

SUBSIDIARY LEGISLATION 464.20**DISCIPLINARY PROCEEDINGS REGULATIONS**

17th October, 2025

LEGAL NOTICE 248 of 2025, as amended by Legal Notice 49 of 2026.

1. The title of these regulations is the Disciplinary Proceedings Regulations. Citation.
2. (1) In these regulations, unless the context otherwise requires: Interpretation.
- "Act" means the Health Care Professions Act; Cap. 464.
- "aggrieved party" means any person who feels aggrieved by the conduct of the health care professional and includes a patient or a client;
- "Chairperson" means the Chairperson of the Disciplinary Committee appointed in accordance with the provisions of regulation 3(1)(a);
- "charge" means a charge formulated by the relevant Council to describe any reason for the taking of disciplinary action against a health care professional as established in the Act and in these regulations;
- "committee member" means a health care professional registered with the relevant Council in accordance with the provisions of the Act, and who shall be appointed to sit on the Disciplinary Committee in accordance with regulation 4;
- "complaint" means a complaint to the relevant Council made in accordance with the provisions of the Act or of these regulations;
- "complainant" includes any person making a complaint to a relevant Council even where such person is not the aggrieved party;
- "Disciplinary Committee" means the disciplinary committee established in accordance with regulation 3;
- "health care professional" shall have the same meaning as assigned to it in the Act;
- "immediate family" means any spouse and married or unmarried children, as well as other family members up to the first degree, whether living in the same household or otherwise

and persons having legal custody of a minor;

"*interim* measures" shall have the same meaning as assigned to it in the Act;

"member" means any person whose name is found listed in one of the Registers held by the relevant Council and whose practice is regulated by the relevant Council in accordance with the provisions of the Act;

"Minister" means the Minister responsible for health;

"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);

"permanent register" means any register held by the relevant Council which includes health care professionals who are permanently registered with the said Council and excludes any temporary register;

"President" means the President of the relevant Council appointed in accordance with the First Schedule to the Act;

"professional and ethical standards" shall have the same meaning as assigned to it in the Act;

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"professional secret" or "secret" shall have the same meaning as assigned to it in the Professional Secrecy Act;

"Register" means any Register kept by the relevant Council in accordance with the provisions of the Act;

"Registrar" means the Registrar of the relevant Council appointed in accordance with the First Schedule to the Act; and

"relevant Council" shall have the same meaning as assigned to it in the Act and, for the purposes of these regulations, it is that Council which regulates, at the time of the alleged incident, the health care professional against whom the proceedings are being taken.

(2) Unless otherwise stated or the context otherwise requires, words and phrases used in these regulations that are not defined in this regulation shall have the same meaning as assigned to them in the Act.

3. (1) Each relevant Council shall have a committee known as the Disciplinary Committee. Each Disciplinary Committee shall consist of the following members appointed by the Minister and who shall be natural persons:

Disciplinary
Committee.
Amended by:
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(a) a Chairperson appointed by the Minister from amongst legal practitioners duly warranted to practice law in Malta having at least twelve (12) years experience practicing as an advocate. The said Chairperson shall preside as chairperson over each Disciplinary Committee of all relevant Councils; and

(b) two (2) committee members appointed from the appropriate permanent register in accordance with regulation 4 and who have been listed, for at least a period of five (5) years prior to such appointment, in a permanent register corresponding to the profession of the person charged and when this is not possible, from an alternative permanent register held by the relevant Council of the person charged.

(2) The secretary to the Disciplinary Committee shall be appointed by the President for a term of six (6) years which may renewed for a further term of three (3) years.

(3) An Acting Chairperson shall also be appointed by the Minister from amongst legal practitioners duly warranted to practice law in Malta having at least twelve (12) years experience practicing as an advocate, to act in the stead of the Chairperson in the event of a vacancy in the role of the Chairperson or during the Chairperson's tenure in the event that the Chairperson is for any reason unable to preside over the Disciplinary Committee:

Provided that the provisions relating to the Chairperson, unless otherwise stated, shall apply *mutatis mutandis* to the Acting Chairperson.

(4) Prior to appointing the Chairperson in accordance with sub-regulation (1), the Minister shall ensure that the Chairperson is fit and proper to fulfil his duties under these regulations. In doing so, the Minister shall have regard to his integrity, competence, diligence and soundness of judgement, and that he does not have any conflict of interest if the person being considered for the post of Chairperson would occupy such post.

