

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

10th August, 2004

ACT No. X of 2004

*An Act to provide for the regulation of the psychology profession
and to provide for matters connected therewith or ancillary
there to.*

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

1. (1) The short title of this Act is the Psychology Profession Act, 2004. Short title and
commencement.

(2) This Act shall come into force on such a date as the
Minister responsible for social policy may by notice in the Gazette
appoint and different dates may be so appointed for different
provisions and different purposes of this Act.

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

“adaptation period” means a period during which a person
may exercise the profession of psychology in Malta under the
supervision of a registered psychologist, which period may
include the provision of such further training to such person, as
may be required by the Board at the end of which an assessment
shall be carried out;

“the Board” means the Malta Psychology Profession Board established by article 4 of this Act;

“the Minister” means the Minister responsible for social policy;

“to practise” in relation to the profession of psychology, includes:-

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

(b) the use, in the course of such pursuit, of the professional title of “Registered Psychologist” or the designatory letters “RPsy”;

“prescribed” means prescribed by regulations made by the Minister under this Act;

“proficiency test” means a test having the aim of assessing a person’s ability to pursue the profession of psychology in Malta, as may be required by the Board in accordance with the provisions of this Act;

“psychology” means the observation, description, evaluation, interpretation, research and, or modification of human behaviour by the application of psychological principles, methods or procedures for the purpose of preventing or eliminating symptomatic behaviour and of enhancing interpersonal relationships, work and life adjustments, personal effectiveness, learning, behavioural and, or mental health;

“recognised honours degree” means such honours degree in psychology as may be prescribed for the purpose of paragraph (j) of article 5 and of paragraph (h) of article 18 of this Act;

“registered psychologist” or “psychologist” means a person who is registered in the official register of psychologists kept by the Board and who has been granted a warrant to practise the profession of psychology, in accordance with article 6 of this Act;

“warrant” means a warrant, issued under article 6 of this Act.

Warrant required
to practise
profession.

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

(2) The warrant under subarticle (1) of this article shall not entitle the holder thereof to exercise the profession of psychology in such areas of specialised psychology as may be prescribed by the Minister as requiring additional qualifications and, or, training, unless the warrant so specifies.

(3) A person shall not qualify for a warrant unless such person -

(a) is a Maltese citizen, or is otherwise permitted to work in Malta under any law; and

(b) is of good conduct; and

(c) is in possession of the Masters Degree in Psychology conferred from the University of Malta or of another professional qualification as the Board may deem equivalent; and

(d) satisfies the Board that he has received adequate experience in the practice of the profession of psychology for an aggregate period of at least two years full-time or its equivalent in part-time following the completion of such degree or such other professional qualification under the supervision of a registered psychologist.

(4) The Minister may prescribe, in place of any of the minimum requirements established under the foregoing provisions of this article, other minimum requirements in terms of any international or multinational treaty or agreement entered into by Malta or with the provisions of any legislation the binding force of which derives from any such treaty or agreement.

(5) Without prejudice to any provision made by or under the Mutual Recognition of Qualifications Act, where the duration of a course leading to the professional qualification possessed by an applicant is less than the duration for the course leading to the Degree conferred by the University of Malta or when the experience referred to in paragraph (d) of subarticle (3) of this article is less than two years, the Board may require the applicant to undertake such adaptation period not exceeding twice the shortfall, as the Board may specify. In addition the Board may also submit the applicant to a proficiency test.

4. (1) There shall be a Board to be known as the Malta Psychology Profession Board which shall consist of seven members as follows:-

(a) four members appointed by the Minister following consultation with any association, if any, registered with the Board in accordance with the provisions of this Act, of whom:

(i) one shall be a chairperson who shall be of recognised standing in the psychology profession having at least six years experience in psychology practice;

(ii) two psychologists who exercise the profession of psychology, one of whom from within the public sector; and

(iii) one person who shall be an advocate with at least five years experience;

(b) (i) two members nominated by such associations registered with the Board if any, in accordance with the provisions of this Act and appointed by the Minister;

(ii) one psychologist nominated by and from amongst the permanent academic staff responsible for psychology education and training at the University of Malta:

Provided that in relation to the first appointments, “psychologist” means any person who is qualified to be registered under this Act:

Provided further that for the purpose of paragraphs (a) and (b) hereof, the associations to be consulted or to make nominations in relation to the first appointment shall be associations that have the qualification to be eventually registered under this Act.

