

MALTA

ATT Nru XXXI tal-2024

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ATT sabiex jemenda ligijiet varji dwar il-professjonijiet regolati fil-qasam tal-benesseri soċjali.

ACT No. XXXI of 2024

AN ACT enacted by the Parliament of Malta.

AN ACT to amend various laws relating to regulated professions in the field of social wellbeing.

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

30 ta' Lulju, 2024

ATT Nru XXXI tal-2024

ATT sabiex jemenda liġijiet varji dwar il-professjonijiet regolati fil-qasam tal-benesseri soċjali.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2024 li jemenda Liġijiet Varji dwar il-Professjonijiet Regolati fil-Qasam tal-Benesseri Soċjali. Titolu fil-qosor u bidu fis-sehħ.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data li l-Ministru responsabbli għall-politika soċjali jista' jstabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet jew għanijiet differenti ta' dan l-Att.

TAQSIMA I

Emendi għall-Att dwar il-Professjoni tax-Xogħol Soċjali

2. Din it-Taqsima temenda l-Att dwar il-Professjoni tax-Xogħol Soċjali u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Professjoni tax-Xogħol Soċjali, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ l-"Att prinċipali". Emendi għall-Att dwar il-Professjoni tax-Xogħol Soċjali. Kap. 468.

Żieda ta' artikolu ġdid fl-Att prinċipali.

3. Minnufih wara l-artikolu 7 tal-Att prinċipali għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Kumitat tal-Appelli.

7A. (1) Għandu jkun hemm Kumitat tal-Appelli għall-professjoni tax-xogħol soċjali li għandu jkun mahtur mill-Ministru u għandu jkun magħmul mill-membri li ġejjin:

(a) avukat li jkun ipprattika l-professjoni tiegħu għal mill-inqas ħames (5) snin; u

(b) żewġ (2) ħaddiema soċjali reġistrati li jkunu pprattikaw il-professjoni tagħhom għal mill-inqas ħames (5) snin.

Iċ-Chairperson għandu jkun mahtur mill-Ministru minn fost dawn it-tliet (3) membri.

(2) Il-membri kollha tal-Kumitat tal-Appelli għandhom jinhatru għal terminu ta' tliet (3) snin u jistgħu jiġu mahtura għal massimu ta' żewġ (2) termini b'kollox.

(3) Il-Kumitat tal-Appelli għandu jkollu l-funzjonijiet li ġejjin:

(a) meta tiġi sottomessa applikazzjoni għal dan il-għan mill-persuna kkonċernata, li jisma' u jiddeċiedi dwar deċiżjoni tal-Bord li biha l-għoti ta' warrant jiġi miċħud;

(b) meta tiġi sottomessa applikazzjoni għal dan il-għan mill-persuna kkonċernata li tħoss ruħha aggravata minn xi nuqqas tal-Bord, li jiddeċiedi dwar applikazzjoni għal warrant fi żmien erba' (4) xhur minn meta applikazzjoni għal warrant tkun sottomessa lill-Bord; u

(ċ) li jisma' u jiddeċiedi appelli minn kwalunkwe deċiżjoni oħra tal-Bord.

(4) Appell quddiem il-Kumitat tal-Appelli għandu jiġi pprezentat fi żmien perentorju ta' għoxrin (20) jum minn tali deċiżjoni fil-każ ta' appell skont is-subartikolu (3)(a) u (ċ).

(5) Il-Kumitat tal-Appelli għandu jirregola l-proċedura tiegħu stess.

(6) Fl-eżerċizzju tal-funzjonijiet tiegħu skont dan l-artikolu, il-Kumitat tal-Appelli jista' jahtar esperti sabiex jirrelataw dwar kwalunkwe kwistjoni quddiemu.

(7) Il-Kumitat tal-Appelli għandu jkollu s-setgħa li jikkonferma, iħassar jew jirrevoka b'kondizzjonijiet jew mingħajrhom, u li jirreferi lura lill-Bord jew li jissostitwixxi kwalunkwe deċiżjoni meta jsir xi appell skont is-subartikolu (3)(a) u (ċ).