(5) The Chairperson and Acting Chairperson of the Disciplinary Committee shall be appointed for one (1) term of six (6) years which shall not be renewed after the expiration of their term of office.

(6) Other members of the Disciplinary Committee selected in terms of regulation 4 shall be appointed for the hearing and

determination of an individual case.

(7) Where for any reason, a vacancy in the office of a committee member arises or where a committee member is no longer able to sit on the Disciplinary Committee, another committee member shall be appointed by the Minister in terms of regulation 4 within one (1) month of the vacancy arising for the remaining period of the term of office of the committee member being substituted:

Provided that the Disciplinary Committee may continue to exercise its powers until such date as the substitute committee member is appointed:

Provided further that in the event that a committee member dies or is removed in accordance with these regulations once the evidentiary stage of proceedings before the Disciplinary Committee have been concluded, the Disciplinary Committee may, when it considers appropriate, elect to have the case heard by the remaining committee members.

(8) The committee members shall not be removed from office unless in the manner provided for in regulation 5.

Committee
members.
*Amended by:
L.N. 49 of 2026.*

4. (1) When following an investigation, the relevant Council decides to issue a charge against a health care professional in accordance with regulation 10(8), it shall inform the Minister about such fact and the Minister shall appoint two (2) members on the Disciplinary Committee from the same profession of the person facing the charge or, when this is not possible, in accordance with sub-regulation (4):

Provided that if the health care professional facing the charge is pursuing a specialist training programme or is listed in a specialist register held by the relevant Council in accordance with the Act, one (1) of those members shall be appointed from the same specialist register, or when this is no longer possible, from another specialist register in accordance with sub-regulation (4).

(2) The Minister shall select the said members in alphabetical order from the respective specialist register or health care profession permanent register, as the case may be:

Provided that in cases where new proceedings are filed in terms of regulation 11(1) against health care professionals coming from the same area of specialisation or health care profession where a previous appointment was made in terms of sub-regulation (1), the Minister shall, select as members those persons who are next in line in accordance with the alphabetical order in the respective register.

(3) In the case that a health care professional selected in terms of sub-regulation (2) refuses such appointment for a valid

reason, or is disqualified from such appointment or declares a conflict in proceedings in terms of regulation 5, the Minister shall proceed to select the health care professional who is next in line in accordance with the alphabetical order in the respective register.

(4) When it is no longer possible to select a committee member from the appropriate register, the Minister shall:

- (a) in the appointment of a specialist, continue such selection in alphabetical order from the register of specialists of the speciality next in line, as listed in the Fifth Schedule to the Act;
- (b) in the case of a charge against a professional appertaining to a profession listed in the Third Schedule to the Act, continue such selection in alphabetical order from the register of the profession next in line, as listed in the Third Schedule to the Act;
- (c) when paragraphs (a) and (b) do not apply, continue such selection in alphabetical order from an alternative permanent register of another profession regulated by the said Council of the person facing the charge.

5. (1) A person shall not be qualified to be appointed as or remain a committee member, Chairperson or Acting Chairperson if he:

Disqualification and removal from the post of committee member of the Disciplinary Committee.

- (a) is a member of the House or a Local Council, or a candidate for election to the House or a Local Council;
- (b) is a sitting Judge or Magistrate of the Courts of Justice;
- (c) is legally incapacitated or interdicted;
- (d) has been declared an undischarged bankrupt or has made a composition or arrangement with his creditors;
- (e) is subject to disqualification under article 320 of the Companies Act;
- (f) is a member of the executive council of a trade union, as defined by the Employment and Industrial Relations Act;
- (g) is a member of the relevant Council or a member of the immediate family of the member of the relative Council;

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(h) has been convicted of a crime affecting public trust or theft or fraud or of knowingly receiving property obtained by theft or fraud or has been sentenced to imprisonment by a court; or

(i) was subject to disciplinary proceedings before the Disciplinary Committee, which in its decision determined on a balance of probability that the allegations against such person have been totally or partially proven and such decision has become *res judicata* at this stage or by means of a definite judgment by the Court of Appeal (Inferior Jurisdiction) which is *res judicata* wherein the Court of Appeal (Inferior Jurisdiction) confirmed the decision of the Disciplinary Committee that the allegations have been totally or partially proven.

(2) Subject to the provisions of this regulation, the office of Chairperson or committee member shall become vacant:

(a) upon the expiration of his term of office;

(b) if any circumstances arise that, if he were not already Chairperson or a committee member, would cause him to be disqualified from appointment as such; or

(c) if he is removed from office in accordance with sub-regulation (3).

