

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,388, 3 ta' Marzu, 2015*

*Taqsim A*

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## MALTA

### **ATT Nru. V tal-2015**

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

**ATT biex jipprovdi dwar ir-regolamentazzjoni tal-Professjoni tal-Counselling u biex jipprovdi għal hwejjeġ konnessi magħha u li huma ancillari għaliha.**

### **ACT No. V of 2015**

AN ACT enacted by the Parliament of Malta.

**AN ACT to make provision for the regulation of the Counselling Profession and to provide for matters which are connected and ancillary thereto.**



Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE LOUISE  
COLEIRO PRECA  
President**

3 ta' Marzu, 2015

**ATT Nru. V tal-2015**

*ATT biex jipprovdi dwar ir-regolamentazzjoni tal-Professjoni tal-Counselling u biex jipprovdi għal hwejjeġ konnessi magħha u li huma ancillari għaliha.*

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

**1. (1)** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2015 dwar il-Professjoni tal-*Counselling*.

Titolu fil-qosor  
u bidu fis sehħ.

(2) Dan l-Att għandu jidhol fis-sehħ fid-data li l-Ministru responsabbli għall-professjoni tal-*counselling* jistabbilixxi permezz ta' avviż fil-Gazzetta u dati differenti jistgħu jiġu stabbiliti għal dispożizzjonijiet differenti u għanijiet differenti ta' dan l-Att.

**2.** F'dan l-Att, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra:

Tifsir.

"assoċjazzjoni ta' *counsellors*" tfisser kull assoċjazzjoni ta' *counsellors* stabbilita skont l-artikolu 12;

"*counselling*" tfisser l-osservazzjoni, id-deskrizzjoni, il-valutazzjoni, l-interpretazzjoni, ir-riċerka jew l-għajnuna li tingħata, skont il-prinċipji aċċettati mill-professjoni tal-*counselling*, il-metodi jew proċeduri għall-fini tal-prevenzjoni jew l-eliminazzjoni ta' mġiba limitattiva u għal titjib fir-relazzjonijiet interpersonali u riflessjoni intrapersonali fil-bidla personali fuq ix-xogħol, fil-ħajja, fl-iżvilupp u tishih personali, fit-tagħlim, fis-saħħa fiżika jew mentali;

"*counselling* bi speċjalizzazzjoni" tfisser persuna li tkun tharrġet

f'qasam speċifiku ta' mhux anqas minn 30 ECTS jew l-ekwivalenti kif rikonoxxut minn awtorità kompetenti fi Stat Membru tal-Unjoni Ewropea, jew mill-Kunsill u mill-Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Oġhla fil-każ ta' pajjiż mhux Stat Membru. *Counselling* bi speċjalizzazzjoni tingħata biss lil persuna li għandha *warrant* shih.

"*counsellor*" tfisser persuna li tkun reġistrata f'wiehed mir-reġistri uffiċjali tal-*counsellors* miżmuma mill-Kunsill u li tkun ingħatat *warrant* taht dan l-Att sabiex tipprattika l-professjoni tal-*counselling*, skont l-artikolu 3(4);

"ECTS" tfisser *European Credit Transfer System*;

"grad rikonoxxut" tfisser l-għarfien formali minn awtorità kompetenti fi Stat Membru tal-Unjoni Ewropea jew mill-Kunsill u mill-Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Oġhla fil-każ ta' pajjiż mhux Stat Membru ta' kwalifika ta' edukazzjoni oġhla barranija bhala ekwivalenti għall-grad ta' *Masters* fil-*counselling* mogħti mill-Università ta' Malta biex tipprattika l-professjoni tal-*counselling* f'Malta;

"grad ta' *Masters*" tfisser grad ta' *Masters* fil-*Counselling* maħruġ mill-Università ta' Malta;

"il-kors" tfisser il-programm ta' studju li jwassal għall-grad ta' *Masters* u li huwa magħmul minn hames komponenti li huma teorija, numru ta' sigħat ta' prattika, żvilupp personali, ricerka u hilet fil-*counselling*. Il-hames komponenti għandu jkollhom bejn 90 u 120 ECTS;

"il-Kunsill" tfisser il-Kunsill dwar il-Professjoni tal-*Counselling* f'Malta stabbilit skont l-artikolu 4;

"il-Ministru" tfisser il-Ministru responsabbli għall-professjoni tal-*counselling*;

"perjodu ta' adattament" ifisser perjodu li matulu persuna tista' teżerċita l-professjoni tal-*counselling* f'Malta taht is-supervizjoni ta' supervizur tal-*counselling*, liema perjodu jista' jinkludi l-provvediment ta' dak it-taħriġ addizzjonali lil dik il-persuna, kif jista' jkun meħtieġ mill-Kunsill, u fi tmiem dak il-perjodu għandu jsir test ta' hila;

"prattika", fir-rigward tal-professjoni tal-*counselling* tinkludi:

(a) li tibda teżerċita l-eżerċizzju tal-professjoni tal-*counselling* kemm bhala persuna li taħdem għal rasha jew bhala

persuna impjegata; u

(b) id-dritt li tuża, fil-waqt ta' dak l-eżercizzju, it-titolu professjonali "*Counsellor* Reġistrat" jew l-ittri indikattivi "RCouns" minn min għandu *warrant* shiħ, jew it-titolu professjonali "*Counsellor* b'*warrant* temporanju" minn min għandu *warrant* temporanju, jew it-titolu professjonali "*Counsellor* b'*warrant* ristrett" minn min għandu *warrant* ristrett, jew it-titolu professjonali "*Counsellor* Superviżur" jew l-ittri indikattivi "RSCouns" minn min ikun reġistrat bhala superviżur tal-*counselling*;

"preskritt" tfisser preskritt b'regolamenti magħmula mill-Ministru taht dan l-Att;

"professjoni" sakemm ma jkunx indikat xort'oħra tfisser il-professjoni tal-*counselling*;

"soċjetà ta' *counsellors*" tfisser soċjetà ta' *counsellors* stabbilita skont l-artikolu 13;

"superviżur tal-*counselling*" tfisser persuna b'*warrant* shiħ li jkollha taħriġ ta' mhux inqas minn 30 ECTS fis-superviżjoni tal-*counsellors*, jew l-ekwivalenti kif rikonoxxut minn awtorità kompetenti fi Stat Membru tal-Unjoni Ewropea jew mill-Kunsill u mill-Kummissjoni Nazzjonali għal Edukazzjoni Avvanzata u Oghla fil-każ ta' pajjiż mhux Stat Membru u li tkun reġistrata mill-Kunsill fir-Reġistru tas-Superviżuri tal-*Counsellors* bhala *counsellor* li jista' jipprovdni s-servizzi ta' superviżjoni lil *counsellors* oħra;

"test ta' hila" tfisser test li l-għan tiegħu jkun li jivvaluta l-hila ta' persuna biex tipprattika l-professjoni tal-*counselling* skont kif ikun meħtieġ mill-Kunsill skont id-dispożizzjonijiet ta' dan l-Att;

"uffiċjal pubbliku" għandha l-istess tifsira mogħtija lilha bl-artikolu 92 tal-Kodiċi Kriminali u tinkludi *counsellor*;

Kap. 9.

"*warrant*" tfisser *warrant* maħruġ taht l-artikolu 6;

"*warrant* ristrett" tfisser *warrant* li bih persuna, li fid-data tad-dhul fis-seħħ ta' dan l-Att tkun qed taħdem bhala *counsellor* ma' aġenzija jew istituzzjoni b'taħriġ mogħti jew rikonoxxut biss minn dik l-aġenzija jew istituzzjoni, tkun reġistrata fir-reġistru uffiċjali tal-*counsellors* b'*warrant* ristrett miżmum mill-Kunsill, iżda li ma tkunx tista' teżercita l-professjoni tal-*counselling* bhala persuna li taħdem għal rasha;

"*warrant* shiħ" tfisser *warrant* li bih persuna tkun reġistrata fir-

registru uffiċjali tal-*counsellors* b'*warrant* sħiħ miżmum mill-Kunsill;

"*warrant* temporanju" tfisser *warrant* li bih persuna tkun registrata fir-registru uffiċjali tal-*counsellors* b'*warrant* temporanju miżmum mill-Kunsill, iżda li ma jkollhiex esperjenza xierqa ta' prattika fil-professjoni tal-*counselling*.

*Warrant.*

3. (1) L-ebda persuna ma tista' tipprattika l-professjoni tal-*counselling*, jew mod ieħor turi ruħha li tkun professjonalment kwalifikata biex hekk tagħmel, jew tagħmel użu tat-titolu professjonali *counsellor* reġistrat jew tal-ittri li jindikaw dak it-titolu jew tat-titoli professjonali *Counsellor b'warrant* temporanju jew *Counsellor b'warrant* ristrett, kemm-il darba ma tkunx id-detentur ta' *warrant* maħruġ taħt dan l-Att.

(2) Sakemm ma jkunx hekk speċifikat fil-*warrant*, il-*warrant* ma jintitolax lid-detentur tiegħu li jipprattika l-professjoni tal-*counselling* bi speċjalizzazzjoni.

(3) Persuna tikkwalifika għal *warrant* temporanju jekk dik il-persuna:

(a) tkun ċittadina ta' Malta jew tal-UE, jew xort'oħra tkun legalment intitolata jew awtorizzata biex taħdem f'Malta;

(b) jkollha kondotta tajba u jkollha karattru morali tajjeb;

(ċ) jkollha kapaċità sħiħa legali; u

(d) tkun kisbet grad ta' *Masters* fil-*Counselling* maħruġ mill-Università ta' Malta, jew grad rikonoxxut.

(4) Persuna tikkwalifika għal *warrant* sħiħ jekk dik il-persuna -

(a) tissodisfa r-rekwiżiti elenkati fil-paragrafi (a) sa (d) tas-subartikolu (3); u

(b) tissodisfa lill-Kunsill li jkollha taħriġ jew esperjenza professjonali xierqa fil-*counselling* għal żmien aggregat ta' mhux inqas minn sentejn fuq bażi *full-time*, jew elf (1,000) siegħa taħt is-superviżjoni ta' superviżur tal-*counsellors*, liema minnhom jintlaħaq l-ewwel, jew l-ekwivalenti ta' dak iż-żmien fuq bażi *part-time* fi żmien ta' mhux aktar minn sitt snin, wara li tkun kisbet il-grad ta' *Masters*, jew il-grad rikonoxxut kif imsemmi fis-subartikolu ta' qabel dan.

