I assent.

(L.S.)

AGATHA BARBARA
President

20th May, 1983

ACT No. VIII of 1983

AN ACT further to amend the Department of Health (Constitution) Ordinance, Cap. 148.

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 Department of Health (Constitution) (Amendment) Act, 1983, and shall be read and construed as one with the Department of Health (Constitution) Ordinance, hereinafter referred to as "the principal law".

Amendment of section 1A of the principal law.

2. Immediately after the interpretation of "Minister" in section 1A of the principal law, there should be entered the new interpretation which follows:

" "professional and ethical standards" include the standard of the general conduct of the members of a profession, as well as the behaviour of such member towards his client or the patient under his care or being attended by him, during or consequential to the exercise of his profession;"

Amendment of section 19 of the principal law.

3. For paragraph (a) of subsection (2) of section 19 of the principal law there shall be substituted the following:

"(a) A President appointed by the President of Malta;".

Amendment of section 24 of the principal law.

4. Paragraph (e) of subsection (2), and subsections (5) and (6), of section 24 of the principal law shall be repealed.

Amendment of section 25 of the principal law.

5. Section 25 of the principal law shall be amended as follows:

(a) for subsection (2) thereof there shall be substituted the following:

"(2) The members referred to in paragraph (d) of subsection (2) of section 24 shall be elected for a term of three years."; and

(b) in subsection (4) thereof, for the words "(d) or (e) of subsection (2) or under subsection (6)" there shall be substituted the words "or (d) of subsection (2)".

Amendment of section 28A of the principal law.

6. Section 28A of the principal law shall be amended as follows:

(a) for paragraph (a) of subsection (2) there shall be substituted the following:

"(a) a Chairman appointed by the President of Malta;";

(b) in paragraph (c) of subsection (2) thereof for the words "two members" there shall be substituted the words "five members";

(c) for paragraph (e) of subsection (2) thereof there shall be substituted the following:

"(e) six elected members;";

(d) paragraph (f) of subsection (2) thereof shall be deleted;

(e) for subsection (3) thereof there shall be substituted the following:

"(3) of the six elected members:

(a) four shall be apothecaries elected by secret ballot by the apothecaries ordinarily resident in Malta; and

(b) two shall be pharmacy technicians elected by secret ballot by the pharmacy technicians ordinarily resident in Malta."; and

(f) subsection (4) thereof shall be deleted.

Amendment of section 28B of the principal law.

7. Section 28B of the principal law shall be amended as follows:

(a) in subsection (2) thereof for the words "paragraphs (d), (e) and (f)" there shall be substituted the words "paragraphs (d) and (e)"; and

(b) in subsection (4) thereof for the words "paragraph (c), (d), (e) or (f)" there shall be substituted the words "paragraph (c), (d) or (e)".

Amendment of section 28C of the principal law.

8. In paragraphs (b), (c) and (d) of section 28C of the principal law, for the words "assistant apothecaries", wherever they occur, there shall be substituted the words "pharmacy technicians".

Amendment of section 28D of the principal law.

9. Subsection (2) of section 28D of the principal law shall be amended as follows:

(a) for paragraph (a) thereof there shall be substituted the following:

"(a) a Chairman appointed by the President of Malta;";

(b) for paragraph (b) thereof there shall be substituted the following:

"(b) two *ex officio* members being —

(i) the Chief Government Medical Officer or his representative; and

(ii) a Principal Medical Officer or a Senior Medical Officer appointed by the Minister;" and

(c) in paragraph (c) thereof for the words "four members" there shall be substituted the words "six members".

Addition of new Part to the principal law.

10. Immediately after section 28F of the principal law there shall be inserted the following new Part:

"PART V C

BOARD FOR THE PROFESSIONS SUPPLEMENTARY TO MEDICINE

Board for the Professions Supplementary to Medicine.

28G. (1) There shall be a Board, to be called the Board for the Professions Supplementary to Medicine, which shall exercise and perform the functions assigned to it by this Ordinance.

(2) The Board for the Professions Supplementary to Medicine shall consist of the following members:

(a) a Chairman, appointed by the President of Malta;

(b) two *ex officio* members who shall be —

(i) the Chief Government Medical Officer or his representative; and

(ii) a Principal Medical Officer or a Senior Medical Officer to be appointed by the Minister;

(c) seven members appointed by the President of Malta, and

(d) seven elected members.

(3) Of the seven elected members —

(a) one shall be a physiotherapist elected by secret ballot by physiotherapists ordinarily resident in Malta;

(b) one shall be a podologist elected by secret ballot by podologists ordinarily resident in Malta;

(c) one shall be a medical laboratory technician elected by secret ballot by medical laboratory technicians ordinarily resident in Malta;

(d) one shall be an occupational therapist elected by secret ballot by occupational therapists ordinarily resident in Malta;

(e) one shall be a radiographer elected by secret ballot by radiographers ordinarily resident in Malta;

(f) one shall be a speech therapist elected by secret ballot by speech therapists ordinarily resident in Malta; and

(g) one shall be a health inspector elected by secret ballot by health inspectors ordinarily resident in Malta.

(4) The Minister shall appoint an officer of the Department to act as Registrar of the Board for the Professions Supplementary to Medicine.

(5) The Board for the Professions Supplementary to Medicine may discuss, decide and in any manner act notwithstanding any vacancy among its members.