(8) Il-Kumitat tal-Appelli għandu jordna lill-Bord li jiddeċiedi dwar tali applikazzjoni f'dak iż-żmien li jista' jqis raġonevoli, u fin-nuqqas ta' dan huwa għandu jipproċedi sabiex jiddeċiedi dwar l-applikazzjoni hu stess, u fi kwalunkwe każ għandu jirreferi d-deċiżjoni tiegħu lura lill-Bord u jhejji rapport dwar is-sejbiet tiegħu lill-Ministru."

TAQSIMA II

Emendi għall-Att dwar il-Professjoni tal-Psikoloġija

4. Din it-Taqsima temenda l-Att dwar il-Professjoni tal-Psikoloġija u għandha tinqara u tinftiehem haġa wahda mal-Att dwar il-Professjoni tal-Psikoloġija, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ l-"Att prinċipali".

Emendi għall-Att dwar il-Professjoni tal-Psikoloġija. Kap. 471.

5. Is-subartikolu (3) tal-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 3 tal-Att prinċipali.

(a) fil-paragrafu (ċ) tiegħu, il-kliem "jew xi kwalifika professjonali oħra li l-Bord jidhirlu li tkun ekwivalenti" għandhom jiġu sostitwiti bil-kliem "jew xi kwalifika professjonali oħra li l-Bord jista' minn żmien għal żmien jippreskrivi, jew kwalifika paragonabbli li skont il-Bord tissodisfa r-rekwiżiti tad-Direttiva 2005/36/KE tal-Parlament Ewropew u tal-Kunsill tas-7 ta' Settembru 2005 dwar ir-rikonoxximent ta' kwalifiki professjonali u tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki fir-rigward tar-rikonoxximent tal-kwalifiki minn università ta' livell stabbilit barra minn Malta"; u

Kap. 451.

(b) fil-paragrafu (d) tiegħu, il-kliem "jew l-ekwivalenti ta' dak iż-żmien fuq bażi part-time" għandhom jiġu sostitwiti bil-kliem "jew ta' mill-inqas tlett elef, seba' mija u sebgħin (3,770) siegħa, li minnhom elf tmien mija, hamsa u tmenin (1,885) siegħa għandhom ikunu b'kuntatt dirett,".

6. Minnufih wara l-artikolu 8 tal-Att prinċipali għandu jiġi miżjud dan l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid fl-Att prinċipali.

"Kumitat tal-Appelli.

8A. (1) Għandu jkun hemm Kumitat tal-Appelli għall-professjoni tal-psikoloġija li għandu jkun maħtur mill-Ministru u għandu jkun magħmul mill-membri li ġejjin:

(a) avukat li jkun ipprattika l-professjoni tiegħu għal mill-inqas hames (5) snin; u

(b) żewġ (2) psikologi reġistrati li jkunu pprattikaw il-professjoni tagħhom għal mill-inqas ħames (5) snin.

Iċ-Chairperson għandu jinħatar mill-Ministru minn fost dawn it-tliet (3) membri.

(2) Il-membri kollha tal-Kumitat tal-Appelli għandhom jinħatru għal terminu ta' tliet (3) snin u jistgħu jiġu maħtura għal massimu ta' żewġ (2) termini b'kollox.

(3) Il-Kumitat tal-Appelli għandu jkollu l-funzjonijiet li ġejjin:

(a) meta tiġi sottomessa applikazzjoni għal dan il-għan mill-persuna kkonċernata, li jisma' u jiddeċiedi dwar deċiżjoni tal-Bord li biha l-għoti ta' warrant jiġi miċħud;

(b) meta tiġi sottomessa applikazzjoni għal dan il-għan mill-persuna kkonċernata li tħoss ruħha aggravata minn xi nuqqas tal-Bord, li jiddeċiedi dwar applikazzjoni għal warrant fi żmien erba' (4) xhur minn meta applikazzjoni għal warrant tkun sottomessa lill-Bord; u

(ċ) li jisma' u jiddeċiedi appelli minn kwalunkwe deċiżjoni oħra tal-Bord.

