

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,015, 26 ta' Ġunju, 2018*

*Taqsim A*

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## MALTA

### **ATT Nru XXV tal-2018**

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

**ATT biex jipprovdi dwar ir-regolamentazzjoni tal-professjoni tal-psikoterapija, u biex jipprovdi għal hwejjeg konnessi magħha jew li huma ancillari għaliha.**

### **ACT No. XXV of 2018**

AN ACT enacted by the Parliament of Malta.

**AN ACT to make provision for the regulation of the psychotherapy profession and to provide for matters connected therewith or ancillary thereto.**



Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE  
COLEIRO PRECA  
President**

26 ta' Ġunju, 2018

### **ATT Nru XXV tal-2018**

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

**1.** (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2018 dwar il-Professjoni tal-Psikoterapija. Titolu fil-qosor u bidu fis-sehħ.

(2) Dan l-Att għandu jibda fis-sehħ f'dik id-data li l-Ministru responsabbli għall-professjoni tal-psikoterapija jista' jistabbilixxi b'avviż fil-Gazzetta u jistgħu jkunu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

**2.** F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx Tifsir. xort'oħra:

"Assoċjazzjoni tal-Psikoterapisti" tfisser assoċjazzjoni ta' psikoterapisti stabbilita skont l-artikolu 12;

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"Bord" tfisser il-Bord dwar il-Professjoni tal-Psikoterapija f'Malta stabbilit bl-artikolu 4;

"ECTS" tfisser *European Credit Transfer System*;

L.S. 451.02 "istituzzjoni ta' edukazzjoni oġhla" għandu jkollha l-istess tifsira kif mogħti lilha mill-artikolu 2 tar-Regolamenti dwar ir-Rikonoxximent ta' Kwalifiki ta' Edukazzjoni Oġhla fir-Regjun tal-Ewropa;

"jipprattika" dwar il-professjoni tal-psikoterapija, tinkludi:

(a) li tittiehed jew li tiġi segwita l-professjoni tal-psikoterapija; u

(b) id-dritt tal-użu, waqt li l-professjoni tkun b'hekk qed tiġi segwita, tat-titolu professjonali "Psikoterapista Registrat", segwit mill-modalità studjata minn persuna li jkollha fil-pussess tagħha *warrant* biex tipprattika l-professjoni ta' psikoterapista;

L.S. 451.02 "kwalifika ta' edukazzjoni oġhla" għandu jkollha l-istess tifsira kif mogħti lilha mill-artikolu 2 tar-Regolamenti dwar ir-Rikonoxximent ta' Kwalifiki ta' Edukazzjoni Oġhla fir-Regjun tal-Ewropa;

L.S. 451.03 "kwalifiki professjonali" għandu jkollha l-istess tifsira kif mogħti lilha mill-artikolu 2 tar-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali;

L.S. 451.03 "migrant" għandu jkollha l-istess tifsira kif mogħti lilha mill-artikolu 2 tar-Regolamenti dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki Professjonali;

"Ministru" tfisser il-Ministru responsabbli għall-professjoni tal-psikoterapija;

"Organizzazzjoni Umbrella Nazzjonali" tfisser organizzazzjoni tal-psikoterapija, li jkollha l-ikbar ammont ta' psikoterapisti bħala membri tagħha u li tirrifletti l-aktar firxa wiesgħa ta' modalitajiet ta' psikoterapija;

"perjodu ta' adattament" tfisser perjodu li matulu persuna tista' teżercita l-professjoni ta' psikoterapija f'Malta taħt is-supervizjoni ta' psikoterapista superviżorju registrat, liema perjodu jista' jinkludi l-provvediment ta' dak it-taħriġ addizzjonali lil dik il-persuna, kif jista' jkun meħtieġ mill-Bord u fi tmiem dak il-perjodu jista' jsir test ta' kapaċità;

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

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

"psikoterapija" tfisser interventi terapewtiċi, jew trattamenti komprensivi, deliberati u pjanati, li jingħataw fuq il-baži ta' taħriġ generali u speċjalizzat, ta' disturbi psiko-soċjali, psiko-somatiċi u disturbi ta' mgħiba, jew stati ta' sofferenza u uġiġħ psikoloġiku, permezz ta' metodi xjentifiċi, billi jkun hemm interazzjoni bejn persuna waħda, jew iktar, li jieħdu dan it-trattament, u wieħed jew iktar psikoterapisti, bl-għan li jgħinu fl-indirizzar ta' attitudnijiet li jwasslu għall-bidla u jippromwovu l-maturità, l-iżvilupp u s-saħħa tal-persuna trattata;

"psikoterapista reġistrat" tfisser persuna li jkollha fil-pussess tagħha *warrant* sabiex tipprattika l-professjoni ta' psikoterapija u tkun reġistrata fir-reġistru uffiċjali ta' psikoterapisti bil-*warrant* miżmum mill-Bord;

"taħriġ f'modalità speċifika tal-psikoterapija" tfisser taħriġ, li jkun jikkonsisti f'taħriġ teoretiku u kif ukoll prattiku, f'xi modalità psikoterapewtika li tista' tkun waħda milli ġejjin:

- (a) psiko-analiżi jew psiko-dinamika;
- (b) *cognitive/behavioural psychotherapy*;
- (ċ) psikoterapija sistemika jew psikoterapija tal-familja;
- (d) psikoterapija umanistika;
- (e) *hypno*-psikoterapija; jew
- (f) psikoterapija integrattiva;

"taħriġ prattiku" tfisser taħriġ ta' mhux inqas minn sitt mitt (600) siegħa li jkun jikkonsisti f'esperjenza psikoterapewtika personali u taħriġ prattiku taħt superviżjoni kontinwa f'ambjent ta' saħħa mentali jew psiko-soċjali jew fit-tnejn;

"taħriġ teoretiku" tfisser taħriġ ta' mhux inqas minn tmien mitt (800) siegħa għal perjodu kontinwu ta' mhux inqas minn erba' (4) snin li jkun jikkonsisti f'taħriġ dwar prinċipji bażiċi tal-psikoterapija u teoriji tal-personalità; prinċipji bażiċi ta' metodoloġija f'dak li hu riċerka u xjenza; prinċipji etiċi fil-prattika u fl-istrutturi legali u soċjali rilevanti; teoriji tal-iżvilupp tal-personalità u patoloġija; u metodi u teknika tal-psikoterapija;

"test ta' ħila" tfisser test li l-għan tiegħu jkun li jivvaluta l-ħila ta'

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persuna biex tipprattika l-professjoni tal-psikoterapija f'Malta skont kif ikun meħtieġ mill-Bord skont id-dispożizzjoni ta' dan l-Att;

"test ta' kapaċità" tfisser test tal-għarfien, il-ħiliet u l-kompetenzi professjonali tal-applikant bl-għan li jivvaluta l-abilità tiegħu li jeżerċita l-professjoni tal-psikoterapija;

"warrant" tfisser *warrant* maħruġ taħt l-artikolu 3.

