



THE
PARENTS FOUNDATION FOR EDUCATION

Contribution Rules 2/93

*as amended by Resolutions of the Trustees
dated 1st August 2009 and 1st June 2020*

Resolution of All the Trustees of the Parents Foundation for Education dated 1st January 1993.

- I. Having reviewed the operation of the "Contributions: Rules and Regulations 1988 (Rules 1/88)";
- II. Noting the establishment of a new school by parent contributors of the Foundation and the "Contribution Amendment Rules, 1992" as are being applied to the second school;
- III. Keeping in mind the basic aims and functions of Contributions to the Parents Foundation for Education, namely
 - (a) that in view of the fact that the Foundation has no sources of income other than the financial support of parents who wish to set up schools, capital contributions are necessary to fund the capital expenditure in the development of schools in accordance with the Statute of the Foundation;
 - (b) that capital contributions are to be used only for set-up expenditure and are not to be used for current expenditure in any school;
 - (c) that contributions must be of a limited sum which respects the social realities in Malta so as to make the schools open to as many persons as may choose to enrol their children as possible;
 - (d) that one contribution should be charged to each family irrespective of the number of children attending the same school;
 - (e) that should it be necessary to charge any Supplemental Contribution for the second or further child this will be established before the first child is enrolled;
 - (f) that Contributions shall be deemed to have been applied to the School to which the first child of the Contributor has started attending and that a further Contribution will be payable should the children of one family attend a different school of the Foundation;

While all efforts have been made to avoid errors, only the official texts of these Rules, which are deposited with the Foundation, are binding and if there is any discrepancy between these texts and the official texts, the official texts will prevail.

The Trustees therefore resolve:

1. *Name and application*

These Rules shall be called the "Contribution Rules 1993 (Rules 2/93)" and shall commence to apply with effect from the 1st January 1993. The "Contributions: Rules and Regulations 1988 (Rules 1/88)" shall cease to apply except in so far as they relate to the rights of Contributors registered until the 31st December 1992. These rules shall apply to all contributions registered after the coming into effect of these rules as well as to existing Contributions only in so far as they increase the rights of existing Contributors. **Article 5(2) (b) hereof shall also apply to all existing Contributors with immediate effect.** The Contribution Amendment Rules, 1992 shall continue to apply to all Contributors who take up any offer to enrol their child in the second school, being contributors of children born between the years 1987 and 1992 and registered before 31st December 1992.

2. *Types of Contributions*

Contributions shall be accepted by the Foundation from:

- (a) Parents or other persons who wish to secure a place for a child/ children in a school to be established by the Foundation (hereinafter referred to as the "Contributors") and any contributions made as such are hereinafter referred to as Contributions "A";
- (b) any person or body of persons who believe in the aims and principles of the Foundation and wish to assist the Foundation (hereinafter referred to as the "Benefactors") and any contributions made by such persons are hereinafter referred to as Contributions "B", and except where the context requires otherwise in these rules the said persons shall be referred to as "Contributors". In a particular context Contributors A shall be referred to as "Contributors" and Contributors B shall be referred to as "Benefactors".

3. *Contributor Register*

- (1) There shall be kept by the Foundation a register of all Contributors wherein Contributors are allocated progressive

and unique numbers.

- (2) In the Contributor Register there shall be recorded the name and surname of each Contributor, the names of the children registered, their date and year of birth as well as the starting year for the child. The Contributor shall be asked to confirm the entry and shall be responsible for the accuracy of the information recorded in the Register on registration.
- (3) All cancellations and withdrawals shall be recorded physically in the Register as soon as they take place.
- (4) The Register shall be available for viewing by Contributors and shall be the only official evidence of the Fact of registration and the chronological order of such registration. The Foundation shall make all efforts to have these records computerised as soon as possible after entry.

4. *Benefactors*

Contributions by benefactors shall not be refundable unless accepted by the Foundation in writing under such a condition and shall not entitle the Benefactor to any rights in the Foundation other than as defined in the "Benefactor Rules, 1989(rules 1/89)"

All benefactors registered until the 30th September 1992 shall be deemed to be referable to San Anton School, l-Imselliet. From today all benefactors should be asked to state the school which is to benefit from any donation or grant.

