CHAPTER 582

SOCIAL CARE STANDARDS AUTHORITY ACT

AN ACT to provide for the regulation of social welfare provided to individuals by public or private entities or any other entity or person; as well as to regulate for the powers, duties and financial resources of the Social Care Standards Authority set up in accordance with the provisions of this Act; to regulate the exercise of the Authority's functions, which functions shall include the issuing of licences and warrants for social welfare service providers, to set regulatory standards for different areas of social welfare services that are provided to individuals by agencies or public or private entities or any other entity or person, to set procedures for the investigation of complaints against service providers of social welfare services, to provide cautions to social welfare service providers who do not observe such regulations, to assist social welfare service providers to achieve a greater quality of social well-being and to make provisions in respect of all such powers as may be necessary in order for the Authority to fulfil its functions in accordance with this Act.

28th May, 2018*
20th August, 2018†
1st January, 2019‡

Act XV of 2018, as amended by Act II of 2019

ARRANGEMENT OF ACT

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See Legal Notices 167 of 2018.
†*See* Legal Notice 285 of 2018.
‡*See* Legal Notice 446 of 2018.

PART I
Preliminary and General

Short title.

1. The short title of this Act is the Social Care Standards Authority Act.

Interpretation.

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

"agency" means any agency which is responsible for the welfare of the service user who may be referred by such agency for social welfare services regulated by this Act;

"assessor" means any person who is engaged by the Authority to carry out assessments in accordance with the provisions of this Act and may include any representative of the Authority as authorised by the Chief Executive Officer;

"Authority" means the Social Care Standards Authority, as established under article 5;

"Chairperson" means the Chairperson appointed by article 9;

"Chief Executive Officer" means the Chief Executive Officer appointed under article 13;

"financial year" means any period of twelve months ending on the 31st December:

Provided that the financial year commencing upon the date of entry into force of this Act shall terminate on the 31st December of that same year;

"licensed service provider" means any person or organisation that has been granted a licence by the Authority to operate, provide or carry out an activity or operation or to provide a service relating to social welfare;

"Minister" means the Minister responsible for social welfare;

"prospective service provider" means any person who, or organization that, applies for a license to operate a social welfare service;

"public officer" shall have the meaning assigned to it by article 124 of the Constitution of Malta;

"responsible person" means the owner, or any other person, legally responsible for the service provision;

"service provider" means any person who, or organisation that provides a social welfare service;

"service user" means any person or entity who makes use of a

social welfare service;

"social welfare service" means care services, provided in relation to the well-being of service users, whether by a person, agency or residential facility, or in the community or in a care and nursing home or in the home, as well as may be prescribed by regulations made under this Act;

"Tribunal" means the Administrative Review Tribunal established by article 5 of the Administrative Justice Act. Cap. 490.

PART II
Guiding Principles

Promotion and development of the Authority's interests.

3. The Government shall, through the establishment of the Social Care Standards Authority, seek to promote and establish the regulation of social welfare services, provided by agencies or public or private entities or any other entity or person.

Main policies and objectives.

4. (1) In accordance with the provisions of this Act, the Government shall determine Malta's policies and objectives in the regulation of social welfare services provided by public or private agencies or entities or any other entity or person.

(2) The Government shall endeavour, through the Authority, to, *inter alia*, achieve the following:

(a) establish regulatory standards for social welfare services;

(b) assist the service providers to achieve a higher quality of service;

(c) enforce the standards and conditions set in the licences granted by the Authority to service providers.

PART III
Establishment and Functions of the Social Care Standards Authority

Establishment of the Social Care Standards Authority.

5. (1) There shall be established a body, to be known as the Social Care Standards Authority, whose function is to set regulatory standards in relation to social welfare services and to ensure that such standards are duly complied with, in accordance with the provisions of this Act.

(2) The Authority shall be a body corporate having a distinct legal personality.

(3) The Authority shall be composed of the Chairperson and the Board established under article 9.

Functions of the Authority.

