

CHAPTER 538**COUNSELLING PROFESSION ACT**

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

1st May, 2015*

ACT V of 2015, as amended by Acts XXXIV of 2016 and IX and XXI of 2020 and XXXI of 2024.

1. The short title of this Act is the Counselling Profession Act.

Short title.

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

Interpretation.
Amended by:
IX.2020.2.

"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 for 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 has read a training course in counselling supervision of not less than 30 ECTS at level 7 within the Malta Qualifications Framework 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 trainee" means a person who is registered by the Council in a register kept for Counselling Trainees and is undergoing training in counselling which is recognized by the Council, according to article 24;

"counselling with specialisation" means that the person is trained in a specific area of not less than 30 ECTS at level 7 within the

*See article 1(2) of this Act, as originally promulgated, and Legal Notice [151 of 2015](#).

Malta Qualifications Framework 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, research 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 by the Council as a supervising counsellor;

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

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

"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 to be registered in the register for counsellors with a temporary warrant kept by the Council who can practice the counselling profession under supervision of a counselling supervisor and according to guidelines issued 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.

Warrant.
Amended by:
XXXIV. 2016.37;
IX.2020.3.

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

(3) Without prejudice to any provision made by or under the Mutual Recognition of Qualifications Act, a person shall qualify to obtain a temporary warrant if such person:

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- (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) Without prejudice to any provision made by or under the Mutual Recognition of Qualifications Act, a person shall qualify to obtain a full warrant if such person -

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- (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 degrees mentioned in the foregoing sub-article:

Provided that when the person who is practicing the counselling profession on a part time basis does not perform one thousand (1,000) hours of supervised counselling under the supervision of a counselling supervisor within six (6) years, he may request the Council to be granted an extension of the said time.

(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.

(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.

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Council for the
Counselling
Profession in
Malta.
Amended by:
IX.2020.4.

4. (1) There shall be a council to be known as the Council for the Counselling Profession in Malta and which shall consist for 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 whilst the other member is to represent that Association which comprises the largest number of Counsellors in Malta and Gozo; and
 - (iii) one person shall be an advocate with at least five 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 in possession of a full warrant elected from amongst the permanent academic staff of the Counselling Department within the Faculty for Social Wellbeing at the

University of Malta and who are also in possession of a temporary or a full warrant in counselling;

(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 seat .

(7) In every case, the number of members attending a meeting needed in order 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, 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.

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:

Powers and
functions of the
Council.
Amended by:
IX.2020.5;
XXI of 2020.

- (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 decide on 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 decide 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;
 - (vii) Register for Counselling Trainees;
- (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.
Amended by:
IX.2020.6;
XXI of 2020.

(2) If the Council is satisfied that the applicant qualifies for a warrant under this Act, it shall 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 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) The Council may attach such limitations and conditions as it deems fit to any warrant it issues under this Act. 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 a warrant under this Act, 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".

Decision on
application for
the issue of a
warrant.
Amended by:
XXI of 2020.

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 decide 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.

(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.

Appeals
Committee.
Added by:
XXXI.2024.8.

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

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

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

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

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

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

(a) upon the submission of an application to this effect by the person concerned, to hear and decide upon a decision of

the Board whereby the granting of a warrant is refused;

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

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

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

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

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

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

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

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.
Amended by: XXI of 2020.

(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 Council may, at any time, 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.

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10. (1) The holder of a 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 him by registered post.

Appeal to the
Court of Appeal.
Amended by:
XXI of 2020.

(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.

11. The Council may, after a request is made to that effect, 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.

Removal of
suspension or
cancellation.
Amended by:
XXI of 2020.

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.

Association of
counsellors.

(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.

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

Society of
counsellors.
Amended by:
IX.2020.7.

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. 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.

Provisions
applicable solely to
a society of
counsellors.

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:

- (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.

Applicability of
articles 9, 10 and
11.

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

Incorrect,
fraudulent or
misleading
information.

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.

(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

Violence and threats.

(€10,000).

Breach of professional conduct or of the Code of Ethics.

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.

Power to make regulations.

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:

- (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).

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).

Person who, on the date of coming into force of this Act, has a professional qualification in counselling.
Amended by:
IX.2020.8.

(2) Any, 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 at level 7 within the Malta Qualifications Framework 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 for Social Wellbeing, 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.

S.L. 327.330

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

Register for supervisors.

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.

(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.

Supervision.

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:

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.
Amended by:
IX.2020.9.

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 sixty 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.

(3) A person shall only qualify to be registered in the Register for Counselling Trainees unless he:

- (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;
 - (d) has obtained a Bachelor's degree in one of the human and/or social sciences; and
 - (e) has been accepted for training in a Masters degree in Counselling recognized by the Council.
- (4) No person can function as a Counselling Trainee unless being registered in the Register for Counselling Trainees.
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