document, certificate, diploma or qualification, or attestation of competence; or

(b) a period of professional and vocational experience,

means the authority, body or person in a Member State authorized under the legislation or established practice of that State to issue, award or recognize such document, certificate, diploma or qualification, or attestation of competence or to certify any such period of professional and vocational experience;

"designated authority" means a licence, permit or warrant awarding body or authority in Malta designated for the mutual recognition of qualifications in relation to a regulated profession or regulated professional activity as listed in the Schedule or as may be determined by regulations from time to time;

"diploma" includes any degree, diploma, certificate, attestation of competence, or other similar evidence of formal qualifications or of education and training awarded by a competent authority in a Member State designated according to the law of that state;

"European Union" has the same meaning assigned to it in the Treaty;

"Member State" means a state member of the European Union;

"Minister" unless otherwise specified, means the Minister responsible for education;

"practice" in relation to any regulated profession, includes -

(a) the taking up or pursuit of the profession, whether in a self-employed capacity or as an employed person; and

(b) the right to use, in the course of such pursuit, a professional title or designatory letters, or the

enjoyment of any special status corresponding to a diploma, granted by a designated authority for that profession;

"professional experience" means the actual and lawful pursuit of the profession or professional activity concerned in a Member State;

"regulated profession and regulated professional activity" means those regulated professions and professional activities listed in the Schedule;

Cap. 460.

"the Treaty" has the same meaning assigned to it in the European Union Act.

Practice of a regulated profession.

**3.** This Act shall apply to the professions and professional activities listed in the Schedule, provided that no applicant shall be entitled to practise a regulated profession or a regulated professional activity unless he fulfils the conditions for the taking up or pursuit of that profession or activity in accordance with the provisions of this Act or of any enactment listed in the Schedule.

Decision of designated authorities.

**4.** A designated authority for a regulated profession shall consider an application as soon as it is reasonably practicable, and shall notify the applicant of its decision together with the reasons upon which it is based within four months of receipt of all the relevant documents.

Mutual Recognition Coordinator.

**5.** (1) The Minister shall designate a person to be known as the Mutual Recognition Coordinator to coordinate the activities of the designated authorities in Malta and to promote uniform application of this Act.

(2) Designated authorities in Malta shall furnish the Mutual Recognition Coordinator, with any requested information as he may reasonably require for the purposes of his functions under this Act.

Malta Qualifications Recognition Information Centre.

**6.** (1) The Minister shall set up a centre to be designated as the Malta Qualifications Recognition Information Centre.

(2) The functions of this Centre shall include:

- (a) the evaluation of diplomas;
- (b) the provision of assistance to designated authorities, learning institutions and individuals, counterpart bodies and other interested parties in the comparative analysis and evaluation of qualifications;
- (c) the collection and dissemination of information related to professional and vocational qualifications;
- (d) the promotion of recognition of Maltese qualifications abroad;
- (e) the enforcement and facilitation of the application of the articles regarding comparability of higher education, professional and vocational qualifications;
- (f) the facilitation of academic mobility; and
- (g) the promotion of transparency of qualifications.

7. (1) There shall be a Board, which shall have such number of divisions as the Minister may by order in the Gazette prescribe, to be known as the Mutual Recognition of Qualifications Appeals Board, hereinafter referred to as "the Board", and such Board shall consist of a chairperson and two other members who shall be appointed by the Prime Minister from among persons of known integrity who appear to him to be qualified by reason of having had experience of, and shown capacity in, matters deemed appropriate for such purpose. Right of appeal.

(2) The Minister may make regulations to regulate the distribution by types of appeals amongst the divisions of the Board, provided that no two divisions of the Board shall deal with the same types of appeals.

(3) A member of the Board shall abstain and may be challenged in such circumstances as would disqualify a judge in terms of Sub-Title II of Title II of Book Third of the Code of Organization and Civil Procedure; and in any such case either the member shall be substituted by another person appointed for the purpose by the Prime Minister acting on the advice of the Minister, or the appeal, when there is more than one division of the Board in office, may be referred by order of the Board from one division of the Board to another. Cap. 12.

