

Nru. 21

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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Vincent Moran, M.P., Ministru tas-Saħħa u moqri għall-Ewwel darba fis-Seduta tad-19 ta' Mejju, 1982.

ATT biex ikompli jemenda l-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Saħħa, Kap. 148.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Vincent Moran, M.P., Minister of Health and read the First time at the Sitting of the 19th May, 1982.

AN ACT further to amend the Department of Health (Constitution) Ordinance, Cap. 148.

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Saħħa, Kap. 148.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, ħareġ b'liġi dan li ġej:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1982 li jemenda l-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Saħħa, u għandu jinqara u jiftiehem ħaġa waħda ma' l-Ordinanza dwar l-Organizzazzjoni tad-Dipartiment tas-Saħħa, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

Emenda ta' l-artikolu 24 tal-liġi prinċipali.

2. Il-paragrafu (e) tas-subartikolu (2), u s-subartikoli (5) u (6) ta' l-artikolu 24 tal-liġi prinċipali għandhom jithassru.

Emenda ta' l-artikolu 25 tal-liġi prinċipali.

3. L-artikolu 25 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (2) tiegħu għandu jidhol dan li ġej:

“(2) Il-membri msemmija fil-paragrafu (d) tas-subartikolu (2) ta' l-artikolu 24 ikunu eletti għal żmien ta' tliet snin.”; u

(b) fis-subartikolu (4) tiegħu, minflok il-kliem “(d) jew (e) tas-subartikolu (2) jew taħt is-subartikolu (6)” għandhom jidhlu l-kliem “jew (d) tas-subartikolu (2)”.

Emenda ta' l-artikoli 28A u 28Ċ tal-liġi prinċipali.

4. Fis-subartikolu (4) ta' l-artikolu 28A u fil-paragrafi (b), (ċ) u (d) ta' l-artikolu 28Ċ tal-liġi prinċipali, minflok il-kliem “assistenti spizjari”, kull fejn jinsabu, għandhom jidhlu l-kliem “*pharmacy technicians*”.

Żieda ta' Taqsima ġdida mal-liġi prinċipali.

5. Minnufih wara l-artikolu 28F tal-liġi prinċipali għandha tidhol it-Taqsima ġdida li ġejja:

“TAQSIMA V Ċ

**BORD DWAR IL-PROFESSJONIJIET SUPPLIMENTARI
GĦALL-MEDIĊINA**

Bord dwar
il-Profess-
jonijiet
Supplimen-
tari għall-
Mediċina.

28Ġ. (1) Għandu jkun hemm Bord, li jissejjaħ il-Bord dwar il-Professjonijiet Supplimentari għall-Mediċina, li għandu jeżerċita u jaqdi l-funzjonijiet mogħtija lilu b'din l-Ordinanza.

(2) Il-Bord dwar il-Professjonijiet Supplimentari għall-Mediċina jkun magħmul mill-membri li ġejjin:

(a) *Chairman*, li jkun maħtur mill-President ta' Malta minn fost —

(i) persuni li huma jew li kienu Mħallef f'Malta; jew

(ii) persuni li għandhom mhux inqas minn tnax-il sena esperjenza fil-prattika ta' avukat f'Malta jew total ta' tnax-il sena esperjenza bħala Maġistrat u fil-prattika ta' avukat f'Malta;

(b) żewġ membri *ex officio*, li jkunu —

(i) it-Tabib Prinċipali tal-Gvern jew rapprezentant tiegħu; u

(ii) Uffiċjal Mediku Prinċipali jew Uffiċjal Mediku Anzjan maħtur mill-Ministru;

(ċ) tliet membri maħtura mill-President ta' Malta, li jinkludu fiżjoterapista, spettur tas-saħħa, radjografu u *technician* tal-laboratorju mediku; u

(d) seba' membri eletti.

(3) Mis-seba' membri eletti —

(a) wieħed ikun fiżjoterapista elett b'votazzjoni sigrieta mill-fiżjoterapisti li ordinarjament jirrisjedu f'Malta;

(b) wieħed ikun kiropodista elett b'votazzjoni sigrieta mill-kiropodisti li ordinarjament jirrisjedu f'Malta;

(ċ) wieħed ikun *technician* tal-laboratorju mediku elett b'votazzjoni sigrieta mit-*technicians* tal-laboratorju mediku li ordinarjament jirrisjedu f'Malta;

(d) wieħed ikun *occupational therapist* elett b'votazzjoni sigrieta mill-*occupational therapists* li ordinarjament jirrisjedu f'Malta;

(e) wieħed ikun radjografu elett b'votazzjoni sigrieta mir-radjografi li ordinarjament jirrisjedu f'Malta;

(f) wieħed ikun *speech therapist* elett b'votazzjoni sigrieta mill-*speech therapists* li ordinarjament jirrisjedu f'Malta; u

(g) wieħed ikun spettur tas-saħħa elett b'votazzjoni sigrieta mill-ispetturi tas-saħħa li ordinarjament jirrisjedu f'Malta.

