



MALTA

ATT Nru. XX ta' l-1977

ATT mahruġ b'liġi mill-Parlament ta' Malta.

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

ACT No. XX of 1977

AN ACT enacted by the Parliament of Malta.

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



Nagħti l-kunsens tiegħi.

Anton Buttigieg
President

4 ta' Gunju, 1977

ATT Nru. XX ta' l-1977

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'ligi dan li ġej: —

Titolu fil-qosor
u bidu fis-sehh.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1977 li jemenda l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha (Emenda Nru. 2), 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 imsejha "il-ligi prinċipali".

(2) L-artikoli 3 u 4 ta' dan l-Att għandhom jibdedw isehhu f'dik id-data li l-Ministru responsabbli għas-saħħa pubblika jista', b'avviż fil-Gazzetta, jistabbilixxi. Id-disposizzjonijiet l-oħra kollha ta' dan l-Att għandhom jibdedw isehhu minnufih.

Emenda ta'
l-artikolu 4
tal-ligi
prinċipali.

2. L-artikolu 4 tal-ligi prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem "tas-subartikolu (4)" li hemm fis-subartikolu (2) tiegħu għandhom jidhlu l-kliem "tas-subartikolu (5)",

u

(b) il-kliem "wara li l-Ministru responsabbli għas-saħħa pubblika jkun ikkonsulta l-Kunsill Mediku" li hemm fis-subartikolu (5) tiegħu għandhom jithassru.

Sostituzzjoni ta'
l-artikolu 84
tal-ligi
prinċipali.

3. Minflok l-artikolu 84 tal-ligi prinċipali għandu jidhol dan li ġej:

"Sptarijiet
privati,
eċċ.

84. (1) Ebda persuna ma tista' tuża xi post bħala sptar, klinika, dar ta' maternità, dar ta' infermerija, dar għax-xjuħ, laboratorju dijanjostiku mediku, dipartiment ta' l-X-ray, jew xi stabbiliment jew istituzzjoni oħra bħal dawn,

ikunu xi jkunu msejha, kemm-il darba ma jkunx hemm dwar post bhal dak licenza valida ghal hekk mahruqa mill-Ministru responsabbli ghas-sahha pubblika, u ebda persuna ma tista' tiftah jew tmexxi xi stabbiliment jew istituzzjoni ghal xi wiehed mill-imsemmija ghanijiet kemm-il darba ma jkollhiex licenza valida ghal hekk mahruqa mill-imsemmi Ministru.

(2) B'sehh minn dik id-data li l-imsemmi Ministru jista' jistabbilixxi b'avviz fil-Gazzetta, ebda detentur ta' licenza ta' xi sptar jew klinika privata ma ghandu jhalli lil xi tabib jezercita l-professjoni tieghu f'dak l-isptar jew f'dik il-klinika kemm-il darba dak it-tabib ma jkollux awtorita' valida moghtija mill-imsemmi Ministru biex jezercita f'dak l-isptar jew f'dik il-klinika.

(3) Ebda licenza ma tista' tinghata jew tiggedded taht is-subartikolu (1) ta' dan l-artikolu jekk il-post, taghmir u facilitajiet kif ukoll il-persunal, sew mediku sew xort'ohra, ma jkunux hekk li jipprovdu dak il-livell ta' kura jew servizz mediku kif il-Ministru responsabbli ghas-sahha pubblika jidhirlu, fid-diskrezzjoni assoluta tieghu, li jkun sodisfacenti, jew kif huwa jista', b'regolamenti maghmula taht dan l-artikolu, jippreskrivi minn zmien ghal zmien.

(4) B'sehh minn dik id-data li l-imsemmi Ministru jista' jistabbilixxi b'avviz fil-Gazzetta, ebda licenza ma tinghata jew tigi mgedda ghall-finijiet tas-subartikolu (1) ta' dan l-artikolu jekk l-istabbiliment jew l-istituzzjoni tkun immexxija, jew ikun hemm il-hsieb li titmexxa, bhala stabiliment jew istituzzjoni li taghmel profitt; u, b'sehh minn kull data bhal dik kif intqal qabel, kull licenza moghtija qabel taht is-subartikolu (1) ta' dan l-artikolu tiskadi.