(3) The Chairperson, Acting Chairperson or a committee member shall only be removed from office by the Minister for any one or more of the following reasons:

(a) if due to proven infirmity of mind or of body or of any other cause, is effectively unable to continue to discharge his duties;

(b) if it is proven that the behaviour or performance brings into question the suitability or ability to continue as Chairperson or a committee member, in particular if that behaviour affects or may affect his reputation, independence or autonomy, or the reputation, independence or autonomy of the Disciplinary Committee;

(c) if he has been convicted of a criminal offence affecting public trust, theft or fraud, of knowingly receiving property obtained by theft or fraud, bribery or of money laundering, or of any offence against this Act, or if he has been convicted of an offence punishable by imprisonment for a period of six (6) months or more;

(d) if it is proven that he failed to perform his duties

for a prolonged period of time without any valid justification;

(e) if it is proven that any of the circumstances arise in which a judge is to abstain or may be challenged in accordance with the provisions of article 734 of the Code of Organization and Civil Procedure; or Cap. 12.

(f) if such person was subject to disciplinary proceedings before the Disciplinary Committee, which decision determined on a balance of probability that the allegations against such person have been totally or partially proven and at this stage the decision became *res judicata*, or by means of a definite judgment by the Court of Appeal (Inferior Jurisdiction) which is *res judicata* wherein the Court of Appeal (Inferior Jurisdiction) confirmed the decision of the Disciplinary Committee that the allegations have been totally or partially proven.

(4) The Chairperson, the Acting Chairperson or a committee member shall be suspended from their post in the Disciplinary Committee by means of an order of suspension issued by the Minister if such person is subject to a pending investigation that is being conducted by the relevant Council, or is subject to disciplinary proceedings which are pending before the Disciplinary Committee or to proceedings which are pending in the Court of Appeal (Inferior Jurisdiction) in accordance with these regulations, as the case may be:

Provided that in the case that the relevant Council closes its investigation and decides not to take any further action against such person, or by means of a decision of the Disciplinary Committee determined on a balance of probability which is *res judicata* such person is cleared of all charges brought against him, or by means of a judgment of the Court of Appeal (Inferior Jurisdiction) which is *res judicata* such person is cleared of all charges brought against him, the Minister shall revoke the order of suspension and such person shall be reinstated to his former post within the Disciplinary Committee.

(5) The Chairperson and committee members shall before the commencement of any case in the Disciplinary Committee declare any interest that they may have in the proceedings. Where the Chairperson declares an interest, he shall be substituted by the Acting Chairperson and should the Acting Chairperson also declare an interest in the proceedings, the Minister shall appoint another person to preside over those proceedings. Where a committee member declares an interest in the proceedings, the Minister shall appoint another health care professional in terms of regulation 4(3).

6. (1) The Chairperson, the Acting Chairperson and committee members shall receive such remuneration as the Minister shall by means of a Government Notice in the Gazette determine: Remuneration.

Provided that such remuneration may not be altered during the tenure of their appointment.

(2) The remuneration due to the Chairperson, Acting Chairperson and committee members shall be paid out of the Consolidated Fund without the necessity of any further appropriation.

Voting.

7. (1) The Chairperson and each committee member shall be entitled to one (1) vote.

(2) Cases shall be decided by the Disciplinary Committee by majority vote.

(3) In the exercise of their functions, the Chairperson and the other committee members shall act impartially and shall not be subject to the direction or control of any person or authority.

Purposes and functions of the Disciplinary Committee.

8. The Disciplinary Committee shall have the following functions:

(a) to hold disciplinary proceedings and hear a charge formulated by the relevant Council in accordance with the provisions of these regulations and submitted to it in accordance with the provisions of regulation 11;

(b) to determine upon the request of the relevant Council if there are grounds for the taking of *interim* measures after the commencement of disciplinary proceedings before it;

(c) to ensure that the hearing of disciplinary proceedings are carried out in a fair and organised manner and that the relevant Council and the health care professional are given an adequate opportunity to produce their evidence and witnesses and to cross-examine any witness produced by the either party;

(d) to ensure that during the course of the disciplinary proceedings, the provisions of the Act and of these regulations are observed at all times;

(e) to ensure that the rights and obligations of the health care professional are made known to him prior to the hearing;

(f) to ensure that in arriving at a decision, the principles of fairness, justice and proportionality are respected;

(g) to ensure that the well-being of the aggrieved party, the reputation and integrity of the health care profession and professional and ethical standards are safeguarded;

(h) to perform any other function as may be prescribed by law in relation to the hearing of disciplinary proceedings and taking of disciplinary measures.

