SUBSIDIARY LEGISLATION 464.19

MEDICAL COUNCIL (STANDING ORDERS) REGULATIONS

29th December, 2009

LEGAL NOTICE 375 of 2009, as amended by Legal Notice 426 of 2012.

Title.

1. The title of these regulations is the Medical Council (Standing Orders) Regulations.

Interpretation.

2. In these Standing Orders, unless the context otherwise requires -

Cap. 464.

"the Act" means the Health Care Professions Act;

"the Council" means the Medical Council constituted by article 9 of the Act;

"licence" means a licence to practise the profession of medical practioner or dental surgeon;

"practitioner" means a person who practises the profession of medical practioner or dental surgeon;

"Member State" means a member state of the European Union, a state within the European Economic Area, Switzerland or any other state as the Minister may prescribe;

"the Minister" means the Minister responsible for health.

Records.

3. The Registrar shall keep records showing the name of every member of the Council, the date of his appointment or election, the authority or the profession, by which he has been appointed or elected, the provision of law in accordance with which he has been elected, or appointed, his term of office and the date of his retirement, resignation or death.

Vacancies.

4. On resignation, the death or the expiry of the term of office of the appointed members, the President shall cause a notice thereof to be sent to the authority concerned. In the case of elected members, the President shall cause an election to be held in accordance with the provisions of the Medical Council (Elections) Regulations.

S.L. 464.04

Meetings.

5. The Council shall hold at least monthly meetings as specified in paragraph 14 of the First Schedule to the Act. In addition, meetings of the Council may be summoned at any other time by direction of the President and shall also be summoned on a written request signed by not less than three of the members and addressed to the President, who shall cause such meeting to be convened within seven days of the receipt of such request.

Notice of meetings.

6. All meetings of the Council shall be convened by the Registrar, by notice addressed to each member, and sent by hand, post or electronic mail.

Time and place of meetings.

7. The notice shall state the hour and place of the meeting and its purpose, whether for general business or for any named special

business.

Agenda.

8. The Registrar shall send a copy of the agenda to each member not less than five days before the day of the meeting, except in any case of special urgency, to be decided by the President, when a notice of two days shall suffice.

Notice of motions.

9. Any notice of motion to be inserted in the agenda for a meeting must be received by the Registrar at least eight clear days beforehand.

Decisions.

10. The decision of the Council shall be by a majority of votes.

Order of business.

11. The order of business at each regular meeting shall be as follows:

(*a*) (i) reading, amendment, confirmation and signature by the President or, as the case may be, by the chairman elected by the meeting, of the minutes of the last meeting;

(ii) business arising out of the minutes;

(*b*) correspondence;

(*c*) adjourned business;

(*d*) reports of committees;

(*e*) motions on the notice-paper.

Variation of order of business.

12. The regular order of business may be varied or suspended at any meeting by a vote of two-thirds of the members present.

Suspension of order of business.

13. Except by permission of all the members present, no member shall introduce for discussion at a meeting a subject which has not been duly inserted in the agenda for that meeting.

Motions, etc.

14. Before any motion or amendment is discussed, it shall be proposed and seconded, and shall be reduced to writing. All formal amendments shall be framed so that they may be read as independent motions.

Withdrawal of amendment motion.

15. No amendment motion shall be withdrawn after having been read unless by permission of the Council.

Debate on motion.

16. The seconder of a motion or of an amendment may reserve his speech to any period of the debate; but only the proposer has the right of final reply.

Amendment motion.

17. If an amendment on a motion is proposed, no amendment which is directly related to the amendment under discussion may be moved.

Disposal of amendment motions.

18. The amendment shall first be put to the vote; and, if it be negatived, a second amendment may be moved, and shall be disposed of in the same way as the first amendment; and so on, until no further amendment is proposed.

Original motion.

19. Should every amendment be negatived, the original motion shall then be put to the vote.

Amendment motion becomes substantive.

20. If any amendment be carried, it shall then be regarded as a substantive motion and treated, as to further amendments and the right of speaking on it in reply, and in all other respects, as an

original motion.

Proposals on motion under debate.

21. When a motion is under debate, no further proposal shall be received, except one of the following:

(i) an amendment, namely, "That the motion be amended as follows .....";

(ii) the postponement of the question, namely, "That the consideration of the motion be postponed";

(iii) the adjournment of the debate, namely, "That the debate on the motion be now adjourned";

(iv) the adjournment of the Council, namely, "That the Council do now adjourn";

(v) the closure of the debate, namely, "That the Council do now proceed to vote on the motion";

(vi) the previous question as to the motion, namely, "That the Council, instead of proceeding to deal with the motion, do pass to the next item on the agenda".