(5) L-imsemmi Ministru jista', fl-ghoti jew fit-tigdid ta' xi licenza taht is-subartikolu (1) ta' dan l-artikolu, jimponi kull kondizzjoni hekk kif jidhirlu xieraq u jista' jaghmel restrizzjonijiet dwar is-servizzi u l-attivita'jiet li jistghu jigu provduti jew immexxija f'dak il-post li jkollu licenza.

(6) Meta xi post jintuza jew isir xi ghemil bi ksur ta' xi kondizzjoni jew restrizzjoni, li tkun tinsab f'licenza moghtija jew imgedda taht is-subartikolu (1) ta' dan l-artikolu, kull post hekk uzat u kull ghemil hekk maghmul ghandu jitqies li jkun gie wzat jew li jkun maghmul minghajr licenza mehtieqa b'dan l-artikolu.

(7) Kull licenza moghtija taht id-disposizzjoni tas-subartikolu (1) ta' dan l-artikolu tiskadi fil-31 ta' Dicembru tas-sena li fiha tigi mahruqa izda tista' tigi mgedda mill-imsemmi Ministru minn sena ghal sena. Kull licenza bhal dik tiskadi wkoll jekk ikun hemm dikjarazzjoni ta' htija taht l-artikolu 88 ta' din l-Ordinanza dwar xi reat kontra dan l-artikolu jew l-artikolu 84B ta' din l-Ordinanza, sew jekk ir-reat ikun maghmul mill-persuna jew fil-post li jkollu licenza taht is-subartikolu (1) ta' dan l-artikolu.

(8) Kull awtorità mogħtija taħt is-subartikolu (2) ta' dan l-artikolu għandha ssir li tapplika speċifikament għal dak l-isptar jew għal daww il-isptarijiet u għal dik il-klinika jew għal daww il-kliniki li l-imsemmi Ministru jista' jistabbilixxi minn żmien għal żmien."

Emenda ta' l-artikolu 84A tal-liġi prinċipali.

4. Fl-artikolu 84A tal-liġi prinċipali, minflok il-kliem "77, 82 jew 84" kull fejn jinsabu għandhom jidhlu f'kull każ il-kliem "77 jew 82".

Zieda ta' artikoli godda 84B u 84C mal-liġi prinċipali.

5. Minnufih wara l-artikolu 84A tal-liġi prinċipali għandhom jiżdedu ż-żewġ artikoli godda li ġejjin:

"Tobba fi sptarijiet u kliniki privati u drittijiet li għandhom jintalbu.

84B. (1) Ebda detentur ta' liċenza ta' xi sptar jew klinika privata ma għandu jhalli lil xi tabib li jkun uffiċjal pubbliku jew li jkun xort'oħra impjegat mal-Gvern jew kien uffiċjal jew impjegat bħal daww fil-31 ta' Mejju, 1977, li jeżerċita l-professjoni tiegħu fi sptar privat bħal dak jew fi klinika privata bħal dik kemm-il darba dak it-tabib ma jkollux fil-pussess tiegħu awtorità valida biex hekk jeżerċita mogħtija mill-Ministru responsabbli għas-saħħa pubblika wara li dak it-tabib ikun iffirma obligazzjoni aċċettabbli mill-imsemmi Ministru li jahdem fi sptar jew fi klinika tal-Gvern skond istruzzjonijiet mogħtija minn, u kif ordnat minn, l-imsemmi Ministru.

(2) Kull awtorità mogħtija taħt is-subartikolu (1) ta' dan l-artikolu tista' tingħata suġġetta għal daww il-limitazzjonijiet, kondizzjonijiet u restrizzjonijiet li l-imsemmi Ministru minn żmien għal żmien jidhirlu xierqa; u kull awtorità bħal dik tiskadi malli jgħaddi ż-żmien, jekk ikun hemm, li għalih tingħata, malli tiġri xi grajja li għaliha tkun suġġetta, jew jekk xi limitazzjoni, kondizzjoni jew restrizzjoni oħra li għaliha tkun suġġetta tiġi miksura.