9. (1) No disciplinary proceedings against any health care professional shall be initiated, followed or taken except in accordance with the provisions of the Act and these regulations.

Taking of disciplinary proceedings.
Amended by:
L.N. 49 of 2026.

(2) Disciplinary proceedings against a health care professional may be taken by means of the Disciplinary Committee and in accordance with the provisions of the Act or of these regulations.

10. (1) The relevant Council shall carry out an investigation in terms of article 31 of the Act:

Complaints and information.

(a) on its own motion if it has a reasonable suspicion of professional misconduct or of an alleged breach of ethical standards; or

(b) upon receiving a complaint concerning alleged professional misconduct or an alleged breach of ethical standards only when the complaint consists of a reasonable allegation in writing explaining the reasons for such allegation and requesting the relevant Council to investigate such allegation:

Provided that where the complaint is made by a person who is not the aggrieved party, the Registrar of the relevant Council shall not accept the filing of the complaint unless the aggrieved party has provided its written authorisation for the complaint to be submitted by the complainant. In the case that the aggrieved party is deceased, the lack of such authorisation by the aggrieved party shall not preclude the relevant Council from carrying out an investigation in accordance with the Act:

Provided further that when the aggrieved party lacks the mental capacity in terms of the Mental Health Act, written authorisation shall be provided by the responsible carer appointed in terms of the said Mental Health Act or the curator appointed by Court decree, as the case may be.

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(2) Upon the filing of the complaint, the Registrar shall obtain the written authorisation of the aggrieved party in respect of the disclosure of the aggrieved party's or complainant's personal data in terms of sub-regulation (1)(b) as the case may be, for the purposes of the publication of any eventual decision as provided in regulation 22(1).

(3) The Registrar shall submit the complaint or any

information submitted to him to the President:

Provided that the relevant Council shall not proceed further unless and until the complaint has been confirmed by means of a declaration on oath by the complainant. Such declaration shall:

(a) state the address and particulars of the complainant or the aggrieved party, as the case may be; and

(b) if any fact declared is not within the personal knowledge of the declarant, state the grounds for his belief in the truth of the fact.

(4) Where the relevant Council decides to investigate on its own motion as referred to in sub-regulation (1)(a), the Registrar of the relevant Council shall inform the aggrieved party about the investigation in his regard and shall obtain his written consent as provided in sub-regulation (1)(b) in respect of the disclosure of the aggrieved party's personal data in the publication of the decision as provided in regulation 22(1).

(5) Subject to the provisions of sub-regulation (3), the President shall direct the Registrar to send a notice in writing to the health care professional concerned of the receipt of the complaint and information outlining the substance thereof, or in the event of an investigation of its own motion, send a notice in writing of the basis for such an investigation and to invite the health care professional concerned to submit to the relevant Council, within such date as the President shall determine, but which in any case shall not be less than ten (10) working days and not more than twenty (20) working days from the date of service of this notice, any representations in response thereto which the health care professional may submit, and any such explanation shall be made in writing and shall be received by the Registrar within the period of time granted by the President.

(6) The relevant Council may, in the conduct of its investigation and if so required, request the health care professional, the aggrieved party or the complainant to provide additional explanations or clarifications within a reasonable period of time granted by the relevant Council.

(7) The relevant Council shall conclude its investigation on the conduct of the health care professional within three (3) months from receipt of the complaint by the relevant Council 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, which investigation shall not exceed a total period of six (6) months from the date of receipt of a complaint or commencement of an investigation on

its own motion.

(8) The relevant Council shall conduct the investigation expeditiously and shall take any one of the following actions following a decision by simple majority in relation to the matter:

(a) close the investigation and decide to take no further action; or

(b) issue a charge against the health care professional detailing the outcome of the investigation, the alleged professional misconduct or alleged breach of ethical standards by the health care professional, and the basis for the issuance of such charge.

(9) In the event that the relevant Council decides not to take further action, the relevant Council may consider that the matter merits the issuance of a letter of guidance to the health care professional:

Provided that if the matter does not merit the issuance of a letter of guidance, the health care professional shall be informed in writing, that the relevant Council has decided not to take any further action:

Provided further that in the event that the relevant Council closes the investigation in accordance with sub-regulation (8)(a), the relevant Council may reserve the right to re-appoint the matter to the agenda of the relevant Council should it receive further information or other similar or ancillary complaints on the conduct of the health care professional within a period of not less than six (6) months but not more than one (1) year from the date of the letter of guidance.