(5) Il-Ministru jista' jippreskrivi, minflok xi waħda mill-htigiet minimi stabbiliti taht id-dispożizzjonijiet ta' qabel dan is-subartikolu, htigiet minimi oħra skont xi trattati internazzjonali jew multinazzjonali li Malta tkun parti fihom, jew skont id-dispożizzjonijiet ta' xi legizlazzjoni li tidhol fis-seħh bis-saħħa ta' xi trattat jew ftehim bhal dawk.

(6) Meta t-tul tal-kors li jkun iwassal għall-grad rikonoxxut li jkollu l-applikant ikun anqas mit-tul tal-kors li jwassal għall-grad ta' *Masters* mogħti mill-Università ta' Malta, jew meta t-tahriġ jew l-esperjenza msemmija fis-subartikolu (4)(b) tkun ta' anqas minn sentejn, għandhom japplikaw id-dispożizzjonijiet tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u ta' kull regolament magħmul tahtu.

Kap. 451.

4. (1) Għandu jkun hemm Kunsill li jkun magħruf bhala l-Kunsill dwar il-Professjoni tal-*Counselling* f'Malta u li jkun magħmul minn seba' membri kif ġej:

Kunsill dwar il-Professjoni tal-*Counselling* f'Malta.

(a) erba' membri mahtura mill-Ministru, li minnhom:

(i) wiehed ikun *chairperson* li jkollu grad ta' *Masters* jew grad rikonoxxut, ikun kiseb *warrant* shih mill-Kunsill, u jkollu mill-inqas sitt snin esperjenza fil-prattika tal-professjoni tal-*counselling*;

(ii) tnejn ikunu jeżerċitaw il-professjoni tal-*counselling*, u jkunu kisbu *warrant* shih mill-Kunsill. Wiehed minn dawn il-membri jiġi mahtur minn fost is-settur pubbliku; u

(iii) wiehed ikun avukat b'esperjenza ta' mhux anqas minn seba' snin li jinhatar bhala viċi-*chairperson*;

(b) żewġ *counsellors* b'*warrant* shih eletti minn *counsellors* b'*warrant* shih jew temporanju f'elezzjoni li titmexxa mill-Kunsill:

Izda fil-każ tat-twaqqif tal-ewwel Kunsill, il-*counsellors* imsemmija f'dan il-paragrafu għandhom jiġu nominati mill-assoċjazzjoni ta' *counsellors* jew, fil-każ li jkun hemm iktar minn assoċjazzjoni ta' *counsellors* waħda, dawn għandhom jiġu eletti minn fost l-assoċjazzjonijiet f'elezzjoni illi titmexxa mill-Ministeru responsabbli għall-professjoni tal-*counselling*; u

(ċ) *counsellor* wiehed elett minn fost l-*istaff* akkademiku permanenti tad-Dipartiment tal-*Counselling* fi hdan il-Fakultà

għat-Tishih tas-Socjeta' fl-Universita' ta' Malta;

(2) Fil-każ tat-twaqqif tal-ewwel Kunsill wara d-dhul fis-seħh ta' dan l-Att, kull referenza f'dan l-artikolu għal *counsellors* li jiffurmaw parti minn dan il-Kunsill għandha tinftiehem li qed tirreferi għal dawk kollha li jkunu eligibbli għall-*warrant* shih taht dan l-Att.

(3) L-elezzjonijiet magħmula skont is-subartikolu (1) (b) u (c) għandhom, għall-ewwel darba, isiru fi żmien ġimagħtejn minn talba bil-miktub magħmula għal hekk mill-Ministru u, għal kull nomina sussegwenti, fi żmien xahar minn meta tinholoq xi vakanza jew, meta l-vakanza tirriżulta minhabba li jkun ser jiskadi ż-żmien tal-kariga, fi żmien xahar qabel dik l-iskandenza. Fin-nuqqas ta' nomina bħal dik, il-Ministru għandu jahtar persuna minn fost il-*counsellors* registrati b'*warrant* shih.

(4) Il-membri tal-Kunsill għandhom jibqgħu fil-kariga għal tliet snin.

(5) Il-membri tal-Kunsill, wara li jispicċa ż-żmien tal-kariga tagħhom, ikunu eligibbli biex jergħu jkunu membri, iżda ebda persuna ma tista' sservi bħala membru tal-Kunsill għal iktar minn tliet perjodi konsekuttivi.

(6) Kull meta l-kariga ta' xi membru tal-Kunsill issir vakanti qabel it-tmiem tal-kariga tiegħu, il-persuna li tiġi inkarigata minfloku għandha taqdi l-funzjonijiet ta' dak il-membru għaż-żmien li jifdal tal-inkarigu oriġinali.

(7) F'kull każ, l-għadd ta' membri prezenti meħtieġ biex ikun hemm *quorum* ikun ta' erbgħa. Iċ-*chairperson* ikollu kemm vot oriġinali u, fil-każ ta' voti ndaq, vot deċiżiv.

(8) Il-Ministru għandu wkoll jahtar persuna biex taqdi l-kariga ta' segretarju tal-Kunsill, iżda s-segretarju ma jkollux vot.

(9) Bla ħsara għad-dispożizzjonijiet ta' qabel dan is-subartikolu, il-Kunsill jista' jirregola l-proċeduri tiegħu.

(10) Il-Kunsill għandu jiltaqa' kull meta jkun meħtieġ, iżda f'ebda każ inqas spiss minn darba kull xahar. Il-laqgħat tal-Kunsill għandhom jissejġu miċ-*chairperson* jew fuq inizjattiva tiegħu stess jew fuq talba ta' tnejn mill-membri l-oħra.

(11) Fit-twertiq tal-funzjonijiet tiegħu taht dan l-Att, il-Kunsill jista' jikkonsulta ma' dawk il-persuni li jidhirlu xierqa. Għal dak il-għan, il-Kunsill, jista' jistieden lil kull wieħed minn dawk il-persuni

biex tattendi għal-laqgħat tal-Kunsill.

(12) Il-Kunsill għandu jzomm kopja vera u korretta tal-proċeduri tiegħu kollha u l-Kunsill għandu jagħti lill-Ministru kull informazzjoni mitluba minnu.

5. (1) Bla hsara għas-setgħat u għall-funzjonijiet l-oħra tiegħu, is-setgħat u l-funzjonijiet tal-Kunsill huma li jirregola l-prattika u l-eligibilità għall-prattika tal-professjoni tal-*counselling* f'Malta, u b'mod partikolari sabiex:

Setgħat u  
funzjonijiet tal-  
Kunsill.

(a) jistabbilixxi *standards* ta' *counselling*, jivvaluta *standards* ta' *counselling* eżistenti u jiżviluppa *standards* godda ta' żvilupp professjonali kontinwu fil-*counselling* u *standards* oħra kull meta dan ikun meħtieġ. Il-Kunsill jista' jirrakkomanda lill-Ministru l-edukazzjoni inizjali u kontinwa, il-profiċjenza, l-esperjenza u l-kwalifiki l-oħra meħtieġa biex jinżamm *warrant* taht dan l-Att;

(b) jikkonsidra, jipproċessa u jagħmel rakkomandazzjonijiet lill-Ministru dwar applikazzjonijiet għal *warrants* taht dan l-Att kif ukoll għall-ekwivalenza u għarfien ta' kwalifiki fil-*counselling*;

(ċ) jeżamina applikazzjonijiet għal *warrant* għall-prattika tal-professjoni tal-*counselling* f'Malta u jagħmel ukoll rakkomandazzjonijiet lill-Ministru dwar l-ghoti jew rifjut ta' *warrants*;

(d) iżomm u jemenda skont il-każ ir-registri uffiċjali tal-*counsellors* li ġejjin:

(i) Regjistru għall-*Counsellors* b'*warrant* ristrett, b'referenza għal xi speċjalizzazzjoni, jekk dan ikun il-każ;

(ii) Regjistru għall-*Counsellors* b'*warrant* temporanju, b'referenza għal xi speċjalizzazzjoni, jekk dan ikun il-każ;

(iii) Regjistru għall-*Counsellors* b'*warrant* sħiħ, b'referenza għal xi *counselling* bi speċjalizzazzjoni, jekk dan ikun il-każ;

(iv) Regjistru tas-Supervizuri tal-*Counsellors* skont kriterji stabbiliti mill-Kunsill u l-Kodiċi tal-Etika;

(v) Regjistru tal-Assoċjazzjonijiet ta' *Counsellors*;

u

(vi) Reġistru tas-Socjetajiet ta' *Counsellors*;

(e) iżomm dawk ir-*records* u dak it-tagħrif li jista' jkun meħtieġ dwar l-assoċjazzjonijiet ta' *counsellors* u l-membri tagħha li jkunu reġistrati mill-Kunsill;

(f) jagħmel rakkomandazzjonijiet lill-Ministru dwar il-Kodiċi ta' Etika li jkun stabbilit għall-imġiba professjonali ta' *counsellors*;

(g) jagħti pariri, jew jagħmel rakkomandazzjonijiet, jew xort'oħra jagħti l-fehmiet tiegħu lill-Ministru dwar kull haġa li dwarha l-Ministru għandu jikkonsulta mal-Kunsill, jew li dwarha l-Kunsill għandu jagħmel rakkomandazzjonijiet lill-Ministru jew li fuqha l-Kunsill ikun mitlub mill-Ministru biex jagħti l-fehma tiegħu jew jagħmel rakkomandazzjoni;

(h) jagħmel rakkomandazzjonijiet lill-Ministru biex jippreskrivi regolamenti dwar l-impjieg ta' persuni li jkollhom grad rikonoxxut iżda li ma jkunux jikkwalifikaw għal *warrant* taħt dan l-Att, u li jkunu qegħdin jaħdmu taħt is-supervizjoni ta' *counsellor* reġistrat f'dawk l-istabbilimenti jew aġenziji skont kif jista' jkun preskritt;

(i) jistharreg dwar kull allegazzjoni ta' mġiba professjonali hażina, negliġenza qawwija jew inkompetenza minn *counsellor*; u

(j) jaqdi dawk il-funzjonijiet l-oħra li jistgħu jqumu taħt dan l-Att jew taħt xi liġi oħra, jew kif jista' jkun delegat lilu mill-Ministru.

(2) Il-Kunsill għandu, sa mhux aktar tard minn tliet xhur wara l-aħħar ta' kull sena, jippubblika fil-Gazzetta lista ta' persuni li fil-31 ta' Diċembru tas-sena ta' qabel, kienu reġistrati fir-reġistru ufficjali ta' *counsellors*.