*Warrant.*

3. (1) Ebda persuna m'għandha turi ruħha li tkun psikoterapista reġistrata, jew li twettaq il-professjoni ta' psikoterapija għal rimunerazzjoni, jew turi ruħha li tkun professjonalment kwalifikata biex hekk tagħmel, jew tassumi t-titolu, jew l-ittri li jindikaw it-titolu ta' psikoterapista reġistrata, kemm-il darba ma tkunx detentur ta' *warrant* taħt dan l-Att:

Iżda ebda mid-dispożizzjonijiet kontenuti f'dan l-Att ma għandhom japplikaw jew b'xi mod jaffettwaw il-prattika ta' professjonijiet regolati taħt xi liġi oħra u li fir-rigward tagħhom jissussistu Kunsilli jew entitajiet oħra regulatorji.

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

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(3) Mingħajr preġudizzju għad-dispożizzjonijiet tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u r-regolamenti magħmula taħtu, persuna tikkwalifika għal *warrant* jekk dik il-persuna:-

(a) tkun ċittadina Maltija jew ċittadina tal-Unjoni Ewropeja, jew xort'oħra tkun intitolata jew awtorizzata biex taħdem f'Malta;

(b) tkun ta' kondotta tajba u jkollha karattru morali tajjeb;

(ċ) ikollha kapaċità sħiħa legali;

(d) tkun kisbet grad ta' baċellerat f'xi xjenza umana jew xjenza soċjali maħruġ minn istituzzjoni ta' edukazzjoni oġhla li l-Ministru jista', fuq parir tal-Bord, jispeċifika f'regolamenti; u

(e) tkun kisbet, b'sodisfazzjon tal-Bord, taħriġ f'modalità speċifika tal-psikoterapija għal żmien ta' mhux inqas minn tlett elef (3,000) siegħa, jew l-ekwivalenti tagħhom ta' mija u għoxrin (120) ECTS, li jkun ekwivalenti għal grad ta' *Master*; maħruġ minn istituzzjoni ta' edukazzjoni oġhla.

(4) Il-Ministru jista' jippreskrivi, minflok xi waħda mill-ħtigijiet minimi stabbiliti taħt id-dispożizzjonijiet ta' qabel ta' dan is-subartikolu, ħtigijiet minimi oħra skont xi trattati jew ftehim internazzjonali jew multinazzjonali li Malta tkun parti fihom jew skont id-dispożizzjonijiet ta' xi legiżlazzjoni li tidhol fis-seħħ bis-saħħa ta' xi trattati jew ftehim bħal dawk.

(5) Mingħajr preġudizzju għad-dispożizzjonijiet tal-Att dwar ir-Rikonoxximent Reċiproku ta' Kwalifiki u regolamenti magħmula taħt l-istess Att, meta t-tul tat-taħriġ li jkun iwassal għal kwalifika professjonali jkun inqas minn dak imsemmi fil-paragrafu (e) tas-subartikolu (3), il-Bord jista' jitlob lill-applikant biex jagħmel perjodu ta' adattament li ma jkunx itwal mid-doppju tad-differenza. Il-Bord jista' wkoll jissottometti lill-applikant għal test ta' kapaċità. Kap. 451

4. (1) Għandu jkun hemm Bord li jkun magħruf bħala l-Bord dwar il-Psikoterapija f'Malta li jkun magħmul kif ġej: Bord dwar il-professjoni tal-psikoterapija f'Malta.

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

(i) wieħed ikun *Chairperson*, li jkun kiseb *warrant* mill-Bord u jkollu mill-inqas sitt (6) snin esperjenza fil-prattika tal-psikoterapija;

(ii) żewġ persuni li jkunu jeżerċitaw l-professjoni tal-psikoterapija, u jkun kiseb *warrant* mill-Bord;

(iii) wieħed ikun avukat li jkollu mill-inqas ħames (5) snin esperjenza li jinħatar bħala viċi-*chairperson*;

(b) żewġ membri eletti minn fost psikoterapisti li jkollhom *warrant* f'elezzjoni li titmexxa mill-Bord:

Iżda, fil-każ tat-twaqqif tal-ewwel Bord, il-psikoterapisti msemmija f'dan il-paragrafu għandhom jiġu nominati mill-Organizzazzjoni Umbrella Nazzjonali;

(c) psikoterapista wieħed nominat minn fost l-istaff akkademiku permanenti responsabbli għall-edukazzjoni u t-taħriġ tal-psikoterapija fl-Università ta' Malta;

(d) psikoterapista wieħed nominat minn fost l-istaff li jipprovdi taħriġ fil-psikoterapija fil-*Gestalt Psychotherapy Training Institute* Malta;

(e) psikoterapista wieħed nominat minn fost l-istaff li jipprovdi taħriġ fil-psikoterapija fl-*Institute of Family Therapy* Malta; u

(f) psikoterapista wieħed nominat minn fost l-istaff ta' kull istituzzjoni ta' edukazzjoni oghla f'Malta li tipprovdi taħriġ fil-psikoterapija.

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

(3) In-nomini u l-elezzjonijiet magħmula skont il-paragrafi (b), (ċ), (d), (e) u (f) tas-subartikolu (1) għandhom, għall-ewwel darba, isiru fi żmien ġimagħtejn minn talba bil-miktub magħmula għal hekk mill-Ministru u, għal kull nomina jew elezzjoni sussegwenti, fi żmien xahar minn meta tinholq 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 jew elezzjoni bħal dik, il-Ministru għandu jagħmel il-ħatra hu minn fost psikoterapisti li jkollhom *warrant*.

(4) Il-membri tal-Bord għandhom jibqgħu fil-kariga għal żmien ta' tliet (3) snin u wara li jispiċċa dak iż-żmien ikunu eligibbli biex jerġgħu jkunu membri tal-Bord:

Iżda l-ebda persuna ma tista' sservi bħala membru tal-Bord għal iktar minn tliet perjodi konsekuttivi.

(5) Fil-każ li xi membru tal-Bord iħalli l-kariga tiegħu qabel ma jispiċċa ż-żmien tal-ħatra, il-persuna maħtura minflok għandha tinħatar għaž-żmien li jifdal tal-ħatra oriġinali.

(6) In-numru ta' membri prezenti meħtieġ biex ikun hemm kworum ikun ta' erbgħa:

Iżda, dejjem jekk ikun hemm kworum, il-Bord jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

(7) Il-Ministru għandu jagħzel persuna biex tagħmilha ta' segretarju tal-Bord, iżda s-segretarju ma jkollux vot.

(8) Iċ-*Chairperson* tal-Bord ikollu vot oriġinali u, fil-każ ta' voti indaqs, ikollu vot ieħor deċiżiv.

(9) Ir-rappreżentanza ġuridika tal-Bord għandha tkun vestita solidalment fiċ-*Chairperson* u s-Segretarju tal-Bord:

Iżda l-Bord jista' jahtar lil xi wieħed jew aktar mill-membri tal-Bord l-oħra biex jidhru f'isem u għal Bord fi proċedimenti ġudizzjarji kif ukoll f'kull att, kuntratt, strument jew dokument ieħor,

ikun liema jkun.