(4) Appell quddiem il-Kumitat tal-Appelli għandu jiġi pprezentat fi żmien perentorju ta' għoxrin (20) jum minn tali deċiżjoni fil-każ ta' appell skont is-subartikolu (3)(a) u (ċ).

(5) Il-Kumitat tal-Appelli għandu jirregola l-proċedura tiegħu stess.

(6) Fl-eżerċizzju tal-funzjonijiet tiegħu skont dan l-artikolu, il-Kumitat tal-Appelli jista' jahtar esperti sabiex jirrelataw dwar kwalunkwe kwistjoni quddiemu.

(7) Il-Kumitat tal-Appelli għandu jkollu s-setgħa li jikkonferma, iħassar jew jirrevoka b'kondizzjonijiet jew mingħajrhom, u li jirreferi lura lill-Bord jew li jissostitwixxi kwalunkwe deċiżjoni meta jsir xi appell skont is-subartikolu (3)(a) u (ċ).

(8) Il-Kumitat tal-Appelli għandu jordna lill-Bord li jiddeċiedi dwar tali applikazzjoni f'dak iż-żmien li jista' jqis raġonevoli, u fin-nuqqas ta' dan huwa għandu jipproċedi sabiex jiddeċiedi dwar l-applikazzjoni hu stess, u fi kwalunkwe każ għandu jirreferi d-deċiżjoni tiegħu lura lill-Bord u jhejji rapport dwar is-sejbiet tiegħu lill-Ministru."

TAQSIMA III

Emendi għall-Att dwar il-Professjoni tal-Counselling

7. Din it-Taqsima temenda l-Att dwar il-Professjoni tal-Counselling u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Professjoni tal-Counselling, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ l-"Att prinċipali".

Emendi għall-Att dwar il-Professjoni tal-Counselling. Kap. 538.

8. Minnufih wara l-artikolu 7 tal-Att prinċipali għandu jiġi miżjud dan l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid fl-Att prinċipali.

"Kumitat tal-Appelli.

7A. (1) Għandu jkun hemm Kumitat tal-Appelli għall-professjoni tal-counselling li għandu jkun mahtur mill-Ministru u għandu jkun magħmul mill-membri li ġejjin:

- (a) avukat li jkun ipprattika l-professjoni tiegħu għal mill-inqas ħames (5) snin; u
- (b) żewġ (2) counsellors registrati li jkunu pprattikaw il-professjoni tagħhom għal mill-inqas ħames (5) snin.

Iċ-Chairperson għandu jkun mahtur mill-Ministru minn fost dawn it-tliet (3) membri.

(2) Il-membri kollha tal-Kumitat tal-Appelli għandhom jinhatru għal terminu ta' tliet (3) snin u jistgħu jiġu mahtura għal massimu ta' żewġ (2) termini b'kollox.

(3) Il-Kumitat tal-Appelli għandu jkollu l-funzjonijiet li ġejjin:

- (a) meta tiġi sottomessa applikazzjoni għal dan il-għan mill-persuna kkonċernata, li jisma' u jiddeċiedi dwar deċiżjoni tal-Bord li biha l-għoti ta' warrant jiġi miċħud;
- (b) meta tiġi sottomessa applikazzjoni għal dan il-għan mill-persuna kkonċernata li tħoss ruħha aggravata minn xi nuqqas tal-Bord, li jiddeċiedi dwar applikazzjoni għal warrant fi żmien erba' (4) xhur minn meta applikazzjoni għal warrant tkun sottomessa lill-Bord; u
- (ċ) li jisma' u jiddeċiedi appelli minn kwalunkwe deċiżjoni oħra tal-Bord.

(4) Appell quddiem il-Kumitat tal-Appelli għandu jiġi pprezentat fi żmien perentorju ta' għoxrin (20) jum minn tali deċiżjoni fil-każ ta' appell skont is-subartikolu (3)(a) u (ċ).

(5) Il-Kumitat tal-Appelli għandu jirregola l-proċedura tiegħu stess.

(6) Fl-eżerċizzju tal-funzjonijiet tiegħu skont dan l-artikolu, il-Kumitat tal-Appelli jista' jahtar esperti sabiex jirrelataw dwar kwalunkwe kwistjoni quddiemu.