Proposals on amendment motion under debate.

22. When an amendment is under debate, no further proposal shall be received except one of the following:

(i) the adjournment of the debate on the amendment, namely, "That the debate on the amendment be now adjourned";

(ii) the adjournment of the Council, namely, "That the Council do now adjourn";

(iii) the closure of the debate on the amendment, namely, "That the Council do now proceed to vote on the amendment";

(iv) the previous question as to the amendment, namely, "That the Council, instead of proceeding to deal with the amendment, do resume the debate on the motion originally proposed".

Proposal to adjourn debate.

23. The proposal for the postponement of the question may specify a date for the further consideration of the question, or be made *sine die*.

Subsequent business and adjourned motion.

24. If the proposal for the adjournment of the debate be carried, the Council shall pass to the next item on the agenda, and the debate shall be resumed at the next ordinary meeting of the Council. The proposer of the adjournment shall, on the resumption of the debate, be entitled to speak first.

Transaction of unopposed business.

25. On the proposal for the adjournment of the Council being made and seconded, it shall be competent for the President before putting the question, to take the opinion of the Council as to whether they will, before rising, proceed to the transaction of unopposed business.

Closure of meeting.

26. The proposal for the closure shall be made and seconded without debate, and shall, unless the President shall rule otherwise, be put forthwith. Should the proposal be carried, the motion or amendment under debate shall be at once voted on by the Council.

Proposal for previous question.

27. The proposal for the previous question shall be made and seconded without debate, and shall be put forthwith. Should the proposal be carried, the motion or amendment to which it applies shall be dropped from the agenda.

Voting.

28. A question shall be decided by a show of hands unless a ballot be asked for by a member. The vote is to be recorded in the minutes.

Rescinding of Council's decisions.

29. A motion to rescind any decision of the Council cannot be proposed before the lapse of six months from the date of the decision in question unless the Council unanimously decide otherwise.

Minutes.

30. All the proceedings of the Council shall be entered in minute form and periodically bound; and the names of the members present at each meeting shall be entered in the minutes.

Record of motions.

31. The minutes of each meeting shall contain such motions and amendments as have been proposed and adopted or negatived, with the names of the proposer and seconder, but without any comment or observation of members.

Confirmation of minutes.

32. The President or the chairman elected by the meeting, as the case may be, shall confirm by his signature the minutes arising out of the business of a meeting.

Accuracy of minutes.

33. No motion or discussion shall take place upon the minutes except upon their accuracy, and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised as soon as it has been disposed of, the President or the chairman elected by the meeting, as the case may be, shall declare that the minutes are confirmed.

Committees.

34. (1) The Council may appoint as it deems necessary special committees and standing committees to submit recommendations to the Council regarding the matters referred to them by the Council. Such committees shall submit their recommendations in writing to the President of the Council stating the reasons for their recommendations.

(2) Any such special committee or standing committee may include amongst members persons with expert knowledge in special matters not being members of the Council: provided, however, that the chairman of any such committee shall always be a member of the Council.

(3) The Council may set up other committees as laid out in article 10(2) and (3) of the Act.

Proceedings to be regarded as confidential.

35. All proceedings of the Council and of its committees, excluding disciplinary hearings, shall be regarded as confidential. The Council, however, may issue statements and directives as it considers appropriate from time to time.

Recognition of hospital.

36. (1) Without prejudice to the proviso to article 11(1)(*a*) of the Act, in recognising another hospital the Council shall take into consideration the country in which the hospital is situated and the level of supervision and structure of the training offered by such hospital.

(2) Without prejudice to the provisions of article 11(1) of the Act -

(*a*) in determining the fulfillment of the requirement of an applicant to have served as a house officer in a government hospital, the Council shall only consider the successful completion of the Foundation Programme Malta for junior doctors, and

(*b*) in recognizing another hospital, the Council shall take into consideration the country in which the hospital is situated, the level of supervision and structure of the training offered by the hospital.

Practitioner accompanying head of state.