(10) Where the relevant Council closes an investigation that was initiated on the basis of a complaint under sub-regulation (8)(a), the relevant Council shall issue a letter rejecting the complaint, which letter shall contain the reasons for its decision not to uphold the complaint and which shall be served on the complainant without delay.

(11) When the relevant Council decides to take any one of the actions in accordance with sub-regulation (8), the relevant Council shall take into consideration the merits of the case on the following basis:

(a) the prospect of the case leading to the finding of actual misconduct;

(b) the adequate interpretation of the relevant code of ethics pertaining to the respective relevant Council or parts thereof;

- (c) the need to protect the public against malpractice and misconduct on both a professional and ethical basis;
- (d) the need to protect the well-being of patients;
- (e) the need to ensure and protect the reputation of, and public confidence in the profession;
- (f) the need to protect members from unwarranted or vexatious allegations; and
- (g) any other matter deemed necessary or relevant to the case or complaint in question.

Commencement of disciplinary proceedings before the Disciplinary Committee.

11. (1) When the relevant Council deems the representations submitted by the health care professional concerned in accordance with regulation 10(5) to be insufficient, or if the health care professional makes no representations, the relevant Council shall file an application before the Disciplinary Committee requesting the commencement of disciplinary proceedings against the health care professional clearly stating the facts established by it, the charge and the allegations against the health care professional, together with a request to the Disciplinary Committee to declare professional misconduct or breach of ethics or unfitness on grounds of infirmity and to take action in terms of the provisions of the Act and these regulations.

(2) Consequent to the relevant Council's decision, the Registrar shall inform the complainant and the aggrieved party as the case may be, of the decision of the relevant Council within thirty (30) working days from the date of issuance of the charge.

(3) Upon filing an application in accordance with sub-regulation (1), the relevant Council shall together with the application, submit to the Disciplinary Committee the following information and documents:

- (a) the contact details of the health care professional to whom the charge refers;
- (b) where applicable, a copy of the complaint in accordance with regulation 10(1)(b), and any declaration of the complainant in terms of the proviso to regulation 10(3);
- (c) a report on its investigation together with the charge and all supporting documents that are relevant to the hearing of the case and which are in the possession of the relevant Council;
- (d) a list of witnesses to be heard in front of the

Disciplinary Committee, provided that any person assisting the health care professional concerned may not be called as a witness in the same disciplinary proceedings;

(e) any other item that the relevant Council deems relevant to the hearing of the case.

12. (1) The health care professional shall be served with the application referred to in regulation 11 together with all accompanying documents and evidence enclosed thereto, together with Form A of the Schedule.

Application of the relevant Council and reply of the health care professional.

(2) The health care professional shall have thirty (30) days from the date of service of the application and the other documents indicated in sub-regulation (1) to file a written reply.

(3) The health care professional shall together with the reply submit to the Disciplinary Committee:

(a) all supporting documents relevant to the hearing of the case and which are in his possession;

(b) a list of witnesses to be produced before the Disciplinary Committee, provided that any person assisting the health care professional concerned may not be called as a witness in the same disciplinary proceedings; and

(c) any other matter that he deems relevant to the hearing of the case.

(4) As soon as possible and after receipt of the reply in accordance with sub-regulation (2) together with additional information and documents in accordance with sub-regulation (3), the written proceedings shall be deemed closed and the Disciplinary Committee shall serve the reply together with the additional information and documents on the relevant Council and issue a notice of hearing to take place on a date and time to be established by the Disciplinary Committee, which notice shall be served on the parties.

(5) The Disciplinary Committee shall consider and have due regard to applicable and relevant laws, the Code of Ethics, rules, regulations and guidelines, in particular those governing the health care profession, existing at the time when the alleged facts giving rise to the complaint occurred.

(6) Subject to any limitations imposed by the Act or these regulations, the Disciplinary Committee shall have all the powers to enable it to perform its functions adequately, including the power to summon witnesses in accordance with article 568 of the Code of Organization and Civil Procedure, to appoint experts in accordance with article 563A of the Code of Organization and Civil Procedure, to

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administer oaths in accordance with article 577(3) of the Code of Organization and Civil Procedure and to issue interlocutory decrees in accordance with article 221 of the Code of Organization and Civil Procedure and for these purposes it shall have the powers which are conferred by law on the First Hall of the Civil Court.