(3) Ebda detentur ta' liċenza ta' xi post, stabbiliment jew istituzzjoni li jkollu liċenza taħt is-subartikolu (1) ta' l-artikolu 84 ta' din l-Ordinanza ma għandu jitlob jew jagħmel, jew iħalli li jintalbu jew isiru, xi drittijiet jew hlasi-jiet oħra, għal xi servizz jew haġa oħra tkun li tkun, jekk ikunu iktar mid-dritt jew mill-hlas li għandu jithallas dwarhom skond dik it-tariffa li l-Ministru responsabbli għas-saħħa pubblika jista' jistabbilixxi minn żmien għal żmien.

(4) Kull detentur ta' liċenza ta' xi post, stabbiliment jew istituzzjoni li jkollu liċenza taħt is-subartikolu (1) ta' dan l-artikolu għandu jzomm għall-wiri, u jzomm f'kull hin għall-wiri, f'lok fejn jidher sewwa fil-post li jkollu liċenza u fejn ikun faċilment aċċessabbli għall-pubbliku, it-tariffa tad-drittijiet u tal-hlasi-jiet li f'dak iż-żmien ikunu japplikaw skond is-subartikolu (3) ta' dan l-artikolu,

Eżekuzzjoni tad-disposizzjonijiet ta' qabel.

84C. Meta xi post jintuza jew isir xi għemil bi ksur ta' xi waħda mid-disposizzjonijiet ta' l-artikolu 84 jew 84B ta' din l-Ordinanza, jew għaliex il-liċenza jew l-awtorità meħ-

tieġa ma tkunx ġiet mahruġa jew mogħtija, jew hi meqjusa bħala li ma ħarġitx jew ma nġhatatx, jew tkun skadiet jew ma ġietx imġedda jew tkun ġiet irtirata, ikun id-dmir tal-Kummissarju tal-Pulizija li jiżgura li l-post li jkun jinżamm magħluq u li ma jsir ebda ksur iehor, u hu jkun jista' jieħu l-passi kollha xierqa għal dan il-ghan."

6. Fis-subartikolu (3) ta' l-artikolu 88 tal-liġi prinċipali, minflok il-kliem "84 jew 85" għandhom jidhlu l-kliem "84, 84B jew 85".

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

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 66 ta' l-4 ta' Ġunju, 1977.



Skrivan tal-Kamra tad-Deputati



Speaker



I assent.

Anton Bultiquez
President

4 June, 1977

ACT No. XX of 1977

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 and commencement.

1. (1) This Act may be cited as the Medical and Kindred Professions (Amendment) (No. 2) Act, 1977, and shall be read and construed as one with the Medical and Kindred Professions Ordinance, hereinafter referred to as "the principal law".

(2) Sections 3 and 4 of this Act shall come into force on such date as the Minister responsible for public health may, by notice in the Gazette, appoint. All the other provisions of this Act shall come into force forthwith.

Amendment of section 4 of the principal law.

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

(a) for the words "of subsection (4)" in subsection (2) thereof there shall be substituted the words "of subsection (5)", and

(b) the words "after the Minister responsible for public health has consulted the Medical Council" in subsection (5) thereof shall be deleted.

Substitution of section 84 of the principal law.

3. For section 84 of the principal law there shall be substituted the following:

"Private hospitals, etc.

84. (1) No person shall use any premises as a hospital, clinic, maternity home, nursing home, home for the aged, medical diagnostic laboratory, X-ray department, or any other similar establishment or institution, by whatever name called, unless there is in respect of such premises a

valid licence for the purpose issued by the Minister responsible for public health, and no person may open or carry on any establishment or institution for any of the purposes aforesaid unless he is in possession of a valid licence for the purpose issued by the said Minister.

(2) With effect from such date as the Minister aforesaid may by notice in the Gazette appoint, no licensee of any private hospital or clinic shall allow any medical practitioner to practise his profession in such hospital or clinic unless such medical practitioner is in possession of a valid authority to practise in that hospital or clinic given by the said Minister.