5. *Amount of Contributions A*

- (1) Contributions A shall be for an amount as stated in article 15(2) below and until such time as may be stated by the Foundation may not be given in kind.
- (2) Except as provided in subparagraph (6) hereof (Supplementary Contributions) only one contribution need be made per family per school attended by any of their children. Provided that:
 - (a) ON REGISTRATION parents are obliged to specify all children who on the date of the registration have already been born;
 - (b) by the 31st March subsequent to the end of the year in which other siblings are born, parents are obliged to register any brothers and sisters of the child/children registered pursuant to (a) above. This condition shall apply to all existing Contributors on the Register.

- (3) Once a child has been admitted to attend or attends a particular school then all his/her brothers/sisters registered in accordance with paragraph (2) (a) and (b) shall have rights only in relation to that school. Should a family have a right under the Admission Rules of a particular school, being a school different from which the Contribution "A" is applied in relation to an older child, then such brother/sister may be accepted in the other school on condition that a new contribution is made for such brother and sister.
- (4) Contributions A shall be paid up within 30 calendar days after registration. Should a registered contributor fail to observe this rule then the registration shall be cancelled without any rights to extensions or otherwise or any discretion on the part of any person. This shall be without prejudice to the right of the contributor to re-register with a new Contributor Number. The burden of proof of payment of the Contribution always rests with the parent and should it be established to the Trustees that a Contributor has been cancelled erroneously then the registration shall be reinstated and a Trustee or their delegate shall sign the Register book near the correction.
- (5) Should a brother or sister not be registered in accordance with paragraph (2) (a) or (b) of this Article, the child shall not be entitled to any preferences accorded to brothers and sisters and shall be placed, in priority, in the numerical position according to date of registration relative child number and shall be obliged to make another contribution if the child is offered and accepts a place in another school.

Supplementary Contribution

- (6) In view of the very high proportion of brothers and sisters for whom no capital contribution is made, it may raise difficulties for schools to sustain their capital development or repayment programme based only on new contributions of children being admitted each year.

Accordingly each School is entitled to request the Foundation to require on registration the agreement to the payment of a supplementary contribution (hereinafter the "Supplementary Contribution") payable on actual

confirmation or admission of a child into a school:

Provided that:

- (a) the Supplementary Contribution is agreed to by the Trustees having regard to the social realities in Malta;
- (b) the Supplementary Contribution is not applied retrospectively to parents who have registered a child prior to these Rules;

Provided further that in relation to all families whose children were registered under the Contribution Rules, 1988 (born 1987 to born 1992) and who are offered a place in the second school under the Contribution Amendment Rules, 1992, the said Contribution Amendment Rules, 1992 which provide for a specific supplementary contribution shall apply upon the written agreement of the parent to participate in the effort to set up the second school.

6. Purpose of Contributions

- (1) Contributions are made to the Foundation for their application, directly or indirectly, in any school which may be established by the Foundation from time to time by resolution of the Trustees.
- (2) Contributions are not made with reference to any specific place in any specific school but places in the school or schools shall be allocated in accordance with the general principle of first come first served subject only to any preferences established by the Admission Rules of the specific schools.
- (3) For the purposes of the application of Contributions, Contributions shall be deemed to be made for the school in the same order of their establishment. The date establishment of schools is: SAN ANTON, IMSELLIET: 1988 SECOND SCHOOL, NAXXAR: 1992
- (4) It is declared that brothers and sisters must be offered a place in the same school as their older brother/sisters even if they are registered in the first eighty places. If the Contributor wishes to enter his child in a different school as that attended by the Contributors other child/children, being entitled to do so due to the positioning of the child on the Register, he may only do so against payment of a further Contribution within 30 days of demand by the Foundation.