(10) Minghajr preġudizzju għad-dispożizzjonijiet ta' qabel dan, u għal dak li jista' jiġi preskritt taht dan l-Att, jew xi liġi jew regolament ieħor, il-Bord jista' jirregola l-proċeduri tiegħu stess.

(11) Il-Bord għandu jiltaqa' kull meta jkun meħtieġ, iżda f'ebda każ inqas spiss minn darba kull tliet xhur. Il-laqgħat tal-Bord għandhom jissejġu miċ-*Chairperson*, jew fuq inizjattiva tiegħu stess, jew fuq talba bil-miktub ta' mhux inqas minn żewġ membri tal-Bord l-oħra. Fit-tieni każ, iċ-*Chairperson* għandu jsejjaħ laqgħa sa mhux iktar tard minn gimagħtejn mid-data li fiha tkun saret din it-talba.

(12) Fit-twettiq ta' dmirijietu skont dan l-Att, il-Bord jista' jikkonsulta ma' kull persuna li jidhirlu xierqa. Għal dan il-għan, il-Bord jista' jistieden lil kull persuna bħal dik biex tattendi l-laqgħat tal-Bord.

(13) Il-Bord għandu jzomm kopja vera u korretta tal-proċedimenti tiegħu kollha u l-Bord għandu jagħti kull informazzjoni mitluba mill-Ministru fi żmien raġonevoli.

5. (1) Bla ħsara għas-setgħat u għal funzjonijiet oħra li huma mogħtija, jew li jistgħu jkunu mogħtija, lill-Bord minn dan l-Att, jew xi liġi jew regolament ieħor, is-segħat u l-funzjonijiet tal-Bord huma li jirregola l-prattika u l-eligibilità għall-prattika tal-professjoni tal-psikoterapija f'Malta, u partikolarment biex:

Funzjonijiet tal-Bord.

(a) jistabbilixxi *standards* ta' psikoterapija, jivvaluta *standards* ta' psikoterapija eżistenti u jiżviluppa *standards* godda ta' żvilupp professjonali kontinwu fil-psikoterapija u *standards* oħra kif jista' jkun meħtieġ;

(b) iqis, jipproċessa u jagħmel rakkomandazzjonijiet lill-Ministru dwar applikazzjonijiet għall-*warrant* biex tkun prattikata l-professjoni tal-psikoterapija f'Malta, kif ukoll għall-ekwivalenza u għarfien ta' kwalifiki fil-psikoterapija;

(ċ) iżomm reġistru tal-psikoterapisti b'*warrant*;

(d) iżomm reġistru tas-soċjetajiet ta' psikoterapisti;

(e) iżomm reġistru tal-assocjazzjonijiet ta' psikoterapisti u dak it-tagħrif li jista' jkun meħtieġ dwarhom u l-membri tagħhom;

(f) jinvestiga allegazzjonijiet ta' mgħiba professjonali, hażina, negligenza qawwija jew inkompetenza minn

psikoterapisti;

(g) jagħmel rakkomandazzjonijiet lill-Ministru biex jagħmel regolamenti dwar l-impjeg ta' persuni li, minkejja li jkollhom kwalifiki ta' edukazzjoni oghla u kwalifiki professjonali, ma jkunux jikkwalifikaw għal *warrant* taht dan l-Att;

(h) jagħmel rakkomandazzjonijiet lill-Ministru dwar il-Kodiċi tal-Etika wara li jkun għamel konsultazzjonijiet mal-assoċjazzjonijiet ta' psikoterapisti;

(i) jagħmel rakkomandazzjonijiet lill-Ministru kif jista' jkun meħtieġ;

(j) jaqdi dawk il-funzjonijiet l-oħra kollha li joħroġu minn dan l-Att, jew minn xi liġi jew regolament ieħor, jew dawk il-funzjonijiet li jistgħu jkunu delegati lilu mill-Ministru.

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

(3) Il-Bord għandu jagħmel u jippubblika rapport annwali dwar l-attivitajiet tiegħu ġenerali.

Applikazzjoni  
għall-*warrant*.

6. (1) Kull persuna li tkun trid tikseb *warrant* biex tipprattika l-professjoni ta' psikoterapija f'Malta għandha tagħmel applikazzjoni lill-Bord.

(2) Jekk il-Bord ikun sodisfatt li l-applikant jissodisfa l-ħtiġiet minimi stabbiliti taht dan l-Att, dan għandu jagħmel rakkomandazzjoni lill-Ministru għall-ħruġ ta' *warrant*.

(3) Meta, wara l-perjodu ta' adattament skont kif ikun meħtieġ, il-Bord ikun sodisfatt li l-applikant ikun temm b'suċċess it-taħriġ tiegħu, il-Bord għandu jagħmel rakkomandazzjoni lill-Ministru għall-ħruġ ta' *warrant*.

(4) Għall-fini tas-subartikolu ta' qabel dan, il-Bord jista' jissottometti lill-applikant għal test ta' kapacità.

(5) *Warrant* maħruġ mill-Ministru taht dan l-Att jista' jkun maħruġ sugġett għal dawk il-limitazzjonijiet jew kundizzjonijiet kif il-Bord jista' jirrakkomanda f'xi każ partikolari. Dak il-*warrant* jista' wkoll jinkludi dawk il-kundizzjonijiet speċjali u dik l-awtorizzazzjoni

għal prattika f'oqsma speċjalizzati ta' psikoterapija għal dawk il-perjodi speċifiċi skont kif il-Bord jista' jirrakkomanda skont id-dispożizzjonijiet ta' dan l-Att u kull regolamenti magħmulin tahtu.

(6) *Warrant* mahruġ taht dan l-Att ikompli fis-seħħ kemm -il darba d-detentur tal-*warrant* jissodisfa, kull tliet snin, lill-Bord li jkun għamel dak il-programm, jew programmi, ta' żvilupp professjonali kontinwu, skont kif jista' jkun preskritt.

(7) L-assoċjazzjonijiet tal-psikoterapisti għandhom jiġbru u jżommu l-informazzjoni kollha relatata mal-programm, jew programmi, ta' żvilupp professjonali kontinwu fuq bażi annwali.

7. Il-Bord għandu jikkunsidra u jagħmel ir-rakkomandazzjonijiet tiegħu dwar applikazzjoni għal *warrant* għall-eżerċizzju tal-professjoni ta' psikoterapija malajr kemm jista' jkun raġonevolment prattikabli imma f'ebda każ aktar tard minn erba' xhur minn meta jirċievi l-applikazzjoni flimkien mal-informazzjoni u d-dokumentazzjoni kollha rilevanti b'sostenn tal-applikazzjoni. Meta jagħmel ir-rakkomandazzjonijiet tiegħu lill-Ministru, il-Bord għandu fl-istess hin jinnotifika lill-applikant bir-rakkomandazzjonijiet tiegħu, flimkien mar-raġunijiet li fuqhom dawn kienu bbażati.

