

AGREEMENT
ON
CHURCH SCHOOLS

The HOLY SEE and the REPUBLIC OF MALTA,

Bearing in mind, on the part of the Republic of Malta, the principles enforced by its Constitution and by those International Bodies to which it adheres, and, on the part of the Holy See, the documents of the Second Ecumenical Vatican Council and also the norms of the Code of Canon Law;

acknowledging the primary right of parents to choose the schools they deem best suited for the education of their children;

acknowledging as well the right to freedom of education and the consequent duty of the State to make possible in practice the exercise of this right, without discrimination;

considering the public character of the service offered by Church Schools to Maltese society;

have agreed that it is opportune to reach a new and definitive Agreement on Church Schools.

Wherefore, the Holy See, as represented by its Plenipotentiary Msgr. Pier Luigi Celata, titular Archbishop of Doclea, Apostolic Nuncio, and the Republic of Malta, as represented by its Plenipotentiary Dr Ugo Mifsud Bonnici, Minister of Education and the Interior have by common accord established as follows:

Article 1

The State recognizes as “Church Schools”, the subject-matter of this Agreement, the schools which, even though belonging to or directed by various canonical legal persons, are recognized as such in writing by the competent diocesan Bishop, and are subject to him according to canon Law.

Article 2

1. The State recognizes the right of the church to establish and direct its own schools according to their specific nature and with autonomy of organization and operation, while observing the general regulations envisaged by the State’s educational policy

regarding the “National Minimum Curriculum” and the “National Minimum Conditions” put into effect in State Schools.

2. In the event that a Church School is found to be in breach of such general regulations, as actually put into effect in State Schools, the Minister of Education, before adopting any provision, shall be bound to grant a respite of twelve months within which the School, saving any other right guaranteed by law, shall bind itself to conform to those same regulations.

Article 3

The Criteria for admission to Church Schools are freely established by the competent ecclesiastical Authorities in such a way that, without discrimination, the public character of the services offered by the same Schools to those who share their educational principles is assured. This does not exclude the possibility, in line with the proper mission of the Church and in the judgement of the same ecclesiastical Authorities, of reserving some places for less privileged categories, or in view of particular socio-familial needs.

Article 4

The Church shall complete the process of reorganization of its Schools in such a way that all the Primary and Secondary schools will have complete cycles of classes as from the scholastic year 1992 1993.

Article 5

Church Schools are free of charge. Free tuition, already put into effect in Secondary Classes, will be extended to the Primaries and Kindergartens as from the first January 1992 and from the first January 1993 respectively.

Article 6

Church Schools are financed by the Church and by the State according to the following criteria:

1.
 - a) The Church makes available to its own Schools such buildings that it owns in which they are established.
 - b) There shall also be to the exclusive charge of the church: the maintenance and possible future extension of the schools' buildings; the renting from third parties of immovable property for use as schools; the remuneration to Spiritual Counsellors; the services rendered by persons not forming part of the ordinary teaching or non-teaching staff of the Schools; the board and lodging of Maltese and non-Maltese students; the tuition of any non-Maltese students.

The Church shall see to the financing of the above costs through: the raising of funds; free donations from parents or others; an annual collection in each diocese; boarding fees; tuition fees of any non-Maltese students; any other source of income.

2.
 - a) There shall be to the charge of the Church and the State; the remuneration of the teaching and non-teaching staff, inclusive of the general expenses estimated at ten per centum of the total amount of the remuneration paid to the teaching and non-teaching staff, taken gross before the deduction corresponding to the contribution of Religious personnel as in article 6, 2.b, ii).
 - b) The Church shall contribute towards the financing of the expenses mentioned in article 6, 2.a) according to the measure resulting from the sum:
 - i) of the yearly income of that part of the capital, accruing from a better development of its immovable

property, which it shall assign to this purpose and which it shall entrust to the Foundation for Church Schools;

ii) and of the contribution offered by the Religious serving in Church Schools, corresponding to the difference between the remuneration properly due to them as established in article 6, 2.a) and 6, 2.d),

iii) and that actually received by them according to the decisions of the competent ecclesiastical Authorities.

c) The State shall contribute towards the financing of the same expenses mentioned in article 6, 2.a) according to the measure corresponding to the difference between their total amount and the contribution of the Church mentioned in article 6, 2.b).

d) For the purpose of determining the remuneration of the teaching and non-teaching staff, it is established that:

i) the teaching staff includes the same categories envisaged in each Stat School;

ii) the number of teaching and non-teaching staff is established in relation to operational requirements and in proportion to the number of students in each school, according to the criteria also used in State Schools;

iii) the remuneration of the teaching and non-teaching staff, including also the social security contributions and bonuses prescribed by law, is established, for the same service and qualifications, on a par with that paid in State Schools.