6. (1) Without prejudice to any other functions, which may be assigned to it by this Act, or by any other law or regulations,

the functions of the Authority shall include:

(a) to establish regulatory standards, policies and guidelines for social welfare services and to enforce such standards as may be necessary to ensure a quality level of social welfare services;

(b) to establish criteria for the granting, refusal, suspension or revocation of licences; and

(c) to grant, refuse, suspend or revoke any licence.

(2) Notwithstanding any other law, where any function or power of the Authority is performed or exercised through an agent as provided in article 12(2), all judicial actions, acts and proceedings arising from or relating to any matter in respect of which an agent acts for and on behalf of the Authority shall be taken or be made by or against such agent in the name of the Authority.

Powers of the Authority.

7. The powers of the Authority shall include:

(a) receiving and acknowledging applications for licensing to operate a social welfare service;

(b) assessing the proposed social welfare services;

(c) assessing and investigating social welfare service providers;

(d) granting, refusing, suspending or revoking a licence to operate a social welfare service in accordance with established criteria;

(e) receiving, acknowledging, investigating and taking any necessary action in relation to any complaint against any agency or service provider or public or private entities or any other entity or person;

(f) recommending measures to improve the quality of social welfare services provided in Malta;

(g) establishing and updating a register for agencies or service providers or public or private entities or any other entity or person providing social welfare services as the Authority may from time to time consider that require registration;

(h) to modify or remove any of the conditions, or to impose additional conditions, after the licence has been granted and unless otherwise prescribed such conditions have effect after the lapse of one year from date of entry into force of new conditions;

(i) to make recommendations to the Government to develop policies in the field of social welfare services.

Conduct of the affairs of the Authority.

8. (1) The affairs, business and the carrying out of the functions of the Authority shall be the responsibility of the Board:

Provided that the Board may delegate the executive conduct of the Authority, its administration and organization and the administrative control of its officers and employees, to any officer or officers of the Authority, who shall also have such other powers as may from time to time be delegated to him or to them by the Board.

(2) Without prejudice to any other function conferred to him by this Act or any other law or regulation, it shall be the function of the Chairperson to –

(a) assume full responsibility for the overall control and supervision of the Authority;

(b) develop the necessary strategies for the implementation of the objectives of the Authority; and

(c) perform such other duties as the Authority may assign to him from time to time.

Board of Directors of the Social Care Standards Authority.

9. (1) There shall be a Board of Directors of the Social Care Standards Authority, which shall be composed of seven members of whom one shall be the Chairperson and one other the Deputy Chairperson.

(2) The members of the Board shall be appointed by the Minister from among persons who appear to him to be qualified by reason of having professional qualifications or academic qualifications or experience of or shown capacity in, matters relating to social welfare. One of the Board members appointed by the Minister may be a service user of a social welfare service.

(3) The Chairperson of the Authority shall be appointed by the Minister for such period as the Minister shall deem appropriate. The Minister may also designate another member of the Board as deputy chairperson, and the member so designated shall have all the powers and perform all the functions of the Chairperson during his absence or inability to act as chairperson, or while he is on vacation, or during any vacancy in the office of Chairperson; and the Minister may also, in any of the circumstances aforesaid, appoint another person to act as Chairperson and in such case the foregoing provisions shall apply in respect of such person.

(4) A person shall not be qualified to hold office as a member of the Board if he:

(a) is a member of the House of Representatives, or

of the European Parliament, or of a Local Council, or a candidate for election to the House of Representatives, or to the European Parliament, or to a Local Council; or

(b) has such a financial or other interest in any enterprise or activity, as is likely to affect prejudicially the discharge by him of his functions as a member of the Board; or

(c) is legally incapacitated or interdicted; or

(d) has been adjudged bankrupt or has made a composition or arrangement with his creditors; or

(e) has been convicted of a crime affecting public trust or of theft or of fraud or of knowingly receiving property obtained by theft or fraud.

(5) Subject to the provisions of this article, the members of the Board shall hold office for a period of three years.

(6) A member of the Board may, on ceasing to be a member, be eligible for reappointment.