Rakkomandazzjonijiet għall-hruġ ta' *warrants*.

8. (1) Ebdha persuna ma tikkwalifika li tirċievi jew iżzomm *warrant*, skont dan l-Att, jekk dik il-persuna tkun instabet hatja minn xi qorti kompetenti, ta' xi delitt li għalih hemm piena ta' iktar minn sena prigunerija.

Telfien ta' *warrant*.

(2) Meta persuna tiflew il-*warrant* skont is-subartikolu ta' qabel dan, avviż ta' dak it-telfien ta' *warrant* għandu jingħata mill-Ministru fil-Gazzetta u dan it-tagħrif għandu jkun notifikat lill-persuna li tkun tilfet il-*warrant* mill-Bord kemm-il darba dik il-persuna ma tkunx giet interdetta bis-sentenza nnifisha.

(3) Il-Ministru jista', f'kull żmien, fuq ir-rakkomandazzjonijiet tal-Bord, jerga' jagħti lura l-*warrant* lil persuna li tkun tilfitu skont is-subartikolu (1).

9. (1) Il-Bord jista' jistabbilixxi kumitat sabiex jistharreg dwar kull allegazzjoni ta' mgħiba professjonali hażina, negliġenza qawwija jew inkompetenza dwar psikoterapista.

Kumitat ta' investigazzjoni.

(2) Għall-finijiet ta' dan l-artikolu l-frazzjiet "mgħiba professjonali hażina", "negliġenza qawwija", jew "inkompetenza", jinkludu dawn li ġejjin:

(a) li jinkiseb *warrant* b'mod qarrieqi, jew frodulenti, jew xort' oħra juri ruħu bħala psikoterapista mingħajr il-*warrant*

meħtieġ;

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

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

(d) in-nuqqas ta' tħaris ta' xi kundizzjoni mqiegħda fil-*warrant* maħruġ taħt dan l-Att;

(e) l-użu ta' interventi terapewtiċi, jew il-wiri ta' kompetenza professjonali li dwarha l-persuna ma tkunx kwalifikata, jew li ma tkunx awtorizzata li tiprattika skont il-*warrant* tagħha;

(f) imġiba b'mod li tkun ta' ħsara jew ta' detriment għall-professjoni tal-psikoterapija;

(g) l-ġhoti ta' informazzjoni mhux korretta, wiri ta' nuqqas ta' ħila jew ġudizzju fil-prattika tal-psikoterapija jew fit-twettiq ta' dmirijiet jew obbligi fil-prattika tal-psikoterapija.

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

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

(5) Il-penali msemmija fis-subartikolu ta' qabel dan tista' tinkludi waħda jew iktar minn dawn li ġejjin:

(a) is-sospensjoni jew ir-revoka tal-*warrant* taħt dawk il-kundizzjonijiet li jistgħu jkunu rakkomandati;

(b) is-sospensjoni jew ir-revoka tar-registrazzjoni ta' soċjetà ta' psikoterapisti;

(ċ) l-impożizzjoni ta' xi kundizzjoni mal-*warrant*;

(d) ċanfira;

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

(f) ordni li xi drittijiet li jintalbu għal servizzi mogħtija mill-persuna misjuba ħatja ma jithallsux, jitnaqqsu jew jithallsu lura;

(g) kull penali oħra li hi, jew tista' tkun, preskritta mill-Bord, jew minn dan l-Att, jew minn xi liġi jew regolamenti oħra.

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

(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-investigazzjonijiet skont kif previst fl-istess Att. Kap. 273.

**10.** (1) Id-detentur ta' *warrant* li jhoss ruħu aggravat b'deċiżjoni tal-Bord 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* bil-posta registrata. Appelli.

(2) F'dan il-każ il-*warrant* għandu jiġi sospiż jew revokat biss wara li l-Qorti tal-Appell tikkonferma d-deċiżjoni tal-Bord.

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

Iżda sakemm jiġu preskritti dawn id-drittijiet, għandhom japplikaw *mutatis mutandis* id-drittijiet imsemmija fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. 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. Kap. 12

**11.** Il-Ministru jista', fuq ir-rakkomandazzjoni tal-Bord, u wara li ssir talba għal hekk mill-persuna li tkun tilfet il-*warrant*, jagħti lura lil dik il-persuna l-*warrant* kemm-il darba dik il-persuna tissodisfa l-ħtiġijiet skont ma jistgħu jkunu ġew preskritti. Meta l-*warrant* jingħata lura, isem il-persuna li hekk tkun ħadet lura l-*warrant* għandu jkun registrat mill-ġdid fir-registru uffiċjali tal-psikoterapisti. Twarrab ta' sospensjoni jew thassir.

**12.** (1) Kull assoċjazzjoni ta' psikoterapisti tista' tagħmel applikazzjoni lill-Bord biex tkun registrata bhala assoċjazzjoni ta' psikoterapisti għall-finijiet ta' dan l-Att. Assoċjazzjoni ta' psikoterapisti.

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(2) Assoċjazzjoni ta' psikoterapisti tikkwalifika biex tkun reġistrata bħala assoċjazzjoni ta' psikoterapisti taht dan l-artikolu jekk iġġib prova lill-Bord li mill-inqas għaxar membri tagħha jkunu reġistrati bħala psikoterapisti b'*warrant* u li tikkonforma ruħha ma' dawk il-kundizzjonijiet l-oħra li jistgħu jiġu preskritti mill-Bord minn żmien għal żmien. Assoċjazzjoni ta' psikoterapisti għandha tissottometti flimkien mal-applikazzjoni tagħha lista tal-membri u dak it-tagħrif ieħor li l-Bord jista' jehtieg sabiex jipproċessa l-applikazzjoni.

(3) Il-Bord ikollu s-setgħa li jehtieg lil kull assoċjazzjoni reġistrata taht dan l-artikolu tagħti dawk ir-*records* u dak it-tagħrif dwar l-assoċjazzjoni u l-membri tagħha kif jista' jkun mehtieg minn żmien għal żmien.

Soċjetà ta' psikoterapisti.

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

(2) Ebda persuna, barra minn detentur ta' *warrant* tal-psikoterapija, ma tista' tissieheb f'soċjetà ta' psikoterapisti.

(3) Kull soċjetà ta' psikoterapisti, iffurmata skont dan l-artikolu, għandha tagħmel dawk il-ħlasijiet kollha, illi jistgħu jiġu preskritti, biex dik is-soċjetà tkun tista' tiġi reġistrata mill-Bord fir-reġistru ta' soċjetajiet ta' psikoterapisti u, ma' dik ir-reġistrazzjoni, il-persuni li jkunu jiffurmaw parti mis-soċjetà jkunu awtorizzati, kemm-il darba dik is-soċjetà tibqa' hekk reġistrata, jaġixxu f'isem u għan-nom tas-soċjetà u dik is-soċjetà jkollha l-jedd li tuża l-isem "Psikoterapisti" bħala parti minn isimha.

