L.N. 314 of 2006

HEALTH CARE PROFESIONS ACT (CAP. 464)

Council for the Professions Complementary to Medicine (Standing Orders) Regulations, 2006

IN exercise of the powers conferred by articles 27 and 51 of the Health Care Professions Act, the Minister of Health, the Elderly and Community Care has made the following regulations:-

PART I

TITLE AND INTERPRETATION

Title.

1. The title of these regulations is the Council for the Professions Complementary to Medicine (Standing Orders) Regulations, 2006.

Interpretation.

2. In these regulations, unless the context otherwise requires –

"the Act" means the Health Care Professions Act; Cap. 464.

"the Council" means the Council for the Professions Complementary to Medicine.

PART II

RECORDS OF APPOINTMENT OR ELECTION OF MEMBERS

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

4. On the resignation, 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 Article 6 (8) of the First Schedule of the Act and the Council for the Professions Complementary to Medicine (Elections) Regulations, 2004. L.N. 32 of 2004.

PART III

PROCEEDINGS OF COUNCIL

5. The Council shall hold monthly meetings as specified in Article 6 (14) of the First Schedule of 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 five 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.

6. All meetings of the Council shall be convened by the Registrar, by notice addressed to each member.

7. The notice shall state the hour and place of the meeting and its purpose, whether for general business or for any special business; together with such notice there shall be sent a copy of the minutes of the previous meeting.

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 urgency, to be decided by the President, when two working days' notice shall suffice.

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

10. In the absence of the President from any meeting of the Council, a Chairperson for that meeting shall be elected by the members present.

11. The decision of the Council shall be by a majority of votes. The President of the Council, in the case of an equal division of votes is entitled for the casting vote in accordance with the provisions of Article 6 (3) of the First Schedule of the Act. When the President is absent from a meeting, the Chairperson elected for that meeting shall have an original vote and, in the case of an equal division of votes, also a casting vote.

12. No business shall be transacted by the Council unless a quorum of seven is present.

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

(a) (i) reading, amendment, confirmation and signature by the President of the minutes of the previous meeting;

(ii) business arising out of the minutes;

(b) correspondence;

(c) matters for discussion;

(d) reports of sub-committees; and

(e) other matters.

14. The regular order of business may be varied or suspended at any meeting at the discretion of the President.

15. Except by permission of the majority of 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.

16. Before any motion or amendment is discussed, it shall be proposed and seconded, and shall be put in writing. All formal amendments shall be highlighted so that they may be read as independent motions.

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

18. 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.

19. If an amendment is proposed, it shall be disposed of before any other amendment is moved.

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

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

22. If any amendment is carried, it shall then be regarded as a substantive motion and so treated, as to a further amendment with the

right of speaking on it in reply, and in all other respects, as an original motion.

23. 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 prejudicial 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".

24. 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 does now proceed to vote on the amendment";

(iv) the prejudicial 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".

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

26. If the proposal for the adjournment of the debate is 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.

27. 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.

28. 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.

29. 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.

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

31. A motion to rescind any decision of the Council cannot be proposed before the lapse of three months from the date of the decision in question unless the Council unanimously decides otherwise.

32. 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.

33. 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. The reason for the decision should, however, be recorded.

34. The President shall confirm by his signature the minutes arising out of the business of a meeting.

35. 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 shall declare that the minutes are confirmed.

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

37. All proceedings of the Council and of its sub-committees shall be regarded as confidential. The Council, however, may issue statements and directives, as it considers appropriate from time to time.

PART IV

REGISTERS AND REGISTRATION

38. (1) Separate registers shall be kept for the registration of:–

(a) Acupuncture

(b) Chiropractic

(c) Clinical Perfusion

(d) Dental Hygiene

(e) Dental Technology

(f) Dietetics

(g) Environmental Health

(h) Medical Laboratory Science

(i) Nutrition

(j) Occupational Therapy

(k) Optometry

(l) Orthoptics

(m) Osteopathy

(n) Physiotherapy

(o) Podiatry

(p) Psychotherapy

(q) Radiography

(r) Speech Language Pathology.

39. (a) The list for European Union citizens shall be in accordance with the form shown in the First Schedule to these regulations and shall state in respect of each person the particulars referred to in that Schedule and showing a consecutive number.