(7) Il-Kumitat tal-Appelli għandu jkollu s-setgħa li jikkonferma, iħassar jew jirrevoka b'kondizzjonijiet jew mingħajrhom, u li jirreferi lura lill-Bord jew li jissostitwixxi kwalunkwe deċiżjoni meta jsir xi appell skont is-subartikolu (3)(a) u (ċ).

(8) Il-Kumitat tal-Appelli għandu jordna lill-Bord li jiddeċiedi dwar tali applikazzjoni f'dak iż-żmien li jista' jqis raġonevoli, u fin-nuqqas ta' dan huwa għandu jipproċedi sabiex jiddeċiedi dwar l-applikazzjoni hu stess, u fi kwalunkwe każ għandu jirreferi d-deċiżjoni tiegħu lura lill-Bord u jhejji rapport dwar is-sejbiet tiegħu lill-Ministru."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 258 tal-15 ta' Lulju, 2024.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

30th July, 2024

ACT No. XXXI of 2024

AN ACT to amend various laws relating to regulated professions in the field of social wellbeing.

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. (1) The short title of this Act is the Various Laws relating to Social Wellbeing Regulated Professions (Amendment) Act, 2024. Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for social policy may by notice in the Gazette establish, and different dates may be so established for different provisions or purposes of this Act.

PART I

Amendments to the Social Work Profession Act

2. This Part amends the Social Work Profession Act and it shall be read and construed as one with the Social Work Profession Act, hereinafter in this Part referred to as the "principal Act". Amendments to the Social Work Profession Act. Cap. 468.

3. Immediately after article 7 of the principal Act there shall be Addition of new article to the principal Act.

added the following new article:

"Appeals
Committee.

7A. (1) There shall be an Appeals Committee for the social work profession which shall be appointed by the Minister and shall be composed of the following members:

(a) an advocate who has practised his profession for at least five (5) years; and

(b) two (2) registered social workers who have practised their profession for at least five (5) years.

The Chairperson is to be appointed from amongst these three (3) members.

(2) All members of the Appeals Committee shall be appointed for a term of three (3) years and may be appointed for a maximum of two (2) terms in total.

(3) The Appeals Committee shall have the following functions:

(a) upon the submission of an application to this effect by the person concerned, to hear and decide upon a decision of the Board whereby the granting of a warrant is refused;

(b) upon the submission of an application to this effect by the person concerned who feels aggrieved by any default of the Board, to decide upon an application for a warrant within four (4) months from when an application for a warrant is submitted to the Board; and

(c) to hear and decide appeals from any other decision of the Board.

(4) An appeal to the Appeals Committee shall be filed within the peremptory term of twenty (20) days from such decision in the case of an appeal in accordance with sub-article (3)(a) and (c).

(5) The Appeals Committee shall regulate its own procedure.

(6) In the exercise of its functions in accordance with this article, the Appeals Committee may appoint experts to relate on any matter before it.

(7) The Appeals Committee shall have the power to confirm, cancel or revoke with or without conditions, and to refer back to the Board or to substitute any decision upon any appeal in terms of sub-article (3)(a) and (c).

(8) The Appeals Committee shall order the Board to determine such application within such time as it may consider reasonable, and failing which it shall proceed to decide the application itself, and in any case shall refer its decision back to the Board and prepare a report of its findings to the Minister."

PART II

Amendments to the Psychology Profession Act

4. This Part amends the Psychology Profession Act and it shall be read and construed as one with the Psychology Profession Act, hereinafter in this Part referred to as the "principal Act".

Amendments to the Psychology Profession Act. Cap. 471.

5. Sub-article (3) of article 3 of the principal Act shall be amended as follows:

Amendment of article 3 of the principal Act.

(a) in paragraph (c) thereof, the words "or of another professional qualification as the Board may deem equivalent" shall be substituted by the words "or any other professional qualification as the Board may from time to time prescribe, or a comparable degree which according to the Board satisfies the requirements of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications and of the Mutual Recognition of Qualifications Act with respect to the recognition of qualifications from a university of established standing outside Malta"; and

Cap. 451.