(4) The members of the Board shall hold office for a period of three years, and shall be eligible for re-appointment.

(5) A member of the Board may be removed from office by the Prime Minister acting on the advice of the Minister, on grounds of gross negligence, conflict of interest, incompetence, or acts or omissions unbecoming a member of the Board.

(6) Except where a designated authority does not have its own means of appeal, the Board shall have jurisdiction to hear and determine all appeals made by an applicant aggrieved by any decision made by any designated authority under this Act or under any enactment in the second Schedule to this Act.

(7) Any such appeal has to be filed in the Registry of the Board within ten days from such decision.

(8) The decisions of the Board shall be final except with respect to points of law decided by the Board, from which an appeal shall lie within ten days to the Court of Appeal (Inferior Jurisdiction); the judge shall have the right to decide in camera that such appeal is frivolous or vexatious following the closing of the stage of written submissions; such appeal shall also be regulated by rules of court made under article 29 of the Code of Organization and Civil Procedure. Cap. 12.

8. (1) The Minister shall make regulations to bring the provisions of this Act into effect and in respect of any matter which may be prescribed under this Act; without prejudice to the generality of the foregoing, the Minister may, by such regulations: Power to make regulations.

(a) prescribe the parameters for the determination of evidence of formal qualifications;

- (b) provide for the recognition of any secondary, post-secondary or higher education and training courses, and long or short secondary courses, possibly complemented by professional training or experience;
- (c) provide for the right to practise and use of professional title; and
- (d) provide for the recognition of professional experience, adaptation periods, proof of good conduct and aptitude test:

Provided that in the case of professional activities not listed in the Schedule, the Minister may, with the concurrence of the Minister responsible for labour, make regulations for the recognition of qualifications on the basis of professional and, or vocational experience.

(2) The Minister may also by regulations add Schedules to this Act and amend or vary any such schedules currently in force including the possibility of adding or deleting professions or professional activities therefrom.

Fees.

**9.** The Minister may, with the concurrence of the Minister responsible for finance, make orders with respect to the amount of fees payable for anything done or service rendered under this Act.

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SCHEDULE

*Amended by:  
XVII. 2003.20;  
X. 2004.20.*

(Article 2)

Regulated Profession / Professional Activity	Designated Authority	Legislation
Teacher	Minister responsible for education	Education Act, Cap. 327
Instructor		
Kindergarten Assistant		
Facilitator		
Accountant	Accountancy Board	Accountancy Profession Act, Cap. 281
Auditor		
Stock broker	Recognised Stock Exchange/Malta Financial Services Authority	Financial Markets Act, Cap. 345
Financial intermediaries	Malta Financial Services Authority	Financial Markets Act, Cap. 345
Investment Service Providers	Malta Financial Services Authority	Investment Services Act, Cap.370
Insurance sub-agents and registered insurance brokers	Malta Financial Services Authority	Insurance Brokers and other Intermediaries Act, Cap. 404
Weighers	Malta Standards Authority	Metrology Act, Cap. 454
Engineer	Engineering Board	Engineering Profession Act, Cap. 321
Mason	Masons Board	Code of Police Laws, Cap. 10
Tourist guide	Minister responsible for Tourism	Tourist Guide Service Act, Cap. 190
Aircraft pilot	Department of Civil Aviation	Air Navigation Order, (L.N.176/90) under the Civil Aviation Act, Cap. 232
Aircraft flight engineer		
Aircraft flight navigator		
Aircraft maintenance engineer		
Apron controller		
Air traffic control officer		
Port worker	Port Workers' Board	Port Workers Ordinance, Cap. 171
Foreman of port worker		
Scheduled bus service driver Unscheduled service driver (coach)	Public Transport Directorate - Malta Transport Authority	Malta Transport Authority Act, Cap. 332