(3) No licence shall be granted or renewed under subsection (1) of this section if the premises, equipment and facilities as well as the personnel, whether medical or otherwise, are not such as to provide such standard of medical care or service as the Minister responsible for public health deems, in his absolute discretion, to be satisfactory, or as he may, by regulations made under this section, from time to time prescribe.

(4) With effect from such date as the said Minister may by notice in the Gazette appoint, no licence shall be granted or renewed for the purposes of subsection (1) of this section if the establishment or institution is carried on, or is intended to be carried on, as a profit-making establishment or institution; and, with effect from any such date as aforesaid, any licence previously granted under subsection (1) of this section shall lapse.

(5) The said Minister may, in granting or renewing any licence under subsection (1) of this section, impose any such condition as he may deem fit and may restrict the services and the activities that may be provided or carried on in the licensed premises.

(6) Where any premises are used or any act is done in contravention of any condition or restriction, contained in a licence granted or renewed under subsection (1) of this section, any premises so used and any act so done shall be deemed to have been used or done without the licence required by this section.

(7) Any licence granted under the provision of subsection (1) of this section shall lapse on the 31st December of the year in which it is issued but may be renewed by the said Minister from year to year. Any such licence shall also lapse if there is a declaration of guilt under section 88 of this Ordinance in respect of any offence against this section or section 84B of this Ordinance, whether the offence is committed by the person or in the premises licensed under subsection (1) of this section.

(8) Any authority given under subsection (2) of this section shall be made to apply specifically to such hospital or hospitals and to such clinic or clinics as the Minister aforesaid may from time to time determine."

4. In section 84A of the principal law, for the words "77, 82 or 84" wherever they occur there shall be substituted in each case the words "77 or 82".

Amendment of
section 84A of
the principal law.

Addition of new sections 84B and 84C to the principal law.

5. Immediately after section 84A of the principal law there shall be added the following two new sections:—

“Medical practitioners in private hospitals and clinics and fees to be charged.

84B. (1) No licensee of any private hospital or clinic shall allow any medical practitioner who is a public officer or otherwise employed with the Government or was such an officer or employee on 31st May, 1977, to practise his profession in such private hospital or clinic unless such practitioner is in possession of a valid authority so to practise given by the Minister responsible for public health after such practitioner has signed an undertaking acceptable to the said Minister to work in a Government hospital or clinic in accordance with instructions given by, and as directed by, the said Minister.

(2) Any authority given under subsection (1) of this section may be made subject to such limitations, conditions and restrictions as the Minister aforesaid may from time to time deem appropriate; and any such authority shall lapse on the expiration of the period, if any, for which it is granted, on the happening of any event to which it is made subject, or if any limitation, condition or other restriction to which it is subject is contravened.

(3) No licensee of any premises, establishment or institution licensed under subsection (1) of section 84 of this Ordinance shall charge or make, or allow to be charged or made, any fees or other charges, for any service or thing whatsoever, which is in excess of the fee or charge payable in respect thereof in accordance with such tariff as the Minister responsible for public health may from time to time establish.

(4) Every licensee of any premises, establishment or other institution licensed under subsection (1) of this section shall display, and keep at all times displayed, in a prominent place in the licensed premises and which is easily accessible to the public, the tariff of fees and charges currently applicable in accordance with subsection (3) of this section.

Enforcement of foregoing provisions.

84C. Where any premises are used or any act is done in contravention of any of the provisions of section 84 or 84B of this Ordinance, either because the required licence or authority has not been issued or given, or is deemed not to have been issued or given, or has lapsed or has not been renewed or has been withdrawn, it shall be the duty of the Commissioner of Police to ensure that the premises in question are kept closed and that no further contraventions take place, and it shall be lawful for him to take all appropriate steps for that purpose.”

Amendment of section 88 of the principal law.

6. In subsection (3) of section 88 of the principal law, for the words “84 or 85” there shall be substituted the words “84, 84B or 85”.

Passed by the House of Representatives at Sitting No. 66 of the 4th June, 1977.

H. Linnert
Speaker

C. Tripul
Clerk to the House of Representatives