(4) Kull soċjetà ta' psikoterapisti, reġistrata skont dan l-artikolu, għandha tipprovdi lill-Bord dak it-tagħrif kif jista' jkun mehtieg minn żmien għal żmien mill-Bord jew kif jista' jiġi preskrit, u għandha tagħti avviż lill-Bord dwar kull tibdil rilevanti f'kull tagħrif li jkun ingħata lill-Bord sa mhux iktar tard minn ħmistax-il jum mid-data li fiha jkun sar dak it-tibdil.

Dispożizzjonijiet li japplikaw biss għal soċjetajiet ta' psikoterapisti.

**14.** Minkejja d-dispożizzjonijiet ta' xi liġi oħra, jew ta' xi ftehim ieħor kuntrarju, id-dispożizzjonijiet li ġejjin għandhom japplikaw biss għal soċjetà ta' psikoterapisti, u mhux għal membri ta' assoċjazzjoni ta' psikoterapisti 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' psikoterapisti, 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.

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

**16.** (1) Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, kull persuna li, sabiex tikseb *warrant* jew xi reġistrazzjoni taht id-dispożizzjonijiet ta' dan l-Att, xjentement tagħti xi tagħrif hażin jew xort'oħra taġixxi 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 priġunerija għal mhux iżjed minn tnax-il xahar jew dik il-multa u priġunerija flimkien. Reati.

(2) Kull persuna, li tinsab hatja ta' xi reat iehor imsemmi taht 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 priġunerija ta' mhux iżjed minn tliet xhur, jew dik il-multa u priġunerija 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 taht dan l-Att:

(a) tipprattika l-professjoni tal-psikoterapista; jew

(b) tagħmel użu minn xi titolu professjonali ta' psikoterapista jew tal-ittri li jindikaw dak it-titolu; jew

(ċ) tagħmilha ta' psikoterapista; jew

(d) taħdem bħala psikoterapista,

tkun hatja ta' reat taht dan l-Att.

(4) Kull persuna li tagħmel użu mill-kelma "Psikoterapisti" dwar soċjetà ta' psikoterapisti, meta dik is-soċjetà ma tkunx reġistrata skont id-dispożizzjonijiet ta' dan l-Att, jew b'xi mod tkun tagħmel użu minn isem li b'mod qarrieqi jindika l-eżistenza ta' soċjetà ta' psikoterapisti, tkun hatja ta' reat taht 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' mezzi elettronici tal-kliem "Psikoterapista" jew "Psikoterapista Registrat" dwar isem, jew tal-isem "Soċjetà ta' Psikoterapisti" jew "Psikoterapisti" dwar soċjetà ta' psikoterapisti 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, ikunu ntużaw l-imsemmija kliem, kemm-il darba dik il-persuna ma tagħtix prova li hi ma kenitx taf u ma setgħetx, b'diligenza raġonevoli, issir taf b'dak l-għemil, u li meta saret taf għamlet dak kollu li setgħet tagħmel sabiex iżżomm 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' psikoterapija waqt perjodu ta' adattament, jew meta tkun qed tagħmel taħriġ, taħt is-superviżjoni xierqa ta' superviżur registrat u skont dawk ir-regolamenti li jistgħu jiġu preskitti.

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

(8) Id-dispożizzjonijiet ta' dan l-Att li jistabbilixxu reati, ikunu bla ħsara għad dispożizzjonijiet ta' kull liġi oħra li tistabbilixxi 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.

Vjolenza u theddid.

**17.** Kull min bi vjolenza jew b'theddid igiegħel psikoterapista, li jkun ufficjal pubbliku, li jagħmel jew ma jagħmilx xi haġa li għandha x'taqsam mal-kariga tiegħu, jehel, meta jinstab ħati, il-piena ta' prigunerija ta' mhux inqas minn sena u mhux aktar minn ħames snin u multa ta' mhux inqas minn erbat elef euro (€4,000) u mhux iżjed minn għaxart elef euro (€10,000).

Setgħat biex isiru regolamenti.

**18.** Il-Ministru jista', wara konsultazzjoni mal-Bord, jagħmel regolamenti biex jagħti effett aħjar lil kull dispożizzjoni ta' dan l-Att u, b'mod generali, biex jirregola l-professjoni tal-psikoterapija u, bla ħsara għall-ġeneralità ta' dak li ntqal qabel, dawn ir-regolamenti jistgħu, b'mod partikolari, jinkludu dispożizzjonijiet dwar:

(a) it-twaqqif ta' *standards*, proċeduri u dmirijiet fl-eżercizzju tal-professjoni tal-psikoterapija u prattici oħra li għandhom ikunu mħarsa minn psikoterapisti, jew b'mod generali, jew f'oqsma ta' attività partikolari;

(b) l-imġiba professjonali u l-kodiċi ta' etika ta'

psikoterapisti u l-livelli ta' kompetenza u integrità li għandhom jinżammu fil-professjoni tal-psikoterapisti;

(ċ) il-ħtiġiet 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-kundizzjonijiet li jistgħu jkunu marbuta ma' dak il-*warrant*;

(e) id-drittijiet li jistgħu jingabru mill-Bord b'konnessjoni mal-ħruġ ta' *warrant*, ma' reġistrazzjonijiet taħt dan l-Att, u ma' kull xogħol ieħor li jista' jsir mill-Bord skont id-dispożizzjonijiet ta' dan l-Att;

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

(g) il-proċeduri li għandhom ikunu segwiti f'każijiet ta' mġiba professjonali ħażina;

(h) l-impjeg ta' persuni li, minkejja li jkollhom kwalifiki ta' edukazzjoni oġhla u kwalifiki professjonali, ma jikkwalifikawx għall-*warrant* taħt dan l-Att, u li qed jaħdmu taħt is-superviżjoni ta' psikoterapista registrat f'dawk l-istabbilimenti, jew aġenziji, kif jista' jkun preskritt;

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

(j) kull ħaġa oħra li tkun meħtieġa, jew awtorizzata, minn dan l-Att li tiġi preskritta;

(k) il-pieni, il-penalitajiet u l-konsegwenzi u l-effetti oħra li persuna tista' tehel f'każ ta' xi kontravvenzjoni, jew nuqqas ta' tharis ta' xi dispożizzjoni ta', jew ta' xi regolament taħt dan l-Att;

(l) il-multi amministrattivi li jistgħu jiġu imposti mill-Bord.

**19.** (1) Migrant li, fid-data tad-dhul fis-seħħ ta' dan l-Att, ikollu kwalifiki ta' edukazzjoni oġhla u kwalifiki professjonali fil-psikoterapija, li jagħmluh eliġibbli għall-*warrant* biex jipprattika l-professjoni tal-psikoterapija fil-pajjiż fejn fih tkun inħarget il-kwalifika professjonali, għandu jitqies li jissodisfa d-dispożizzjonijiet tal-artikolu 3(3)(e).

Migranti li, fid-data tad-dhul fis-seħħ ta' dan l-Att, ikollhom kwalifiki fil-psikoterapija.