7. Refund of Contributions

- (1) Subject to what is stated herein, until such time as a child has been confirmed a place in writing in a School of the Foundation, the Parents (the Contributor) of such child shall be entitled, on withdrawal of all children registered with the Foundation and listed on the Waiting List with a "B" status on the database at the Registrar's Office, to the refund of the Contribution in full at any time. Such a Contribution is deemed to be a Non-Committable Contribution and shall be refundable within a reasonable period of time of approximately 2 to 3 months from when the date of withdrawal is communicated to the Registrar by the School. When the Contribution is refunded, the status is changed to "W", meaning "withdrawn".
- (2) At the stage of a Contributor being offered in writing a place for his child/children in a School of the Foundation and the Contributor accepting it, his Contribution is deemed to be a Committable Contribution to the School where the Contributor had accepted the place for his child/children to start attending. In such cases, should the Contributor withdraw the registration/s during the period between the date of acceptance of a place up to the first two full scholastic years of attendance, the refundability of the Contribution becomes conditional to the procedure defined in Rule 16 of the Contribution Rules. The Contribution is marked as withdrawn from the date of the cancellation of the last child of the family and marked with a "P1" status on the database at the Registrar's Office. When it is refunded in terms of Rule 16 the status is changed to "R", meaning "refunded."
- (3) All other Committable Contributions, namely Contributions relative to the attendance of children in a School of the Foundation beyond the first two full scholastic years, become entitled to the refund in line with the policy on refunds as defined by Resolutions of the Trustees dated 14th May 2003 (San Anton School Contributors) and dated 25th June 2019 (San Andrea School Contributors). In all such cases, the entitlement is determined on the following basis:
- According to the year when the last child of a family has been removed from the official class list of the School and, within the same group,

the sequence is determined by the contribution number.

These Contributions are marked with a "P2" status on the database at the Registrar's Office when the children finish schooling or are withdrawn. When the Contribution is refunded, it is refunded in full and the status on the database is changed to "R" meaning "refunded". The same procedure is followed in refunding concurrently any Supplementary Contribution, of a refundable nature, made by Contributors to their respective School.

- (4) The Foundation shall endeavour to effect refunds, when due, as stated in the above subsections (1), (2) and (3) of Rule 7 above. In the event that the Foundation is unable to make the refund, the Contributor shall be informed accordingly.
- (5) The Foundation, has, as per Rule 7(3) above, formulated the programme for the gradual refund of all Contributions A (Committables). Contributions shall be refunded as the Foundation, in its sole discretion, deems proper.
- (6) Refunds of Contributions shall be financed from new Committable Contributions within the same School. In so doing, the Foundation shall respect the fact that it is the parents of children attending that School who should sustain current development and that their children should enjoy, as soon as and as directly as possible, the investments made by their Contributions.

8. Application of Contributions

- (1) The Foundation shall directly apply in a school only such sums as shall represent the number of Contributions relating to children who are admitted or are likely to be admitted to that school.
In order to establish such number the Foundation shall refer to:
 - (a) the number of children actually confirmed a place in writing in accordance with any applicable Admissions Rules of any school and/or
 - (b) the number of children for whom places are available after considering the applicable admission preferences, and/or
 - (c) the average number of children of NEW contributors who were admitted in the previous 4 years experience.

- (2) The Foundation shall in April of each year minute the number of contributions for the previous year which may be applied for the current year in each school and inform each school accordingly.

Provided that for the Contributors having the children born 1990, 1991 and 1992 the Foundation shall minute with three months of today (or such further period as may be established by the Trustees), the number of Contributions which may be applied by each school after having obtained the consent of relevant Contributors under Rules 1/88 to the extension of the Contribution to the Second School.

- (3) At the end of November of each year, the Foundation shall reassess its investments in each school and shall make all the necessary adjustments that it may deem necessary in favour or against any school. In order to enable it to do so each school shall respect the investment guidelines and liquidity ratios establishment by agreement with the Foundation from time to time.
- (4) The application of Contributions is required to provide facilities for children attending or prospectively attending any particular school. The application of funds by the Foundation while being totally without prejudice to the right to the refund of the Contribution in accordance with these Rules, shall not grant any rights to any parents until such time as a place is confirmed in writing with reference to any child.
- (5) Under no condition shall a Contribution "A" bear any interest in favour of a Contributor.
- (6) In using funds in accordance with this Article the Foundation shall always keep in view its obligation to refund contributions relating to children who are not provided a place in a school on the simple demand of the Contributor subject to Article 7 of these Rules.