(2) The nominations made in terms of sub-paragraph (i) and (ii) of paragraph (b) of this article shall, for the first time be made within two weeks from a request in writing made therefor by the Minister, and for any subsequent nomination, within one month from the occurrence of any vacancy or when the vacancy arises due to the expiry of the term of office, within one month prior to the said expiry. In the absence of any such nomination, the Minister shall make the appointment from amongst psychologists.

(3) Members of the Board shall hold office for a term of two years:

Provided that the term of office for the first members of the Board appointed under sub-paragraphs (i), (ii) and (iii) of paragraph (a) of subarticle (1) of this article, shall be of three years, and the second or any subsequent appointment made on the lapse of this initial term shall be for a term of two years.

(4) Members of the Board shall, on the expiration of their term of office, be eligible to be reappointed, but they may not serve the Board for more than three consecutive terms.

(5) In the event that any Board member vacates his office before completing the appointed term, the person appointed in his stead shall be appointed for the unexpired period of the original appointment.

(6) The number of members attending necessary to form a quorum shall be four, but subject to the presence of a quorum, the Board may act notwithstanding any vacancy among its members.

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

(8) The chairperson of the Board shall have both an original vote and, in the case of a tie, a casting vote.

(9) Save as aforesaid and as may be prescribed, the Board may make its own rules and otherwise regulate its own procedures.

(10) The meetings of the Board shall be summoned by the Chairperson and the Board shall meet as often as may be necessary, but at least once every three months.

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

(12) 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.

5. (1) Without prejudice to its other powers and functions, the purpose of the Board is to regulate the practice and the eligibility to practise the profession of psychology in Malta, and in particular to -

(a) establish and, where necessary, assess existing psychology standards and develop new continuing psychology professional development and other standards, and recommend to the Minister in relation to initial and continuing psychology education, proficiency, experience and other qualifications required for holding a warrant under this Act;

(b) consider, process and make recommendations to the Minister with regard to applications for equivalence and recognition of qualifications in psychology;

(c) examine applications for a warrant to practise the profession of psychology in Malta and make recommendations to the Minister on the award or refusal thereof;

(d) keep an official register of all registered psychologists;

(e) keep an official register of all partnerships of psychologists;

(f) keep such information as may be required in relation to associations representing psychologists in Malta, registered under the provisions of this Act;

(g) make recommendations to the Minister on the code of ethics to be prescribed for the professional behaviour of psychologists; such recommendation shall be made following consultation with the associations registered under the provisions of this Act;

(h) inquire into any allegation of professional misconduct, gross negligence or incompetence by a psychologist;

(i) advise, or make recommendations or otherwise express its views to the Minister on any matter on which the Minister is to consult with the Board or on which the Board is to make recommendations to the Minister or on which the opinion or recommendation of the Board is sought by the Minister;

(j) make recommendations to the Minister to prescribe in relation to the employment of persons who are in possession of a recognised honours degree or its equivalent but who do not qualify for a warrant under this Act, and who are working under the supervision of a registered psychologist in such establishments or agencies as may be prescribed;

(k) perform such other functions as may arise from this Act or any other law, or as may be assigned to it by the Minister.

(2) The Board shall, not later than three months after the end of each year, publish in the Gazette a list of persons who on the 31st December of the said year, were registered in the official register of psychologists, and a list of partnerships registered in the official register of partnerships of psychologists.

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

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

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

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

(4) For the purpose of establishing whether an applicant has successfully completed his training as aforesaid, the Board may submit the applicant to a proficiency test under the provisions of this Act.

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

(6) In the consideration of an application by any person or by a warrant holder for the practice of the profession in a specialisation of psychology, the Board may direct that such person shall, in addition to the submission of such qualifications as may be prescribed, undertake and successfully complete such training or adaptation period as the Board may indicate.

