

Nru. 7

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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Louis Galea, M.P., Ministru tal-Politika Soċjali u moqri għall-Ewwel darba fis-Seduta tat-13 ta' Lulju, 1987.

A BILL introduced by the Honourable Louis Galea, M.P., Minister for Social Policy and read the First time at the Sitting of the 13th July, 1987.

ATT biex ikompli jemenda l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, Kap. 51.

AN ACT further to amend the Medical and Kindred Professions Ordinance, Cap. 51.

P. MUSCAT TERRIBILE

Agent Skrivan tal-Kamra tad-Deputati

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Acting Clerk to the House of Representatives

ABBOZZ TA' LIĠI msejjaħ

ATT biex ikompli jemenda l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, Kap. 51.

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

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1987 li jemenda l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, u għandu jinqara u jiftiehem haġa waħda ma' l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha, hawnhekk iżjed 'il quddiem imsejjaħ "il-liġi prinċipali". Titolu
fil-qosor.
2. Fis-subartikolu (5) ta' l-artikolu 4 tal-liġi prinċipali minflok il-kliem "Il-President tar-Repubblika jista' jagħti" għandhom jidhlu l-kliem "Il-President tar-Repubblika jista', bil-parir tal-Kunsill Mediku, jagħti". Emenda ta'
l-artikolu 4
tal-liġi prinċipali.
3. Minflok il-paragrafu (e) tas-subartikolu (1) ta' l-artikolu 5 tal-liġi prinċipali u l-proviso li hemm mas-subartikolu (1) imsemmi, għandu jidhol dan li ġej: Emenda ta'
l-artikolu 5
tal-liġi prinċipali.

"(e) l-isem ta' kull ċittadin ta' Malta li jkollu kwalifika medika xierqa mogħtija minn Skola Medika magħrufa mill-Kunsill Mediku u li, jekk ma jġix eżentat mill-imsemmi Kunsill minn dak l-eżami, iġhaddi minn eżami Prattiku u orali fil-mediċina, kirurġija, ostitriċja u ġinekologija, mediċina legali u mediċina tal-komunità:

Iżda persuna li għaliha jkun japplika l-paragrafu (d) jew (e) ta' dan is-subartikolu għandha biss ikollha isimha mniżżel fir-Registru Mediku kemm-il darba dik il-persuna tkun serviet bħala *house physician* jew *surgeon* fi sptar jew klinika tal-Gvern jew f'kull sezzjoni oħra tas-servizz tas-saħħa provdut mill-Gvern, għal perijodu ta' sentejn jew dak iż-żmien iqsar li l-Ministru responsabbli għas-saħħa pubblika jista', bil-parir tal-

Kunsill Mediku, jistabbilixxi, jew kemm-il darba l-imsemmi Ministru bil-parir ta' l-imsemmi Kunsill ikun iddikjara li dak is-servizz ma jkunx mehtieg jew kemm-il darba dik il-persuna tkun ga' qdied id-dmirijiet ta' *house physician* jew *surgeon* ghal dak il-perijodu fi sptar barrani rikonox-xut mill-Kunsill Mediku.”.

Emenda ta' l-artikolu 6 tal-ligi principali.

4. L-artikolu 6 tal-ligi principali ghandu jigi emendat kif gej:

(a) fil-paragrafu (h) tas-subartikolu (1) tieghu, minflok il-kliem “l-Att ta' l-1956 dwar l-Ghajjnuna Nazzjonali” ghandhom jidhlu l-kliem “l-Att ta' l-1987 dwar is-Sigurtà Soċjali”;

(b) fis-subartikolu (2) tieghu, minflok il-kliem “fis-Seba' Skeda li tinsab ma' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali” ghandhom jidhlu l-kliem “fir-Raba' Skeda li tinsab ma' l-Att ta' l-1987 dwar is-Sigurtà Soċjali”; u

(c) ir-riferenzi ghall-Atti fil-margini ghandhom jigu sostitwiti bil-kliem “Att X ta' l-1987”.

Emenda ta' l-artikolu 58 tal-ligi principali.

5. Fis-subartikolu (4) ta' l-artikolu 58 tal-ligi principali minflok il-kliem “Il-President tar-Repubblika jista' jaghti” ghandhom jidhlu l-kliem “Il-President tar-Repubblika jista', bil-parir tal-Kunsill Mediku, jaghti”.

Emenda ta' l-artikolu 59 tal-ligi principali.