9. Methods of Application

- (1) The sum equivalent to the number of contributions which can be applied under the previous Article shall be termed "Committable" and all other sums shall be termed "Non-Committable".
- (2) Contributions shall only be used for Capital investments in the schools established by the Foundation. These include purchase of property, construction

costs, Architect and related fees, plant and equipment, furniture and fittings, the initial stock of books and other materials etc and also include pre-determined set-up costs even when these are not of a capital nature. Other than as stated herein no Contribution shall be used to fund current expenditure at a school.

- (3) The Committable sums shall be applied in the particular school for which they are considered committable by means of:
 - i. direct purchase of assets which are placed at the disposal of the particular school;
 - ii. direct payment of invoices for capital investments made by a particular school;
 - iii. loan facilities granted to each school to be used for capital expenditure when invoiced;
 - iv. loans granted to each school for payment of capital expenditure or repayment of capital loans and interest thereon.
- (4) The Non-Committable Sums shall be retained by the Foundation and invested in risk free investments at the best possible rates of return available. In particular the Foundation may invest such funds in:
 - (a) interest bearing bank deposits for such terms as the Foundation calculates as permitting it to retain its ability to repay contributions on demand of parents whose children do not attend any school;
 - (b) Bonds, certificates or other Government investments as above described;
 - (c) any school on an interest free basis provided the repayment of such funds is guaranteed by means of an on demand Bank Guarantee equivalent or more to the total sum of the sums loaned;
- (5) The Committable Sums (with the consent of the school entitled to them) and, subject to the Proviso hereunder, the Non-Committable Sums may be utilised for financing of projects ancillary to the aims and objectives of the Foundation and any School in order to enable the implementation of ideals and ancillary support services for schools. Such expenditure shall only be undertaken if the Trustees are satisfied that the proposed project
 - (a) is required for the achievement of

goals by the schools;

- (b) is accompanied by a master Plan and proper feasibility studies;
- (c) is calculated to require capital funds in the short term with the project being able to refund all such sums over a reasonable period.
- Provided that Non-Committable Funds may only be utilised if one or more schools are willing to undertake to the Foundation that in the event that the sums are required for refunds, then all the said school or schools shall cover these sums from Committable Sums to be applied to their school.
- Provided that where such projects are funded from the Committable Sums relative to one or more schools the schools providing the same shall enjoy any surplus produced by the relative projects.
- It is declared that the Uniforms Project and the Publication of Books in Maltese Project are the existing projects to which this clause applies and the Foundation shall, within three months from today or such other period authorised by the Trustees, minute the source of such funds and relative rights after consulting the schools.
- (6) The interest derived from the investment of any non-committable funds relating to children born prior to 1987 shall accrue in full to the benefit of San Anton School and such investments shall only be made after consultation with the Advisory and Development Committee of San Anton School. All other income derived from investment of other non-committable funds shall, after deduction of sums required by the Foundation, be enjoyed equally between any of the schools and shall only be made after due consultation with the relevant management Committee of any School.
- (7) In making any application of funds in any school as provided in paragraph (40) (c) hereof, the Foundation shall pay regard to the total non-committable funds it has for application and such loans shall not exceed the total non-committable funds at any time.
- (8) It is being declared that non-committable funds are being held by the Foundation for the class of parents whose children will not be provided a place at a school and consequently such funds are not security for any obligation of the Foundation to

any third party, including any parent.