37. Without prejudice to article 7(2) of the Act, the Council shall consider that any practitioner accompanying any foreign dignitary as being of standing and hence allowed to work in Malta subject to the necessary documentation being presented and other provisions of the Act being satisfied, should the relevant practitioner establish his practice in Malta.

Form of registers.

38. Each register shall be in accordance with the form shown in the First Schedule and shall state in respect of each person the particulars referred to in that Schedule.

Form of application.

39. An application for registration in any of the registers shall be made to the registrar in accordance with the prescribed form shown in the Second Schedule and shall be accompanied by all documentation requested. Decisions on applications shall be made within three months from the date when all initial documentation and any further documentation requested is received. Failure to present any documentation requested within four weeks from the said request shall nullify the application and the applicant shall have to re-apply.

Council to decide on registration.

40. (1) The Registrar shall lay before the Council all applications for registration.

(2) The Registrar, on being directed to do so by the Council, shall enter the particulars of a person accepted for registration in the relevant part of the register.

Certificate of registration.

41. When any person entitled to be registered in any of the registers has his name and particulars entered in the register, he shall be given a certificate of registration in accordance with the form shown in the Third Schedule.

Entries in registers to be kept updated.

42. Every registered practitioner shall be bound to notify the Registrar without delay of any change affecting the entry in his respect in any of the registers.

Alterations in registers.

43. Subject to the provisions of standing order 42, when a registered practitioner applies according to the form in the Fourth Schedule, to the Registrar to have an alteration made in his registered name or in his registered address, or to have any registrable qualification which he possesses entered in the register in substitution for or in addition to a qualification already registered, the Council shall, on being satisfied that all the requirements of these Standing Orders have been complied with,

cause to be entered in the register the alteration or addition so notified.

Requirements for alteration of registered name.

44. A registered practitioner, who applies to have an alteration made in his registered name, shall produce in support of his application, such certificates or other documentary evidence as the Council may consider requisite.

Certificate of alteration of registered name.

45. A certificate showing the change of name in the register, in accordance with the form shown in the Fourth Schedule, shall be issued on the entry in the appropriate register of an alteration in the name of the practitioner.

Temporary registrations.

46. The certificate of temporary registration shall be in the form shown in the Sixth Schedule.

Publication of registers.

47. The Registrar shall keep on record a printed form of the registers as they stand on the 30th June and 31st December of each year.

Annual letters by Registrar.

48. Subject to any directions which may be given by the Council, letters shall be sent by the Registrar, at least once in each year, to all persons whose names appear in the registers, for the purpose of keeping the registers correct.

Removal of name at the instance of practitioners.

49. (1) If a registered practitioner applies to the Council for the removal of his name from any of the registers, the application shall be in the form of a declaration signed by him specifying the ground or grounds on which the application is made and stating whether the applicant:

(*a*) is currently under investigation as stipulated in Part VII of the Act,

(*b*) is currently under any criminal investigations to have any qualification which he holds withdrawn from him, or

(*c*) is currently in debit towards the Council.

(2) The application shall be considered by the Council, who may, if it thinks fit, adjourn consideration to a future date, and may require the applicant to furnish further information or explanation either in writing, or orally and in person before the Council.

(3) (*a*) After considering the application, the Council may, if it thinks fit, by resolution put by the President from the chair, direct the Registrar to remove, and the Registrar shall thereupon remove, the name of the applicant from the register.

(*b*) The President of Malta shall also be notified so as to withdraw the licence.

(4) If removal is directed, the decision of the Council shall forthwith be notified by the Registrar to the applicant by letter addressed to his registered or last known address.

Restoration of names removed at the instance of a practitioner.

50. Where the name of a health care professional has been erased from a register, the relevant Council may, if it thinks fit, at any time, either after an application to that effect by the person concerned or otherwise of its own motion, direct his name to be

restored to the appropriate register:

Provided that an application for the restoration of a name to any register shall not be made to the relevant Council -

(*a*) before the expiration of eleven months from the date of erasure, or

(*b*) within a period of eleven months after such an application has been made.

Seal.

51. (1) The Council shall have a seal of a circular form bearing the image of St. Luke enclosed in the inscription.

(2) The seal shall be kept in the custody of the Registrar.

Authorisation and object of affixing the seal.

52. (1) The Registrar, or another officer of the Council authorised in writing by the President of the Council, shall be authorised to affix the seal to all certificates of registration and to all formal commissions issued by the Council.

(2) Save as aforesaid, the seal shall be affixed only by order or under the authority of the Council.