Regulated Profession / Professional Activity	Designated Authority	Legislation
White window mini-van driver		
Minibus service driver		
Taxi service driver		
Motor hearse driver		
Master Chief Mate Officer in charge of navigational watch	Registrar General of Shipping and Seamen	Merchant Shipping Act, Cap. 234 Merchant Shipping (Training and Certification) Regulations, 2001 (L.N. 197 of 2001)
Chief engineer officer		
Second engineer officer		
Officer in charge of engineering watch		
Licensed testers	Licensing and Testing Directorate Malta Transport Authority	Motor Vehicle Roadworthiness Test Regulations, 1999 (L.N. 126 of 1999); and
Licensed driving instructor		Motor Vehicles (Driving Licences) Regulations, 2002 (L.N. 191 of 2002) under the Traffic Regulation Ordinance, Cap. 65
Able bodied seaman	Registrar General of Shipping and Seamen	Merchant Shipping (A.B. and E.D.H. Certificates) Regulations, 2001 (L.N.196 of 2001) under the Merchant Shipping Act, Cap.234
Efficient Hand Deck		
Pilot	Pilotage Board	Pilotage and Mooring Regulations, 1975 (L.N. 163/75) under the Malta Maritime Authority Act, Cap. 352
Mooringman		
Bunker operator	Malta Maritime Authority	Bunkering (Fuels) Tax Act, Cap. 381
Engine driver	Malta Maritime Authority	Mechanically Driven Boats (Passengers and Cargo) Regulations, 1955 (Government Notice 704/55) under the Code of Police Laws, Cap. 10
Master inside/outside harbour		
General Purpose Hand		
Boatman		
Boatmaster Grade II		
Boatmaster Grade I		
Commercial Vessel Mate		

Regulated Profession / Professional Activity	Designated Authority	Legislation
Commercial Vessel Master		
Marine Engine Driver 3		
Marine Engine Driver 2		
Marine Engine Driver 1		
Engineer		
Radio Operator	Malta Maritime Authority	Wireless Telegraphy (Certificates of Operators) Regulations, 1999 (L.N. 72 of 1999) under the Wireless Telegraphy Ordinance, Cap. 49
Auctioneer	Auctioneers Board	Auctioneers Act, Cap. 342
Wireman	Enemalta Corporation	Electricity Supply Regulations, 1940 (G.N. 223/40) under the Malta Resources Authority Act, Cap. 423
Local warden	Commissioner of Police	Private Guards and Local Wardens Act, Cap. 389
Private guard		
Probation officer	Prime Minister	Probation Act, Cap. 446
Cinema projectionists	Department of Labour	Code of Police Laws, Cap. 10 Occupational Health and Safety Authority Act, Cap. 424
Engine Drivers (Steam) (First Grade)		
Engine Drivers (Steam) (Second Grade)		
Engine Drivers (Internal Combustion) (First Grade)		
Engine Drivers (Internal Combustion) (Second Grade)		
Electric Motor Driver (First Grade)		
Electric Motor Driver (Second Grade)		
Periti		

Regulated Profession / Professional Activity	Designated Authority	Legislation
Advocates	President of Malta	Code of Organization and Civil Procedure, Cap. 12
Legal Procurators	President of Malta	Code of Organization and Civil Procedure, Cap. 12
Conservators-Restorers	Minister responsible for cultural heritage on the recommendation of the <i>Bord tal-Warrant tar-Restawraturi</i>	Cultural Heritage Act, Cap. 445
Diving instructors	Minister responsible for Health	
Veterinary Surgeons	President of Malta on the recommendation of the Veterinary Surgeons' Council	Veterinary Services Act, Cap. 437
Social Worker	Minister responsible for social policy	Social Work Profession Act, Cap. 468
Psychologist	Minister responsible for social policy	Psychology Profession Act, Cap. 471