10. *Liability of Foundation*

- (1) The Foundation as a distinct legal person from each of the schools it establishes shall not be liable for the obligations incurred by each school in the fulfilment of each School's project or otherwise.
- (2) The Foundation shall be obliged to make available by way of donation (only as between the Foundation and the School) to each school to enable it to fund its capital programme through the Contribution of each and every child who actually attends each school and upon evidence being satisfactorily supplied by the school.
- (3) The Foundation shall make available by way of loan to each school such sums as are established in terms of Article 8 (1) hereof which sums shall, upon verification and after any adjustments which may be necessary, be converted into donations (only as between the Foundation and the School) in an amount reflecting the number of contributions of children actually attending at the relevant school in terms of subparagraph (2) above.
- (4) The Foundation shall assist each school by granting to it interest free loans as stated in Article 9, in the sums and subject to the conditions therein stated.
- (5) On the basis of the above each school shall fund its own project and shall supplement the same by means of other sources of finance from banks, fundraising or otherwise and shall use its assets as collateral for such facilities if necessary. Provided that in so doing each school shall consult the Foundation and shall keep the Foundation as the Trustee for the parents fully informed of all progress and developments.
- (6) As between the Foundation and parents making contributions the Contribution remains repayable as stated herein independently of the accounting relationship between the Foundation and the Schools.

Transitory provision

- (7) In view of the act that San Anton School Capital assets have been purchased by the Foundation and all capital loan facilities have been undertaken by the Foundation, it is the intention to effect a transfer of all assets and liabilities relating to San Anton School as a distinct body corporate with

a simultaneous release of the Foundation from all and any liabilities. Subject always to the approval of the Trustees as to the conditions with regards to such transaction.

11. *Foundation's Current Expenditure*

- (1) In consideration of the above, each school shall equally contribute to the Foundation a proportion of any deficit of the Foundation pro rata.
- (2) In June of each year the Foundation shall, after full consultation with the School Board of any school, establish a budget for the Foundation's current expenditure and inform each School of the budgeted requirement after taking into regard the income projections on applications of non-committable funds relating to children born after 1987. Such income shall accrue to the Foundation and shall go towards the current contribution which each school is required to make towards the operations of the Foundation and this on an equal basis.
- (3) Each school shall include the projected share of the deficit, if any, costs of the Foundation in its budget as "Foundation administration charges" for the subsequent year and shall pay such share by means of four quarterly instalments to the Foundation.

Depending on the actual income of the Foundation from investments, adjustments shall be made from year to year to balance the Foundation's budgets.

12. *Registration and Registration Fees*

- (1) Registrations of Contributors shall take place on such days as may be specified by the Trustees from time to time. Until otherwise stated, Registrations shall be accepted by each School on behalf of the Foundation, or by the Registrar of the Foundation, only in accordance with the Contribution and Admission Rules. Each School and the Registrar are hereby authorized to issue receipts on behalf of the Foundation. All cheques are to be made payable to the Foundation.
- (2) There shall be due the registration fee of €35 (thirty-five Euro), or such other sum as the Trustees may establish from time to time, for every child which is registered in the Register by Contributors. This sum is to be received by the Foundation towards administrative costs.

13. *No guarantees*

The payment of a Contribution A to and its acceptance by the Foundation shall not imply any guarantees on the part of the Foundation or any School to provide educational facilities for the children registered or any specific type or level of educational facility; however the Foundation shall, through the contributors who are parents of children wishing to attend the schools, endeavour to establish and provide such facilities to highest standards possible.

14. *Contributors' Obligations*

There shall be no financial obligation on any contributor other than as state herein. On the other hand each contributor shares in the moral and ethical obligation to act positively as a Contributor participating in the establishment and operation of schools for their respective children in line with the aims and principles of the Foundation.

The Foundation is synonymous with parent contributors and acts only through them. It is not a distinct functional unit, although it has very specific duties. The Foundation and its Trustees are not obliged to provide any service or assistance unless there are parents willing to take on the respective responsibilities and only through such parents. Each and every contributor shares in this responsibility and undertakes to participate when making a Contribution hereunder.

15.* *Certain administrative provisions regarding receipt of all Contributions*

- (1) Parents may register a child/children with the respective School at any time after the birth of the child.
- (2) Upon such registration, parents shall be required to make a contribution of €1500 per family to the Foundation, unless the Contributor is an expatriate registering for the purpose and under the conditions laid down in Rule 18 of these Rules. The Contribution shall be made to the Foundation (or received by the School on the Foundation's behalf) by not later than 30 days from the date of registration. Failure by the Contributor to effect the said payment within such time-limit may result in an invalidation of the registration.
- (3) Once made, a refundable Contribution

shall be considered as a confirmation by the Contributors that they shall willingly commit themselves to the School where they register their children, that they fully subscribe to the principles of non-profit making and the voluntary aspect of the Foundation and of its Schools, and that they shall act in accordance with the Rules passed by the Foundation and its Schools.