(7) A warrant issued under this Act shall continue to have effect provided that the warrant holder shall prove to the satisfaction of the Board that he has carried out such programme or programmes of continuing professional development as may be prescribed:

Provided that when a warrant holder fails to prove to the satisfaction of the Board that he has carried out such programme or programmes of continuing professional development, the warrant of the warrant holder shall be considered suspended until such time as he proves to the satisfaction of the Board that he meets the requirements that may be prescribed.

The Board to
assess application
for warrant.

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

Loss of warrant.

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

(2) Where a person loses his warrant following a conviction as is referred to in the preceding subarticle, notice of such loss shall be given by the Minister in the Gazette and shall be communicated by the Board to the person disqualified unless the person has been interdicted by the judgement itself.

(3) The Minister may, at any time, on the recommendation of the Board, reinstate a person who has lost his warrant or grant a warrant to a person who is disqualified in terms of subarticle (1) of this article.

The Board may
conduct inquiries.

9. (1) The Board shall inquire into any alleged professional misconduct, gross negligence or incompetence in relation to a psychologist.

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

- (a) obtaining a warrant in a deceitful or fraudulent manner;
- (b) contravention against the Code of Ethics established under this Act;
- (c) failure to comply with regulations with respect to professional standards or practice;
- (d) failure to comply with any condition attached to the warrant issued under this Act;
- (e) use of therapeutic interventions or assumption of professional competence for which the person is not qualified or the person concerned is not authorised to practise in terms of his warrant;
- (f) acting in a manner which may be detrimental to the psychology profession;
- (g) displaying lack of knowledge, skill or judgement in the practice of the profession of psychology or in carrying out of a duty or obligation undertaken in the practice of psychology.

(3) Any psychologist who is the subject of any inquiry carried out by the Board shall be given all the opportunity to make his defence and bring any evidence in his favour and for such purpose he may be represented by a lawyer or by any other person of his choice.

(4) On finalising the inquiry the Board shall -

- (a) if it finds in favour of the psychologist, dismiss the case; or
- (b) if it finds the psychologist guilty of the alleged professional misconduct, gross negligence or incompetence, make a report of its findings and submit it to the Minister together with its recommendation for the imposition of any of the following penalties:-

- (i) suspension or cancellation of the warrant subject to such conditions as may be recommended;

(ii) suspension or cancellation of the registration of a partnership of psychologists;

(iii) imposition of conditions to be attached to a warrant;

(iv) reprimand;

(v) payment to cover the costs of the inquiry;

(vi) order the waiver, reduction or refund of any fees charged for services rendered; or

(vii) any other penalty as may be prescribed.

(5) On the cancellation of the warrant of a psychologist the Board shall strike off the name of such person from the official register of psychologists.

(6) For the purposes of this article, the members of the Board have the powers that are or may be conferred under the Inquiries Act, and shall conduct their inquiry as provided for in the same Act.

Cap. 273.

Appeals.

10. (1) Where it has been decided by the Minister, following the recommendations of the Board that the warrant of a person be suspended or cancelled or that additional conditions be attached to such warrant, that person may, within twenty-one days of the Minister's notification, appeal to the Court of Appeal in its inferior jurisdiction.

(2) The Minister responsible for justice may make regulations prescribing the fees that shall be payable in the Registry of the Court in connection with appeals under this article:

Provided that until such time as fees are so prescribed by the Minister responsible for Justice, the fees payable with respect to appeals to that Court shall be the fees applicable to the Court of Magistrates (Malta).

(3) The Board established under article 29 of the Code of Organization and Civil Procedure shall make rules establishing the form of such appeals and any other matters related thereto.

Minister may
reinstate warrant.

11. The Minister may, on the recommendation of the Board, and upon application to this effect, remove such suspension or cancellation, if the applicant meets such requirements that may be prescribed. Where the warrant of the psychologist has been

reinstated, such psychologist is to be again registered in the official register.

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

(2) An association shall be qualified to be registered under this article if it proves to the Board that it has a membership of at least ten registered psychologists and that it conforms with such other conditions as may be prescribed. An association shall submit together with the application a list of members and such other information as the Board may require to process the application.