(2) Għall-finijiet tas-subartikolu ta' qabel dan, kull taħriġ

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magħmul mill-migrant bejn id-data li fiha jkun irċieva l-imsemmija kwalifiki, u d-data tad-dhul fis-seħħ ta' dan l-Att, jitqies li sar bħala taħriġ taht is-superviżjoni ta' psikoterapista registrat:

Izda l-Bord jista' jissottometti lil dik il-persuna għal perjodu ta' adattament u test ta' kapaċità.

Htiġiet.

**20.** Minkejja kull dispożizzjoni oħra ta' dan l-Att, persuna li tissodisfa lill-Bord li qabel id-dhul fis-seħħ ta' dan l-Att:

(a) ikollha Diploma fl-Istudji Soċjali Applikati b'għażla fix-Xogħol Soċjali jew Diploma fix-Xogħol Soċjali maħruġa mill-Università ta' Malta qabel Diċembru 2002; u

(b) tkun registrata fir-registru uffiċjali tal-ħaddiema soċjali,

għandha titqies li tissodisfa l-htiġiet tal-artikolu 3(3)(d).

Riservi oħra.

**21.** Minkejja kull dispożizzjoni oħra ta' dan l-Att, persuna li tissodisfa lill-Bord li qabel id-dhul fis-seħħ ta' dan l-Att:

(a) ikollha Ċertifikat Ewropew ta' Psikoterapija; jew

(b) tkun registrata mal-Kunsill għall-Professjonijiet Kumplimentari għall-Mediċina bħala psikoterapista; jew

(c) tkun ilha f'impjeg bħala psikoterapista f'xi dipartiment, aġenzija jew entità tal-Gvern għal perjodu ta' mhux inqas minn tnax-il sena bħala psikoterapista,

għandha titqies li tissodisfa l-htiġiet tal-artikolu 3(3)(e):

Izda l-Bord jista' jissottometti lil dik il-persuna għal perjodu ta' adattament u test ta' kapaċità.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 134 tal-20 ta' Ġunju, 2018.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**MARIE-LOUISE  
COLEIRO PRECA  
President**

26th June, 2018

**ACT No. XXV of 2018**

*AN ACT to make provision for the regulation of the psychotherapy profession and to provide for matters connected therewith or 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:-

**1.** (1) The short title of this Act is the Psychotherapy Profession Act, 2018. Short title and commencement.

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

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

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

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

"aptitude test" means a test of the professional knowledge, skills and competences of the applicant, with the aim of assessing the ability of the applicant to pursue the psychotherapy profession;

"association of psychotherapists" means an association of psychotherapists established in terms of article 12;

"the Board" means the Board of the Psychotherapy Profession in Malta established by article 4;

"ECTS" means European Credit Transfer System;

S.L. 451.02 "higher education institution" shall have the same meaning as assigned to it by article 2 of the Mutual Recognition of Higher Education Qualifications in the European Region Regulations;

S.L. 451.02 "higher education qualification" shall have the same meaning as assigned to it by article 2 of the Mutual Recognition of Higher Education Qualifications in the European Region Regulations;

S.L. 451.03 "migrant" shall have the same meaning as assigned to it by article 2 of the Recognition of Professional Qualifications Regulations;

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

"National Umbrella Organisation" means an organisation of psychotherapists having the largest membership and reflecting the broadest range of psychotherapeutic approaches;

"practical training" means training of not less than six hundred (600) hours consisting of personal psychotherapeutic experience and practical training under continuous supervision in a mental health or psycho-social facility or in both;

"practice" in relation to the psychotherapy profession, includes:

(a) the taking up or pursuit of the profession of psychotherapy; and

(b) the right to use, in the course of such pursuit, the professional title of "Registered Psychotherapist", followed by

the modality studied, by a person having in his possession a warrant to practise the psychotherapy profession;

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

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

"professional qualifications" shall have the same meaning as assigned to it by article 2 of the Recognition of Professional Qualifications Regulations; S.L. 451.03

"psychotherapy" means the comprehensive, deliberate, and planned treatment, or therapeutic intervention, given on the basis of general and special psychosocial, psychosomatic and behavioural disturbances, or states of suffering, training, by means of scientific psychotherapeutic methods, through an interaction between one or more persons being treated, and one or more psychotherapists, with the aim of relieving disturbing attitudes that lead to change, and to promote the maturation, development and health of the treated person;

"registered psychotherapist" means a person who is in possession of warrant to practice the profession of psychotherapy and is registered in the official register of warranted psychotherapists kept by the Board;

"theoretical training" means training of not less than eight hundred (800) hours for a continuous period of not less than four (4) years consisting of training in basic principles of psychotherapy and personality theories; basic methodological principles of research and science; ethical practice and the relevant social and legal framework; theories of personality development and pathology; and psychotherapeutic methods and techniques;

"training in a specific psychotherapeutic modality" means training, which consists of theoretical and practical training, in a psychoterapeutic modality, which may be in one of the following:

- (a) psychoanalytic/ psychodynamic;
- (b) cognitive/behavioural psychotherapy;
- (c) systemic/ family psychotherapy;
- (d) humanistic psychotherapy;
- (e) hypno-psychotherapy;

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(f) integrative psychotherapy;

"warrant" means a warrant issued under article 3.

Warrant.

3. (1) No person can hold himself out to be a registered psychotherapist, or perform the profession of psychotherapy against remuneration, or hold himself out to be professionally qualified to do so, or assume the title or designation of registered psychotherapist, unless he is the holder of a warrant issued under this Act:

Provided that none of the provisions contained in this Act shall be applicable or shall in any manner impact the practice of professions regulated under any other law and which professions are subject to regulation by any other regulatory Council or entity.

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

Cap. 451

(3) Without prejudice to the provisions of the Mutual Recognition of Qualifications Act and the regulations made thereunder, a person shall qualify to obtain a warrant if such person:-

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

(b) is of good conduct and good moral character;

(c) has full legal capacity;

(d) has obtained a bachelor's degree in a human or social science issued by a higher education institution, which the Minister may, on the advice of the Board, specify in regulations; and

(e) has obtained, to the satisfaction of the Board, training in a specific psychotherapeutic modality for a period of not less than three thousand (3,000) hours, or its equivalent of one hundred and twenty (120) ECTS, which is equivalent to a Master's degree issued by a higher education institution.

(4) 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.

(5) Without prejudice to the provisions of the Mutual Recognition of Qualifications Act and the regulations made thereunder, where the duration of the training leading to a professional qualification is less than that, which is mentioned in paragraph (e) of sub-article (3), the Board may require the applicant to undertake an adaptation period not exceeding twice the shortfall. The Board may also submit the applicant to an ability test. Cap. 451

4. (1) There shall be a Board, to be known as the Board for the Psychotherapy Profession in Malta, which shall be composed as follows: Board for the  
psychotherapy  
profession in  
Malta.