- (4) Accepting an offer of a confirmed place in writing in a School of the Foundation implies that the Contributor is aware of the commitment he has entered into with the School to send his children to attend and fill the place which the School in turn has committed itself to provide for him. Such commitment is for an undetermined period of time until the stage of refundability, as provided for in Rule 7(2) or Rule 7(3) as the case may be, is reached. Such commitment has to be clearly stated in the Letter of Acceptance by the Head of School.

16.* *Certain special cases where a Committable Contribution becomes refundable subject to an administrative charge*

- (1) The provisions of this Article, 16 shall apply in the hereunder mentioned cases unless a Contributor opts by notice in writing to the Foundation to have his Contribution refunded in accordance with subsection 2 of Rule 7.
- (2) If notwithstanding the acceptance by the Contributor of an offer of a place at a School pursuant to subsection (4) to Rule 15, the Contributor subsequently withdraws his child:
 - prior to such child attending School at all, and,
 - provided that such withdrawal is effected prior to the 1st of June during the year in which the child is due to start attending School, then :
 - an administrative charge of €600 shall become due and payable by the Contributor to the Foundation; and
 - the refundable Contribution of €1500 shall be refundable immediately to the Contributor subject to deduction therefrom of the said administrative charge of €600.
- (3) If notwithstanding the acceptance by the Contributor of an offer of a place at a School pursuant to subsection (4) to Rule 15, the Contributor subsequently

withdraws his child:

after the 1st of June during the year in which the child is due to start attending School, whether or not the child would have commenced schooling, and up to the date when the first year of schooling for the said child would have been completed, then :

an administrative charge of €800 shall become due and payable by the Contributor to the Foundation; and the refundable Contribution of €1500 shall be refundable immediately to the Contributor subject to deduction therefrom of the said administrative charge of €800.

- (4) If notwithstanding the acceptance by the Contributor of an offer of a place at a School pursuant to subsection (4) to Rule 15, the Contributor subsequently withdraws his child at any time :
 - from the date when the first year of schooling for the said child would have been completed, up to the date when the second year of schooling for the said child would have been completed, then:
 - an administrative charge of €1000 shall become due and payable by the Contributor to the Foundation; and
 - the refundable Contribution of €1500 shall be refundable immediately to the Contributor subject to deduction therefrom of the said administrative charge of €1000.

17.* *Right to extend the benefit of the Contribution to grandchildren* (Refer to addendum on page 8)

18.* *Waiver of Contribution requirement*

- (1) After consultation with any of the schools established by the Foundation, and after determining that appropriate additional amounts shall be payable by non-Maltese citizens temporarily residing in Malta for a limited duration, to any such school for the purpose of registering a child at the said school for a limited number of years, the Trustees may waive the requirement for the payment of a Contribution to the Foundation in a specific case or classes of cases.
- (2) Any waiver of the Contribution requirement effected by any School of the Foundation shall be registered in the normal course in the Contributor

Register of the Foundation with a mark "WAIVER" on the Register to signify that the registration is made on the basis of this Article 18 of the Contribution Rules 2/93 as amended in 2009.

19.* Reporting by the Schools to the Foundation

- (1) The Schools of the Foundation shall keep the Foundation updated on the capital investment programme of the respective Schools in the context of the Contribution Refunds to be implemented by the Foundation. Where a School of the Foundation is still repaying bank loans of a capital nature, that School shall report to the Foundation on a regular basis on the status of its loan repayment programme in the context of the eventual implementation of a refunding programme of Contributions.
- (2) A School of the Foundation shall ask the Trustees to set up a Capital Fund for the purpose of enabling the Foundation to initiate a refunding programme to Contributors.