(b) in paragraph (d) thereof, the words "or its equivalent in part-time" shall be substituted by the words "or of at least three thousand, seven hundred, seventy (3,770) hours, of which one thousand, eight hundred and eighty-five (1,885) hours shall involve direct contact,".

6. Immediately after article 8 of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

"Appeals Committee.

8A. (1) There shall be an Appeals Committee for the psychology profession which shall be appointed by the Minister and shall be composed of the following members:

(a) an advocate who has practised his profession for at least five (5) years; and

(b) two (2) registered psychologists who have practised their profession for at least five (5) years.

The Chairperson shall be appointed by the Minister from amongst these three (3) members.

(2) All members of the Appeals Committee shall be appointed for a term of three (3) years and may be appointed for a maximum of two (2) terms in total.

(3) The Appeals Committee shall have the following functions:

(a) upon the submission to this effect by the person concerned, to hear and decide upon a decision of the Board whereby the granting of a warrant is refused;

(b) upon the submission to this effect by the person concerned who feels aggrieved by any default of the Board, to decide upon an application for a warrant within four (4) months from when an application for a warrant is submitted to the Board; and

(c) to hear and decide upon any other decision of the Board.

(4) An appeal to the Appeals Committee shall be filed within the peremptory term of twenty (20) days from such decision in the case of an appeal in accordance with sub-article (3)(a) and (c).

(5) The Appeals Committee shall regulate its own procedure.

(6) In the exercise of its functions in accordance with this article, the Appeals Committee may appoint experts to relate on any matter before it.

(7) The Appeals Committee shall have the power to confirm, cancel or revoke with or without conditions, and to refer back to the Board or to substitute any decision upon any appeal in terms of sub-article (3)(a) and (c).

(8) The Appeals Committee shall order the Board to determine such application within such time as it may consider reasonable, and failing which it shall proceed to decide the application itself, and in any case shall refer its decision back to the Board and prepare a report of its findings to the Minister."

PART III

Amendments to the Counselling Profession Act

Amendments to
the Counselling
Profession Act.
Cap. 538.

7. This Part amends the Counselling Profession Act and it shall be read and construed as one with the Counselling Profession Act, hereinafter in this Part referred to as the "principal Act".

8. Immediately after article 7 of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

"Appeals Committee.

7A. (1) There shall be an Appeals Committee for the counselling profession which shall be appointed by the Minister and shall be composed of the following members:

(a) an advocate who has practised his profession for at least five (5) years; and

(b) two (2) registered counsellors who have practised their profession for at least five (5) years.

The Chairperson is to be appointed by the Minister from amongst these three (3) members.

(2) All members of the Appeals Committee shall be appointed for a term of three (3) years and may be appointed for a maximum of two (2) terms in total.

(3) The Appeals Committee shall have the following functions:

(a) upon the submission of an application to this effect by the person concerned, to hear and decide upon a decision of the Board whereby the granting of a warrant is refused;

(b) upon the submission of an application to this effect by the person concerned who feels aggrieved by any default of the Board, to decide upon an application for a warrant within four (4) months from when an application for a warrant is submitted to the Board; and

(c) to hear and decide upon any other decision of the Board.

(4) An appeal to the Appeals Committee shall be filed within the peremptory term of twenty (20) days from such decision in the case of an appeal in accordance with sub-article (3)(a) and (c).

(5) The Appeals Committee shall regulate its own procedure.

(6) In the exercise of its functions in accordance with this article, the Appeals Committee may appoint experts to relate on any matter before it.

(7) The Appeals Committee shall have the power to confirm, cancel or revoke with or without conditions, and to refer back to the Board or to substitute any decision upon any appeal in terms of sub-article (3)(a) and (c).

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(8) The Appeals Committee shall order the Board to determine such application within such time as it may consider reasonable, and failing which it shall proceed to decide the application itself, and in any case shall refer its decision back to the Board and prepare a report of its findings to the Minister."

Passed by the House of Representatives at Sitting No. 258 of the 15th July, 2024.

ANĠLU FARRUGIA
Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA