

**430. L-Onor. Godfrey Farrugia MP u l-Onor. Deo Debattista, jipponu:**

L-Ewwel Qari tal-Abbozz ta' Liġi msejjaħ "Att tal-2016 li jemenda l-Att dwar is-Saħħa".

06.12.16

### **Abbozz ta' Liġi msejjah**

*ATT biex jemenda l-Att dwar is-Saħħa, Kap. 528.*

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2016 li jemenda l-Att dwar is-Saħħa, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar is-Saħħa, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.  
Kap. 528.

2. L-artikolu 27 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 27 tal-Att prinċipali.

(a) l-artikolu preżenti għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tiegħu; u

(b) minnufih wara s-subartikolu (1) tiegħu, kif enumerat mill-ġdid, għandhom jiżdiedu s-subartikoli l-godda li ġejjin:

"Persuni li għandhom sittax-il sena.

(2) Mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (1) u minkejja d-dispożizzjonijiet ta' kull liġi oħra, persuna li tkun għalqet sittax-il sena għandu jkollha d-dritt li tagħti l-kunsens għal, jew tirrifjuta, attenzjoni medika, kura jew trattament jekk it-tabib huwa tal-opinjoni li l-persuna għandha maturità suffiċjenti u għarfien li tagħti l-kunsens jew li tirrifjuta:

Iżda fejn it-tabib huwa tal-opinjoni li dik il-persuna għandha nuqqas ta' maturità u nuqqas ta' għarfien biex tkun f'pożizzjoni li tagħti li kunsens għal jew li tirrifjuta trattament, il-kunsens tal-persuna li għandha awtorità tal-ġenituri jew kull awtorità legali oħra fuq dik il-persuna tkun meħtieġa:

Iżda wkoll li fejn it-tabib huwa tal-opinjoni li dik il-persuna għandha maturità suffiċjenti u għarfien li tagħti l-kunsens għal trattament imma tirrifjuta dak it-trattament, it-trattament jista' jingħata xorta waħda jekk it-tabib huwa tal-opinjoni li t-trattament huwa urġentement meħtieġ fl-aqwa interess ta' dik il-persuna.

Kap. 464.

(3) Għall-finijiet tas-subartikolu (2), wara li tabib ikun iċċertifika li l-persuna msemmija fl-imsemmi subartikolu għandha maturità suffiċjenti u għarfien li tagħti l-kunsens għat-trattament, professjonisti oħra relatati mal-kura tas-saħħa regolati bl-Att dwar il-Professjonijiet tas-Saħħa għandhom ikunu kkunsidrati li huma awtorizzati sabiex jipparteċipaw fl-attenzjoni medika, kura jew trattament u fil-pjan ta' kura tas-saħħa mfassal mit-tabib billi joffru u jagħtu dawk is-servizzi, beneficcji, interventi u trattamenti meħtieġa minn dik il-persuna mingħajr il-ħtieġa ta' aktar awtorizzazzjoni f'dak ir-rigward."

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### **Għanijiet u Raġunijiet**

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huwa li jippermetti lil persuni li jkunu laħqu l-età ta' sittax-il sena biex jagħtu l-kunsens jew jirrifjutaw attenzjoni medika, kura jew trattament abbażi tad-deċiżjoni tagħhom jekk it-tabib jiddeċiedi li għandhom maturità suffiċjenti li jieħdu dik id-deċiżjoni.

**A Bill  
entitled**

*AN ACT to amend the Health Act, Cap 528.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

1. The short title of this Act is the Health (Amendment) Act, 2016, and this Act shall be read and construed as one with the Health Act, hereinafter referred to as "the principal Act".

Short title.

Cap. 528.

2. Article 27 of the principal Act shall be amended as follows:

Amendment of article 27 of the principal Act.

(a) the present article shall be renumbered as sub-article (1) thereof; and

(b) immediately after sub-article (1) thereof, as renumbered, there shall be added the following new sub-articles:

"Persons who are sixteen years of age.

(2) Without prejudice to the provisions of sub-article (1) and notwithstanding the provisions of any other law, a person who has attained the age of sixteen years shall have the right to consent to, or refuse, medical attention, care or treatment if the medical practitioner is of the opinion that such person has sufficient maturity and understanding to so consent or refuse:

Provided that where the medical practitioner is of the opinion that the said person lacks the maturity and understanding to consent to or to refuse treatment, the consent of the person having parental or other legal authority over such person shall be required:

Provided further that where the medical practitioner is of the opinion that the said person has sufficient maturity and understanding to consent to treatment but refuses such treatment, the treatment may still be given if the medical practitioner is of the opinion that the treatment is urgently required in the best interest of the said person.

Cap. 464.

(3) For the purposes of sub-article (2), after a medical practitioner shall have certified that a person as referred to in the said sub-article has sufficient maturity and understanding to consent to treatment, other healthcare professionals regulated by the Health Care Professions Act shall be considered to be authorised to participate in the medical attention, care or treatment and in the healthcare plan decided by the medical practitioner by offering and administering those services, benefits, interventions and treatments required by the said person without the need for any further authorisation in that respect."

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### **Objects and Reasons**

The objects and reasons of this Bill are to enable persons who have reached the age of sixteen years to consent or refuse medical attention, care or treatment upon their own individual judgement if the medical practitioner decides that they have sufficient maturity and understanding to take such a decision.