INTERPRETATIONS

SUPPLEMENTAL REGULATION NO.1

- 1.1 Reference is made to Clause 5(2) of the Contribution Rules, 1993. It has been noted that this Clause leaves room for ambiguity in the case of adopted children.

It is therefore established that in the case of contributor who has subsequently **adopted** a child, his obligation shall be to register such a child within 3 months of the date on which the child has been **adopted**.

Reference is made to Clause 5(5) relating to preferences. An adopted child registered as above shall be entitled to a preference, **regardless of their age**.¹

- 1.2 Some doubts have arisen as to the right of preference or brothers or sisters **together with** an older child, on a date **after** 31st March of the year subsequent to the date year of birth of the said brothers or sisters. To avoid any doubts it is therefore established that a brother or sister who are registered **together** with older children in accordance with Clause 2(a) shall be enjoy a preference even if the brother or sister is not registered with the period stated in paragraph 5(2)(b).

* Amendments – 2009 (1st August 2009) and – 2020 (1st June 2020)

¹ Meeting of the Trustess dated 31st October 2013, (Sitting No.2 of 2013)

The obligation to register children soon after birth applies only to registered Contributors and not to new Contributors. Brothers or sisters of new registrants would still be entitled to a preference even if the initial registration of children takes place after the children are 1 year 3 months old.

- 1.3 There are several brothers/sisters on the **waiting lists** who were not entitled to a preference at the date of admission of the relevant grade either due to full subscription of a particular year or because the child is the **older** child or because of other reasons according to the applicable Rules.

The question has arisen as to whether these children are entitled to a preference when a **vacancy** arises in the relevant grade.

It is noted that admissions with preferences takes place only in grade 1 and that once a list is set for grade 1, then the list becomes fixed and no further sorting takes place.

Consequently, if a brother/sister had no preference on admission to grade 1 and is on a waiting list, then the brother/sister retains that position.

When in later grades a **vacancy** arises the next on the waiting list is offered the place and not the brother or sister.

- 1.4 These rules assist in interpretations and apply to all Contributors.

SUPPLEMENTAL REGULATION NO.2

- 2.1 Reference is made to the Meeting of the Board of Trustees on 18th October 2005.

Cases of Contributors whose children had attended a School of the Foundation for a period not exceeding 2 full scholastic years or who had never attended School.

At this meeting, the Trustees confirmed, yet again, that Contributors who were offered a confirmed place in writing by School Heads, were *de facto* committables and had to follow the same route leading them to their refund like other committable Contributors whose children had attended a School of the Foundation for a period exceeding the line of demarcation of 2 full scholastic years (cfr. Rule 7 (2) of the Contribution Rules 1993 and Rule 12 of the Delegation of Functions Rules 1998); **unless**

the full complement of 80 (+ plus) places in the relative grade was reached and the cancelled place duly replaced by another new Contributor.

SUPPLEMENTAL REGULATION NO.3

Treatment of Fostered Children under the PFE Rules

- 3.1 At a meeting of the Trustess **held on 16th October 2007** (sitting no. 4 of 2007), the Trustees agreed that, for the purpose of the Rules of the Foundation (Admission/Delegation of Functions/Contribution Rules), Fostered Children should be treated like Siblings, subject only to their registration being supported by proper documentation showing that Contributors were **bona fide** Foster Carers recognised as such under Maltese Law. ACT XVII of 2007 - FOSTER CARE ACT defines a **bona fide** Foster Carer as one who is in possession of a **Foster Care Agreement** recognised as such by Maltese Law.

SUPPLEMENTAL REGULATION NO.4

4.1 Treatment of Grandchildren under the PFE Rules

Following the amendments, **dated 1st August 2009**, to the PFE Contribution Rules 2/93, the Foundation laid down the provisions by which the benefit of the Contribution could be extended to include Grandchildren. Rule 17 of the Contribution Rules as amended refers. Sub-section 1 is reproduced hereunder:

"17(1) At any time between the payment of any refundable Contribution (including any Supplementary Contribution if applicable) and the date when the refund becomes due in accordance with the Foundation's Contribution Rules, a Contributor may assign his/her rights to the refund of the afoe-said Contribution in favour of the School where any of the Contributor's children would have been admitted and attended. Such assignment shall be effected in consideration of the School registering any grandchildren (whether born or yet to be born) of the said Contributor at such School. In such cases, the effects of a Contribution (including any Supplementary Contribution if applicable) to secure a place for any of the Contributor's children in the respective

School, shall be extended to include all the grandchildren of the said Contributor with respect to the same School.”

