

I assent.

(L.S.)

PAUL XUEREB
Acting President

21st August, 1987

ACT No. XIX of 1987

AN ACT further to amend the Medical and Kindred Professions Ordinance, Cap. 51.

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:—

Short title.

1. This Act may be cited as the Medical and Kindred Professions (Amendment) Act, 1987, and shall be read and construed as one with the Medical and Kindred Professions Ordinance, hereinafter referred to as “the principal law”.

Amendment of
section 4
of the
principal law.

2. In subsection (5) of section 4 of the principal law for the words “The President of the Republic may grant” there shall be substituted the words “The President of the Republic may, with the advice of the Medical Council, grant”.

Amendment of
section 5
of the
principal law.

3. For paragraph (e) of subsection (1) of section 5 of the principal law and the proviso to the said subsection (1), there shall be substituted the following:

“(e) the name of every citizen of Malta who holds a suitable medical qualification granted by a Medical School recognized by the Medical Council and who, unless exempted by the said Council from such test, passes a practical and oral test in medicine, surgery, midwifery and gynaecology, forensic medicine and community medicine:

Provided that a person to whom paragraph (d) or (e) of this subsection applies shall only have his name entered in the Medical Register if such person has served as a house physician or surgeon in a Government hospital or clinic or in any other branch of the health service provided by Government, for a period of two years or such lesser period as the Minister responsible for public health may, with the advice of the Medical Council determine, or if the said Minister with the advice of the said Council has declared that such service is not required or if such

person has already carried out duties as a house physician or surgeon for such period at a foreign hospital recognised by the Medical Council”.

4. Section 6 of the principal law shall be amended as follows:

Amendment of
section 6
of the
principal law.

(a) in paragraph (h) of subsection (1) thereof, for the words “National Assistance Act, 1956” there shall be substituted the words “Social Security Act, 1987”;

(b) in subsection (2) thereof, for the words “Seventh Schedule to the National Insurance Act, 1956” there shall be substituted the words “Fourth Schedule to the Social Security Act, 1987”; and

(c) the references to Acts in the margin shall be substituted by “Act X of 1987”.

5. In subsection (4) of section 58 of the principal law for the words “The President of the Republic may grant” there shall be substituted the words “The President of the Republic may, with the advice of the Medical Council, grant”.

Amendment of
section 58
of the
principal law.

6. Section 59 of the principal law shall be amended as follows:

Amendment of
section 59
of the
principal law.

(a) in paragraph (c) of subsection (1) thereof for the words “and who passes a practical and oral test”, there shall be substituted the words “and who, unless exempted by the said Council from such test, passes a practical and oral test”; and

(b) for the first proviso to subsection (1) thereof, there shall be substituted the following proviso:

“Provided that a person to whom paragraph (b) or (c) of this subsection applies shall only have his name entered in the Register of Dental Surgeons if such person has served as a house dental surgeon in a Government hospital or clinic for such period, not exceeding one year, as the Medical Council may determine, unless the said council deems that such service is not necessary in respect of such person.”.

7. For the proviso to section 67A of the principal law there shall be substituted the following:

Amendment of
section 67A
of the
principal law.

“Provided that any person who, on 1st March, 1968, was undergoing the course for hospital attendant shall have his name entered in the roll of nurses if —

(a) on termination of such course he qualified for enrolment as hospital attendant; or

(b) he has, to the satisfaction of the Nursing and Midwifery Board, passed an oral and practical test and has had not less than fifteen years continuous experience in nursing after passing such test.”.

8. Section 84 of the principal law shall be amended as follows:

Amendment of
section 84
of the
principal law.

(a) subsections (2), (4) and (8) thereof shall be deleted;

(b) subsections (3), (5), (6) and (7) thereof shall be respectively renumbered as subsections (2), (3), (4) and (5);

(c) in subsection (2) thereof, as renumbered, the words “in his absolute discretion” shall be deleted; and

(d) in subsection (5) thereof, as renumbered, the words “or section 84B of this Ordinance” shall be deleted.

9. Section 84B of the principal law shall be amended as follows:

Amendment of
section 84B
of the
principal law.

(a) subsections (1) and (2) thereof shall be deleted;

(b) subsections (3) and (4) thereof shall be respectively renumbered as subsections (1) and (2);

(c) in subsection (1) thereof, as renumbered, for the words "may from time to time determine" there shall be inserted the words "may, after consulting the Medical Council, from time to time determine"; and

(d) subsection (2) thereof, as renumbered, shall be amended as follows:

(i) for the words "under subsection (1) of this section" there shall be substituted the words "under subsection (1) of section 84 of this Ordinance"; and

(ii) for the words "subsection (3) of this section" there shall be substituted the words "subsection (1) of this section".

Amendment of
section 84C
of the
principal law.

10. In section 84C of the principal law, the words "or 84B" shall be deleted.

Amendment of
section 87A
of the
principal law.

11. Section 87A of the principal law shall be amended as follows:

(a) the section shall be renumbered as subsection (1) thereof; and

(b) immediately after subsection (1) thereof, as renumbered, there shall be inserted the following new subsection:

"(2) Notwithstanding the provisions of this Ordinance, any person whose name has been erased or taken off from the relative register shall automatically be deemed to have his licence from the President of the Republic to practise his profession suspended for the period during which his name remains so erased or taken off."

Amendment
of section 88
of the
principal law.

12. Section 88 of the principal law shall be amended as follows:

(a) in subsection (1) thereof, for the words "62 or 63 of this Ordinance" there shall be substituted the words "62, 63 or 84B of this Ordinance"; and

(b) in subsection (3) thereof, for the words "84, 84B or 85" there shall be substituted the words "84 or 85".

General provision.

13. For the words "Minister of Health", wherever these occur in the principal law, there shall be substituted the words "Minister responsible for public health".

Transitory
provision.

14. The amendments made by sections 2 and 5 of this Act shall not affect the validity of any licence granted under subsection (5) of section 4 and subsection (4) of section 58, of the principal law, before the date of the coming into force of this Act, to any foreign physician, surgeon or dental surgeon.

Passed by the House of Representatives at Sitting No. 21 of the 12th August, 1987.

JIMMY FARRUGIA
Speaker

P. MUSCAT TERRIBILE
Acting Clerk to the House of Representatives.