(3) Any order for affixing the seal shall state the object of its use and shall be entered in the minutes of the Council.

Travelling etc., allowances for overseas conferences.

53. (1) The President of the Medical Council and any other member who is not a public officer in terms of the Constitution shall be entitled to Class A travel allowance when travelling for the purpose of attending conferences.

(2) Such members as are public officers shall be entitled to those conditions and allowances as are from time to time established for public officers.

(3) For the purposes of this regulation, "conferences" shall include congresses, meetings of experts and symposia organised by international or national bodies.

FIRST SCHEDULE

(Standing Order 38)

FORM OF REGISTERS

MEDICAL COUNCIL - MALTA

The .... Register

Original Number of Registration	Name	Address	Date of registration	Title to Registration and Additional Qualification

SECOND SCHEDULE

(Standing Order 39)

FORM OF APPLICATION FOR REGISTRATION

MEDICAL COUNCIL - MALTA

Application for Registration

I apply to be registered under article ..... of the Healthcare Professions Act.

My full name is .....

(Give full name in capital letters, surname underlined)

I was born at ..... on .....

(day, month, year)

My home or permanent address* for entry in the Register is

.....

.....

The address* to which my Certificate of Registration should be sent is

.....

.....

Description of qualifications (s) .....

Date on which conferred .....

University or Body by which granted .....

.....

I submit in support of my application the licence granted to me by the Minister responsible for Health to practise .....

Signature of applicant .....

Date of application .....

*Give these addresses in full.

THIRD SCHEDULE

(Standing Order 41)

FORM OF CERTIFICATE OF REGISTRATION

MEDICAL COUNCIL - MALTA

CERTIFICATE OF REGISTRATION IN THE ..... REGISTER

(..... LIST)

NUMBER ..... Date .....

I HEREBY CERTIFY that the following is a true copy of the entry made in the .....

List of the ..... Register in respect of the name specified below:

REGISTRATION NUMBER	NAME	ADDRESS	DATE OF REGISTRATION	QUALIFICATIONS

Seal

REGISTRAR

Medical Council - Malta

FOURTH SCHEDULE

(Standing Order 43)

FORM OF CERTIFICATE OF ALTERATION OF REGISTERED NAME

MEDICAL COUNCIL - MALTA

CERTIFICATE OF ALTERATION OF NAME IN THE ..... REGISTER

NUMBER ..... Date .....

I HEREBY CERTIFY that the following name has been altered as indicated in the ..... Register

List of the ..... Register in respect of the name specified below:

NAME PREVIOUSLY IN REGISTER	NAME AS NOW REGISTERED	ADDRESS	DATE OF REGISTRATION	QUALIFICA-TIONS

Seal

REGISTRAR

Medical Council - Malta

Amended by:
L.N. 426 of 2012.

FIFTH SCHEDULE

Procedure for recognition of qualifications and subsequent registration for the specific professions of Title III, Chapter III - EEA and Swiss nationals and residents of these countries

Step 1: Obtaining information on how to apply for recognition and registration

Application is requested from the office of the relevant council, by e-mail, by telephone, or downloaded from the council's website.

Application forms are on the appropriate websites, accompanied by an information sheet listing the documents to be attached and registration guidelines.

Step 2: Submitting an application

The applicant submits an application for recognition of qualifications and then registration with the relevant Council. This is received by the Registrar. The Registrar checks the application for any missing documents or other documents which might be incorrect. The Registrar immediately informs the applicant of such. When application is received and is considered valid, the applicant is given an acknowledgement. The applicant has the right to receive a decision on his application within three months from the receipt of a valid application. Should the applicant be requested to submit further documents, the three months will apply from the date of receipt of any document requested. If any document is incorrect the Council asks the relevant competent authority to issue a correct document. Should this document take long to be received, the Council must inform the applicant before the lapse of the three month deadline.

To be considered valid, an application has to include:

1. A completed, signed and dated application form (Appendix 1), including payment, if applicable.
2. Proof of identity (passport or a legally valid identification document). (If applicable, a certified copy of the marriage certificate).
3. Proof of nationality and residency (if applicable). This must be a certified copy of the applicant's passport.
4. A certified true copy of the original professional qualifications 5. If necessary, certificate of acquired rights and/or of conformity.
6. Certificate of current professional status (CGS/CCPS, not older than three months), and if applicable, a certified copy of the licence to practise.
    - An original copy of the police conduct, issued within three months.
    - One recent passport photograph certified by an appropriate official for issuing the professional card.