Postponement or
adjournment.

13. Where before the date of the hearing of the disciplinary proceedings or at any stage of the hearing either the relevant Council or the health care professional facing disciplinary proceedings informs the Disciplinary Committee that there is a justified reason for the postponement or adjournment of the hearing, the Disciplinary Committee shall discuss the merits of this reason and decide accordingly whether to postpone, adjourn or proceed with the hearing of the case.

Public
proceedings.
Amended by:
L.N. 49 of 2026.

14. Proceedings before the Disciplinary Committee shall be held in public:

Provided that proceedings may be held *in camera* in exceptional circumstances as determined by the Disciplinary Committee when:

- (a) following the issuance of a charge against a health care professional, the complainant and the aggrieved party submit, within two (2) weeks from receipt of that notice in accordance with regulation 11(2), a written request to the Disciplinary Committee for the proceedings to be held *in camera* and provide the exceptional reasons to substantiate such request; or
- (b) in the written reply, the health care professional who is being charged includes a preliminary request that the proceedings be held *in camera* and provides the exceptional reasons to substantiate such request. Upon receipt of such request, the secretary of the Disciplinary Committee shall inform the complainant and the aggrieved party of such request and shall provide a period not longer than two (2) weeks within which the said complainant and the aggrieved party may indicate whether they accede or reject such request and provide the reasons thereto:

Provided further that when a request in accordance with paragraphs (a) or (b) of the first proviso is made, the Disciplinary Committee shall determine this matter during the first sitting immediately before the reading of the charge in accordance with regulation 16(2).

15. (1) Any party to the proceedings before the Disciplinary Committee may be assisted by an advocate or legal procurator or other health care professional not subject to any proceedings before the Disciplinary Committee. The health care professional concerned may also be assisted by any other member whose name appears in any Register held by the relevant Council.

Legal and other assistance.

(2) Before the commencement of the proceedings, the Chairperson shall bring the provisions of this regulation to the attention of any party to the proceedings appearing before the Disciplinary Committee without any such assistance.

16. (1) The disciplinary proceedings before the Disciplinary Committee shall commence with the statement of the Chairperson and in such statement he shall:

Opening of proceedings and the reading of the charge.

(a) state the date, time and place of the hearing;

(b) state the names of the parties concerned;

(c) declare the hearing open; and

(d) inform the parties that the proceedings shall be recorded for the purposes of transcription.

(2) The Chairperson shall invite the Registrar or his representative to read out the charge.

(3) The Chairperson shall put to the health care professional concerned the question of whether he admits or refutes the charge.

(4) The proceedings shall be recorded in writing or by other means.

17. (1) If the health care professional concerned admits the charge, the Disciplinary Committee shall:

Admission or refutation.

(a) dispense with the production of witnesses and proceed to give its decision on that day or on any other day, but in any case not later than thirty (30) days from the date of the hearing appointed for the purpose; or

(b) continue with the hearing of the witnesses and evidence should it so decide that it shall hear certain evidence before arriving at a decision on the disciplinary measure.

(2) If the health care professional concerned refutes the charge, the Disciplinary Committee shall proceed with the disciplinary proceedings.

(3) If the health care professional concerned fails to attend

the hearing without just cause despite being served with the documents in accordance with regulation 12(1) and the notice of hearing in accordance with regulation 12(4), the Disciplinary Committee may, if it thinks fit, proceed with the disciplinary proceedings even in the absence of the health care professional:

Provided that if the health care professional concerned is unable to attend for a just cause, he may if he so prefers, request that the disciplinary proceedings be proceeded with in his absence or in the presence of his appointed representative.

Disciplinary
proceedings.

18. The disciplinary proceedings shall assume the following order unless the Disciplinary Committee deems it necessary to proceed otherwise:

(a) witnesses in support of the allegations shall be produced and examined by the relevant Council and cross-examined by the health care professional concerned, thereafter any committee member shall be at liberty to put questions as he may deem necessary to the witnesses;

(b) witnesses in defence, including the health care professional concerned shall be heard. Such witnesses shall be examined by the health care professional concerned and cross-examined by the relevant Council, thereafter any committee member shall be at liberty to put questions as he may deem necessary to the witnesses;

(c) when the evidence has been concluded, the relevant Council shall be given the opportunity to address the Disciplinary Committee and make its case on the evidence provided and subsequently, the health care professional concerned shall address the said Disciplinary Committee and make his defence:

Provided that the Disciplinary Committee may direct the parties to submit written submissions to make their case;

(d) the Disciplinary Committee shall subsequently consider the evidence produced and the submissions filed by both parties to determine whether the case against the health care professional concerned has, on a balance of probability:

- (i) been fully proven;
- (ii) only been partially proven; or
- (iii) been disproved;

(e) The Disciplinary Committee shall give its decision on that day or on any other day, but in any case within not more than one (1) year from the filing of the application by the relevant Council in accordance with regulation 11 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.