Term of office.

28H. (1) The Chairman shall hold and vacate his office in accordance with the terms of his appointment, but he may at any time resign his office by notice in writing to the President of Malta.

(2) The members appointed under paragraphs (b) and (c) of subsection (2) of section 28G shall hold office for such period and on such terms and conditions as the Minister or the President of Malta, as the case may be, may deem appropriate, and the Minister or the President of Malta, as the case may be, may at any time terminate any such appointment.

(3) The members to be elected under paragraph (d) of subsection (2) of section 28G shall be so elected for a term of three years:

Provided that in the first elections to the Board for the Professions Supplementary to Medicine the term of office shall be of one year in respect of the seats referred to in paragraphs (a), (b) and (c) of subsection (3) of section 28G, and of two years in respect of the seats referred to in paragraphs (d) and (e) of the said subsection.

(4) Any member appointed or elected, as the case may be, under paragraph (c) or (d) of subsection (2) of section 28G may at any time resign his office by notice in writing to the Chairman.

(5) When a vacancy occurs in the composition of the Board for the Professions Supplementary to Medicine a new appointment shall be made or an election shall be held, as the case may be, within a period of one month from the date of such vacancy.

Duties of the Board for the Professions Supplementary to Medicine.

28 I. The duties of the Board for the Professions Supplementary to Medicine shall be —

(a) to advise and make recommendations to the Minister concerning the registration of the persons referred to in paragraph (c) of this section;

(b) to advise and make recommendations to the Minister concerning the course of studies and training and the relative examinations which may be prescribed as a condition of admission to the registers of the persons referred to in paragraph (c) of this section;

(c) to keep a separate register in respect of physiotherapists, podologists, medical laboratory technicians, occupational therapists, radiographers, speech therapists, health inspectors and of other persons who are qualified in other recognised professions supplementary to medicine, as may be required under any law;

(d) to prescribe and maintain professional and ethical standards for the persons referred to in paragraph (c) of this section;

(e) to advise the Minister on any matter, including legislation, affecting the practice and service of the persons referred to in paragraph (c) of this section, which the Minister may refer to the said Board.".

Amendment of section 29 of the principal law.

11. For paragraph (c) of subsection (2) of section 29 of the principal law there shall be substituted the following:

"(c) four members appointed by the President of whom one shall be appointed from among the pharmacists, pharmacy technicians, nurses, midwives and members of the professions supplementary to medicine employed at the hospital;".

Amendment of section 36 of the principal law.

12. In section 36 of the principal law, for the words "the Pharmacy Board and the Nursing and Midwifery Board" there shall be substituted the words "the Pharmacy Board, the Nursing and Midwifery Board and the Board for the Professions Supplementary to Medicine".

Amendment of sections 37 and 40 of the principal law.

13. In section 37 and in subsection (1) of section 40 of the principal law, immediately after the words "the Nursing and Midwifery Board," there shall be inserted the words "the Board for the Professions Supplementary to Medicine,".

Amendment of section 39 of the principal law.

14. In subsection (1) of section 39 of the principal law, immediately after the words "or the Nursing and Midwifery Board" there shall be inserted the words "or the Board for the Professions Supplementary to Medicine".

Amendment of section 41 of the principal law.

15. In subsection (3) of section 41 of the principal law for the words "of Parts IV, V, VA, VB" there shall be substituted the words "of Parts IV, V, VA, VB, VC".

Amendment of the First Schedule to the principal law.

16. In the First Schedule to the principal law, the words "Medical Laboratory Technicians, Laboratory Assistants, Radiographers, Electro-Encephalograph Recordists, Masseurs (and Masseuses), Physiotherapists, Health Inspectors, Rodent Control Officers, Public Cleansing Officers, Operating Room Orderlies, Electro-Therapeutic Department Orderlies, X-Ray Orderlies, Occupational Therapists, Dietetians, Wardens" shall be deleted.

Amendment of the Second Schedule to the principal law.

17. The Second Schedule to the principal law shall be amended as follows:

(a) in paragraph 1, sub-paragraphs (1), (3) and (4) of paragraph 2, sub-paragraph (1) of paragraph 3 and paragraph 5 thereof, immediately after the words "the Nursing and Midwifery Board" wherever they occur, there shall be inserted in each case the words "the Board for the Professions Supplementary to Medicine";

(b) in sub-paragraph (2) of paragraph 3 thereof, immediately after the words "that of the Nursing and Midwifery Board shall be 7," there shall be inserted the words "that of the Board for the Professions Supplementary to Medicine shall be 7,"; and

(c) immediately at the end of paragraph 4 thereof there shall be added the following new sub-paragraph:

"(5) The Board for the Professions Supplementary to Medicine shall hold a meeting once monthly, and in addition, special meetings may be held in accordance with such standing orders as may be made under paragraph 5 of this Schedule.".

18. For the purpose of the first appointments or elections to the Board for the Professions Supplementary to Medicine after the coming into force of this Act, any person who, in the opinion of the Chief Government Medical Officer, is qualified to have his name entered in the appropriate register, may vote at such elections and may be appointed or elected, as the case may be, and may retain his membership for so long as his registration is not refused by the Board, notwithstanding that his name does not appear in the appropriate register.

First appointments and elections.

Passed by the House of Representatives at Sitting No. 97 of the 2nd May, 1983.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives

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