Sub-section 3 of the afore-said Rule 17 specifies that “...the meaning of the word “family” in Regulation 5(2) of the Contribution Rules 2/93, shall be deemed to include the children as well as the grandchildren...”

For the purpose of the interpretation of Rule 17 of the Contribution Rules, therefore Grandchildren (descendant level 2) and Children (descendant level 1) are to be treated as equals; including in matters of the “Application of Preference” - see Rule 15 of the Admission Rules 3/93.

SUPPLEMENTAL REGULATION NO.5

Application of the Right to a Preference under the PFE Rules

(Guidelines by The Trustees – Meeting of Tuesday 5th May 2015)

5.0 The First-Come-First-Served principle prevails over any other consideration as it has been since the beginning of the Foundation; with the exception of the Right to a Preference where the Rules provide for such entitlement.

5.1 The Right to a Preference is enjoyed by younger siblings of children already attending or already holding a confirmed place in writing by the Head of School; provided that the younger children are registered during the time limit starting from their relative year of birth and ending on 31st March of the year subsequent to their year of birth. Where children of the same family are registered together and the elder child does not have a confirmed place at the time of registration but

acquires it later, the younger child will gain the Right to a Preference when the elder child is confirmed; provided the registration will have been made within the time limit. Whenever the Right to a Preference is applied, the 31st March time limit is binding and late registrants lose their Right to a Preference.

5.2 The Right to a Preference applies also to children registered under Rule 17 of the Contribution Rules 2/93 as amended in 2009. This refers to the Grandparents Scheme (or as it is known better in San Anton School, the Family Loyalty Campaign - FLC). The Right to a Preference is gained if grandchildren are registered within the already defined time limit. In such cases, the Right to a Preference is also conditional on the requirement of the Grandparents to fill in and sign the Assignment of Contribution Declaration, thereby assigning the right to the refund of the contribution to the School where the Contribution is committed. The Right to a Preference is extended to include all the grandchildren of the relative Contributor as stated in Rule 17.

5.3 The Trustees also clarified how the Rules apply in the case of Adopted or Fostered Children. In such cases, it is confirmed that Adopted or Fostered Children shall enjoy the Right to a Preference upon registering within 3 months of the date on which they are adopted or fostered, (Supplemental Rules 1 and 3). It is however to be clarified further that such right can only be gained if the Parents of Adoption or Fostering already have children attending (or enjoying a confirmed place); thereby giving the Adopted or Fostered children registered in time the same Right to a Preference as

siblings.

17. Right to extend the benefit of the Contribution to grandchildren*

ADDENDUM

It is notified for the general information of all PFE Contributors, who have not been refunded their contribution, that Rule 17 of the PFE Contribution Rules 2/93 as amended in 2009, [dealing with the right of Contributors to extend the benefit of the Contribution to their grandchildren], is being suspended as of the 31st December 2016. Accordingly, no new applications under Rule 17 of the Contribution Rules will be accepted by the Trustees of the Foundation and the two Schools after the said date.

The rights of Contributors who have already assigned their Contribution in accordance with Rule 17, [or of any other Contributors, who are eligible to assign their Contribution and who submit the Parents' Contribution Assignment Form by the 31st December 2016], will not be altered.

Contributors should feel free to contact the School where their Contribution is allocated should they require any clarification.

17th September 2016.

ALL CONTRIBUTORS ARE EXPECTED TO READ THE RULES AND ALL OTHER AVAILABLE MATERIAL ON THE SCHOOLS AND TO FAMILIARISE THEMSELVES WITH THE AIMS AND SYSTEMS OF THE SCHOOLS.