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

13. (1) Two or more warrant holders may form a civil partnership, in this Act referred to as a “partnership of psychologists”, having for its exclusive object the practice of the profession of psychology and such powers as are necessary for the attainment of the objects of the partnership. Partnerships of psychologists.

(2) No person other than a warrant holder may be a partner in a partnership of psychologists.

(3) Any such partnership shall, when duly formed according to law and on payment of the prescribed fee, be registered with the Board and upon registration the partners shall, for as long as it is so registered, be authorised to act in the name and on behalf of the partnership which shall be entitled to the designation “Psychologists” as part of its name.

(4) Every such partnership shall give to the Board such information as the Board may reasonably require or as may be prescribed, and shall give notice to the Board of any relevant changes in any information previously given to the Board within fifteen days after the date on which the change occurs.

14. (1) Notwithstanding the provisions of any other law or any other agreement to the contrary, the following provisions shall apply to a partnership of psychologists under this Act:- Conditions applying to a partnership.

(a) the partners shall be jointly and severally responsible for the actions and omissions of each and every one of them in the performance of their professional duties, the maintenance of the required professional standards and conduct and generally in the fulfilment of their obligations under this Act or any other applicable law, and shall also be jointly and severally liable for any loss or damage resulting therefrom;

(b) any act or thing that may be done by a warrant holder may be done by one or more of the partners in the name of the partnership; and any act or thing done in the name of the partnership shall be done by one or more of the partners;

(c) the responsibilities and liabilities for anything done or omitted to be done during the period in which a person was a partner in a partnership of psychologists shall not cease, in respect of such person, by his retirement, death or other cause by which he ceases to be a partner.

(2) Notwithstanding the forgoing provisions of this article, no partner shall exercise the profession of psychology in a specialised area if he is not so entitled by virtue of this warrant, unless he is acting under the supervision of a partner who is in possession of a warrant that entitles him to perform the psychology profession in such specialised area.

Applicability of articles to partnerships.

15. The provisions of articles 9, 10 and 11 of this Act shall apply to partnerships of psychologists as they apply to psychologists *mutatis mutandis*.

Offences and penalties.

16. (1) Any person who, for the purpose of obtaining a warrant or registering a partnership of psychologists under the provisions of this Act, knowingly gives any false information or otherwise acts in a deceitful or fraudulent manner, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding one thousand Maltese liri or to imprisonment not exceeding twelve months or to both such fine and imprisonment.

(2) Any person who is found guilty of any other offence against this Act shall be liable on conviction to a fine (*multa*) not exceeding five hundred Maltese liri, or to three months imprisonment or to both such fine and imprisonment, and in the case of a continuing offence to a fine (*multa*) of five Maltese liri for each day during which the offence continues, subject to a maximum of two thousand Maltese liri.

(3) Any person who, not being the holder of a warrant issued under this Act, practices the profession of psychology or assumes the designation of, or purports to be, a psychologist or carries out any psychology practice in contravention of the provisions of this Act, shall be guilty of an offence against this article.

(4) Any person who uses the words “Psychologists” in relation to a partnership of psychologists where such partnership is not registered in accordance with the provisions of this Act, or in any manner whatsoever makes use of a name falsely implying the existence of a partnership of psychologists registered as aforesaid shall be guilty of an offence against this Act.

(5) For the purposes of subarticles (2) and (3) of this article, the use on any card, letterhead, sign, board, plate, advertisement or other written, printed or engraved device, instrument or document, of the words “Psychologist”, “Registered Psychologist” in relation to a name, or “Partnership of Psychologists” or “Psychologists” in relation to a partnership, shall be sufficient evidence of the knowledge of such use by any person in relation to whose name or partnership the said words are used, unless such person proves that the use of such words was made without his knowledge and that upon becoming aware of the use he took adequate steps to stop it.

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

(7) Subject to the provisions of subarticle (6) of this article, no person or any other organisation shall employ any person other than a registered psychologist for the purpose of practising psychology.

(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.

Administrative
fines.