(7) A member of the Board may be removed from office by the Minister if, in his opinion, such member is unfit to continue in office; or has become incapable of, or is not, properly performing his duties as a member; or in the event of any of the circumstances which disqualify such person from remaining a member of the Board.

(8) If a member resigns or vacates his office before completing the appointed term, or is removed in terms of the preceding sub-article, the person appointed in his stead shall be appointed for the unexpired period of the original appointment.

(9) In the exercise of its functions the Social Care Standards Authority shall not be subject to the direction or control of any other person or authority.

Proceeding of the meeting of the Authority.

10. (1) The Board of the Authority shall meet as often as necessary, but in no case not less than twice a month. The meetings of the Board shall be called by the Chairperson either on his own initiative or at the request of any two of the other members. Without prejudice to the other requirements of this Act, no decision of the Board shall be valid which is not supported by a majority of the members of the Board present at the meeting.

(2) Half the number of the members for the time being constituting the Board shall form a quorum at any meeting of the Board. Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairperson, or other member presiding at the meeting, shall have an initial vote and, in the event of an equality of votes, a casting vote.

(3) In the absence of the Chairperson at any meeting of the Board, the deputy chairperson, or other person appointed to act as chairperson as nominated in terms of article 9(3), or, if no other member or person has been designated or appointed as such, a member of the Board chosen for that purpose by the other members present, shall preside at that meeting of the Board.

(4) Subject to the provisions of sub-article (1), no act or proceeding of the Board shall be invalidated merely by reason of any vacancy among the members.

(5) A member of the Board who is in any way directly, or indirectly, interested in a decision made, or proposed to be made, by the Authority shall, as soon as possible, after the relevant circumstances have come to his knowledge, disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his or her knowledge.

(6) Any disclosure made under sub-article (5) shall be recorded in the minutes of the meeting at which it is made, and the member making any such disclosure -

(a) shall, after the disclosure, withdraw from the meeting at which that decision is proposed to be made; and

(b) shall, if the decision has been made, be disregarded for the purpose of constituting a quorum for any such decision.

(7) Minutes of the proceedings of the Board and of any committee thereof shall be kept. For this purpose and for the keeping of the relevant records, the Minister shall designate a person to act as secretary to the Board for such period and on such terms as the Minister may deem appropriate. The secretary to the Board shall not have a vote.

(8) Subject to the provisions of this Act, or to any regulation made thereunder, the Board may regulate its own procedure.

(9) In the exercise of its functions under this Act, the Board may consult with such professionals, or such other persons having relevant knowledge and experience in the field of social welfare services, as it may deem appropriate. For such purpose, the Board may invite such professionals or other persons to attend meetings of the Board and to provide such information and documentation as it may deem appropriate.

(10) The members of the Board, the secretary to such Board, and any person involved in the proceedings of the Board, shall be bound by confidentiality and shall not disclose to any third party any information which may come to their knowledge during the

proceedings.

(11) The Board shall keep a true and correct record of all its proceedings and the Board shall give to the Minister such information as he may require.

(12) The Board shall lay on the Table of the House of Representatives the annual report of the workings of the Social Care Standards Authority, by not later than four months after the end of each financial year.

Legal representative of the Authority.

11. Without prejudice to the provisions of article 8(2), the legal representation of the Authority shall jointly vest in the Chairperson and/or the Chief Executive Officer.

Appointment and functions of officer and employees of the Authority.

12. (1) The Authority shall appoint and employ, at such remuneration and upon such time terms and conditions as it may, in accordance with article 9, determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Detailing of public officers for duty with the Authority.

(2) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

(3) The period during which a direction as aforesaid shall apply to any officer specified therein, shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different date is specified in such direction, cease to have effect after one year from the effective date of such direction unless the direction is revoked earlier by the Prime Minister.

Status of public officers detailed for duty with the Authority.

(4) Where any officer is detailed for duty with the Authority, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but he shall for other intents and purposes remain and be considered and treated as a public officer.

(5) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid:

(a) shall not during the time in respect of which he is so detailed:

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and

conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Authority.

Cap. 93.
Cap. 58.

(6) Where an application is made as provided in sub-article (5)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(7) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

(8) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under any of the provisions of article 12(2) permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(9) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister, offer substantially equivalent or greater benefits.

(10) Every officer who accepts permanent employment with the Authority offered to him, under the provisions of sub-article (8), shall for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

Cap. 93.
Cap. 58.

(11) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority, was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue

Cap. 58.

to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government.

(12) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted performance of employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(13) The officers and employees of the Authority shall not have any direct or indirect interest in any contract made or proposed to be made by the Authority or in any enterprise which has or proposes to have any business relations with the Authority.

Delegation of functions.

13. (1) The Authority may appoint a Chief Executive Officer and delegate to him, subject to its overall supervision and control, such functions, duties and powers so as to enable the said Officer to give effect to the policies of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority.

(2) The Authority and the Chief Executive Officer may exercise any one or more of its functions, either through any of its officers or employees, or through any other person or entity with whom an agreement for the performance of any one or more of such functions has been entered into.

(3) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the Chief Executive Officer; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the Chief Executive Officer.

PART IV
Licensing

Applications for the issue of licences.

14. (1) No agency or public or private entities or any other entity or person that provides a social welfare service, shall provide a social welfare service unless there is in respect of such social welfare service a valid licence issued by the Authority.

(2) Where the public or private agencies or entities or any other entity or person intends to provide more than one social welfare service, or to provide the same kind of social welfare service but from different premises, separate application in respect of each social welfare service shall be made.

(3) The Authority may, at any time during the processing of the application, require the prospective service provider to provide any documents and information deemed necessary and shall visit the

premises intended to be used for the provision of the social welfare service in order to make its assessment and ascertain whether the licence should be granted or not.

Granting of licence to operate.

15. The Authority shall grant a licence to a prospective service provider if it is satisfied that the prospective service provider:

(a) complies with the eligibility criteria specified by the Authority;

(b) complies with any standards relevant to the proposed social welfare service and any regulations issued under this Act; and

(c) is not in violation of any applicable law or regulation.

Granting of temporary licence.

16. The Authority may grant a temporary licence to a prospective service provider who does not meet all the criteria of eligibility and standards required by this Act, or any other regulation made thereunder:

Provided that a temporary licence may only be granted after the Authority shall review and approve an action plan presented by the prospective service provider to conform with the standards stipulated in the relevant regulation.

Provided further that such a temporary licence may only be issued for a period of six (6) months and may only be further extended for another maximum period of six (6) months.

Licence Certificate and renewal.

17. (1) Upon granting a licence to a service provider, the Authority shall issue a Licence Certificate which shall be valid for a period of one year from date of issue, unless otherwise prescribed in the terms and conditions laid down in the licence.

(2) The licence referred to in sub-article (1) may be renewed by the Authority if the service provider applies for renewal by not later than two months prior to the expiration of the licence and renewal shall only be granted if the licensed service provider is still in compliance with the provisions of this Act and of any regulation made thereunder. The decision of the Authority regarding the renewal of a licence shall be served on the licensed service provider by registered mail, within fifty days from the application for renewal.

(3) The licensed service provider shall ensure that the licence, or a copy of it, is kept affixed in a prominent place in the principal office of the premises from which the social welfare service is provided.

(4) The issuing and renewal of a licence shall be without prejudice to the requirement of any other licence or authorisation

required under any other law.

Refusal of an application.

18. (1) The Authority shall have the right to refuse an application for licensing if it deems the prospective service provider or licensed service provider not fit to carry out social welfare services. The refusal together with detailed reasons therefor shall be served in writing by registered mail, to the prospective service provider or licensed service provider applying for licensing within fifty days from the date of application.

(2) The prospective service provider or licensed service provider shall have the right to request a reversal of the decision of the Authority by filing an appeal in terms of Part VII of this Act.