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

(i) one person shall be a Chairperson having obtained a warrant from the Board and has at least six (6) years experience in the practice of psychotherapy;

(ii) two persons who exercise the psychotherapy profession, and who have obtained a warrant from the Board;

(iii) one person shall be an advocate with at least five (5) years experience who shall be appointed as vice-chairperson;

(b) two members elected from amongst psychotherapists, having a warrant, in an election conducted by the Board:

Provided that, in the event of the setting up of the first Board, the psychotherapists referred to in this paragraph shall be nominated by the National Umbrella Organization;

(c) one psychotherapist nominated from amongst the permanent academic staff for psychotherapy education and training at the University of Malta;

(d) one psychotherapist nominated from amongst the staff providing training in psychotherapy at the Gestalt Psychotherapy Training Institute Malta;

(e) one psychotherapist from the staff providing training in psychotherapy at the Institute of Family Therapy Malta; and

(f) one psychotherapist from the staff of any other higher education institution in Malta providing training in psychotherapy.

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

(3) The nominations and elections made in terms of paragraph (b), (c), (d), (e) and (f) of sub-article (1) shall, for the first time, be made within two weeks from the date on which a request in writing is made for that purpose by the Minister and, for any subsequent nomination or election, within one month from the date on which the vacancy arises or, when the vacancy arises due to the expiry of the term of office, within one month prior to the said expiration. In the absence of any such nomination or election, the Minister shall himself make the appointment from amongst psychotherapists having a warrant.

(4) The members of the Board shall hold office for a term of three (3) years and shall, on the expiration of that term, be eligible to be reappointed:

Provided that no person shall serve as member of the Board for more than three consecutive terms.

(5) In the event that a member of the Board vacates his office before prior to the expiration of his term of office, the person appointed in his stead shall be appointed for the remaining period of the original appointment.

(6) The number of members present required to form a quorum shall be four:

Provided that, subject to the presence of a quorum, the Board may act notwithstanding any vacancy amongst its members.

(7) The Minister shall designate a person to act as secretary to the Board, but such secretary shall not have a vote.

(8) The Chairperson shall have an original vote and, in the case of equality of votes, a casting vote.

(9) The legal representation of the Board shall jointly vest in the Chairman and the Secretary to the Board:

Provided that the Board may designate any one or more of the other members of the Board, to appear in the name and on behalf of the Board in any judicial proceedings and to sign for and on its behalf any other act, contract, instrument or other document whatsoever.

(10) Without prejudice to the foregoing provisions, and to that

which may be prescribed under this Act, or other law or regulation, the Board may regulate its own procedures.

(11) The Board shall meet as often as necessary, but in no case less frequently than once every three months. The meetings of the Board shall be summoned by the Chairperson either on his own initiative, or on the request in writing of not less than two of the other members of the Board. In the second case, the Chairperson shall summon a meeting not later than two weeks from the date on which the request has been made.

(12) In the exercise of its functions under this Act, the Board may consult with any person as it deems appropriate. For this purpose, the Board may invite such persons to attend the meetings of the Board.

(13) The Board shall keep true and correct copies of the records of its proceedings and the Board shall give to the Minister any information as he may require within a reasonable period of time.

5. (1) Without prejudice to the other powers and functions given, or may be given, by this Act, or any other law or regulations, the powers and functions of the Board are to regulate the practice and eligibility to practice the psychotherapy profession in Malta, and in particular to:

Functions of the Board.

(a) establish psychotherapy standards, assess existing psychotherapy standards and develop new standards of continuous professional development in psychotherapy and such other standards as may be necessary;

(b) consider, process and make recommendations to the Minister regarding applications for warrants to practice the psychotherapy profession in Malta, and also for equivalence and recognition of qualifications in psychotherapy;

(c) keep a register of psychotherapists with a warrant;

(d) keep a register of societies of psychotherapists;

(e) keep a register of associations of psychotherapists and such information as may be required in relation thereto and to its members;

(f) investigate allegations of professional misconduct, gross negligence or incompetence of psychotherapists;

(g) make recommendations to the Minister to prescribe regulations in relation to the employment of persons who,

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although having higher education qualifications and professional qualifications, do not qualify for a warrant under this Act;

(h) make recommendations to the Minister on the Code of Ethics following consultations with the associations of psychotherapists;

(i) make recommendations to the Minister as may be necessary;

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

(2) The Board 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 psychotherapists and a list of societies registered in the official register of societies of psychotherapists.

(3) The Board shall draw up and publish an annual report concerning its general operations.

Application for  
warrant.

**6.** (1) Any person seeking to obtain a warrant to practise the psychotherapy profession in Malta shall make an application to the Board.

(2) If the Board is satisfied that the applicant satisfies the minimum requirements established under this Act, it shall make a recommendation to the Minister for the issue of a warrant.

(3) Where, following an adaptation period where necessary, the Board is satisfied that the applicant has successfully completed his training, the Board shall make a recommendation to the Minister for the issue of a warrant.

(4) For the purposes of the foregoing sub-article, the Board may submit the applicant to an aptitude test.

(5) A warrant issued by the Minister under this Act may be issued subject to such limitations or conditions as the Board may recommend in any particular case. Such warrant shall include such special conditions and such authorisation to practice in areas of specialised psychotherapy for such specific periods as the Board may recommend in accordance with the provisions of this Act and any regulations made thereunder.

(6) A warrant issued under this Act shall continue to have effect,

provided that the warrant holder shall, every three years, prove to the satisfaction of the Board that he has carried out such programme, or programmes, of continuing professional development as may be prescribed.

(7) The associations of psychotherapists shall collect and keep all the information relating to the programme, or programmes, of continuing professional development on an annual basis.

7. The Board shall consider and make its recommendations on an application for a warrant to practise the profession of psychotherapy as soon as is reasonably practicable, but in no case later than four months from the receipt of the application together with all the relevant information and documentation in support of the application. On making its recommendations to the Minister, the Board shall concurrently notify the applicant of its recommendations, together with the reasons upon which these were based.

Recom-  
mendations for  
the issue of a  
warrant.

8. (1) A person shall not be qualified to obtain or retain a warrant, in terms of this Act, if he has been convicted by any competent court for any crime liable to imprisonment for a term exceeding one year.

Loss of warrant.

(2) Where a person loses his warrant in terms of the preceding sub-article, notice of such loss shall be given by the Minister in the Gazette and such information shall be notified by the Board to the person losing the warrant, unless such person has been interdicted by the judgement itself.

(3) The Minister may, at any time, on the recommendation of the Board, reinstate a person who has lost his warrant in terms of sub-article (1).

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

Committee of  
Inquiry.

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

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

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

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(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 use of therapeutic interventions, or the assumption of a professional competence for which the person is not qualified or is not authorised to practise in terms of his warrant;

(f) acting in any manner that may be detrimental to the psychotherapy profession;

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

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

(4) On the conclusion of the investigation, 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 Board, 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 preceding sub-article may include the following:

(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 of the society of psychotherapists;

(c) the imposition of conditions attached to the warrant;

(d) a reprimand;

(e) a payment to cover the costs of the investigation;

(f) an order for the waiver, reduction or refund of any fees charged for services rendered by the person found guilty;

(g) any other penalties that may be prescribed by the Board, or by this Act, or any other laws or regulations.