6. L-artikolu 59 tal-ligi principali ghandu jigi emendat kif gej:

(a) fil-paragrafu (c) tas-subartikolu (1) tieghu minflok il-kliem “u li jghaddi minn ezami Prattiku u Orali”, ghandhom jidhlu l-kliem “u li, hlief meta jkun gie ezentat mill-imsemmi Kunsill minn dak l-ezami, jghaddi minn ezami Prattiku u Orali”; u

(b) minflok l-ewwel proviso li hemm mas-subartikolu (1) tieghu, ghandu jidhol dan il-proviso li gej:

“Izda persuna li ghaliha jkun japplika l-paragrafu (b) jew (c) ta' dan is-subartikolu ghandha jkollha isimha biss immizzel fir-Registru ta' Kirurgi-Dentisti kemm-il darba dik il-persuna tkun serviet bhala *house dental surgeon* fi sptar jew klinika tal-Gvern ghal dak il-perijodu, li ma jkunx jeccedi s-sena, li l-Kunsill Mediku jista' jistabbilixxi, sakemm l-imsemmi Kunsill ma jqisx li dak is-servizz ma jkunx mehtieg ghar-rigward ta' dik il-persuna:”.

Emenda ta' l-artikolu 67A tal-ligi principali.

7. Minflok il-proviso li hemm ghall-artikolu 67A tal-ligi principali ghandu jidhol dan li gej:

“Izda kull min fl-1 ta' Marzu, 1968, kien qed jaghmel kors ghall-attendent ta' sptar ghandu jkollu ismu iskritt fl-elenku ta' infermieri jekk —

(a) malli jispicca dak il-kors ikun ikkwalifika biex ismu jitnizzel fil-lista bhala attendant ta' sptar; jew

(b) ikun, ghas-sodisfazzjon tal-Bord ta' l-Infermieri u l-Qwiebel, ghadda minn ezami Orali u Prattiku u jkollu mhux inqas minn hmistax-il sena esperjenza kontinwa fl-infermerija wara li jkun ghadda minn dak l-ezami.”.

Emenda ta' l-artikolu 84 tal-ligi principali.

8. L-artikolu 84 tal-ligi principali ghandu jigi emendat kif gej:

(a) is-subartikoli (2), (4) u (8) tieghu ghandhom jithassru;

(b) is-subartikoli (3), (5), (6) u (7) ghandhom jigu rispettivament enumerati mill-gdid bhala s-subartikoli (2), (3), (4) u (5);

(c) fis-subartikolu (2) tieghu kif enumerat mill-gdid, il-kliem “fid-diskrezzjoni assoluta tieghu,” ghandhom jithassru; u

(d) fis-subartikolu (5) tieghu, kif enumerat mill-gdid, il-kliem “jew l-artikolu 84B ta' din l-Ordinanza” ghandhom jithassru.