(b) The list for Non-European Union citizens shall be in accordance with the form shown in the Second Schedule to these regulations and shall state in respect of each person the particulars referred to in that Schedule and showing a consecutive number.

(c) A temporary list will be set up for any European Union citizen who has obtained qualification but has not yet been confirmed with the relevant document. Such register shall be in accordance with the form shown in the Third Schedule to these regulations and shall state in respect of each person the particulars referred to in that Schedule.

40. As from 21st November 2003 any new health care professional registered with the Council will be classified under:-

(a) European Union List;

(b) Non European Union List; and

(c) Temporary List for European Union citizens.

All previous health care professionals will retain previous registration list i.e.

(a) Principal List;

(b) Commonwealth List; and

(c) Foreign List.

41. An application for registration in any of the registers shall be made to the Registrar in accordance to the form shown in the Fourth

Schedule. Moreover, the applicant is to submit the documents mentioned in the list of requirements as shown in the Fifth Schedule.

42. (1) The Registrar shall in the first meeting after the receipt of a valid application, lay before the Council all applications for registration in any of the registers.

(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.

43. When any person entitled to be registered in any of the registers has his name and particulars entered in the registers, such person shall be given a certificate of registration in accordance with the form shown in the Sixth or Seventh Schedule accordingly.

44. The entries made in any European Union lists shall be permanent, subject to the provisions of regulations 45, 47 and 50. Every person so registered shall, however, be bound to notify the Registrar without delay of any change affecting such entry in any of the registers.

45. Subject to the provisions of regulation 46, when a registered person whose name is entered in any of the registers applies to the Registrar to have an alteration made in his or her registered name or registered address, or to have any registrable qualification possessed by him or her entered in the register in the substitution for or in addition to a qualification already registered, the Council shall, on being satisfied that all the requirements of these regulations have been complied with, cause to be entered in the appropriate register the alteration or addition so notified.

46. When a person whose name is entered in any of the registers applies to have an alteration made in such registered name, such person shall produce in support of the application, such certificates or other documentary evidence as the Council may consider requisite.

47. On the insertion in the appropriate register of an alteration in the name of a person who is registered in any register, the Registrar shall retain in the register such person's name as already registered:

Provided that if the person requests that his or her former name be omitted from the register, such request may be complied with after that name and the new name have appeared together in one issue of the register.

48. (1) Each of the registers kept by the Council shall be published every three years or, if the Council so determines, after a shorter interval.

(2) Each of such registers shall show the names and surnames, in alphabetical order of surnames, with the addresses, qualifications and other particulars of all persons appearing therein as existing on the first day of January of the year of publication.

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

50. (1) If any person whose name is registered in any register applies to the Council for the removal of his or her name from any of the registers, the application shall be in the form of a declaration signed by such person specifying the ground or grounds on which the application is made and stating that the applicant is not aware of any proceedings or of any reason for the institution of any proceedings which might result in rendering such person liable:-

(a) to have his or her name erased from that register by direction of the Council under article 32, article 35 or article 38 of the Health Care Professions Act; or

(b) to have withdrawn from such person any registrable qualification which such person holds.

(2) The application shall be considered by the Council, who may, if they think 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) After considering the application, the Council may, if they think fit, by resolution put forward by the President, direct the Registrar to remove, and the Registrar shall thereupon remove the name of the applicant from the register.

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

51. Unless the Council shall otherwise direct, the Registrar shall not restore to the register any name which has been removed under regulation 50, unless the person whose name has been so removed

applies in writing for the restoration of his name to the register, saving the provisions of article 34 of the Health Care Professions Act.

52. (1) The Council shall have a seal of a circular form bearing the inscription "COUNCIL FOR THE PROFESSIONS COMPLEMENTARY TO MEDICINE - MALTA".

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

53. (1) The Registrar, or another officer of the Council authorized in writing by the President of the Council, shall be authorized 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.