If any document or certification provided is not in English, the applicant is required to provide a certified translation into English. The translation must be carried out by a professionally registered and authorised translator in an EU member state. The translator must provide his/her name and business address and certify in English that they are authorised to translate from the particular foreign language into English and that the translation produced is true and accurate. This certification must

be on the same page as the translation or be attached to the translation.

Step 3: Assessment of the Application by the Council

The Registrar, in the first meeting after the receipt of a valid and complete application, presents the application to the Council or sub-committee for analysis, discussion and decision.

The Council has to decide whether to use one of three methods:

Directive 2005/36 (Free establishment)

A. Title III, Chapter III (specific professions, automatic recognition)

B. or Chapter I (professions of the general system, case by case approach), in that case the applicant is asked to provide a detailed transcript of theoretical and practical training in hours (diploma supplement)

C. or national legislation to apply for such an application.

Step 4: Decision by the Council

A:

- If the Council sees that the applicant holds a qualification listed in the relevant Annex of Directive 2005/36/EEC and if the diploma issued after a training or education that started after the date of accession of the home Member State, and if the diploma is still valid (CGS/CCPS), then automatic recognition is granted, if not recognition is refused.
- If the Council sees that the applicant holds a qualification listed in the relevant Annex of Directive 2005/36/EEC and if the diploma issued after a training or education that started before the date of accession of the home Member State, a certificate of acquired rights article 23(1), or certificate of conformity of article 23(6), and if the diploma is still valid (CGS/CCPS), then automatic recognition is granted, if not recognition is refused.
- If the professional title in the diploma certificate presented by the applicant differs from that listed in the relevant Annex, a certificate according to article 23(6) is necessary (change of professional title) and if the diploma is issued after a training or education that started before the date of accession of the home Member State, a certificate of acquired rights article 23(1), or certificate of conformity of article 23(6), and if the diploma is still valid (CGS/CCPS), then automatic recognition is granted, if not recognition is refused.
- If none of the above applies, the system of Chapter I will be applied.

B:

- The Council/sub-committee evaluates the detailed transcript of the training of the applicant vis-à-vis comparability with minimum training requirements accepted by the Council. If the training is comparable to the Maltese requirements, the qualifications of the applicant are recognized and registration is granted.
- If the Council deems that the relevant training/education shows substantial differences or is one or more years shorter, it has to evaluate whether the professional experience compensates for this difference. If this is the case, the Council will recognize the qualifications and grant registration.
- If the professional experience does not compensate for the lack of

training/education followed by the applicant's training, he/she is offered a choice between an adaptation period or aptitude test prescribed by the Council, unless the Council decides to derogate from this prerogative of the applicant. The Council will decide how and where it will be organized. Upon successful completion of this procedure the Council will recognize the qualifications and register the applicant. If the completion is not successful, the applicant will be advised to get education, or he/she will be refused.

C:

- In case the cases mentioned in A and B are not applicable, then national legislation will be applicable.

Step 5: Informing the applicant of the decision

The applicant has to be informed in writing by registered mail of the decision of the Council and his/her right to appeal in case of his/her qualifications not being recognized. In the case of refusal, the Council has to inform the applicant of the reasons for this refusal. The applicant has the right to appeal within 20 calendar days from the letter informing the applicant of the decision of the Council is received.

Step 6: Registration and licensing

When the applicant is granted recognition of his / her qualifications, the Council registers the applicant in the relevant Register and recommends him / her for the issue of a licence to practice by the President of Malta. Upon registration and licencing, he / she can practice his / her profession in Malta.

SIXTH SCHEDULE

(Standing Order 46))

FORM OF CERTIFICATE OF TEMPORARY REGISTRATION

MEDICAL COUNCIL - MALTA

CERTIFICATE OF REGISTRATION (TEMPORARY)
IN THE ..... REGISTER

(NON-EU*) NUMBER .....

Date .....

I HEREBY CERTIFY that the following is a true copy of the entry in the NON EU Register of the Medical Council in respect of the name specified below:

REGIST-RATION NUMBER	NAME	ADDRESS	DATE OF REGIST-RATION	PERIOD OF VALIDITY OF REGIST-RATION	QUALIFI-CATIONS

Seal

REGISTRAR

Medical Council - Malta

* Delete whichever is not applicable