(f) The Disciplinary Committee shall not be excluded at any stage of the disciplinary proceedings until the decision is delivered, from re-hearing any witness or requesting the production of any additional documents or any additional information:

Provided that the parties shall be given adequate opportunity to re-examine such witness, any additional documents or any additional information so produced and to make their submissions thereon.

19. (1) When the Disciplinary Committee determines that the allegations have been fully or partially proven, the Disciplinary Committee shall in the said decision, determine the appropriate disciplinary measure to be applied in accordance with the Act and these regulations:

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measures.
Amended by:
L.N. 49 of 2026.

Provided that such disciplinary measure shall be one that reflects the principles of proportionality and justice having regard to the impact on the reputation and integrity of the health care profession and on the well-being of the aggrieved party.

(2) In all cases where the Disciplinary Committee is satisfied that the charge has not been adequately proven or has been disproved, the Disciplinary Committee shall close all proceedings and clear the health care professional concerned of all the charges brought against him.

(3) The Disciplinary Committee shall decide, by majority vote and its decision shall be adopted by the relevant Council as a decision of the said relevant Council in accordance with articles 32, 35 or 38 of the Act as the case may be, and the relevant Council shall not have any authority to amend, vary or in any way alter such decision. For the avoidance of any doubt, the relevant Council shall adopt the decision of the Disciplinary Committee and it shall be deemed to be a decision taken by the relevant Council.

20. (1) The Disciplinary Committee may, during the course of disciplinary proceedings, and following a request to this effect by the relevant Council, 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

Interim measures.

the aggrieved party or public safety generally:

Provided that the Disciplinary Committee 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) of the Act.

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

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

Provided that the duration of the *interim* measures may be extended by the Disciplinary Committee in so far as they are necessary and appropriate.

(4) The decision of the Disciplinary Committee in accordance with sub-regulation (1) shall state all the facts established by it and the reasons on the basis of which it deems that the adoption of *interim* measures is required.

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

(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-regulation (1) serve the competent authorities of each Member State with any such 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 Disciplinary Committee stating reasons thereof:

Provided that when a request for a reconsideration is made, the Disciplinary Committee shall issue a decision in respect of such request 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-regulation (5):

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

(7) An appeal from the *interim* measures imposed by the

Disciplinary Committee in accordance with sub-regulation (1) may be filed by the person concerned 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-regulation (5) and the Disciplinary Committee shall reply within six (6) days from the date of service of such an application.

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

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

21. (1) All documentation, evidence, transcripts, records of the proceedings and the decision of the Disciplinary Committee shall be duly filed and stored securely by the secretary of the Disciplinary Committee.

Records kept and stored by the relevant Council and the Disciplinary Committee.

(2) The Registrar of the relevant Council shall file and store the records of the disciplinary proceedings in a manner that ensures their preservation, access and reference by the relevant Council, the Disciplinary Committee or the general public.

22. (1) The decisions of the Disciplinary Committee shall be given in public and in writing, and they shall be signed by the Chairperson:

Decisions given in public and in writing.
Amended by:
L.N. 49 of 2026.

Provided that if in accordance with regulation 14, the Disciplinary Committee determines that proceedings are to be held *in camera*, the decisions of the Disciplinary Committee shall also be given *in camera*:

Provided further that any personal data and other secret information, the disclosure of which has not been consented to as provided in regulation 10, shall be anonymised in the decision and shall not be subject to publication as provided in sub-regulation (3).

(2) The original version of the decision, together with the complete record of the disciplinary proceedings before the Disciplinary Committee, shall be sent to the Registrar immediately upon the closure by the Disciplinary Committee of the disciplinary proceedings.

(3) Subject to the provisions of sub-regulation (1), any decision of the Disciplinary Committee imposing a disciplinary measure adopted by the relevant Council in accordance with these

regulations, shall be published on the official website of the relevant Council without undue delay.