(3) Il-Kunsill għandu jagħmel u jippubblika rapport annwali dwar l-operat generali tiegħu.

**6.** (1) Kull persuna li tkun trid tikseb *warrant* biex tipprattika l-professjoni tal-*counselling* f'Malta għandha tiġbor il-formula tal-applikazzjoni għall-*warrant* mill-Kunsill u tissottometti dik l-applikazzjoni fl-uffiċċju reġistrat tal-Kunsill.

(2) Jekk il-Kunsill ikun sodisfatt li l-applikant jikkwalifika għall-ħruġ ta' *warrant* taħt dan l-Att, dan għandu jagħmel rakkomandazzjoni lill-Ministru għall-ħruġ ta' dak il-*warrant*.

(3) Meta, wara l-perjodu indikat fl-artikolu 3(4)(b), il-Kunsill ikun sodisfatt li l-applikant ikun jikkwalifika għall-ħruġ ta' *warrant* shiħ, il-Kunsill għandu jagħmel rakkomandazzjoni lill-Ministru għall-ħruġ ta' dak il-*warrant*.

(4) Sabiex jiġi stabbilit jekk applikant ikunx jikkwalifika għall-*warrant* kif imsemmi fis-subartikolu ta' qabel dan, il-Kunsill jista' jissottometti lill-applikant għal test ta' ħila taħt id-dispożizzjonijiet ta' dan l-Att.

(5) *Warrant* maħruġ mill-Ministru taħt dan l-Att jista' jkun maħruġ suġġett għal dawk il-limitazzjonijiet jew kundizzjonijiet kif il-Kunsill jista' jirrakkomanda f'xi każ partikolari. Il-*warrant* ta' *counselling* bi speċjalizzazzjoni għandu jindika l-qasam speċifiku li fih id-detentur tal-*warrant* jista' jipprattika u jista' jkun fih kundizzjonijiet speċjali għal perjodi speċifiċi skont ir-rakkomandazzjonijiet magħmula mill-Kunsill f'konformità mad-dispożizzjonijiet ta' dan l-Att u regolamenti magħmulin taħtu.

(6) Fil-konsiderazzjoni ta' applikazzjoni minn detentur ta' *warrant* shiħ għall-prattika tal-professjoni tal-*counselling* f'qasam speċifiku ta' *counselling*, il-Kunsill jista' jissottometti lil dak id-detentur ta' *warrant*, b'żieda mas-sottomissjoni ta' dawk il-kwalifiki li jistgħu jkunu preskritti, għal dak it-taħriġ addizzjonali jew għal perjodu ta' adattament kif jista' jkun meħtieġ mill-Kunsill.

(7) *Warrant* maħruġ taħt dan l-Att għandu jitqies li jkompli fis-seħh kemm-il darba d-detentur ta' *warrant*, meta mitlub mill-Kunsill, jagħti prova lill-Kunsill illi jissodisfa dawk il-kriterji stabbiliti mill-istess Kunsill minn żmien għal żmien:

Iżda meta d-detentur ta' *warrant* jonqos li jagħti din il-prova, il-*warrant* tiegħu għandu jitqies li hu sospiż sakemm jagħti prova li jkun jissodisfa dawk il-kriterji li jistgħu jkunu stabbiliti mill-Kunsill.

(8) Kull superviżur tal-*counselling* reġistrat mill-Kunsill għandu jingħata liċenza għal ħames snin, liema liċenza tista' tiġi estiza għal perjodi ta' tliet snin oħra, jew revokata, skont kif ikun il-każ.

(9) Kull persuna li tkun ingħatat *warrant* mill-Kunsill biex tipprattika l-professjoni tal-*counselling* għandha tesponi f'post prominenti dak il-*warrant* fil-post fejn tipprattika bħala *counsellor* u għandha żzomm fuqha l-karta tal-identità maħruġa mill-Kunsill li tindika li l-persuna tista' tipprattika bħala *counsellor* fil-waqt illi tkun qed teżerċita l-professjoni tal-*counselling*. Dan is-subartikolu jgħodd ukoll għal kull persuna li tkun reġistrata mill-Kunsill bħala superviżur

tal-*counselling*, kif ukoll għall-membri tal-assoċjazzjonijiet ta' *counsellors* registrati mill-Kunsill.

(10) L-ebda persuna, barra minn dawk il-persuni mogħtija *warrant* mill-Ministru, ma tkun tista' tagħmel użu mill-kelma "*Counsellor*" jew "*Counselling*":

Iżda persuni li għandhom inkarigu uffiċjali fid-diplomazija jistgħu jużaw il-kelma "*Counsellor*" u mhux "*Counselling*", u persuni li għandhom *warrant* tal-psikologi professjonali maħruġ mill-Bord dwar il-Professjoni tal-Psikoloġija jistgħu jużaw il-kelma "*Counselling*" u mhux "*Counsellor*".

Rakkomandazzjonijiet dwar applikazzjonijiet għal *warrant*.

7. (1) Il-Kunsill għandu, mhux aktar tard minn erba' xhur minn meta jirċievi applikazzjoni għall-hruġ ta' *warrant*, minbarra li jeżamina l-informazzjoni u d-dokumentazzjoni kollha rilevanti li jsostnu l-applikazzjoni, jirrakkomanda lill-Ministru jekk l-applikant jistax minnufih jipprattika l-professjoni tal-*counselling*. Fil-perjodu indikat hawn fuq l-applikant jista' jitlob bil-mitkub lill-Kunsill li jingħata l-fakultà biex jipprattika taħt superviżjoni, u dan skont kull provvediment indikat mill-Kunsill.

(2) Il-Kunsill għandu javża lill-applikant birakkomandazzjonijiet mogħtija taħt is-subartikolu ta' qabel dan u biragunijiet li fuqhom dawn ir-rakkomandazzjonijiet ġew ibbażati.

Nuqqas ta' kisba, jew telfien, ta' *warrant*.

8. (1) L-ebda persuna ma tikkwalifika li tirċievi jew iżzomm *warrant* skont dan l-Att jekk dik il-persuna tkun instabet haġja minn qorti kompetenti ta' reat li għalih hemm piena ta' iktar minn sena priġunerija, jew tkun instabet haġja ta' reat li jitqies mill-Kunsill ta' detriment għall-professjoni tal-*counselling* jew mhux kompatibbli mal-professjoni tal-*counselling*.

(2) Meta persuna titlef il-*warrant* minhabba li tkun instabet haġja skont is-subartikolu (1), avviż ta' dak it-telf għandu jkun ippubblikat fil-Gazzetta u jkun komunikat mill-Kunsill lill-persuna li tkun tilfet il-*warrant* kemm-il darba ma tkunx giet interdetta bis-sentenza nnifisha. Jekk il-persuna tkun impjegata, kopja ta' din il-komunika għandha tintbagħat lil min jimpjegaha.

(3) Il-Ministru jista', f'kull żmien, u fuq rakkomandazzjoni tal-Kunsill, jerga' jagħti lura l-*warrant* lill-persuna li tkun tilfet il-*warrant* skont id-dispożizzjonijiet tal-artikolu 11.

Kumitat ta' investigazzjoni.

9. (1) Il-Kunsill jista' jistabbilixxi kumitat sabiex jistharreġ dwar kull allegazzjoni ta' mgħiba professjonali hazina, negliġenza qawwija jew inkompetenza dwar *counsellor*.

(2) Għall-finijiet ta' dan l-artikolu, il-frazzjiet "imġiba professjonali ħażina", "negligenza qawwija", jew "inkompetenza", jinkludu dawn li ġejjin:

(a) li jinkiseb *warrant* b'mod qarrieqi jew b'mod frodulent, jew li b'mod ieħor wiehed jagħmilha ta' *counsellor* mingħajr il-*warrant* meħtieġ;

(b) il-ksur tal-Kodiċi tal-Etika stabbilit taħt dan l-Att;

(ċ) in-nuqqas ta' tharis ta' regolamenti dwar *standards* jew prattika professjonali;

(d) in-nuqqas ta' tharis ta' xi kondizzjoni mqieghda fil-*warrant* maħruġ taħt dan l-Att;

(e) is-suppożizzjoni ta' kompetenza professjonali li dwarha l-persuna ma tkunx kwalifikata jew xort'oħra ma tkunx awtorizzata li tipprattika skont il-*warrant* tagħha;

(f) imġiba b'mod li tkun ta' ħsara għall-professjoni tal-*counselling*; u

(g) l-għoti ta' informazzjoni mhux korretta, wiri ta' nuqqas ta' hila jew ġudizzju fil-prattika tal-professjoni tal-*counselling* jew fit-twettiq ta' dmirijiet jew obbligi fil-prattika ta' *counselling*.

(3) Kull detentur ta' *warrant* li jkun sugġett għal inkjesta mill-kumitat għandu jingħata l-opportunità kollha biex jagħmel id-difiza tiegħu u jgħib provi favur tiegħu u għal dan il-għan dak id-detentur ta' *warrant* jista' jkun rappreżentat minn avukat jew minn xi persuna oħra li jagħzel hu.

(4) Meta tingħalaq l-inkjesta l-kumitat għandu jiddeciedi jekk ikunx hemm jew ma jkunx hemm raġunijiet biżżejjed biex id-detentur ta' *warrant* jinsab ħati ta' mġiba professjonali ħażina, negligenza qawwija jew inkompetenza. Fl-ewwel każ, il-Kumitat għandu jagħmel rapport dwar id-deċizzjoni tiegħu u jibgħat lid-detentur tal-*warrant* quddiem il-Kunsill flimkien mar-rakkomandazzjonijiet tiegħu għall-impożizzjoni ta' penali u, fit-tieni każ, jirrakkomanda li m'għandhomx jittiehdu proċedimenti ulterjuri.

(5) Il-penali msemmija fis-subartikolu ta' qabel dan jistgħu jinkludu:

(a) s-sospensjoni jew ir-revoka ta' dak il-*warrant* taħt dawk il-kundizzjonijiet li jistgħu jiġu rakkomandati;

(b) s-sospensjoni jew ir-revoka tar-reġistrazzjoni ta' soċjetà ta' *counsellors*;

(c) l-impożizzjoni ta' xi kundizzjonijiet li għandhom ikunu marbuta ma' *warrant*;

(d) ċanfira;

(e) hlas li jkopri l-ispejjeż tal-inkjesta;

(f) ordni li xi drittijiet li jintalbu għal servizzi mogħtija ma jithallsux, jitnaqqsu jew jithallsu lura; jew

(g) kull penali oħra li tista' tiġi preskritta.

(6) Mar-revoka tal-*warrant*, il-Kunsill għandu jaqta' isem dik il-persuna minn fuq ir-reġistru uffiċjali ta' *counsellors*. Ir-revoka ta' kull *warrant* għandha tiġi ppubblikata fil-Gazzetta.

Kap. 273.

(7) Għall-finijiet ta' dan l-artikolu, is-setgħat li huma jew li jistgħu jingħataw lill-membri tal-kumitat għandhom ikunu dawk previsti taħt l-Att dwar l-Inkjesti u l-kumitat għandu jmexxi l-inkjesti skont kif previst fl-istess Att.

Appell lill-Qorti tal-Appell.

**10.** (1) Id-detentur ta' *warrant* li jhoss ruħu aggravat b'deċiżjoni tal-Kunsill jista' jappella quddiem il-Qorti tal-Appell fil-kompetenza tagħha fi żmien wieħed u għoxrin jum minn meta avviz tad-deċiżjoni jkun ingħata lill-Ministru u notifikat lid-detentur tal-*warrant* permezz ta' posta reġistrata.

(2) Il-*warrant* għandu jiġi sospiż jew revokat biss wara li l-Qorti tal-Appell tikkonferma d-deċiżjoni tal-Kunsill.

(3) Il-Ministru responsabbli għall-gustizzja jista' jagħmel regolamenti li jippreskrivu d-drittijiet li għandhom jithallsu lir-Reġistru tal-Qorti dwar appelli magħmula taħt dan l-artikolu:

Kap. 12.

Izda sakemm jiġu preskritti dawn id-drittijiet mill-Ministru responsabbli għall-gustizzja taħt dan l-artikolu sabiex isiru appelli, id-drittijiet imsemmija fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandhom, *mutatis mutandis*, japplikaw.

Kap. 12.

(4) Il-Bord imsemmi fl-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandu jagħmel regolamenti li jistabbilixxu l-forma ta' dawk l-appelli u hwejjeġ li għandhom x'jaqsmu ma' dan.

Twarrib ta' sospensjoni jew thassir.

**11.** Il-Ministru jista', fuq rakkomandazzjoni tal-Kunsill, u wara li ssir talba għaldaqstant, jagħti lura l-*warrant* lill-persuna li tkun tilfitu

minhabba deċizzjoni ta' sospensjoni jew ta' revoka, jekk dik il-persuna tissodisfa dawk il-htigiet skont ma jistgħu jiġu preskritti. Meta l-*warrant* jingħata lura, il-persuna li tkun kisbet lura l-*warrant* għandha minnufih tiġi registrata mill-ġdid fir-registru ufficjali.

12. (1) Kull assoċjazzjoni ta' *counsellors* tista' tissottometti applikazzjoni lill-Kunsill biex tkun registrata bħala assoċjazzjoni ta' *counsellors* għall-finijiet ta' dan l-Att.

Assoċjazzjoni ta' *counsellors*.

(2) Assoċjazzjoni ta' *counsellors* tikkwalifika biex tkun registrata taht dan l-artikolu jekk iġġib prova lill-Kunsill li mill-inqas tliet membri tagħha jkunu registrati bħala *counsellors* b'*warrant* shih jew temporanju, u li tikkonforma ruħha ma' dawk il-kundizzjonijiet l-oħra li jistgħu jiġu preskritti mill-Kunsill minn żmien għal żmien. Assoċjazzjoni ta' *counsellors* għandha tissottometti, flimkien mal-applikazzjoni għar-registrazzjoni, lista tal-membri tagħha kollha u kull tagħrif ieħor li l-Kunsill jista' jehtieg sabiex jipproċessa l-applikazzjoni.

(3) Il-Kunsill ikollu s-setgħa li jehtieg, b'mod raġonevoli, minn żmien għal żmien, lil kull assoċjazzjoni ta' *counsellors* registrata taht dan l-artikolu tipproduċi dawk ir-*records* u dak it-tagħrif dwar l-assoċjazzjoni u l-membri tagħha.

13. (1) Żewġ detenturi ta' *warrant* shih jew iktar jistgħu jiffurmaw soċjetà ċivili, f'dan l-Att imsejha "soċjetà ta' *counsellors*", li jkollha bħala skop waħdieni l-prattika tal-professjoni tal-*counselling* u dawk is-setgħat li huma meħtieġa biex jintlaħaq l-iskop ta' din is-soċjetà.

Soċjetà ta' *counsellors*.

(2) L-ebda persuna, barra minn detentur ta' *warrant*, ma tkun tista' tiffirma parti minn soċjetà ta' *counsellors*.

(3) Kull soċjetà ta' *counsellors* iffurmata skont id-dispożizzjonijiet ta' dan l-artikolu, għandha thallas dawk id-drittijiet illi jistgħu jiġu preskritti sabiex dik is-soċjetà tkun tista' tiġi registrata mill-Kunsill u ma' dik ir-registrazzjoni l-persuni li jkunu jiffurmaw parti minn dik is-soċjetà jkunu, sakemm is-soċjetà tibqa' hekk registrata, awtorizzati biex jaġixxu f'isem u f'rappreżentanza tas-soċjetà li jkollha l-jedd li tuża l-isem "*Counsellors*" bħala parti minn isem tas-soċjetà.

(4) Kull soċjetà ta' *counsellors* għandha tipprovdi lill-Kunsill dak it-tagħrif li jista' jkun meħtieġ b'mod raġonevoli minn żmien għal żmien mill-Kunsill jew kif jista' jiġi preskrit, u għandha tagħti avviz lill-Kunsill dwar kull tibdil rilevanti f'kull tagħrif li jkun ingħata lill-Kunsill sa mhux iktar minn hmistax-il jum wara d-data li fiha jkun sar it-tibdil.

Dispożizzjonijiet li japplikaw biss għal soċjetà ta' *counsellors*.

**14. (1)** Minkejja d-dispożizzjonijiet ta' xi liġi oħra jew ta' xi ftehim ieħor kuntrarju, id-dispożizzjonijiet li ġejjin għandhom japplikaw biss għal soċjetà ta' *counsellors*, u mhux għal membri ta' assoċjazzjoni ta' *counsellors* skont l-artikolu 12:

(a) kull għemil jew haġa li tista' ssir minn detentur ta' *warrant* tista' ssir minn wiehed jew iżjed mill-persuni li jiffurmaw parti mis-soċjetà f'isem is-soċjetà; u kull għemil jew haġa li ssir f'isem is-soċjetà għandha ssir minn persuna li tiffirma parti minn dik is-soċjetà jew minn aktar; u

(b) meta xi haġa ssir jew tonqos milli ssir minn persuna waqt li tkun tiffirma parti minn soċjetà ta' *counsellors*, ir-responsabilitajiet u l-obbligi ta' dik il-persuna li jirriżultaw m'għandhomx jieqfu, dwar dik il-persuna, minhabba f'li din tkun irtirat, mietet, jew għal xi raġuni oħra li minhabba fiha ma tibqax tiffirma parti minn dik is-soċjetà.

(2) Minkejja d-dispożizzjonijiet ta' qabel dan l-artikolu, l-ebda persuna li tkun tiffirma parti minn soċjetà ta' *counsellors* ma tista' tipprattika l-professjoni tal-*counselling* f'qasam speċjalizzat jekk mhux awtorizzata mill-*warrant* tagħha kemm-il darba dik il-persuna ma tagħmilx dan ix-xogħol taħt is-supervizjoni ta' persuna oħra li tiffirma parti mill-istess soċjetà li għandha *warrant* li tawtorizzaha teżercita l-professjoni tal-*counselling* f'dak il-qasam speċjalizzat.

Applikabilità tal-artikoli 9, 10 u 11.

**15.** Id-dispożizzjonijiet tal-artikoli 9, 10 u 11 għandhom japplikaw għal soċjetajiet ta' *counsellors* kif japplikaw għal *counsellors* individwali.

Tagħrif hażin, frodulenti jew qarrieqi.

**16. (1)** Kull persuna li, sabiex tikseb *warrant* jew registrazzjoni ta' soċjetà ta' *counsellors* taħt id-dispożizzjonijiet ta' dan l-Att, xjentement tagħti xi tagħrif hażin jew xort'oħra tagħxi b'mod qarrieqi jew bi frodi, tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux iżjed minn elfejn u ħames mitt euro (€2,500) jew prigunerija għal mhux iżjed minn tnax-il xahar jew dik il-multa u prigunerija flimkien.

(2) Kull persuna li tinsab hatja ta' xi reat ieħor imsemmi taħt dan l-Att tehel, meta tinsab hatja, multa ta' mhux inqas minn elf u ħames mitt euro (€1,500) u mhux iżjed minn ħamest elef euro (€5,000), jew prigunerija ta' mhux iżjed minn tliet xhur, jew dik il-multa u prigunerija flimkien, u fil-każ ta' reat kontinwu, multa ta' ħmistax-il euro (€15) għal kull jum li matulu jkompli r-reat.

(3) Kull persuna li, waqt li ma tkunx detentur ta' *warrant* maħruġ taħt dan l-Att -

- (a) tipprattika l-professjoni tal-*counselling*; jew
- (b) tagħmel użu minn xi titolu professjonali ta' *counsellor* jew tal-ittri li jindikaw dak it-titolu; jew
- (ċ) tagħmilha ta' *counsellor*; jew
- (d) taħdem bhala *counsellor*,

tkun haġja ta' reat taħt dan l-Att.

(4) Kull persuna li tagħmel użu mill-kelma "*Counsellors*" dwar soċjetà ta' *counsellors* meta dik is-soċjetà ma tkunx registrata skont id-dispożizzjonijiet ta' dan l-Att, jew b'xi mod ikun li jkun tagħmel użu minn isem li b'mod qarrieqi jindika l-eżistenza ta' soċjetà ta' *counsellors*, tkun haġja ta' reat taħt dan l-Att.

(5) Għall-finijiet tas-subartikoli (3) u (4), l-użu fuq xi biljett, karta tal-ittri, tabella, kartellun, pjanċa, reklam jew mezz, strument jew dokument ieħor miktub, stampat jew imnaqqax, jew permezz ta' mezz elettronici tal-kliem "*Counsellor*" jew "*Counsellor* Registrat" dwar isem, jew tal-isem "Soċjetà ta' *Counsellors*" jew "*Counsellors*" dwar soċjetà ta' *counsellors* li ma tkunx registrata, jista' jitqies prova biżżejjed tat-tagħrif ta' dak l-użu minn kull persuna li f'isimha jew f'isem is-soċjetà jkunu ntużaw l-imsemmija kliem, kemm-il darba dik il-persuna ma tagħtix prova li hi ma kenitx taf u ma setgħetx b'diligenza raġonevoli ssir taf b'dak l-għemil u li meta saret taf għamlet kulma setgħet tagħmel sabiex iżzomm milli jkompli jsir dak l-għemil.

(6) Għall-finijiet ta' dan l-artikolu, persuna ma titqiesx li tkun qed tikser xi dispożizzjonijiet ta' dan l-Att jekk dik il-persuna tipprattika xogħol ta' *counselling* waqt perjodu ta' adattament jew meta tkun qed tagħmel taħriġ, f'kull każ taħt is-superviżjoni xierqa ta' superviżur registrat u skont dawk ir-regolamenti li jistgħu jiġu preskritti.

(7) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (6), l-ebda persuna jew organizzazzjoni m'għandha timpjega xi persuna barra minn *counsellor* registrat għall-fini tal-prattika tal-professjoni tal-*counselling*.

(8) Id-dispożizzjonijiet ta' dan l-Att li jistabbilixxu reati jkunu bla ħsara għad-dispożizzjonijiet ta' kull liġi oħra li jistabbilixxu reati u pieni dwar l-istess atti jew ommissjonijiet u m'għandhomx, b'mod partikolari, jolqtu l-applikazzjoni ta' xi piena oghla taħt xi liġi oħra.

17. Kull min bi vjolenza jew b'theddid iġieghel *Counsellor* li jkun ufficjal pubbliku li jagħmel jew ma jagħmilx xi haġa li għandha

Vjolenza u  
theddid.

x'taqsam mal-kariga tiegħu, jeħel, meta jinsab ħati, il-piena ta' priġunerija minn sena sa ħames snin u multa ta' mhux anqas minn erbat elef euro (€4,000) u mhux iżjed minn għaxart elef euro (€10,000).

Nuqqas ta' mgħiba professjonali jew ksur tal-Kodiċi ta' Etika.

**18.** Meta, wara inkjesta skont id-dispożizzjonijiet tal-artikolu 9, il-Kunsill isib *counsellor* ħati ta' nuqqas ta' mgħiba professjonali, jew ta' negliġenza qawwija, jew ta' inkompetenza, il-Kunsill jista' jimponi waħda jew aktar mill-penalitajiet imsemmija fl-artikolu 9 jew dawk il-penalitajiet li jista' jippreskrivi l-Ministru.

Setgħa li jsiru regolamenti.

**19.** Il-Ministru jista', wara konsultazzjoni mal-Kunsill, jagħmel regolamenti li ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, biex jagħti effett aħjar lil kull waħda minn dawk id-dispożizzjonijiet u b'mod ġenerali biex jirregola l-professjoni tal-*counselling*, u bla hsara għall-ġeneralità ta' dan li ntqal qabel, dawk ir-regolamenti jistgħu b'mod partikolari jinkludu dispożizzjonijiet dwar:

(a) it-twaqqif ta' *standards*, proċeduri u dmirijiet fl-eżerċizzju tal-professjoni tal-*counselling* u prattici oħra li għandhom ikunu mharsa minn *counsellors*, kemm b'mod ġenerali kif ukoll f'oqsma ta' attività partikolari;

(b) l-mgħiba professjonali u l-Kodiċi tal-Etika ta' *counsellors* u l-livelli ta' kompetenza u integrità li għandhom jinżammu fil-professjoni tal-*counselling*;

(c) il-ħtigiet dwar l-iżvilupp kontinwu tal-professjoni biex ikun jista' jinżamm *warrant*;

(d) ix-xogħol li jista' jsir u s-servizzi li jistgħu jingħataw skont il-*warrant*, u l-pattijiet u l-kondizzjonijiet li jistgħu jkunu marbuta ma' dak il-*warrant*, u l-kwalifiki addizzjonali meħtieġa għal *warrants* previsti għall-eżerċizzju tal-professjoni tal-*counselling* f'oqsma speċjalizzati;

(e) id-drittijiet li jistgħu jingabru mill-Kunsill b'konnessjoni mal-ħruġ ta' *warrant*, għal kull reġistrazzjoni taht dan l-Att, u għal kull xogħol ieħor li jista' jsir mill-Kunsill skont id-dispożizzjonijiet ta' dan l-Att;

(f) id-drittijiet li jistgħu jingabru mill-*counsellors* għas-servizzi professjonali tagħhom;

(g) il-proċeduri li għandhom jiġu segwiti f'każijiet ta' mgħiba professjonali hazina;

(h) l-impjeg ta' persuni li jkollhom grad rikonoxxut

izda li ma jkunux jikkwalifikaw għal *warrant* taht dan l-Att, u li jkunu qegħdin jaħdmu taht is-superviżjoni ta' *counsellor* registrat f'dawk l-istabbilimenti jew aġenziji skont kif jista' jkun preskritt;

(i) kull proċedura oħra li tista' tkun adottata mill-Kunsill;

(j) kull haġa oħra li tkun meħtieġa jew awtorizzata b'dan l-Att li tiġi preskritta;

(k) il-pieni, il-penalitajiet u l-konsegwenzi u l-effetti l-oħra li persuna tista' tkun soġġetta għalihom jew li jistgħu jiġru f'każ ta' xi kontravvenzjoni kontra, jew nuqqas ta' tharis ta' xi dispożizzjoni jew ta' xi regolamenti magħmula taht dan l-Att; u

(l) il-penali amministrattivi li jistgħu jiġu imposti mill-Kunsill, li ma għandhomx ikunu iżjed minn elf u ħames mitt euro (€1,500).

**20.** (1) Kull persuna li, fid-data tad-dhul fis-seħh ta' dan l-Att, ikollha kwalifika professjonali fil-*counselling* li tagħmilha eliġibbli biex teżerċita l-professjoni tal-*counselling* fil-pajjiż fejn tkun kisbet il-kwalifika professjonali, titqies li tissodisfa d-dispożizzjonijiet tal-artikolu 3(3)(d).

Persuna li fid-data tal-bidu fis-seħh ta' dan l-Att ikollha kwalifika professjonali fil-*counselling*.

(2) Għall-finijiet tal-artikolu 3(3)(d), kull taħriġ li jsir minn xi persuna li tkun kisbet il-kwalifika msemmiya fl-artikolu 3(3)(d) bejn id-data meta tkun irċeviet dik il-kwalifika u d-dhul fis-seħh ta' dan l-Att, għandu jitqies bħala taħriġ taht superviżjoni ta' *counsellor* jew superviżur tal-*counsellors*.

(3) Minkejja kull dispożizzjoni oħra ta' dan l-Att, kull persuna li tissodisfa lill-Kunsill li qabel id-dhul fis-seħh ta' dan l-Att:

(a) ikollha grad ta' *Masters* fil-*Counselling* li jinkludi taħriġ professjonali jew ikollha kwalifika ta' diploma maħruġa mill-Università ta' Malta jew l-ekwivalenti tiegħu skont l-*standards* tač-Centru Malti għar-Rikonossiment ta' Kwalifiki u ta' Informazzjoni; u

(b) tkun prattikat il-professjoni tal-*counselling* regolamentat jew kienet tokkupa kariga ta' *counsellor* f'dipartiment jew aġenzija tal-Gvern għall-perjodu ta' mhux anqas minn tliet snin jew kienet tokkupa kariga ta' *counsellor* f'dipartiment, istituzzjoni jew aġenzija mhux governattiva approvata mill-Kunsill bħala hekk, jew taħdem għal rasha u ċertifikata minn superviżur tal-*counsellors* illi hadmet għal mill-

inqas mitejn siegħa fi żmien sentejn,

għandha titqies li tissodisfa l-htigiet tal-artikolu 3(3)(d):

Iżda l-Kunsill jista' jordna li jsir taħriġ addizzjonali għall-persuni msemmija fil-paragrafi (a) u (b).

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(4) Għandu jingħata sentejn żmien mid-dhul fis-seħħ ta' dan l-Att, lil persuni registrati f'korsijiet mhux ekwivalenti għall-Grad ta' *Masters in Counselling* – M.Couns. – kif offrut mill-Università ta' Malta skont l-Ordinamenti tal-2010 taħt il-patroċinju tal-Fakultà tal-Edukazzjoni biex daww il-korsijiet jintemmu b'suċċess u l-Kunsill ikun jista' jordna taħriġ addizzjonali. Wara dan il-perjodu ta' sentejn, il-Grad ta' *Masters* fil-*Counselling* mogħti mill-Università ta' Malta, jew l-ekwivalenti tiegħu, għandhom jitqiesu bhala l-kwalifikati minimi għall-professjoni tal-*counselling*.

Reġistru tas-supervizuri.

**21.** (1) Kull persuna li fid-data tad-dhul fis-seħħ ta' dan l-Att ikollha taħriġ fis-supervizjoni tal-*counsellors* li tagħmilha eligibbli biex teżerċita funzjonijiet ta' supervizjoni fil-pajjiż fejn tkun kisbet dak it-taħriġ u tkun ilha teżerċita daww il-funzjonijiet għall-perjodu ta' mhux inqas minn sena, tkun eligibbli għar-registrazzjoni mill-Kunsill fir-Registru tas-Supervizuri.

(2) Mad-dhul fis-seħħ ta' dan l-Att, persuna li ma jkollhiex it-taħriġ fis-supervizjoni tal-*counsellors* kif imfisser f'dan l-Att, tista' tingħata liċenza għal perjodu ta' hames snin kemm-il darba tissodisfa lill-Kunsill li għandha esperjenza xierqa fis-supervizjoni tal-*counsellors*. Din il-liċenza tista' tiġi estiża għall-perjodi konsekuttivi ohra ta' tliet snin:

Iżda f'kull każ, il-liċenza ma tiġix estiża kemm-il darba dik il-persuna tkun naqset milli titharreg bhala supervizur tal-*counsellors* matul l-ewwel perjodu tal-liċenza.

Supervizjoni.

**22.** Minkejja d-dispożizzjonijiet l-ohra ta' dan l-Att, persuna tista' titlob lill-Kunsill biex tipprattika l-professjoni taħt is-supervizjoni ta' supervizuri bi professjoni relatata:

Iżda l-Kunsill jista' jiċhad talba bhala din kull meta jipprovdi lista ta' supervizuri tal-*counsellors* u kull meta l-Kunsill jistabbilixxi illi s-supervizur mitlub minn dik il-persuna ma jkollux esperjenza xierqa biex jipprovdi supervizjoni fil-*counselling*:

Iżda wkoll persuna li mad-dhul fis-seħħ ta' dan l-Att tkun tipprattika l-professjoni tal-*counselling* taħt is-supervizjoni ta' supervizur iehor tista' tkompli l-prattika taħt dik is-supervizjoni għaż-żmien li jifdal u titlob lill-Kunsill biex tipprattika taħt is-supervizjoni

ta' superviżur tal-*counsellors* immedjatament mat-tmiem ta' dak iż-żmien.