FIRST SCHEDULE
(Regulation 39)

FORM - EUROPEAN UNION LIST

COUNCIL FOR THE PROFESSIONS COMPLEMENTARY TO MEDICINE – MALTA

The …….. Register

Original Number of Registration	Surname	Name	Address	Date of Registration	Title to Registration and Additional Qualifications

SECOND SCHEDULE
(Regulation 39)

FORM - NON EUROPEAN UNION LIST

COUNCIL FOR THE PROFESSIONS COMPLEMENTARY TO MEDICINE – MALTA

The ……. Register

Number of Registration	Surname	Name	Address	Duration of Registration		Title to Registration and Additional Qualifications
				From	To	

THIRD SCHEDULE
(Regulation 39)

FORM OF TEMPORARY LIST FOR EUROPEAN UNION CITIZENS

COUNCIL FOR THE PROFESSIONS COMPLEMENTARY TO MEDICINE – MALTA

The …….. Register

Surname	Name	Address	Date of Temporary Registration	Expiry date	Title to Registration

FOURTH SCHEDULE

(Regulation 41)

FORM OF APPLICATION FOR REGISTRATION IN THE REGISTER OF THE COUNCIL FOR THE PROFESSIONS COMPLEMENTARY TO MEDICINE – MALTA

Application for Registration in the ..... Register

I apply to be registered under article 28 of the Health Care Professions Act.

My name is .....
(Give full name in capital letters, surname underline)

I was born at ..... on .....
(day, month, year)

Nationality …… I.D. No./Passport No. .....……

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

.....

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

.....

Tel. No. and, or Mobile No. ……..…..... E-mail ….....

Description of qualification(s) .....

Date on which conferred .....

University or entity by which granted .....

I declare that I am/am not registered in another Health Care Profession Register (Malta).
If yes indicate which Register ……....

Signature of applicant .....

Date of application .....

* Give these addresses in full.

The applicant authorizes the Council to make use of the data in accordance to the Data Protection Act (Cap. 440).

The Council reserves the right to refuse to give details of the registered persons in its discretion, which discretion cannot be unreasonable withheld.

FIFTH SCHEDULE

(Regulation 41)

REQUIREMENTS FOR REGISTRATION WITH THE COUNCIL FOR THE PROFESSIONS COMPLEMENTARY TO MEDICINE

1. Application form

2. **Original or authenticated copies of the following (English version):-**

(a) Birth and marriage (if applicable) certificates;

(b) Identification document – I.D. Card/Passport;

(c) **Recent** Police conduct certificate;

(d) Professional Document - Diploma/Degree;

(e) Letters of reference in English version;

(f) A detailed transcript of **Theoretical and Practical** Training and Studies **in hours** associated with the Profession and in relation with the profession syllabus performed by your Institution being the University/College. This has to be endorsed in the original format by the Head/Registrar of your Institution being the University/College;

(g) A **recent (six months)** verification certificate of current registration and good standing with the Council you are registered with;

(h) Curriculum Vitae in English version.

All correspondence and interview will be carried out in Maltese or English

SIXTH SCHEDULE
(Regulation 43)

FORM OF CERTIFICATE OF REGISTRATION

COUNCIL FOR THE PROFESSIONS COMPLEMENTARY TO MEDICINE - MALTA

CERTIFICATE OF REGISTRATION IN THE ……..REGISTER

(EUROPEAN UNION LIST)

Number:_____ Date: _____

I HEREBY CERTIFY that the following is a true copy of the entry made in the European Union List of the ……..…… Register in respect of the name specified below:-

Registration Number	Name	Address	Date of Registration	Title to Registration and Additional Qualifications

Seal

Council for the Professions Complementary to Medicine - Malta

SEVENTH SCHEDULE
(Regulation 43)

FORM OF CERTIFICATE OF REGISTRATION

COUNCIL FOR THE PROFESSIONS COMPLEMENTARY TO MEDICINE - MALTA

CERTIFICATE OF REGISTRATION IN THE ……..REGISTER

(NON-EUROPEAN UNION LIST)

Number:_____ Date: _____

I HEREBY CERTIFY that the following is a true copy of the entry made in the Non-European Union List of the ……..…… Register in respect of the name specified below:-

Registration Number	Name	Address	Duration of Registration	Title to Registration and Additional Qualifications
			From To	

Seal

Council for the Professions Complementary to Medicine - Malta

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