(4) Il-Ministru għandu jahtar ufficjal tad-Dipartiment biex jagħmilha ta' Registratur tal-Bord dwar il-Professjonijiet Supplimentari għall-Mediċina.

(5) Il-Bord dwar il-Professjonijiet Supplimentari għall-Mediċina jista' jiddiskuti, jiddeċiedi u b'kull mod jaġixxi minkejja xi vakanza fost il-membri tiegħu.

Żmien ta' kariga.

28H. (1) Iċ-*Chairman* għandu jzomm u jispiċċa mill-kariga tiegħu skond il-kondizzjonijiet tal-ħatra tiegħu, iżda huwa jista' f'kull żmien jirriżenja mill-kariga tiegħu b'avviz bil-miktub lill-President ta' Malta.

(2) Il-membri maħtura taħt il-paragrafi (b) u (ċ) tas-subartikolu (2) ta' l-artikolu 28Ġ iżommu l-kariga għal dak iż-żmien u taħt dawk il-pattijiet u kondizzjonijiet li l-Ministru jew il-President ta' Malta, skond il-każ, jidhirlu xierqa, u l-Ministru jew il-President ta' Malta, skond il-każ, jista' f'kull żmien jittermina kull kariga bħal dik.

(3) Il-membri eletti skond il-paragrafu (d) tas-subartikolu (2) ta' l-artikolu 28Ġ ikunu hekk eletti għal perijodu ta' tliet snin:

Iżda fl-ewwel elezzjonijiet għall-Bord dwar il-Professjonijiet Supplimentari għall-Mediċina l-perijodu tal-kariga jkun ta' sena dwar il-postijiet imsemmija fil-paragrafi (a), (b) u (ċ) tas-subartikolu (3) ta' l-artikolu 28Ġ, u ta' sentejn dwar il-postijiet imsemmija fil-paragrafi (d) u (e) ta' l-imsemmi subartikolu.

(4) Kull membru maħtur jew elett, skond il-każ, taħt il-paragrafu (ċ) jew (d) tas-subartikolu (2) ta' l-artikolu 28Ġ jista' f'kull żmien jirriżenja mill-kariga tiegħu b'avviz bil-miktub liċ-*Chairman*.

(5) Meta tinħoloq vakanza fil-kompożizzjoni tal-Bord dwar il-Professjonijiet Supplimentari għall-Mediċina għandha ssir ħatra ġdida jew issir elezzjoni, skond il-każ, fi żmien xahar mid-data ta' dik il-vakanza.

Dmirijiet tal-Bord dwar il-Professjonijiet Supplimentari għall-Mediċina.

28I. Id-dmirijiet tal-Bord dwar il-Professjonijiet Supplimentari għall-Mediċina jkunu—

(a) li jagħti pariri u jagħmel rakkommandazzjonijiet lill-Ministru dwar ir-registrazzjoni tal-persuni msemmija fil-paragrafu (ċ) ta' dan l-artikolu;

(b) li jagħti pariri u jagħmel rakkommandazzjonijiet lill-Ministru dwar il-kors ta' studju u taħriġ u l-eżamijiet relattivi li jistgħu jiġu preskritti bħala kondizzjoni ta' dħul fir-registri tal-persuni msemmija fil-paragrafu (ċ) ta' dan l-artikolu;

(ċ) li jzomm registru separat dwar fiżjoterapisti, kiropodisti, *technicians* tal-laboratorju mediku, *occupational therapists*, radjografi, *speech therapists*, spetturi tas-saħħa u dwar persuni oħra li huma kwalifikati fi professjonijiet supplimentari għall-mediċina oħra magħrufa, kif ikun meħtieġ b'xi ligi;

(d) li jippreskrivi u jzomm livelli professjonali u etiċi għall-persuni msemmija fil-paragrafu (ċ) ta' dan l-artikolu;

(e) li jagħti pariri lill-Ministru fuq kull haġa, magħduda leġislazzjoni, li tolqot il-prattika u s-servizz tal-persuni msemmija fil-paragrafu (ċ) ta' dan l-artikolu, li l-Ministru jista' jibgħat lill-imsemmi Bord.”.

6. Fl-artikolu 36 tal-liġi prinċipali, minflok il-kliem “il-Bord dwar l-Ispizjari u l-Bord ta' l-Infermieri u l-Qwiebel” għandhom jidhlu l-kliem “il-Bord dwar l-Ispizjari, il-Bord ta' l-Infermieri u l-Qwiebel u l-Bord dwar il-Professjonijiet Supplimentari għall-Medicina”.

Emenda ta' l-artikolu 36 tal-liġi prinċipali.

7. Fl-artikolu 37 u fis-subartikolu (1) ta' l-artikolu 40 tal-liġi prinċipali, minnufih wara l-kliem “il-Bord ta' l-Infermieri u l-Qwiebel,” għandhom jidhlu l-kliem “il-Bord dwar il-Professjonijiet Supplimentari għall-Medicina.”.

Emenda ta' l-artikoli 37 u 40 tal-liġi prinċipali.

8. Fis-subartikolu (1) ta' l-artikolu 39 tal-liġi prinċipali, minnufih wara l-kliem “jew il-Bord ta' l-Infermieri u l-Qwiebel” għandhom jidhlu l-kliem “jew il-Bord dwar il-Professjonijiet Supplimentari għall-Medicina”.

Emenda ta' l-artikolu 39 tal-liġi prinċipali.

9. Fis-subartikolu (3) ta' l-artikolu 41 tal-liġi prinċipali minflok il-kliem “tat-Taqsimiet IV, V, VA, VB” għandhom jidhlu l-kliem “tat-Taqsimiet IV, V, VA, VB, VC”.

Emenda ta' l-artikolu 41 tal-liġi prinċipali.

10. Fl-Ewwel Skeda li tinsab mal-liġi prinċipali, il-kliem “Tekniċi tal-Laboratorju Mediku, Assistenti tal-Laboratorju, Radjografi, *Electro-Encephalograph Recordists, Masseurs (u Masseuses),* Fizjoterapisti, Spetturi tas-Saħħa, Uffiċjali li jikkontrollaw il-Ġrieden, *Public Cleansing Officers, Operating Room Orderlies, Electro-Therapeutic Department Orderlies, X-Ray Orderlies, Occupational Therapists, Dietitians, Wardens*” għandhom jithassru.

Emenda ta' l-Ewwel Skeda li tinsab mal-liġi prinċipali.

11. It-Tieni Skeda li tinsab mal-liġi prinċipali għandha tiġi emendata kif ġej:

Emenda tat-Tieni Skeda li tinsab mal-liġi prinċipali.

(a) fil-paragrafu 1, fis-sub-paragrafi (1), (3) u (4) tal-paragrafu 2, fis-sub-paragrafu (1) tal-paragrafu 3 u fil-paragrafu 5 tagħha, minnufih wara l-kliem “il-Bord ta' l-Infermieri u l-Qwiebel” kull fejn jinsabu, għandhom jidhlu l-kliem “il-Bord dwar il-Professjonijiet Supplimentari għall-Medicina”;

(b) fis-sub-paragrafu (2) tal-paragrafu 3 tagħha, minnufih wara l-kliem “dak tal-Bord ta' l-Infermieri u l-Qwiebel għandu jkun 7,” għandhom jidhlu f'kull każ il-kliem “dak tal-Bord dwar il-Professjonijiet Supplimentari għall-Medicina għandu jkun 7,”; u

(ċ) minnufih fit-tarf tal-paragrafu 4 tagħha għandu jizdied is-sub-paragrafu ġdid li ġej:

“(5) Il-Bord dwar il-Professjonijiet Supplimentari għall-Medicina għandu jiltaqa' darba fix-xahar, u, barra minn hekk jista' jagħmel laqgħat speċjali skond dawk l-ordnijiet permanenti kif jistgħu jsiru taħt il-paragrafu 5 ta' din l-Iskeda.”.

L-ewwel ħatriet
u elezzjonijiet.

12. Għall-fini ta' l-ewwel ħatriet jew l-ewwel elezzjonijiet għall-Bord dwar il-Professjonijiet Supplimentari għall-Mediċina wara li jibda jseħħ dan l-Att, kull persuna li, fil-fehma tat-Tabib Prinċipali tal-Gvern, tkun kwalifikata biex isimha jitniżżel fir-reġistru xieraq, tista' tivvota f'dawk l-elezzjonijiet u tista' tinħatar jew tkun eletta, skond il-każ, u tista' tibqa' membru sakemm ir-reġistrazzjoni tagħha ma tkunx irrifjutata mill-Bord minkejja li isimha ma jkunx jidher fir-reġistru xieraq.