23. (1) Kull persuna li ma tkunx eligibbli għall-*warrant* temporanju, jew għall-*warrant* shiħ taht dan l-Att iżda li fid-data tad-dhul fis-seħh ta' dan l-Att tkun qed taħdem bhala *counsellor* ma' xi aġenzija jew istituzzjoni b'tahriġ mogħti jew rikonoxxut biss minn din l-istess aġenzija jew istituzzjoni, tista' sa mhux aktar tard minn sitt xhur mid-data tad-dhul fis-seħh ta' dan l-Att, tapplika mal-Kunsill sabiex tinghata *warrant* ristrett. Meta tkun inghatat il-*warrant* ristrett, din il-persuna tista' tkompli taħdem biss ma' dik l-aġenzija jew istituzzjoni, u l-*warrant* ma jkunx trasferibbli għall-prattika tal-professjoni tal-*counselling* bhala persuna li taħdem għal rasha:

Applikazzjoni  
għal *warrant*  
ristrett.

Iżda l-*warrant* ristrett jista' jkun trasferibbli għal aġenzija jew istituzzjoni oħra, dment li l-aġenzija jew istituzzjoni oħra tirrikonoxxi t-tahriġ mogħti minn dik l-aġenzija jew istituzzjoni, jekk ikun hemm awtorizzazzjoni bil-miktub tal-Kunsill.

(2) Id-dispożizzjonijiet tas-subartikoli (1), (2), (3), u (6) tal-artikolu 3 u l-artikoli 6, 7, 8, 9, 10, 11, 12, 17 u 18 għandhom japplikaw *mutatis mutandis* għal persuni li jkollhom *warrant* ristrett.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 242 tal-24 ta' Frar, 2015.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**MARIE LOUISE  
COLEIRO PRECA  
President**

3rd March, 2015

**ACT No. V of 2015**

*AN ACT to make provision for the regulation of the counselling profession and to provide for matters which are connected and ancillary thereto.*

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) The title of this Act is the Counselling Profession Act, 2015.

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

Interpretation.

**2.** In this Act, unless the context otherwise requires:

"ability test" means a test, the purpose of which is to assess the person's ability for him to be able to practise the counselling profession in Malta as required by the Council under the provisions of this Act;

"adaptation period" means a period during which a person may exercise the counselling profession in Malta under the supervision of a counselling supervisor, which period may include the provision of such further training to such person, as may be required by the Council, at the end of which an ability test shall be carried out;

"association of counsellors" means any association of counsellors established in terms of article 12;

"the Council" means the Council of the Counselling Profession in Malta established by article 4;

"counselling" means the observation, description, evaluation, interpretation, research, or assistance given in accordance with accepted principles of the counselling profession, methods or procedures for the purpose of preventing or eliminating restrictive behaviour and improvement on interpersonal relationships and intrapersonal reflection, personal change at the place of work, in life, personal development and empowerment in learning, physical well being or mental health;

"counselling supervisor" means a person in possession of a full warrant that is trained in the area of supervising counsellors of not less than 30 ECTS or the equivalent as recognised by the competent authority in a European Member State or by the Council and the National Commission of Further and Higher Education in the case of a non-Member State, and who is duly registered in the register for supervisors kept by the Council as a counsellor who may provide services of supervision to the Council;

"counselling with specialisation" means that the person is trained in a specific area of not less than 30 ECTS or the equivalent as recognised by the competent authority in a European Member State, or by the Council and the National Commission of Further and Higher Education in the case of a non-Member State. Counselling with specialisation is awarded only to a person having a full warrant;

"counsellor" means a person registered in one of the official registers kept by the Council and who has been granted a warrant under this Act to practise the profession of counselling, in accordance with article 3(4);

"the course" means the programme of study leading to the degree of Masters in Counselling and is made up of five components which are theory, number of hours of training, personal development and expertise in counselling. The five components shall have between 90 and 120 ECTS;

"ECTS" means European Credit Transfer System;

"full warrant" means a warrant which entitles the person to be registered in the official register of counsellors with a full warrant kept by the Council;

"Masters degree" means a Masters degree in Counselling issued by the University of Malta;

"the Minister" means the Minister responsible for the counselling profession;

"practise" in relation to the counselling profession shall include:

(a) the taking up or pursuit of the counselling profession, whether in a self-employed capacity or as an employed person; and

(b) the right to use, in the course of such pursuit, the professional title of "Registered Counsellor" or the designatory letters "RCouns" by a person in possession of a full warrant, or the professional title "Counsellor in possession of a temporary warrant" by a person in possession of a temporary warrant or the professional title of "Restricted Counsellor" by whoever is in possession of a restricted warrant, or the professional title of "Counselling Supervisor" or the designatory letters "RSCouns" by a person registered as a supervising counsellor;

"prescribed" means prescribed by regulations made by the Minister under this Act;

"profession" unless otherwise indicated, means the counselling profession;

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"public officer" has the same meaning as is given to it by article 92 of the Criminal Code and includes a counsellor;

"recognised degree" means the formal acknowledgment by the competent authority in a European Member State, or by the Council and the National Commission of Further and Higher Education in the case of a non-Member State of a foreign higher education qualification as being equivalent to the degree issued by the University of Malta to practise the counselling profession in Malta;

"restricted warrant" means a warrant which entitles a person, who from the date of coming into force of this Act is employed as counsellor with an agency or institution and undergone training given or recognised only by the same agency or institution, to be registered in the register for counsellors with a restricted warrant kept by the Council, but who cannot take up or pursue the counselling profession in a self-employed capacity or as an employed person;

"society of counsellors" means any society of counsellors established in terms of article 12;

"temporary warrant" means a warrant entitling a person who does not have adequate experience to practise the counselling profession to

be registered in the register for counsellors with a temporary warrant kept by the Council;

"warrant" means a warrant issued under article 6.

**3.** (1) No person shall practise the profession of counselling, or purport to be professionally qualified to do so, or use the professional title of a registered counsellor or its designatory letters, or the professional titles of a Counsellor in possession of a temporary warrant or a Counsellor in possession of a restricted warrant, unless he is the holder of a warrant issued under this Act. <sup>Warrant.</sup>

(2) Unless otherwise specified in the warrant, the warrant shall not entitle the holder to practise the counselling profession with specialisation.

(3) A person shall qualify to obtain a temporary warrant if such person:

(a) is a citizen of Malta or a citizen of the EU, or is otherwise legally entitled or authorised to work in Malta;

(b) is in possession of a clean conduct and is of a good moral character;

(c) has full legal capacity; and

(d) has obtained a Masters degree in Counselling issued by the University of Malta, or a recognised degree.

(4) A person shall qualify to obtain a full warrant if such person -

(a) satisfies the requisites listed in paragraphs (a) to (d) of sub-article (3); and

(b) has satisfied the Council that he has adequate professional training or experience in counselling for an aggregate period of not less than two years on a full-time basis, or has performed one thousand (1,000) hours of work under the supervision of a counselling supervisor, whichever is attained first, or the equivalent to that period on a part-time basis of not more than six years, after obtaining the Masters degree, or recognised degree as mentioned in the foregoing sub-article.

(5) The Minister may prescribe, in place of the minimum requirements established under the preceding provisions of this sub-article, other minimum requirements in terms of international or

multinational treaties entered into by Malta, or with the provisions of any legislation brought into force by virtue of any such treaty or agreement.

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(6) Where the duration of the course leading to the recognised degree possessed by the applicant is less than the duration of the course leading to the Masters degree awarded by the University of Malta, or where the training or experience referred to in sub-article (4)(b) is less than two years, the provisions of the Mutual Recognition of Qualifications Act and of any other regulations made thereunder shall apply.

Council of the  
Counselling  
Profession in  
Malta.

**4.** (1) There shall be a council to be known as the Council of the Counselling Profession in Malta and which shall consist of seven members as follows:

(a) four members appointed by the Minister of which:

(i) one person shall be a chairperson having a Masters degree or a recognised degree, has attained a full warrant from the Council and has at least six years experience of practice in the counselling profession;

(ii) two persons who exercise the counselling profession, and who have attained the full warrant from the Council. One of such members shall be appointed from the public sector; and

(iii) one person shall be an advocate with at least seven years of experience who shall be appointed as vice-chairperson;

(b) two counsellors in possession of full warrant elected by the counsellors in possession of a full or temporary warrant in an election conducted by the Council:

Provided that in the event of the setting up of the first Council, the counsellors referred to in this paragraph shall be nominated by the association of counsellors or, in the event that there is more than one association of counsellors, they shall be elected from amongst the associations in an election conducted by the Ministry responsible for the counselling profession;

(c) one counsellor elected from amongst the permanent academic staff of the Counselling Department within the Faculty for Social Wellbeing at the University of Malta;

(2) In the event of the setting up of the first Council after the coming into force of this Act, any reference in this article to counsellors forming part of such Council shall be understood as referring to persons eligible to the full warrant in accordance with this Act.

(3) The elections made in terms of sub-article (1) (b) and (c) shall, for the first time, be made within two weeks of the date of the request in writing made for that purpose by the Minister and, for any subsequent nomination, within one month from the date the vacancy arises, or when the vacancy arises due to the expiry of the term of office, such nomination shall be made within one month before the said expiration. In the absence of a nomination, the Minister shall appoint a person from amongst registered counsellors with a full warrant.

(4) The members of the Council shall be appointed for three years.

(5) The members of the Council shall, on the expiration of their term of office, be eligible to be members, provided that no person may serve as a member of the Council for more than three consecutive terms.

(6) Whenever the engagement of a member becomes vacant prior to the expiration of his term of office, the person engaged in his stead shall be appointed for the remaining period of the original engagement.

(7) In every case, the number of members attending a meeting needed present to form a quorum shall be four. The chairperson shall have an original vote and, in the case of equality of votes, a casting vote.

(8) The Minister shall also appoint a person to act as secretary to the Council and the secretary shall have no vote.

(9) Subject to the foregoing provisions of this sub-article, the Council may regulate its own procedures.