17. Where, following an inquiry under the provisions of article 9 of this Act, the Board finds a psychologist guilty of any breach of professional conduct or of the Code of Ethics, the Board may impose such penalties as the Minister may prescribe.

Minister may
make regulations.

18. The Minister may, after consultation with the Board, make regulations not inconsistent with the provisions of this Act, to give better effect to any of such provisions and generally to regulate the psychology profession, and, without prejudice to the generality of the foregoing, such regulations may in particular include provisions with respect to -

(a) the establishment of psychology practice, standards, procedures and other duties and practices to be followed by psychologists, either generally or in particular fields of activity;

(b) the professional conduct and code of ethics of psychologists and the standards of competency and integrity to be kept by the profession;

(c) the requirements in relation to continuing professional development for the maintenance of a warrant;

(d) the work which can be performed and the services which can be rendered in terms of a warrant, and the terms and conditions which can be attached to such warrant, and the additional qualifications necessary for warrants providing for the practice of the profession of psychology in specialised practice;

(e) the fees that may be charged by the Board in connection with the application for the issue of a warrant, for the making of any registration under this Act, and for any other operations that may be carried out by the Board in accordance with the provisions of this Act;

(f) the fees that may be charged by psychologists 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 honours degree or its equivalent but who do not qualify for a warrant under this Act, and who are working under the supervision of a registered psychologist in such establishments or agencies as may be prescribed;

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

(j) any matter which is required or is authorised by this Act to be prescribed;

(k) the punishments, penalties and other consequences and effects to which a person may become liable or which may take place in the event of any contravention of, or non-compliance with, any provision of any regulation under this article; so however that no punishment so prescribed shall exceed a fine (*multa*) of five hundred Maltese liri, or imprisonment for a term of three months, or both such fine and imprisonment, and, in the case of a continuing offence, to a fine (*multa*) of five Maltese liri for each day during which the offence continues, subject to a maximum of two thousand Maltese liri;

(l) the administrative penalties that may be imposed by the Board, which shall not exceed five hundred Maltese liri.

19. (1) Any person who on the coming into force of this Act is in possession of a professional qualification in psychology that makes him eligible for a warrant licence to practice in the country where the professional qualification was obtained, shall be deemed to have satisfied the provisions of paragraph (c) of subarticle (3) of article 3 of this Act. Savings.

(2) For the purposes of paragraph (d) of subarticle (3) of article 3 of this Act, any training undertaken by any person who has obtained the qualification referred to in paragraph (c) of this subarticle, between the date of such qualification and the coming into force of this Act, shall be deemed to have been undertaken under the supervision of a registered psychologist.

(3) Notwithstanding the other provisions of this Act, any person who satisfies the Board that prior to the coming into force of this Act:

(a) is in possession of a Masters degree in psychology which includes professional training; and

(b) lectured at tertiary level on a regular basis in psychology or held a post of psychologist in a Government department or agency for at least ten years,

shall be deemed to satisfy the requirements of paragraphs (c) and (d) of subarticle (3) of article 3 of this Act.

Consequential
amendments.

20. The enactments shown in the First Column of the Schedule to this Act shall have effect subject to the amendments shown in the Second Column thereof.

Schedule

(Article 20)

First Column
Enactment

Second Column
Extent of Amendments

Code of Organisation
and Civil Procedure,
Cap. 12

1. (1) In subarticle (2) of article 588 for the words “social worker or marriage counsellor” there shall be substituted the words “social worker, psychologist or marriage counsellor”.

(2) In subarticle (3) of article 646 for the words “social worker” there shall be substituted the words “social worker or psychologist”.

Professional Secrecy
Act, Cap. 377

2. In subarticle (1) of article 3, for the words, “legal procurators, accountants” there shall be substituted the words “legal procurators, social workers, psychologists, accountants”.

Mutual Recognition
of Qualifications Act,
Cap. 451

3. The Schedule thereto shall be amended by the addition of the following under the relative columns at the end thereof:-

Regulated
Profession/
Professional
Activity

Designated
Authority

Legislation

Psychologist

Minister
responsible for
social policy

Psychology
Profession Act,
2004

Passed by the House of Representatives at Sitting No. 163 of the 27th July, 2004.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives