

## Nru 149

19. 09. 2025

### MALTA

#### KAMRA TAD-DEPUTATI

#### HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Andy Ellul, M.P., Segretarju Parlamentari għad-Djalogu Soċjali, f'isem il-Ministru għas-Saħħa u l-Anzjanità Attiva, u moqri għall-Ewwel darba fis-Seduta tas-16 ta' Settembru 2025.

A BILL introduced by the Honourable Andy Ellul, M.P., Parliamentary Secretary for Social Dialogue, on behalf of the Minister for Health and Active Ageing, and read the First time at the Sitting of the 16th September 2025.

**ATT sabiex jemenda l-Att dwar il-Professjonijiet tas-Saħħa, Kap. 464.**

**AN ACT to amend the Health Care Professions Act, Cap. 464.**

ELEANOR SCERRI  
Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI  
Clerk of the House of Representatives



**ABBOZZ TA' LIĠI**  
**msejjah**

*ATT sabiex jemenda l-Att dwar il-Professjonijiet tas-Saħħa, Kap. 464.*

Il-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, harget b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2025 li jemenda l-Att dwar il-Professjonijiet tas-Saħħa u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-Professjonijiet tas-Saħħa, hawnhekk iżjed 'il quddiem imsejjah l-"Att prinċipali".

Titolu fil-qosor  
u bidu fis-seħh.  
Kap. 464.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data jew dati li l-Ministru responsabbli għas-saħħa jista, b'avviż fil-Gazzetta, jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet u, jew għanijiet differenti ta' dan l-Att.

2. L-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-  
artikolu 2 tal-  
Att prinċipali.

(a) minnufih qabel it-tifsira "edukazzjoni u taħriġ regolati" għandhom jiġu miżjuda t-tifsiriet godda li ġejjin:

" "data personali" għandu jkollha l-istess tifsira kif mogħti lilha fl-Artikolu 4(1) tar-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' *data* personali u dwar il-moviment liberu ta' tali *data*, u li jhassar id-Direttiva 95/46/KE (Regolament Ġenerali dwar il-Protezzjoni tad-Data);";

"deċiżjoni" tinkludi kwalunkwe ordni jew miżura kontra persuna skont l-artikoli 32, 35 jew 38";

C 3406

(b) minnufih wara t-tifsira "Kumitat għall-Approvazzjoni ta' Speċjalisti" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

L.S. 464.XX. " "Kumitat Dixxiplinarju" tfisser il-Kumitat Dixxiplinarju imwaqqaf skont ir-Regolamenti dwar Proċeduri Dixxiplinarji.;"; u

(ċ) minnufih wara t-tifsira "Ministru" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

" "miżuri *interim*" tfisser miżuri urgenti indirizzati lil professjonist fil-kura medika jew persuna li qiegħda tiġi investigata u maħruġa mill-Kunsill rilevanti fil-kors ta' investigazzjoni jew mill-Kumitat Dixxiplinarju fil-kors tal-proċeduri dixxiplinarji minħabba r-riskju ta' dannu serju u irreparabbli lir-reputazzjoni u l-integrità tal-professjoni tal-kura medika, il-benesseri tal-parti leża jew is-sigurtà pubblika;";

(d) minnufih wara t-tifsira "raġunijiet prevalenti ta' interess ġenerali" għandha tiġi miżjuda t-tifsira ġdida li ġejja:

Kap. 377. " "Sigriet professjonali" jew "sigriet" għandu jkollu l-istess tifsira kif mogħti lilha fl-Att dwar Segretezza Professionali;".

Emenda tal-artikolu 31 tal-Att prinċipali.

### 3. L-artikolu 31 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Il-Kunsill rilevanti għandu jkollu s-setgħa, jew meta jirċievi lment mingħand kwalunkwe persuna jew fuq inizjattiva tiegħu stess, li jinvestiga u wara, jekk iqis li hu meħtieġ, jibda proċeduri dixxiplinarji quddiem il-Kumitat Dixxiplinarju fir-rigward tal-allegata mġiba professjonali hażina jew allegat ksur tal-etika minn professjonist fil-kura medika li jaqa' taħt is-superviżjoni tiegħu:

Iżda l-Kunsill rilevanti għandu jikkonkludi l-investigazzjoni tiegħu dwar l-imġiba tal-professjonist fil-kura medika fi żmien tliet (3) xhur minn meta jirċievi l-ilment jew mid-data meta l-Kunsill rilevanti jiddeċiedi li jwettaq investigazzjoni fuq inizjattiva tiegħu stess, liema perjodu jista' jiġi estiż jekk il-kwistjoni tkun hekk teħtieġ, jew jekk l-investigazzjoni ma setgħetx tiġi konkluzja qabel, mingħajr l-ebda htija tal-Kunsill rilevanti, għal perjodu

ulterjuri ta' tliet (3) xhur.";

(b) fis-subartikolu (2) tiegħu l-kelma "inkjesta" għandha tiġi sostitwita bil-kelma "investigazzjoni";

(ċ) fis-subartikolu (3) tiegħu l-kelma "inkjesta" għandha tiġi sostitwita bil-kelma "investigazzjoni";

(d) is-subartikolu (4) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

L.S. 464.XX.

"(4) Il-proċeduri dixxiplinarji msemmija fis-subartikolu (1) quddiem il-Kumitat Dixxiplinarju mwaqqaf skont ir-Regolamenti dwar Proċeduri Dixxiplinarji għandhom jiġu konklużi fi żmien sena (1) mid-data tal-preżentata tar-rikors mill-Kunsill rilevanti quddiem il-Kumitat Dixxiplinarju u ma għandu jkun permess l-ebda differiment lil hinn mill-imsemmi perjodu ta' sena (1) ħlief għal raġunijiet eċċezzjonali li għandhom jiġureġistrati mill-Kumitat Dixxiplinarju."

4. Minnufih wara l-artikolu 31 tal-Att prinċipali, kif emendat, għandhom jiġu miżjuda l-artikoli ġodda li ġejjin:

Żieda ta' artikoli ġodda fl-Att prinċipali.

"Kxif ta' informazzjoni sigrieta.  
Kap. 9  
Kap. 377.

31A. (1) Ma jkun sar l-ebda reat kontra l-artikolu 257 tal-Kodiċi Kriminali jew ksur taht l-Att dwar Segretezza Professjonali minn kwalunkwe persuna li tikxef in *bona fide* sigriet professjonali jew sigrieta sa fejn tali kxif ikun proporzjonat u raġonevolment meħtieġ:

(a) lill-Kunsill rilevanti sabiex jiġi pprezentat ilment, jew inkonnessjoni ma' investigazzjoni li sertkun, jew qiegħda titwettaq mill-Kunsill rilevanti skont l-artikolu 31; jew

(b) quddiem il-Kumitat Dixxiplinarju fil-kors jew inkonnessjoni ma' proċeduri dixxiplinarji quddiem il-Kumitat Dixxiplinarju.

(2) Il-Kunsill rilevanti jista' jordna l-kxif tal-informazzjoni sigrieta minn kwalunkwe persuna marbuta bis-sigriet professjonali inkonnessjoni ma' investigazzjoni li ser tkun, jew qiegħda titwettaq mill-Kunsill rilevanti.

(3) Il-Kumitat Dixxiplinarju jista' jordna l-kxif tal-informazzjoni sigrieta minn kwalunkwe persuna marbuta bis-sigriet professjonali fil-kors ta', jew inkonnessjoni ma' proċeduri dixxiplinarji quddiem il-Kumitat Dixxiplinarju.

C 3408

L-iproċessar u s-sottomissjoni ta' data personali.

31B. Bla ħsara għar-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-iproċessar ta' *data* personali u dwar il-moviment liberu ta' tali *data*, u li jħassar id-Direttiva 95/46/KE (Regolament Ġenerali dwar il-Protezzjoni tad-Data), kif emendat minn żmien għal żmien, il-ġbir, l-użu, il-ħażna u t-trażmissjoni ta' data personali:

(a) lill-Kunsill rilevanti għall-finijiet li jiġi ppreżentat ilment quddiemu, jew inkonnessjoni ma' investigazzjoni li għandha tkun, jew li qiegħda titwettaq minn tali Kunsill rilevanti skont l-artikolu 31; u

(b) lill-Kumitat Dixxiplinarju fil-perkors ta', jew in konnessjoni ma' proċeduri dixxiplinarji quddiemu,

għandha titqies bħala miżura meħtieġa sabiex tiġi stabbilita, eżertita jew difiża talba u l-proċeduri quddiem il-Kumitat Dixxiplinarju."

Emenda tal-artikolu 32 tal-Att prinċipali.

5. Fis-subartikolu (1) tal-artikolu 32 tal-Att prinċipali l-kelma "inkjesta" għandha tiġi sostitwita bil-kelma "investigazzjoni".

Emenda tal-artikolu 33 tal-Att prinċipali.

6. L-artikolu 33 tal-Att prinċipali għandu jiġi emendat kif ġej:

"33. Kwalunkwe investigazzjoni li titwettaq minn Kunsill rilevanti u kwalunkwe proċeduri dixxiplinarji li jinbdew quddiem il-Kumitat Dixxiplinarju, għandhom ikunu bla ħsara għal kwalunkwe proċeduri kriminali, ċivili, amministrattivi jew dixxiplinarji oħra li jistgħu jittieħdu kontra l-persuna kkonċernata taht id-dispożizzjonijiet ta' kwalunkwe liġi oħra."

Emenda tal-artikolu 35 tal-Att prinċipali.

7. Fl-artikolu 35 tal-Att prinċipali l-kliem "imniżżel fir-reġistru" għandhom jiġu sostitwiti bil-kliem "imniżżel mill-ġdid fir-reġistru".

Emenda tal-artikolu 36 tal-Att prinċipali.

8. L-artikolu 36 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-

subartikolu ġdid li ġej:

"Notifika ta' deċiżjoni tal-Kunsill u appell minnha.

(1) Fil-każ ta' kwalunkwe deċiżjoni meħuda mill-Kunsill rilevanti kontra persuna sussegwentement għal deċiżjoni tal-Kumitat Dixxiplinarju skont l-artikoli 32, 35 jew 38, ir-reġistratur tal-Kunsill rispettiv għandu fi żmien erbatax (14)-il jum mit-teħid ta' kwalunkwe tali deċiżjoni mill-Kunsill rilevanti, jinnotifika lill-persuna kkonċernata b'tali deċiżjoni u għandu, fi żmien wiehed u għoxrin (21) jum jinnotifika wkoll lill-awtoritajiet kompetenti ta' kull Stat Membru b'dik id-deċiżjoni.";

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(2) Kwalunkwe deċiżjoni imposta mill-Kunsill rilevanti għandha tkun eżegwibbli unikament mal-iskadenza tat-terminu preskritt fis-subartikolu (4), jew f'każ li jiġi pprezentat rikors tal-appell, hekk kif l-appell jiġi deċiż b'mod finali mill-Qorti tal-Appell (Kompetenza Inferjuri).";

(ċ) fil-paragrafu (a) tas-subartikolu (3) tiegħu l-kliem "subartikolu (2)" għandhom jiġu sostitwiti bil-kliem "subartikolu (1)";

(d) is-subartikolu (4) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(4) Il-persuna kkonċernata tista' fi kwalunkwe waqt fi żmien tletin (30) jum mid-data tan-notifika skont is-subartikolu (3), tappella lill-Qorti tal-Appell (Kompetenza Inferjuri) kostitwita skont l-artikolu 41(9) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, fuq punti ta' fatt u ta' liġi.";

Kap. 12.

(e) minnufih wara s-subartikolu (8) tiegħu għandhom jiġu miżjuda s-subartikoli ġodda li ġejjin:

"(9) Il-Qorti tal-Appell (Kompetenza Inferjuri) għandha, mingħajr dewmien, tappunta d-data għas-smiġh tal-appell, liema data ma għandha fl-ebda każ tkun iktar tard minn tliet (3) xhur mid-data tal-prezentata tal-imsemmi appell.

(10) Il-Qorti tal-Appell (Kompetenza Inferjuri)

C 3410

għandha tisma' u tiddeċiedi l-appell fi żmien sitt (6) xhur mid-data stabbilita għall-ewwel smiġh tal-appell. Ma għandu jingħata l-ebda differiment lil hinn mill-imsemmija sitt (6) xhur hlief bil-kunsens kemm tal-appellant kif ukoll tal-appellat jew għal raġuni eċċezzjonali li għandha tiġi rreġistrata mill-Qorti u tali data ta' differiment ma għandhiex tkun aktar tardiva minn dak li hu raġonevolment ġustifikat."

Emenda tal-artikolu 38 tal-Att prinċipali.

**9.** L-artikolu 38 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tal-artikolu 38 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Jekk wara l-investigazzjoni u l-proċeduri dixxiplinarji, jiġi stabbilit mill-Kumitat Dixxiplinarju li professjonist fil-kura medika ma jkunx kapaċi jkompli jeżerċita l-professjoni tiegħu minhabba xi inkapaċità fiżika jew mentali, il-Kunsill rilevanti għandu jordna li ismu jiġi kkanċellat mir-reġistru rilevanti.";

(b) fil-verżjoni bl-Ingliż biss, fis-subartikolu (4) tiegħu, il-kelma "inquiry" għandha tiġi sostitwita bil-kelma "investigation".

Żieda ta' artikolu ġdid fl-Att prinċipali.

**10.** Minnufih wara l-artikolu 38 tal-Att prinċipali għandu jiġi miżjud l-artikolu ġdid li ġej:

"Miżuri *interim*.

38A. (1) Il-Kunsill rilevanti jista', fil-kors tal-investigazzjoni u qabel jippreżenta rikors sabiex jiġu inizjati l-proċeduri dixxiplinarji quddiem il-Kumitat Dixxiplinarju, jadotta f'każijiet urġenti, miżuri *interim* minhabba r-riskju ta' dannu serju u irreparabbli lir-reputazzjoni u l-integrità tal-professjoni tal-kura medika, il-benesseri tal-parti leża jew is-sigurtà pubblika b'mod ġenerali:

Iżda l-Kunsill rilevanti għandu biss jaddotta miżuri *interim* jekk ikun sodisfatt illi *prima facie* jkun jidher li kien hemm kwalunkwe waħda mir-raġunijiet imsemmija fil-paragrafi (a), (b) u (ċ) tal-artikolu 32(1), l-artikolu 35 u l-artikolu 38(1).

(2) Id-deċiżjoni tal-Kunsill rilevanti sabiex jaddotta miżuri *interim* għandha tkun eżegwibbli minnufih malli tittiehed tali deċiżjoni. Tali miżuri għandhom ikunu bla ħsara għal kwalunkwe deċiżjoni sussegwenti li tista' tittiehed mill-Kunsill rilevanti.

(3) Il-miżuri *interim* għandhom ikunu proporzjonati u xierqa u għandhom japplikaw għal perjodu speċifiku ta' żmien li għandu jiġi determinat mill-Kunsill rilevanti:

Iżda l-miżuri *interim* jistgħu jiġu mġedda mill-Kunsill rilevanti sakemm ikunu meħtieġa u idoneji:

Iżda wkoll il-miżuri *interim* ma għandhomx jibqgħu japplikaw kemm-il darba jkunu ġew adottati fil-kors ta' investigazzjoni mill-Kunsill rilevanti li sussegwentement ikun iddeċieda li ma jieħu l-ebda azzjoni ulterjuri u jagħlaq l-investigazzjoni tiegħu.

(4) Id-deċiżjoni tal-Kunsill rilevanti skont is-subartikolu (1) għandha tiddikjara l-fatti kollha magħrufa minnu u r-raġunijiet għaliex iqis li l-adozzjoni tal-miżuri *interim* hija meħtieġa.

(5) Id-deċiżjoni tal-Kunsill rilevanti skont is-subartikolu (1) jew kwalunkwe estensjoni skont l-ewwel proviso tas-subartikolu (3) għandha tiġi notifikata lill-persuna kkonċernata mir-reġistratur tal-Kunsill rilevanti fi żmien jumejn (2) mid-data tat-teħid tad-deċiżjoni mill-Kunsill rilevanti.

(6) Ir-reġistratur tal-Kunsill rilevanti għandu fi żmien sitt (6) ijiem mid-data tal-adozzjoni tal-miżuri *interim* skont is-subartikolu (1) jinnotifika lill-awtoritajiet kompetenti ta' kull Stat Membru dwar kwalunkwe tali miżuri *interim* adottati, u l-persuna kkonċernata tista' fi żmien sitt (6) ijiem mid-data tannotifika tal-miżuri *interim*, tippreżenta talba għal konsiderazzjoni mill-ġdid lill-Kunsill rilevanti li fiha tinkludi r-raġunijiet għall-istess:

Iżda meta ssir talba għal konsiderazzjoni mill-ġdid, il-Kunsill rilevanti għandu jieħu deċiżjoni finali fi żmien għaxart (10) ijiem mid-data tal-preżentata tal-imsemmija talba, liema deċiżjoni finali għandha tiġi notifikata lill-persuna kkonċernata skont is-subartikolu (5):

Iżda wkoll f'tali każijiet, it-terminu sabiex jiġi ppreżentat rikors tal-appell skont is-subartikolu (7) għandu jibda jiddekorri mid-data tan-notifika tad-deċiżjoni finali.

C 3412

(7) L-appell minn miżuri *interim* adottati mill-Kunsill rilevanti skont is-subartikolu (1) għandu jsir permezz ta' rikors preżentat quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) fi żmien sitt (6) ijiem mid-data tan-notifika tad-deċiżjoni skont is-subartikolu (5), dwar it-talba għal konsiderazzjoni mill-ġdid skont is-subartikolu (6), u l-Kunsill rilevanti għandu jirrispondi fi żmien sitt (6) ijiem mid-data tan-notifika ta' tali rikors.

(8) It-talba għal konsiderazzjoni mill-ġdid skont is-subartikolu (6) jew l-appell ippreżentat skont is-subartikolu (7) ma għandux ikollhom l-effett li jissospendu kwalunkwe miżuri *interim* imposti mill-Kunsill rilevanti.

(9) Il-Qorti tal-Appell (Kompetenza Inferjuri) għandha tiddeċiedi dwar ir-rikors skont is-subartikolu (7) fl-inqas żmien possibli, iżda sa mhux aktar tard minn xahar (1) mid-data tal-preżentata tar-risposta mill-Kunsill rilevanti."

Dispożizzjoni  
tranżitorja.

**11.** B'effett mid-data tal-bidu fis-seħh ta' dan l-Att, kwalunkwe deċiżjoni, ordni jew miżura imposti mill-Kunsill rilevanti kontra persuna kkonċernata skont it-Taqsima VII tal-Att prinċipali, għandhom ikunu soġġetti għad-dritt ta' appell quddiem il-Qorti tal-Appell (Kompetenza Inferjuri) skont l-artikoli 36 u 38A tal-Att prinċipali.

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### Ghanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jinkludi dritt ta' appell komplet minn kwalunkwe deċiżjoni, ordni jew miżura meħuda mill-Kunsill rilevanti skont il-każ, kontra persuna kkonċernata u sabiex jipprovdi għall-adozzjoni ta' miżuri *interim*.

**A BILL  
entitled**

*AN ACT to amend the Health Care Professions Act, Cap. 464.*

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 Health Care Professions (Amendment) Act, 2025 and this Act shall be read and construed as one with the Health Care Professions Act, hereinafter referred to as the "principal Act".

Short title and commencement.  
Cap. 464.

(2) This Act shall come into force on such date or dates as the Minister responsible for health may by notice in the Gazette establish and different dates may be so established for different provisions and, or purposes of this Act.

**2.** Article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(a) immediately after the definition "Council for the Professions Complementary to Medicine" there shall be added the following new definitions:

""decision" includes any order or measure against a person in accordance with articles 32, 35 or 38;

"Disciplinary Committee" means the Disciplinary Committee established in accordance with the Disciplinary Proceedings Regulations;"; and

S.L. 464. XX.

(b) immediately after the definition of "health care professional" there shall be added the following new definition:

C 3414

""*interim* measures" means urgent measures addressed to a health care professional or the person being investigated and issued by the relevant Council in the course of an investigation or by the Disciplinary Committee in the course of disciplinary proceedings due to the risk of serious and irreparable harm to the reputation and integrity of the health care profession, the well-being of the injured party or public safety;"

(c) immediately after the definition "overriding reasons of general interest", there shall be added the following new definition:

" "personal data" shall have the same meaning as assigned to it in Article 4(1) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);"

(d) immediately after the definition "professional experience" there shall be added the following new definition:

Cap. 377. ""Professional secret" or "secret" shall have the same meaning as assigned to it in the Professional Secrecy Act."

Amendment of article 31 of the principal Act.

**3.** Article 31 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) The relevant Council shall have the power, either on the complaint of any person or of its own motion, to investigate and subsequently, if it deems it necessary, initiate disciplinary proceedings before the Disciplinary Committee in respect of alleged professional misconduct or alleged breach of ethics by a health care professional falling under its supervision:

Provided that the relevant Council shall conclude its investigation on the conduct of the health care professional within three (3) months from receipt of the complaint or from the date when the relevant Council decides to conduct an investigation of its own motion, which period may be extended if the matter so merits, or if the investigation could not be concluded earlier, through no

fault of the relevant Council, for a further period of three (3) months.";

(b) in sub-article (2) thereof the word "inquiry" shall be substituted by the word "investigation".

(c) in sub-article (3) thereof the word "inquiry" shall be substituted by the word "investigation".

(d) sub-article (4) thereof shall be substituted by the following new sub-article:

S.L. 464.XX. "(4) The disciplinary proceedings referred to in sub-article (1) before the Disciplinary Committee established in accordance with the Disciplinary Proceedings Regulations shall be concluded within a period of one (1) year from the date of filing of the application by the relevant Council before the Disciplinary Committee and no adjournment beyond the said period of one (1) year shall be permitted except for exceptional reasons to be recorded by the Disciplinary Committee."

4. Immediately after article 31 of the principal Act, as amended, there shall be added the following new articles:

Addition of new articles to the principal Act.

"Disclosure of secret information. Cap. 9. Cap. 377.

31A. (1) An offence shall not be committed against article 257 of the Criminal Code nor shall there be a breach of the Professional Secrecy Act by any person disclosing in good faith a professional secret or secrets to the extent that such disclosure is proportionate and reasonably required:

(a) to the relevant Council for the purposes of filing a complaint, or in connection with an investigation that shall be, or that is being carried out by the relevant Council in terms of article 31 of the Act; or

(b) before the Disciplinary Committee during the course of, or in connection with disciplinary proceedings before the Disciplinary Committee.

(2) The relevant Council may order the disclosure of secret information by any person bound by professional secrecy in connection with an investigation that shall be, or that is being carried out by the relevant Council.

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(3) The Disciplinary Committee may order the disclosure of secret information by any person bound by professional secrecy during, or in connection with disciplinary proceedings before the Disciplinary Committee.

Processing and submission of personal data.

31B. Without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), as amended from time to time, the collection, use, storage and transmission of personal data:

(a) to the relevant Council for the purposes of filing a complaint before it, or in connection with an investigation that shall be, or that is being carried out by such relevant Council in accordance with article 31; and

(b) to the Disciplinary Committee during, or in connection with disciplinary proceedings before it,

shall be deemed to be a necessary measure for the establishment, exercise or defence of a claim and for proceedings before the Disciplinary Committee."

Amendment of article 32 of the principal Act.

**5.** In sub-article (1) of article 32 of the principal Act the word "inquiry" shall be substituted by the word "investigation".

Amendment of article 33 of the principal Act.

**6.** Article 33 of the principal Act shall be amended as follows:

"33. Any investigation carried out by a relevant Council and any disciplinary proceedings initiated before the Disciplinary Committee, shall be without prejudice to any other criminal, civil, administrative or disciplinary proceedings which may be taken against the person concerned under the provisions of any other law."

Amendment of article 35 of the principal Act.

**7.** In article 35 of the principal Act the words "entered in the register" shall be substituted by the words "re-entered in the register".

Amendment of article 36 of the principal Act.

**8.** Article 36 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the

following new sub-article:

"Service of  
decision of Council  
and appeal  
therefrom.

(1) Where a relevant Council takes any decision, following a decision of the Disciplinary Council against a person in accordance with articles 32, 35 or 38, the registrar of the respective Council shall within fourteen (14) days from the day that any such decision is taken by the relevant Council, serve the person concerned with such decision and shall within the period of twenty-one (21) days also serve the competent authorities of each Member State with this decision.";

(b) sub-article (2) thereof shall be substituted by the following new sub-article:

"(2) Any decision imposed by the relevant Council shall only be enforceable upon the expiry of the term prescribed in sub-article (4) or, in the case an appeal is filed, once the appeal decision is deemed final by the Court of Appeal (Inferior Jurisdiction).";

(c) in paragraph (a) of sub-article (3) thereof the words "sub-article (2)" shall be substituted by the words "sub-article (1)".

(d) sub-article (4) thereof shall be substituted by the following new sub-article:

"(4) At any time within thirty (30) days from the date of service in accordance with sub-article (3), the person concerned may appeal to the Court of Appeal (Inferior Jurisdiction) constituted in accordance with article 41(9) of the Code of Organization and Civil Procedure, on points of fact and law.";

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(e) immediately after sub-article (8) thereof there shall be added the following new sub-articles:

"(9) The Court of Appeal (Inferior Jurisdiction) shall without delay, appoint a date for the hearing of the appeal which date shall in no case be later than three (3) months from the date of the filing of the said appeal.

(10) The Court of Appeal (Inferior Jurisdiction) shall hear and decide the appeal within six (6) months from the date fixed for the first hearing of the appeal. No adjournment beyond the said six (6) months shall be granted except either

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with the consent of both the appellant and the respondent or for an exceptional reason to be recorded by the Court, and such adjourned date shall not be later than that justified by any such reason."

Amendment of article 38 of the principal Act.

**9.** Article 38 of the principal Act shall be amended as follows:

(a) sub-article (1) of article 38 of the principal Act shall be substituted by the following new sub-article:

"(1) If after due investigation and disciplinary proceedings, it is found by the Disciplinary Committee that any health care professional is unfit to continue to practise his profession on account of some physical or mental infirmity, the relevant Council shall order that his name be erased from the appropriate register.";

(b) in sub-article (4) thereof the word "inquiry" shall be substituted by the word "investigation".

Addition of a new article to the principal Act.

**10.** Immediately after article 38 of the principal Act there shall be added the following new article:

*"Interim measures.* 38A. (1) The relevant Council may, during the course of an investigation, and before filing an application for the initiation of disciplinary proceedings before the Disciplinary Committee, adopt *interim* measures in cases of urgency due to the risk of serious and irreparable harm to the reputation and integrity of the health care profession, the well-being of the injured party or public safety generally:

Provided that the relevant Council shall only adopt *interim* measures if it is satisfied that *prima facie* there appears to have been any of the grounds mentioned in paragraphs (a), (b) and (c) of article 32(1), article 35 and article 38(1).

(2) The decision of the relevant Council to adopt *interim* measures shall be enforceable immediately upon the taking of such decision. Such measures shall be without prejudice to any subsequent decision to be taken by the relevant Council.

(3) *Interim* measures shall be proportionate and appropriate and shall apply for a specified period of time which shall be determined by the relevant Council:

Provided that the *interim* measures may be renewed by the relevant Council in so far as they are necessary and appropriate:

Provided further that the *interim* measures shall cease to apply when the *interim* measures were adopted during the course of an investigation by the relevant Council and the relevant Council subsequently decides to take no further action and closes its investigation.

(4) The decision of the relevant Council in accordance with sub-article (1) shall state all the facts known to it and the reasons why it deems that the adoption of *interim* measures is required.

(5) The decision of the relevant Council in accordance with sub-article (1) or any extension in accordance with the first proviso to sub-article (3), shall be served on the person concerned by the registrar of the relevant Council within two (2) days from the date that the decision is delivered by the relevant Council.

(6) The registrar of the relevant Council shall within six (6) days from the date of the adoption of *interim* measures in accordance with sub-article (1) serve the competent authorities of each Member State with any such *interim* measures, and the person concerned may within six (6) days from date of service of *interim* measures, file a request for a reconsideration to the relevant Council stating the reasons thereof:

Provided that when a request for a reconsideration is made, the relevant Council shall issue a final decision within ten (10) days from the date of filing of the said request, which final decision shall be served on the person concerned in accordance with sub-article (5):

Provided further that in such cases, the term to file an appeal application in accordance with sub-article (7) shall commence from the date of service of the final decision.

(7) An appeal from the *interim* measures adopted by the relevant Council in accordance with sub-article (1) shall be filed by means of an application filed before the Court of Appeal (Inferior Jurisdiction) within six (6) days from the date of service of the decision in accordance with sub-article (5), in relation to the decision on the request for reconsideration pursuant to sub-article (6), and the relevant Council shall reply thereto within six (6) days from the date of service of such an application.

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(8) A request for reconsideration in accordance with sub-article (6) or an appeal filed in accordance with sub-article (7) shall not have the effect of suspending any *interim* measures imposed by the relevant Council.

(9) The Court of Appeal (Inferior Jurisdiction) shall decide on the application in accordance with sub-article (7) within the shortest time possible, but not later than one (1) month from the date of filing of the reply of the relevant Council."

Transitory  
provision.

**11.** With effect from the date of the coming into force of this Act, any decision, order or measure imposed by the relevant Council against a person concerned in accordance with Part VII of the principal Act, shall be subject to a right of appeal before the Court of Appeal (Inferior Jurisdiction) in accordance with articles 36 and 38A of the principal Act.

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### **Objects and Reasons**

The objects and reasons of this Bill are to amend the Act to include a full right of appeal from any decision, order or measure taken by a relevant Council as the case may be, against a person concerned and to provide for the adoption of *interim* measures.