(10) The Council shall meet as often as necessary, but in no case less frequently than once every month. Council meetings shall be called by the chairperson either on his own initiative or at the request of any two members.

(11) In the exercise of its functions under this Act, the Council may consult such persons as it may deem appropriate. For this purpose,

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the Council may invite such individuals to attend the Council meetings.

(12) The Council shall keep true and correct copies of records of all its proceedings and the Council shall give to the Minister any information as he may require.

Powers and  
functions of the  
Council.

**5.** (1) Without prejudice to its other powers and functions, the powers and functions of the Council are to regulate the practice and eligibility to practise the counselling profession in Malta, and in particular to:

(a) establish counselling standards, assess existing counselling standards and develop new continuing professional development in counselling and other standards whenever this is necessary. The Council may recommend to the Minister initial and continuing education in counselling, proficiency, experience and other qualifications required to hold a warrant under this Act;

(b) consider, process and make recommendations to the Minister regarding applications for warrants issued under this Act and applications for equivalence and recognition of qualifications in counselling;

(c) examine applications for a warrant to practise the counselling profession in Malta and also make recommendations to the Minister on the award or refusal thereof;

(d) keep and amend accordingly the following official registers of counsellors:

(i) Register for Counsellors with a restricted warrant, with reference to any specialisation, if the case arises;

(ii) Register for Counsellors with a temporary warrant, with reference to any specialisation, if the case arises;

(iii) Register for Counsellors with a full warrant with reference to counselling with specialisation, if the case arises;

(iv) Register for Counselling Supervisors according to the criteria established by the Council and the Code of Ethics;

(v) Register for Associations of Counsellors; and

(vi) Register for Societies of Counsellors;

(e) keep such records and such information as may be required in relation to any association of counsellors registered by the Council;

(f) make recommendations to the Minister on the Code of Ethics which shall be established for the professional conduct of counsellors;

(g) advise or make recommendations or otherwise express its views to the Minister on any matter on which the Minister is to consult the Council or on which the Council is to make recommendations to the Minister or on which the opinion or recommendation of the Council is sought by the Minister;

(h) make recommendations to the Minister to prescribe regulations in relation to the employment of persons who have a recognized degree but who do not qualify for a warrant under this Act, and who are working under the supervision of a registered counsellor in such establishments or agencies as may be prescribed;

(i) investigate allegations of professional misconduct, gross negligence or incompetence by a counsellor; and

(j) perform such other functions that may arise under this Act or under any other law, or as may be assigned to it by the Minister.

(2) The Council shall, not later than three months after the end of each year, publish in the Gazette a list of persons who, until the 31st December of the previous year, were registered in the official Register of Counsellors.

(3) The Council shall draw up and publish an annual report concerning its activities.

**6.** (1) Any person seeking to obtain a warrant to practise the counselling profession in Malta shall obtain an application form for the warrant from the Council and submit such application in the registered office of the Council.

Application  
form for  
warrant.

(2) If the Council is satisfied that the applicant qualifies for a warrant under this Act, it shall make a recommendation to the Minister to issue that warrant.

(3) Where following the period indicated in article 3(4)(b), the Council is satisfied that the applicant qualifies for a full warrant, the Council shall make a recommendation to the Minister to issue that warrant.

(4) For the purpose of establishing whether an applicant qualifies for a warrant as mentioned in the foregoing sub-article, the Council may submit the applicant to undergo a skill test under the provisions of this Act.

(5) A warrant issued by the Minister under this Act may be issued subject to such limitations or conditions in accordance with recommendations made by the Council in any particular case. A warrant for counselling with specialisation shall indicate the specific area in which the holder of the warrant may practise and may include such special conditions for specific periods in accordance with recommendations made by the Council according to the provisions of this Act and any regulations made thereunder.

(6) In the consideration of an application by a holder of a full warrant for the practice of the counselling profession in a specific area of counselling, the Council may submit the holder of such warrant, in addition to the submission of such qualifications as may be prescribed, to such further training or to an adaptation period as may be required by the Council.

(7) A warrant issued under this Act shall continue to have effect provided that the holder of a warrant, when requested by the Council, shall prove to the Council that he satisfies such criteria as established by the Council from time to time:

Provided that when the holder of a warrant fails to provide such proof, his warrant shall be deemed to be suspended unless the holder thereof proves to the Council that he meets such criteria that may be prescribed by the Council.

(8) Every counselling supervisor registered by the Council shall be granted a licence for five years, which licence may be extended for further periods of three years, or revoked, as the case may be.

(9) Every person who is granted a warrant by the Council to practise the counselling profession shall display in a prominent position such warrant in the place where he practises as a Counsellor and shall keep on him his identity card issued by the Council which shall indicate that he may practise as a counsellor whilst exercising the counselling profession. This sub-article also applies to any person that is registered by the Council as a counselling supervisor, as well as to the members of

associations of counsellors registered by the Council.

(10) No person, except those persons given the warrant of a counsellor by the Minister, may use the word "Counsellor" or "Counselling":

Provided that a person holding an official capacity in diplomacy may use the word "Counsellor" but not "Counselling", and any person holding a warrant of professional psychologists issued by the Malta Psychology Profession Board may use the word "Counselling" but not "Counsellor".

7. (1) The Council shall, not later than four months from the date of receipt of the application for the issue of a warrant, in addition to examining the information and all relevant documentation in support of the application, also recommend to the Minister whether the applicant may immediately exercise the counselling profession. In the above-mentioned period the applicant may make a request in writing to the Council to be given the faculty to practise under supervision, and this in terms of any disposition indicated by the Council.

Recommendations regarding applications for a warrant.

(2) The Council shall inform the applicant about the recommendations given under the foregoing sub-article and the reasons on which such recommendations are based upon.

8. (1) No person shall be qualified to obtain or retain a warrant in terms of this Act if he has been convicted of a criminal offence, by a competent court, which carries a punishment of imprisonment for a term exceeding one year, or if he has been convicted of a criminal offence considered by the Council as detrimental to the counselling profession or is not compatible with the counselling profession.

Failure to obtain, or loss of, a warrant.

(2) Where a person forfeits his warrant on the ground of a conviction as referred to in sub-article (1), notice of such loss shall be published in the Gazette and shall be communicated by the Council to the person who has forfeited the warrant unless the person has been interdicted by the judgement itself. If the person is in employment, a copy of such communication shall be sent to his employer.

(3) The Minister may, at all times, and upon the recommendation of the Council, reinstate the person who has forfeited the warrant according to the provisions of article 11.

9. (1) The Council may set up a committee to inquire into any alleged professional misconduct, gross negligence or incompetence in relation to a counsellor.

Committee of inquiry.

(2) For the purposes of this article, the terms "professional misconduct", "gross negligence", or "incompetence", include the following:

(a) the obtaining of a warrant in a deceitful or fraudulent manner, or otherwise purporting to be a counsellor without the required warrant;

(b) the contravention of the Code of Ethics established under this Act;

(c) the failure to observe any regulations regarding professional standards or practice;

(d) the failure to observe any conditions attached to the warrant issued under this Act;

(e) the assumption of a professional competence for which the person is not qualified or otherwise is not authorised to practise in terms of his warrant;

(f) acting in any manner which may be detrimental to the counselling profession; and

(g) giving incorrect information or displaying lack of skill or judgement in the practice of the counselling profession or in the performance of any duties or obligations in the counselling practice.

(3) Any holder of a warrant who is subjected to an inquiry by the Committee shall be given the opportunity to make his defence and bring evidence in his favour, and for this purpose, that holder of a warrant may be represented by an advocate or by any other person of his choice.

(4) On the conclusion of the inquiry, the Committee shall decide whether there are or not sufficient grounds to find the holder of a warrant guilty of professional misconduct, gross negligence or incompetence. In the first case, the Committee shall make a report of its decision and shall commit the holder of the warrant for inquiry by the Council together with its recommendations to impose a penalty, and, in the second case, recommend that no further proceedings should be undertaken.

(5) The penalties mentioned in the foregoing sub-article may include:

(a) the suspension or the revocation of such warrant

subject to such conditions as may be recommended;

(b) the suspension or the revocation of the registration in a society of counsellors;

(c) the imposition of conditions that may be attached to a warrant;

(d) reprimand;

(e) the payment to cover the costs of the inquiry;

(f) order the waiver, reduction or refund of any fees charged for services rendered; or

(g) any other penalties that may be prescribed.

(6) Upon the revocation of the warrant, the Council shall strike off the name of the holder of that warrant from the official register of counsellors. The revocation of any warrant shall be published in the Gazette.

(7) For the purposes of this article, the powers vested, or the powers which may be vested, in the members of the Committee shall be those provided under the Inquiries Act and the Council shall conduct the inquiries as provided for in the said Act. Cap. 273.

**10.** (1) The holder of the warrant who feels aggrieved by a decision of the Council may appeal before the Court of Appeal in its jurisdiction within twenty-one days from the date when notice of the decision has been given to the Minister and notified to the holder of the warrant by registered post. Appeal to the Court of Appeal.

(2) The warrant shall be suspended or revoked only when the Court of Appeal confirms the decision of the Council.

(3) The Minister responsible for justice may make regulations prescribing the fees to be paid to the Registry of the Court on appeals made under this article:

Provided that until such fees are prescribed by the Minister responsible for justice under this article for the lodging of appeals, the fees referred to in the Code of Organization and Civil Procedure shall, *mutatis mutandis*, apply. Cap. 12.

(4) The Board referred to in article 29 of the Code of Organization and Civil Procedure shall make rules establishing the form of such appeals and matters relating thereto. Cap. 12.

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Removal of  
suspension or  
cancellation.

**11.** The Minister may, on the recommendation of the Council, and after a request is made, reinstate the person who has forfeited the warrant because of a decision to suspend or revoke if such person meets such requirements that may be prescribed. Where the warrant is reinstated, the person reinstated with the warrant shall be immediately registered again in the official register.

Association of  
counsellors.

**12.** (1) Any association of counsellors may make an application to the Council to be registered as an association of counsellors for the purposes of this Act.

(2) An association of counsellors shall be qualified to be registered under this article if it proves to the Council that at least three of its members are registered as counsellors in possession of a full or temporary warrant, and that it conforms with such other conditions as may be prescribed from time to time. Upon application for registration, the association of counsellors must submit, together with the application for registration, a list of all its members and any other information as the Council may require to process such application.

(3) The Council shall have the power to require, in a reasonable manner, from time to time, any association of counsellors registered under this article to produce such records and information regarding the association and its members.

Society of  
counsellors.