Article 7

In order to make it possible to determine in due time the financial contribution of the State, the Commission for Education of the Maltese Episcopal Conference shall submit to the Ministry of Education, by the thirty-first August of every year, the list of the teaching and non-teaching staff, both Religious and lay, of Church Schools, deemed to be required for the following scholastic year, with an indication of the respective remuneration of each.

Article 8

1 The Government shall forward its contribution, free of all taxes, to the Fund for Church Schools at the Commission for Education of the Maltese Episcopal Conference, in six instalments, at two months' interval, in advance, by the fifteenth day of the months of October, December, February, April, June and August.

2. In view of the different dates of the commencement of the financial years of the Government and of Church Schools, in the months of October and December the Government may continue paying instalments of the same amount as in the preceding scholastic year, provided that the difference will be settled in the first days of the following Government financial year.

Article 9

The State guarantees to the teachers of Church Schools the same facilities envisaged for those in State Schools: in-service training courses, scholarships, etc.

Article 10

1 The Stat shall guarantee to the students of Church Schools the same allowances and stipends granted to students in its own Schools, and shall also guarantee to them those other facilities enjoyed by students in State Schools in ways to be agreed upon by the Maltese

Episcopal Conference and the Ministry of Education and, in the event of lack of agreement, through the procedures established in article 15.

2 The State, moreover, recognizes parity between qualifications obtained at Church Schools and those awarded by its own Schools, for all intents and purposes for which these qualifications may be required, without any discrimination.

Article 11

The Church places at the disposal of its Schools the buildings and their annexed facilities in the actual state in which they are to be found. Any restructuring or improvements of these buildings that the Government, now or in the future, shall deem necessary shall be at the charge of the Government, saving however the latter's right to be indemnified, taking into account the time that would have elapsed, if ever the same buildings would no longer be used as schools.

Article 12

If at any time the canonical legal persons concerned, with the approval of the Maltese Episcopal Conference, so request, the Government undertakes to obtain from Banks to be designated the concession of loans at reduced rates of interest to effect works of restructuring, improvement or expansion, deemed useful to improve the efficiency of the buildings or of the installations of Church schools, or to ensure to a larger number of parents the exercise of their right of choice of education for their children.

Article 13

Church Schools, given their social function and their exclusion of profit motive, are exempt from import-duty on goods destined to be used for their own activities, and are subject to the tariffs applicable for domestic or non-commercial use as regards public utilities.

Article 14

- 1 The present Agreement shall come into force, saving the provisions of articles 4 and 5, when the Parties exchange an official communication that the full implementation of all the provisions of the same Agreement through the appropriate legal instruments according to their respective legal systems has taken place.
- 2 The present Agreement replaces all other previous agreements on Church Schools.

Article 15

- 1 If in future there shall arise difficulties of interpretation or of application of the provisions of the present Agreement, the Holy See and the Republic of Malta shall entrust the search for an amicable solution to a Joint Commission that shall be composed of the Apostolic Nuncio to Malta and of the President of the Maltese Episcopal Conference or of their delegates for the Holy See, and of the Minister of Foreign Affairs and of the Minister responsible for Education or of their delegates for the Republic of Malta.
- 2 In case of default of performance of what is contemplated in the preceding paragraph, or in the absence of an amicable solution of difficulties of interpretation or of application of the provisions of the present Agreement in the manner contemplated in the preceding paragraph, or in the case of default of performance of the obligations undertaken by virtue of the present Agreement, saving always the rights of the Parties at international law, an ecclesiastical entity or the Government which consider themselves as being due any obligation whatsoever deriving from this same Agreement, shall have the right to take the appropriate legal measures against the party not fulfilling its obligations before the Courts having jurisdiction and competence.

Done at Valletta, Malta, on the 28th day of November, 1991, in two originals in the Italian and English languages, both texts being equally authentic.

For the Holy See

For the Republic of Malta