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li jipprovdi biex jitwaqqaf Bord dwar il-professjonijiet supplimentari għall-mediċina, u sabiex jidhru emendi konsegwenzjali fil-liġi prinċipali.

A BILL
entitled

AN ACT further to amend the Department of Health (Constitution) Ordinance, Cap. 148.

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:—

1. This Act may be cited as the Department of Health (Constitution) (Amendment) Act, 1982, and shall be read and construed as one with the Department of Health (Constitution) Ordinance, hereinafter referred to as “the principal law”. Short title.
2. Paragraph (e) of subsection (2), and subsections (5) and (6), of section 24 of the principal law shall be repealed. Amendment of section 24 of the principal law.
3. Section 25 of the principal law shall be amended as follows: Amendment of section 25 of the principal law.
 - (a) for subsection (2) thereof there shall be substituted the following:

“(2) The members referred to in paragraph (d) of subsection (2) of section 24 shall be elected for a term of three years.”; and
 - (b) in subsection (4) thereof, for the words “(d) or (e) of subsection (2) or under subsection (6)” there shall be substituted the words “or (d) of subsection (2)”.
4. In subsection (4) of section 28A and in paragraphs (b), (c) and (d) of section 28C of the principal law, for the words “assistant apothecaries”, wherever they occur there shall be substituted the words “pharmacy technicians”. Amendment of sections 28A and 28C of the principal law.
5. Immediately after section 28F of the principal law there shall be inserted the following new Part: Addition of new Part to the principal law.

“PART V C

*BOARD FOR THE PROFESSIONS SUPPLEMENTARY
TO MEDICINE*

Board
for the
Professions
Supple-
mentary to
Medicine.

28G. (1) There shall be a Board, to be called the Board for the Professions Supplementary to Medicine, which shall exercise and perform the functions assigned to it by this Ordinance.

(2) The Board for the Professions Supplementary to Medicine shall consist of the following members:

(a) a Chairman, to be appointed by the President of Malta from among —

(i) persons who are or have been a Judge in Malta; or

(ii) persons who have not less than twelve years experience as a practising member of the Bar of Malta or a total of twelve years experience as a Magistrate and as a practising member of the Bar of Malta;

(b) two *ex officio* members who shall be —

(i) the Chief Government Medical Officer or his representative; and

(ii) a Principal Medical Officer or a Senior Medical Officer to be appointed by the Minister;

(c) five members appointed by the President of Malta, who shall include a physiotherapist, a health inspector, a radiographer and a medical laboratory technician; and

(d) seven elected members.

(3) Of the seven elected members —

(a) one shall be a physiotherapist elected by secret ballot by physiotherapists ordinarily resident in Malta;

(b) one shall be a chiropodist elected by secret ballot by chiropodists ordinarily resident in Malta;

(c) one shall be a medical laboratory technician elected by secret ballot by medical laboratory technicians ordinarily resident in Malta;

(d) one shall be an occupational therapist elected by secret ballot by occupational therapists ordinarily resident in Malta;

(e) one shall be a radiographer elected by secret ballot by radiographers ordinarily resident in Malta;

(f) one shall be a speech therapist elected by secret ballot by speech therapists ordinarily resident in Malta; and

(g) one shall be a health inspector elected by secret ballot by health inspectors ordinarily resident in Malta.

(4) The Minister shall appoint an officer of the Department to act as Registrar of the Board for the Professions Supplementary to Medicine.

(5) The Board for the Professions Supplementary to Medicine may discuss, decide and in any manner act notwithstanding any vacancy among its members.

Term of office.

28H. (1) The Chairman shall hold and vacate his office in accordance with the terms of his appointment, but he may at any time resign his office by notice in writing to the President of Malta.

(2) The members appointed under paragraphs (b) and (c) of subsection (2) of section 28G shall hold office for such period and on such terms and conditions as the Minister or the President of Malta, as the case may be, may deem appropriate, and the Minister or the President of Malta, as the case may be, may at any time terminate any such appointment.