(3) The prospective service provider or licensed service provider shall have the right to re-apply to the Authority for a licence if the reason for the refusal no longer subsists.

Revocation of a licence.

19. (1) The Authority shall have the right to revoke the licence of a licensed service provider at any time, if the licensed service provider:

(a) ceases to comply with the criteria of eligibility for licensing;

(b) is no longer deemed suitable to provide the licensed social welfare services;

(c) is in breach of the conditions for licensing in accordance with the provisions of this Act.

(2) The Authority shall serve the service provider, by registered mail, with the written revocation together with the reasons therefor and such revocation shall have effect from date of notification.

(3) In all cases mentioned in paragraphs (a), (b) and (c) of sub-article (1), the Licence Certificate and all the documentation relating to the social welfare service shall become the property of the Authority.

Publication in the Gazette and online.

20. (1) During the month of January of every year the Authority shall publish in the Gazette:

(a) a list of all licensed service providers specifying the type of social welfare service being offered, their full name, registered address and other relevant contact details;

(b) a list of licensed service providers whose licence has been revoked and any changes in the conditions required for licensing or renewal; and

(c) any changes in the conditions required for licensing or renewal that were effected until the thirty-first of

December of the previous year.

(2) The Authority shall ensure to publish online the same mentioned lists in paragraphs (a) and (b) of sub-article (1), and update the same online lists at the end of every month.

PART V
Setting of Standards

Standards and Codes of Conduct.

21. (1) The Authority shall be responsible for establishing, publishing and reviewing Regulatory Standards for social welfare services.

(2) For the purposes of sub-article (1), the Authority shall consult such persons or groups of persons as it considers appropriate.

(3) The purpose of Regulatory Standards shall be to:

(a) improve and standardize the regulation of social welfare services;

(b) render effective the essential regulation of the services;

(c) reassure the service users that social welfare services are appropriate to their needs and respect their rights and dignity; and

(d) emphasize that the welfare of the service users is to be considered as paramount.

PART VI
Enforcing of Standards

Powers of entry and inspection.

22. (1) The Authority in a fair and equal manner, shall monitor, review and enforce all operations involving the provision of social welfare services provided by agencies, public or private entities or any other entity or person. This will ensure that such operations are carried out in accordance with this Act, or any other law or regulations prescribed thereunder and in compliance with any decision made under this Act, or such other law or regulations.

(2) For the purposes of the preceding sub-article, the Authority shall have the power to:

(a) enter any premises at any reasonable time and without prior notice and inspect any operation involving the provision of social welfare services;

(b) to carry out in any such premises any search, examination, test or inquiry which it may consider necessary in order to satisfy itself that the provisions of this Act, or of any

regulations or orders made thereunder, and any recognised social welfare standards are being observed, and in particular –

(i) to interview, in the presence of witnesses, any person whom it considers was involved in the provision of the social welfare service and any person whom it considers has made use of such service;

(ii) to require the production of any books, registers or other documents being kept by the service provider and to make a copy of such books, registers or documents or take extracts therefrom;

(iii) require any information as may be reasonably required in relation to the investigation;

(c) take photographs, films, video recordings or electronic images; and

(d) to require the assistance of the Police whenever deemed necessary.

(3) On the conclusion of an investigation, the Authority may:

(i) submit a report to the Executive Police for further investigation in all cases involving a criminal offence;

(ii) take any administrative action, which it deems appropriate in the circumstances of the case;

(iii) take any such other action as it deems appropriate in the circumstances of the case.

Provision of information

23. The Authority may at any time require a licensed service provider or a prospective service provider, or agency, or the responsible person, involved in the provision of the licensed social welfare service, to supply them with any information as may be reasonably required in relation to the service for the purposes of fulfilling its functions under this Act and any regulations, which may be made thereunder.

Non-compliance.

24. (1) Where the assessor deems that a service is not compliant with the provisions of this Act, or with the terms of the licence, the assessor shall make a report of his assessment and shall recommend, where applicable, the changes which the licensed service provider should undertake. The assessor shall remit a copy of the report, together with his recommendations, to the Authority for its decision and the Authority shall serve on the licensed service provider a copy of its decision by means of registered post.