9. L-artikolu 84B tal-liġi prinċipali għandu jiġi emendat kif ġej:
- (a) is-subartikoli (1) u (2) tiegħu għandhom jithassru;
- (b) is-subartikoli (3) u (4) tiegħu għandhom jiġu rispettivament enumerati mill-ġdid bħala s-subartikoli (1) u (2);
- (ċ) fis-subartikolu (1) tiegħu, kif enumerat mill-ġdid, minflok il-kliem “jista’ jistabbilixxi minn żmien għal żmien” għandhom jidhlu l-kliem “jista’, bil-parir tal-Kunsill Mediku, jistabbilixxi minn żmien għal żmien”; u
- (d) is-subartikolu (2) tiegħu, kif enumerat mill-ġdid, għandu jiġi emendat kif ġej:
- (i) minflok il-kliem “taht is-subartikolu (1) ta’ dan l-artikolu” għandhom jidhlu l-kliem “taht is-subartikolu (1) ta’ l-artikolu 84 ta’ din l-Ordinanza”; u
- (ii) minflok il-kliem “is-subartikolu (3) ta’ dan l-artikolu” għandhom jidhlu l-kliem “is-subartikolu (1) ta’ dan l-artikolu”.
10. Fl-artikolu 84C tal-liġi prinċipali, il-kliem “jew 84B” għandhom jithassru.
11. L-artikolu 87A tal-liġi prinċipali għandu jiġi emendat kif ġej:
- (a) l-artikolu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tiegħu; u
- (b) minnufih wara s-subartikolu (1) tiegħu, kif enumerat mill-ġdid, għandu jidhol dan is-subartikolu ġdid li ġej:
- “(2) Minkejja d-dispożizzjonijiet ta’ din l-Ordinanza, kull persuna li jkollha isimha mhassar jew imnehhi mir-registru relattiv għandha awtomatikament titqies li għandha l-liċenza tagħha mill-President tar-Repubblika għall-eżerċizzju tal-professjoni tagħha sospiza għall-perijodu li matulu isimha hekk jibqa’ mhassar jew imnehhi.”.
12. L-artikolu 88 tal-liġi prinċipali għandu jiġi emendat kif ġej:
- (a) fis-subartikolu (1) tiegħu, minflok il-kliem “62 jew 63 ta’ din l-Ordinanza” għandhom jidhlu l-kliem “62, 63 jew 84B ta’ din l-Ordinanza”; u
- (b) fis-subartikolu (3) tiegħu, minflok il-kliem “84, 84B jew 85” għandhom jidhlu l-kliem “84 jew 85”.
13. Minflok il-kliem “Ministru tas-Saħħa”, kull fejn dawn jinsabu fil-liġi prinċipali, għandhom minflokhom jidhlu l-kliem “Ministru responsabbli għas-saħħa pubblika”.
14. L-emendi li saru bl-artikoli 2 u 5 ta’ dan l-Att ma għandhomx jaffettwaw il-validità ta’ xi liċenza mogħtija taht is-subartikolu (5) ta’ l-artikolu 4 u s-subartikolu (4) ta’ l-artikolu 58 tal-liġi prinċipali, qabel id-data tal-bidu fis-seħh ta’ dan l-Att, lil xi tabib, kirurgu jew kirurgu-dentista barrani.

Emenda ta’
l-artikolu 84B
tal-liġi prinċipali.

Emenda ta’
l-artikolu 84C
tal-liġi
prinċipali.

Emenda ta’
l-artikolu 87A
tal-liġi
prinċipali.

Emenda ta’
l-artikolu 88
tal-liġi
prinċipali.

Dispożizzjoni
ġenerali.

Dispożizzjoni
transitorja.

Għanijiet u Raġunijiet

L-Għan ta’ dan l-Abozz huwa prinċipalment li jagħti seħh għal ċerti dispożizzjonijiet tal-ftehim li sar bejn il-Gvern u MAM — The Medical Union — dwar l-ghoti ta’ liċenzi sabiex wiehed ikun jista’ jeżerċita l-professjoni medika f’Malta u sabiex inehhi ċerti dispożizzjonijiet fil-liġi li jirrigwardaw it-tilwima medika li bdiet fl-1977.

**A BILL
entitled**

AN ACT further to amend the Medical and Kindred Professions Ordinance, Cap. 51.

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:—

Short title.

1. This Act may be cited as the Medical and Kindred Professions (Amendment) Act, 1987, and shall be read and construed as one with the Medical and Kindred Professions Ordinance, hereinafter referred to as “the principal law”.

Amendment of section 4 of the principal law.

2. In subsection (5) of section 4 of the principal law for the words “The President of the Republic may grant” there shall be substituted the words “The President of the Republic may, with the advice of the Medical Council, grant”.

Amendment of section 5 of the principal law.

3. For paragraph (e) of subsection (1) of section 5 of the principal law and the proviso to the said subsection (1), there shall be substituted the following:

“(e) the name of every citizen of Malta who holds a suitable medical qualification granted by a Medical School recognized by the Medical Council and who, unless exempted by the said Council from such test, passes a practical and oral test in medicine, surgery, midwifery and gynaecology, forensic medicine and community medicine:

Provided that a person to whom paragraph (d) or (e) of this subsection applies shall only have his name entered in the Medical Register if such person has served as a house physician or surgeon in a Government hospital or clinic or in any other branch of the health service provided by Government, for a period of two years or such lesser period as the Minister responsible for public health may, with the advice of the Medical Council determine, or if the said Minister with the advice of the said Council has declared that such service is not required or if such

person has already carried out duties as a house physician or surgeon for such period at a foreign hospital recognised by the Medical Council”.

4. Section 6 of the principal law shall be amended as follows:

Amendment of
section 6
of the
principal law.

(a) in paragraph (h) of subsection (1) thereof, for the words “National Assistance Act, 1956” there shall be substituted the words “Social Security Act, 1987”;

(b) in subsection (2) thereof, for the words “Seventh Schedule to the National Insurance Act, 1956” there shall be substituted the words “Fourth Schedule to the Social Security Act, 1987”; and

(c) the references to Acts in the margin shall be substituted by “Act X of 1987”.