(3) The members to be elected under paragraph (d) of subsection (2) of section 28G shall be so elected for a term of three years:

Provided that in the first elections to the Board for the Professions Supplementary to Medicine the term of office shall be of one year in respect of the seats referred to in paragraphs (a), (b) and (c) of subsection (3) of section 28G, and of two years in respect of the seats referred to in paragraphs (d) and (e) of the said subsection.

(4) Any member appointed or elected, as the case may be, under paragraph (c) or (d) of subsection (2) of section 28G may at any time resign his office by notice in writing to the Chairman.

(5) When a vacancy occurs in the composition of the Board for the Professions Supplementary to Medicine a new appointment shall be made or an election shall be held, as the case may be, within a period of one month from the date of such vacancy.

Duties of the Board for the Professions Supplementary to Medicine.

28 I. The duties of the Board for the Professions Supplementary to Medicine shall be —

(a) to advise and make recommendations to the Minister concerning the registration of the persons referred to in paragraph (c) of this section;

(b) to advise and make recommendations to the Minister concerning the course of studies and training and the relative examinations which may be prescribed as a condition of admission to the registers of the persons referred to in paragraph (c) of this section;

(c) to keep a separate register in respect of physiotherapists, chiropodists, medical laboratory technicians, occupational therapists, radiographers, speech therapists, health inspectors and of other persons who are qualified in other recognised professions supplementary to medicine, as may be required under any law;

(d) to prescribe and maintain professional and ethical standards for the persons referred to in paragraph (c) of this section;

(e) to advise the Minister on any matter, including legislation, affecting the practice and service of the

persons referred to in paragraph (c) of this section, which the Minister may refer to the said Board.”.

Amendment of section 36 of the principal law.

6. In section 36 of the principal law, for the words “the Pharmacy Board and the Nursing and Midwifery Board” there shall be substituted the words “the Pharmacy Board, the Nursing and Midwifery Board and the Board for the Professions Supplementary to Medicine”.

Amendment of sections 37 and 40 of the principal law.

7. In section 37 and in subsection (1) of section 40 of the principal law, immediately after the words “the Nursing and Midwifery Board,” there shall be inserted the words “the Board for the Professions Supplementary to Medicine,”.

Amendment of section 39 of the principal law.

8. In subsection (1) of section 39 of the principal law, immediately after the words “or the Nursing and Midwifery Board” there shall be inserted the words “or the Board for the Professions Supplementary to Medicine”.

Amendment of section 41 of the principal law.

9. In subsection (3) of section 41 of the principal law for the words “of Parts IV, V, VA, VB” there shall be substituted the words “of Parts IV, V, VA, VB, VC”.

Amendment of the First Schedule to the principal law.

10. In the First Schedule to the principal law, the words “Medical Laboratory Technicians, Laboratory Assistants, Radiographers, Electro-Encephalograph Recordists, Masseurs (and Masseuses), Physiotherapists, Health Inspectors, Rodent Control Officers, Public Cleansing Officers, Operating Room Orderlies, Electro-Therapeutic Department Orderlies, X-Ray Orderlies, Occupational Therapists, Dietetians, Wardens” shall be deleted.

Amendment of the Second Schedule to the principal law.

11. The Second Schedule to the principal law shall be amended as follows:

(a) in paragraph 1, sub-paragraphs (1), (3) and (4) of paragraph 2, sub-paragraph (1) of paragraph 3 and paragraph 5 thereof, immediately after the words “the Nursing and Midwifery Board” wherever they occur, there shall be inserted in each case the words “the Board for the Professions Supplementary to Medicine”;

(b) in sub-paragraph (2) of paragraph 3 thereof, immediately after the words “that of the Nursing and Midwifery Board shall be 7,” there shall be inserted the words “that of the Board for the Professions Supplementary to Medicine shall be 7,”; and

(c) immediately at the end of paragraph 4 thereof there shall be added the following new sub-paragraph:

“(5) The Board for the Professions Supplementary to Medicine shall hold a meeting once monthly, and in addition, special meetings may be held in accordance with such standing orders as may be made under paragraph 5 of this Schedule.”.

First appointments and elections.

12. For the purpose of the first appointments or elections to the Board for the Professions Supplementary to Medicine after the coming into force of this Act, any person who, in the opinion of the Chief Government Medical Officer, is qualified to have his name entered in

the appropriate register, may vote at such elections and may be appointed or elected, as the case may be, and may retain his membership for so long as his registration is not refused by the Board, notwithstanding that his name does not appear in the appropriate register.

Objects and Reasons

The Object of this Bill is to provide for the establishment of a Board for the professions supplementary to medicine, and consequentially to introduce amendments to the principal law.