(2) The licensed service provider shall effect the changes listed

in the report within the time-frame established by the Authority. In the event that the licensed service provider does not comply with the required changes within the specified time-frames, the Authority shall take any action it deems fit, according to the provisions of this Act.

PART VII
Appeals

Right of appeal from decisions of the Authority.

25. (1) Any person who feels aggrieved by a decision of the Authority may appeal before the Tribunal within ten days from the date of service of the decision.

Cap. 490.

(2) The provisions of the Administrative Justice Act shall apply to the composition of the Tribunal in any appeal made to the Tribunal, or in all cases where a reference by this Act is made to the Tribunal.

(3) The Tribunal may, upon good grounds being shown, stay the execution of the decision appealed from.

Appeal to the Court of Appeal.

26. Any party to the proceedings before the Administrative Review Tribunal who feels aggrieved by a decision of the Tribunal, may appeal to the Court of Appeal in its inferior jurisdiction within ten days from the date of service of the decision.

PART VIII
Offences and penalties

Hindrance.

27. Any person who in any way hinders or obstructs the Authority or any of its officers in the performance of any of their functions shall be guilty of an offence and shall, on conviction by the competent court, be liable to detention for a term of not more than three months or to a fine (*multa*) of not less than one hundred euro (€100) but not exceeding five thousand euro (€5,000), or to both such fine and detention.

Administrative penalties to be imposed for non-compliance.

28. In the event of non-compliance the Authority may impose an administrative penalty of not less than one hundred euro (€100) but not exceeding ten thousand euro (€10,000), or in the case of continuance of non-compliance a daily penalty of not less than fifty euro (€50) but not more than three hundred and fifty euro (€350) for each day that the non-compliance continues.

Other offences.

29. Any penalty established for any offence in this Part shall be without prejudice to any other penalty established under any other laws or regulations prescribed under this Act.

PART IX
Miscellaneous

Transfer of powers and responsibilities. *Amended by: II.2019.30.*

30. (1) All licensing powers and all other duties and functions of the Department for Social Welfare Standards and of the Director responsible for Welfare shall, upon the coming into force of this Act, be vested in the Authority and the Chief Executive Officer of the Social Care Standards Authority respectively, established under this Act:

Provided that any decision or licence granted by the Department for Social Welfare Standards before the coming into force of this Act shall continue to have effect as though the decision or licence had been given or granted under the relative provisions of this Act subject to the satisfaction of all conditions stipulated in this Act.

(2) Where any act or process has been commenced by or under the authority of the Government prior to the date of entry into force of this Act and such act or process is in relation to anything transferred to the Authority by virtue of this Act, such act or process may be carried on and completed by or under that authority of the Government.

(3) Where on the date of entry into force of this Act any legal proceeding is pending to which the Government is a party or is entitled to be a party and such proceeding has reference to anything transferred to the Authority by virtue of this Act, the Authority shall be substituted in such proceeding for the Government and shall be entitled to be so substituted.

(4) The Minister may by order make such incidental, consequential or supplementary provisions as may be necessary or expedient for the purpose of securing and giving full effect to the transfer of any undertaking or any right, power, liability or obligation to the Authority by or under this Act and may make such orders as may be necessary to make any powers and duties exercised by the Government, in relation to anything transferred to the Authority by virtue of this Act, exercisable by and on behalf of the Authority.

(5) The Minister may make regulations to give better effect to the provisions of this Act.

Transitory provisions. Cap. 31.

31. All licensing powers of homes for older persons in terms of article 98 of the Medical and Kindred Professions Ordinance shall upon the coming into force of this Act be vested in the Authority established under this Act:

Cap. 31.

Provided that any decision or licence granted under article 98 of the Medical and Kindred Professions Ordinance, before the coming into force of this Act, shall continue to have effect as if the decision or licence had been given or granted under the relative provisions of this Act subject to the satisfaction of all conditions

stipulated in this Act.