**13.** (1) Two or more holders of a full warrant may form a civil partnership, in this Act referred to as a "society of counsellors", having for its exclusive object the practice of the counselling profession and such powers as are necessary for the attainment of the objects of the society.

(2) No person, other than a holder of a warrant, may be a part of a society of counsellors.

(3) Any society of counsellors shall, formed according to the provisions of this article, pay any fees that may be prescribed so that such society can be registered by the Council and upon registration the persons forming part of the society shall, for as long as it is so registered, be authorised to act in the name and on behalf of the society which shall be entitled to use the designation "Counsellors" as part of the name of the society.

(4) Every society of counsellors shall provide the Council such information which may be reasonably required by the Council from time to time or as may be prescribed, and shall notify the Council of any relevant changes in any information which has been provided to the Council not later than fifteen days of the date on which the change

occurred.

**14.** (1) Notwithstanding the provisions of any other law or any other agreement to the contrary, the following provisions shall apply solely to a society of counsellors, and not to members of an association of counsellors in terms of article 12:

Provisions applicable solely to a society of counsellors.

(a) any act or thing that may be done by a holder of a warrant may be done by one or more of the persons that form part of the society on behalf of such society; and any act or thing done on behalf of the society shall be done by one person forming part of that society or more; and

(b) where any thing done or omitted to be done by a person whilst forming part of a society of counsellors, the resulting responsibilities and liabilities of that person shall not cease on the ground that the person has retired or died, or for any other reason on the ground of which the person no longer forms part of the society.

(2) Notwithstanding the foregoing provisions of this article, no person that forms part of a society of counsellors shall exercise the counselling profession in a specialised area unless so authorised by his warrant or unless he acts under the supervision of another person that forms part of the society who is in possession of a warrant that entitles him to exercise the counselling profession in such specialised area.

**15.** The provisions of articles 9, 10 and 11 shall apply to societies of counsellors as they apply to individual counsellors.

Applicability of articles 9, 10 and 11.

**16.** (1) Any person who, for the purpose of obtaining a warrant or registering a society of counsellors according to the provisions of this Act, knowingly gives incorrect or in any other manner acts in a misleading or fraudulent manner shall be guilty of an offence, and on conviction, shall be liable to a fine (*multa*) of not more than two thousand and five hundred euro (€2,500) or to imprisonment of not more than twelve months or to both such fine and imprisonment.

Incorrect, fraudulent or misleading information.

(2) Any person who is found guilty of any other offence referred to under this Act shall, on conviction, be liable to a fine (*multa*) of not less than one thousand and five hundred euro (€1,500) and not more than five thousand euro (€5,000), or to imprisonment of not more than three months, or to both such fine and imprisonment, and in the case of a continuous offence, to a fine (*multa*) of fifteen euro (€15) for each day during which the offence continues.

(3) Any person who, not being a holder of a warrant issued under this Act -

- (a) practises the counselling profession; or
- (b) makes use of any professional title of counsellor or the designatory letters; or
- (c) purports to be a counsellor; or
- (d) performs the work of a counsellor,

shall be guilty of an offence under this Act.

(4) Any person who makes use of the word "Counsellors" in relation to a society of counsellors, where such society is not registered according to the provisions of this Act, or in any other manner deceitfully or fraudulently makes use of a name which implies the existence of a society of counsellors, shall be guilty of an offence under this Act.

(5) For the purposes of sub-articles (3) and (4), the use on any card, letterhead, sign, board, plate, advertisement or other written, printed or engraved device, instrument or document, or by electronic means, of the words "Counsellor" or "Registered Counsellor" in relation to a name, or "Society of Counsellors" or "Counsellors" in relation to a society of counsellors that is not registered, may constitute sufficient evidence of the knowledge of such use by any person in relation to whose name or society the said words are used, unless such person proves that he was unaware and could not with reasonable diligence be aware of such an act and that he did everything within his power to prevent the continuation of such act.

(6) For the purposes of this article, a person shall not be deemed to be in contravention of the provisions of this Act if such person is practising counselling work during an adaptation period or when in training, in any case under the appropriate supervision of a registered supervisor and subject to such regulations as may be prescribed.

(7) Without prejudice to sub-article (6), no person or organisation shall employ any person other than a registered counsellor for the purpose of exercising the counselling profession.

(8) The provisions of this Act establishing offences shall be without prejudice to the provisions of any other law establishing offences and punishments in respect of the same acts or omissions and shall not, in particular, affect the application of any higher punishment under any other law.

**17.** Whosoever by violence or threats compels a Counsellor who is a public officer to do or not to do any act appertaining to his office, shall, on conviction, be liable to imprisonment for a term from one to five years and to a fine (*multa*) of not less than four thousand euro (€4,000) and not more than ten thousand euro (€10,000).

Violence and threats.

**18.** Where, following an inquiry under the provisions of article 9, the Council finds a counsellor guilty of any breach of professional conduct, gross negligence or incompetence, the Council may impose one or more of the penalties set out in article 9 or such penalties as the Minister may prescribe.

Breach of professional conduct or of the Code of Ethics.

**19.** The Minister may, after consultation with the Council, make regulations not inconsistent with the provisions of this Act, to give better effect to any of such provisions and, in general, to regulate the counselling profession, and without any prejudice to the generality of the foregoing, such regulations may in particular include provisions relating to:

Power to make regulations.

(a) the establishment of standards, procedures and duties in the exercise of the counselling profession and other practices which shall be followed by counsellors, in general as well as in particular fields of activities;

(b) the professional conduct and the Code of Ethics of counsellors and standards of competency and integrity that must be maintained in the counselling profession;

(c) the requirements in relation to the continuing professional development for the maintenance of a warrant;

(d) the work which may be performed and the services which may be provided in terms of the warrant, and the terms and conditions which may be attached to the warrant, and the additional qualifications necessary for warrants providing for the practice of the counselling profession in specialised fields;

(e) the fees that may be charged by the Council in connection with the application for the issue of a warrant, for any registration under this Act, and for any other work that may be performed by the Council according to the provisions of this Act;

(f) the fees that may be charged by the counsellors for their professional services;

(g) the procedures to be followed in cases of professional misconduct;

(h) the employment of persons who are in possession of a recognised degree but who do not qualify for a warrant under this Act, and who are working under the supervision of a registered counsellor in such establishments or agencies as may be prescribed;

(i) any other procedure that may be adopted by the Council;

(j) any matter that may be required or is authorised by this Act to be prescribed;

(k) the punishments, the penalties and the consequences and effects to which a person may become liable or which may take place in the event of any contravention against, or non compliance with any provision or of any regulations made under this Act; and

(l) the administrative fines that may be imposed by the Council shall not exceed one thousand and five hundred euro (€1,500).

Person who, on the date of coming into force of this Act, has a professional qualification in counselling.

**20.** (1) Any person who, on the date of entry into force of this Act, has a professional qualification in counselling which makes him eligible for a licence of a warrant to exercise the counselling profession in a country where the professional qualification has been obtained, shall be considered to satisfy the provisions of article 3(3)(d).

(2) For the purposes of article 3(3)(d), any training undertaken by a person who successfully obtained the qualification referred to in article 3(3)(d) between the date of receipt of such qualification and the entry into force of this Act, shall be deemed to be training undertaken under the supervision of a counsellor or a counselling supervisor.

(3) Notwithstanding any other provisions of this Act, any person who satisfies the Council who before the coming into force of this Act:

(a) he is qualified in Masters in Counselling that includes professional training or has a diploma issued by the University of Malta or its equivalent in accordance with the standards of the Malta Qualifications Recognition Information Centre; and

(b) has exercised the counselling profession on a regular basis or has occupied the post of a counsellor in a Government department or agency for a period of not less than three years, or has occupied the post of a counsellor in a Government

department, institution or a non-governmental agency approved by the Council as such, or is self-employed and certified by a supervisor that he has worked for at least two hundred hours within a period of two years,

shall be deemed to satisfy the requirements of article 3(3)(d):

Provided that the Council may order additional training to the persons referred to in paragraphs (a) and (b).

(4) Any person who is registered in courses which are not equivalent to the Degree of Masters in Counselling – M.Couns. - offered by the University of Malta in terms of the Bye-Laws under the auspices of the Faculty of Education, shall be allowed a period of two years from the entry into force of this Act to complete such courses and the Council may order additional training. Following this period of two years, the Degree of Masters in Counselling obtained from the University of Malta, or its equivalent, shall be considered as the minimum qualification for the counselling profession.

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**21.** (1) Any person who on the date of entry into force of this Act was trained in the supervision of counsellors that makes him eligible to exercise supervisory functions in the country where the training has been obtained and has exercised those functions for a period of not less than one year, will be eligible to be registered by the Council in the register for supervisors.

Register for supervisors.

(2) On the entry into force of this Act, a person not trained in the supervision of counsellors as defined in this Act, may be granted a licence for a period of five years, provided he proves to the Council that he has adequate experience in the supervision of counsellors. The term of the licence may be extended for consecutive periods of three years:

Provided that the term of the licence shall not be extended if such person fails to obtain training as a counselling supervisor within the first period.

**22.** Notwithstanding any other provision under this Act, a person may request the Council to practise the counselling profession under the supervision of a supervisor whose profession is related to the counselling profession:

Supervision.

Provided that the Council may deny such a request whenever it provides a list of counselling supervisors and whenever the Council establishes that the requested supervisor does not have adequate experience in providing supervision in counselling:

Provided further that if upon entry into force of this Act a person is practising the counselling profession under the supervision of another supervisor may continue to practise under such supervision for the remaining period and shall immediately upon termination of such period request the Council to practise under the supervision of a counselling supervisor.

Application for  
restricted  
warrant.

**23.** (1) Any person not eligible to a temporary warrant or full warrant under this Act who on the date of entry into force of this Act is employed with an agency or institution with training given or recognised only by the same agency or institution, may by not later than six months from the date of entry into force of this Act, apply to the Council to be given a restricted warrant. When given the restricted warrant, such person may only be employed with the agency or institution with which he was employed when given the restricted warrant and such warrant shall not be transferable to the practice of the counselling profession in a self-employed capacity:

Provided that the restricted warrant may be transferable to another agency or institution, so long as such other agency or institution recognises the training given by the agency or institution, upon an authorisation in writing by the Council.

(2) The provisions of sub-articles (1), (2), (3), and (6) of article 3 and articles 6, 7, 8, 9, 10, 11, 12, 17 and 18 shall *mutatis mutandis* apply to persons with a restricted warrant.

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Passed by the House of Representatives at Sitting No. 242 of the 24th February, 2015.

ANGLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*