(6) Upon revocation of the warrant, the Board shall strike off the name of the holder of that warrant from the register of psychotherapists. 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 committee shall conduct the investigations as provided for in the said Act. Cap. 273.

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

(2) In this case the warrant shall be suspended or revoked only when the Court of Appeal confirms the decision of the Board.

(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 have been prescribed, 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.

**11.** The Minister may, on the recommendation of the Board, and following a request to that effect by the person who has lost the warrant, return the warrant to that person if such person satisfies the requirements that may have been prescribed. Where the warrant has been returned, the name of the person who received the warrant shall be registered again in the official register of psychotherapists. Removal of suspension or cancellation.

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

(2) An association of psychotherapists shall be qualified to be

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registered as an association of psychotherapists under this article if it proves to the Board that at least ten of its members are registered as psychotherapists with a warrant and that it conforms to such other conditions as may be prescribed from time to time. An association of psychotherapists shall submit together with its application a list of its members and any such other information as the Board may require to process the application.

(3) The Board shall have the power to require any association of psychotherapists registered under this article to produce such records and information about the association and its members as may be required from time to time.

Society of  
psychotherapists.

**13.** (1) Two or more holders of a psychotherapy warrant may form a civil partnership, in this Act referred to as "society of psychotherapists", having for its exclusive objective the practice of the psychotherapy profession and having all such relative powers for the attainment of that objective.

(2) No person, other than the holders of a psychotherapy warrant, may form part of a society of psychotherapists.

(3) Any society of psychotherapists, formed under this article, shall pay all such fees, as may be prescribed, so that such society may be registered in the register of societies of psychotherapists and, upon such registration, the persons forming part of that society shall, until it is so registered, be authorised to act in the name and on behalf of the society and that society shall be entitled to use the designation "Psychotherapists" as part of its name.

(4) Every society of psychotherapists, registered in terms of this article, shall provide to the Board such information as the Board may from time to time require or as may be prescribed, and shall give notice to the Board of any relevant changes in any information, which has been given to the Board, within fifteen days from the date on which such change has occurred.

Provisions  
solely  
applicable to  
societies of  
psychothera-  
pists.

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

(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 psychotherapists, 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.

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

**16.** (1) Without prejudice to the other provisions of this Act any person who, for the purpose of obtaining a warrant, or a registration under the provisions of this Act, knowingly gives any false information, or otherwise acts in a deceitful, or fraudulent manner, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding two thousand and five hundred euro (€2,500) or to imprisonment not exceeding twelve months, or to both such fine and imprisonment. Offences.

(2) Any person who is found guilty of any other offence against this Act shall be liable on conviction 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 the holder of a warrant issued under this Act:

- (a) practices the profession of psychotherapy; or
- (b) makes use of any professional title of psychotherapist, or the designatory letters thereof; or
- (c) purports to be a psychotherapist; or
- (d) performs the work of a psychotherapist,

shall be guilty of an offence against this article.

(4) Any person who uses the word "Psychotherapists" in relation to a partnership of psychotherapists, where such partnership is not registered in accordance with the provisions of this Act, or in any manner makes use of a name deceitfully implying the existence of a society of psychotherapists registered as aforesaid, shall be guilty of an offence against 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, of the words "Psychotherapist", "Registered Psychotherapist" in relation to a name, or "Society of Psychotherapists" or "Psychotherapists" in relation to a society, shall be 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 the use of such words was made without his knowledge, and that upon becoming aware of the use he took adequate steps to prevent the continuation of such act.

(6) For the purpose of this article, a person shall not be deemed to be in contravention of the provisions of this Act if such person is practicing psychotherapy during an adaptation period, or when in training, under the appropriate supervision of a registered psychotherapist, and subject to such regulations as may be prescribed.

(7) Subject to the provisions of sub-article (6), no person, or organisation, shall employ a person, other than a registered psychotherapist, for the purpose of practising the profession of psychotherapy.

(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, shall not, in particular, affect the application of any higher punishment under any other law.

Violence and threats.

**17.** Whosoever, by violence or threats, compels a psychotherapist, who is a public officer, to do, or not to do, any act appertaining to his office, shall, on conviction, be liable to the punishment of imprisonment for a term of not less than one year and not more than 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).

Power to make regulations.

**18.** The Minister may, following consultation with the Board, make regulations to give better effect to any of the provisions of this Act, and generally to regulate the psychotherapy profession, and, without prejudice to the generality of the foregoing, such regulations may in particular include provisions with respect to:

(a) the establishment of standards, procedures and duties in the exercise of the psychotherapy profession and practices to be followed by psychotherapists, either generally or in particular fields of activity;

(b) the professional conduct and the Code of Ethics of psychotherapists and standards of competency and integrity to be

kept in the psychotherapy profession;

(c) the requirements in relation to 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 a warrant, and the terms and conditions which can be attached to such warrant;

(e) the fees that may be charged by the Board in relation to applications for the issue of warrants, the making of any registration under this Act, and any other operations that may be carried out by the Board in accordance with the provisions of this Act;

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

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

(h) the employment of persons who, although in possession of higher education qualifications and professional qualifications, do not qualify for a warrant under this Act, and who are working under the supervision of a registered psychotherapist in such establishments, or agencies, as may be prescribed;

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

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

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

(l) the administrative fines that may be imposed by the Board.

**19.** (1) A migrant who, on the coming into force of this Act, has higher education qualifications and professional qualifications, which make him eligible for a warrant to practice the profession of psychotherapy in the country where the qualifications have been obtained, shall be deemed to satisfy the provisions of article 3(3)(e).

Migrants who, on the coming into force of this Act, have qualifications in psychotherapy.

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(2) For the purposes of the foregoing sub-article, any training undertaken by a migrant between the date of receipt of the mentioned qualifications and the date of the entry into force of this Act, shall be deemed to be training undertaken under the supervision of registered psychotherapist:

Provided that the Board may submit that person to an adaptation period and an aptitude test.

Requirements.

**20.** Notwithstanding any other provisions of this Act, any person who, before the coming into force of this Act, satisfies the Board that he:

(a) is in possession of a Diploma in Applied Social Studies with an option in Social Work or a Diploma in Social Work issued by the University of Malta prior to December 2002; and

(b) is registered in the official register of social workers,

shall be deemed to satisfy the provisions of article 3(3)(d).

Other savings.

**21.** Notwithstanding any other provisions of this Act, any person who, before the coming into force of this Act, satisfies the Board that he:

(a) is a European Certificate of Psychotherapy; or

(b) was registered with the Council for the Professions Complementary to Medicine as a psychotherapist; or

(c) was employed with a Government department, agency or entity, for a period of not less than twelve years as a psychotherapist,

shall be deemed to satisfy the provisions of article 3(3)(e):

Provided that the Board may submit that person to an adaptation period and an aptitude test.

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Passed by the House of Representatives at Sitting No. 134 of the  
20th June, 2018.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*