5. In subsection (4) of section 58 of the principal law for the words “The President of the Republic may grant” there shall be substituted the words “The President of the Republic may, with the advice of the Medical Council, grant”.

Amendment of
section 58
of the
principal law.

6. Section 59 of the principal law shall be amended as follows:

Amendment of
section 59
of the
principal law.

(a) in paragraph (c) of subsection (1) thereof for the words “and who passes a practical and oral test”, there shall be substituted the words “and who, unless exempted by the said Council from such test, passes a practical and oral test”; and

(b) for the first proviso to subsection (1) thereof, there shall be substituted the following proviso:

“Provided that a person to whom paragraph (b) or (c) of this subsection applies shall only have his name entered in the Register of Dental Surgeons if such person has served as a house dental surgeon in a Government hospital or clinic for such period, not exceeding one year, as the Medical Council may determine, unless the said council deems that such service is not necessary in respect of such person.”.

7. For the proviso to section 67A of the principal law there shall be substituted the following:

Amendment of
section 67A
of the
principal law.

“Provided that any person who, on 1st March, 1968, was undergoing the course for hospital attendant shall have his name entered in the roll of nurses if —

(a) on termination of such course he qualified for enrolment as hospital attendant; or

(b) he has, to the satisfaction of the Nursing and Midwifery Board, passed an oral and practical test and has had not less than fifteen years continuous experience in nursing after passing such test.”.

8. Section 84 of the principal law shall be amended as follows:

Amendment of
section 84
of the
principal law.

(a) subsections (2), (4) and (8) thereof shall be deleted;

(b) subsections (3), (5), (6) and (7) thereof shall be respectively renumbered as subsections (2), (3), (4) and (5);

(c) in subsection (2) thereof, as renumbered, the words “in his absolute discretion” shall be deleted; and

(d) in subsection (5) thereof, as renumbered, the words “or section 84B of this Ordinance” shall be deleted.

9. Section 84B of the principal law shall be amended as follows:

Amendment of
section 84B
of the
principal law.

(a) subsections (1) and (2) thereof shall be deleted.

(b) subsections (3) and (4) thereof shall be respectively renumbered as subsections (1) and (2);

(c) in subsection (1) thereof, as renumbered, for the words "may from time to time determine" there shall be inserted the words "may, with the advice of the Medical Council, from time to time determine"; and

(d) subsection (2) thereof, as renumbered, shall be amended as follows:

(i) for the words "under subsection (1) of this section" there shall be substituted the words "under subsection (1) of section 84 of this Ordinance"; and

(ii) for the words "subsection (3) of this section" there shall be substituted the words "subsection (1) of this section".

Amendment of section 84C of the principal law.

10. In section 84C of the principal law, the words "or 84B" shall be deleted.

Amendment of section 87A of the principal law.

11. Section 87A of the principal law shall be amended as follows:

(a) the section shall be renumbered as subsection (1) thereof; and

(b) immediately after subsection (1) thereof, as renumbered, there shall be inserted the following new subsection:

"(2) Notwithstanding the provisions of this Ordinance, any person whose name has been erased or taken off from the relative register shall automatically be deemed to have his licence from the President of the Republic to practise his profession suspended for the period during which his name remains so erased or taken off."

Amendment of section 88 of the principal law.

12. Section 88 of the principal law shall be amended as follows:

(a) in subsection (1) thereof, for the words "62 or 63 of this Ordinance" there shall be substituted the words "62, 63 or 84B of this Ordinance"; and

(b) in subsection (3) thereof, for the words "84, 84B or 85" there shall be substituted the words "84 or 85".

General provision.

13. For the words "Minister of Health", wherever these occur in the principal law, there shall be substituted the words "Minister responsible for public health".

Transitory provision.

14. The amendments made by sections 2 and 5 of this Act shall not affect the validity of any licence granted under subsection (5) of section 4 and subsection (4) of section 58, of the principal law, before the date of the coming into force of this Act, to any foreign physician, surgeon or dental surgeon.

Objects and Reasons

The Object of the Bill is mainly to give effect to certain provisions of the agreement reached between the Government and MAM — The Medical Union — in respect of the grant of licences to practise the medical profession in Malta and the repeal of certain provisions in the law relating to the medical dispute which started in 1977.