(4) Where an appeal is filed in accordance with regulation 28, the relevant Council shall without undue delay, publish information on the appeal, and on the status of the appeal and the outcome thereof, including information on any decision of the Court of Appeal (Inferior Jurisdiction) which alters or revokes in whole or in part that disciplinary measure in question.

Validity of proceedings.

23. Where under any of the foregoing provisions of these regulations, a meeting of the Disciplinary Committee stands adjourned to a future date, the validity of the proceedings at that meeting shall not be called into question for the sole reason that the committee members who were present at the former meeting were not present at the following meeting of the Disciplinary Committee.

Copy of decision.

24. (1) The Chairperson shall communicate without delay the decision of the Disciplinary Committee to the relevant Council who shall adopt that decision as provided in regulation 19(3).

(2) The relevant Council shall serve a copy of the decision of the Disciplinary Committee without delay on the health care professional.

Form of summons to testify.

25. Notice to any person to appear before the Disciplinary Committee to testify and, or produce documents shall be in the form established in Form B listed in the Schedule.

Signature.

26. (1) Every notice referred to in these regulations shall be signed by the Chairperson and served in accordance with the provisions of article 36 of the Act.

(2) Any notice issued under regulation 12 shall be served in accordance with the provisions of article 37 of the Act.

Confidential discussions.

27. At no time may the Chairperson and other committee members of the Disciplinary Committee divulge any deliberations by the Disciplinary Committee in the course of the proceedings before it.

Appeal.

28. (1) There shall be a right of appeal from any decision of the Disciplinary Committee adopted and implemented by the relevant Council in accordance with the Act.

(2) Prior to delivering its final judgement, the Court shall give the parties concerned the opportunity to specify the confidential parts containing personal data and secret information which shall be anonymised in the final judgement or decree:

Provided that the final determination in respect of such anonymisation rests with the Court.

29. (1) Where a health care professional is found guilty of the charges brought against him, the Disciplinary Committee shall decide on the appropriate disciplinary measure on the basis of the principles established in regulation 8(f) to ensure proportionality between the disciplinary measure and the gravity of the misconduct.

Administrative penalties.

(2) Where the Disciplinary Committee in its decision finds that the health care professional is unfit to continue to practise his profession on account of some physical or mental infirmity, the relevant Council shall proceed with erasure of the name of the health care professional concerned from the register in terms of the provisions of the Act.

(3) In those cases where the Disciplinary Committee deems that the professional misconduct or breach of ethical standards is of minor consequence to the profession, its reputation, the practice or to the complainant or aggrieved party concerned, as the case may be, the Disciplinary Committee may:

- (a) issue a letter of warning;
- (b) impose an administrative penalty of not less than one hundred and fifty euro (€150) but not exceeding one thousand five hundred euro (€1,500);
- (c) declare that in the event that the member is found guilty of any other breach of professional conduct or ethical standards by the Disciplinary Committee within the ensuing year (1), the subsequent breach shall be considered in conjunction with the former breach in determining the severity of the disciplinary measure to be taken; or
- (d) apply any combination of the measures referred to above.

(4) In those cases where the Disciplinary Committee deems that the professional misconduct or the breach of ethical standards is of moderate consequence to the profession, its reputation, the practice or to the complainant or aggrieved party concerned, as the case may be, the Disciplinary Committee may:

- (a) issue a letter of reprimand;
- (b) impose an administrative penalty of not less than one thousand five hundred euro (€1,500) but not exceeding eight thousand euro (€8,000);
- (c) declare that in the event that the member is found guilty of any other breach of professional conduct or a breach of ethical standards by the Disciplinary Committee within the ensuing two (2) years, the subsequent breach shall be

considered in conjunction with the former breach in determining the severity of the disciplinary measure to be taken;

(d) order the temporary removal of the member from the Register for a period of not less than one (1) month but not exceeding eight (8) months in accordance with the provisions of the Act:

Provided that the Disciplinary Committee may impose conditions on the member for reinstatement to the Register such as the obligation to successfully undertake specific training or partake in a continuous professional development programme during the said period of application of the disciplinary measure; or

(e) apply any combination of the measures referred to above.

(5) In those cases where the Disciplinary Committee deems that the professional misconduct or breach of ethical standards is of grave consequence to the profession, its reputation, the practice or to the complainant or aggrieved party concerned, as the case may be, the Disciplinary Committee may:

(a) issue a letter of reprimand and declare that should the health care professional be found guilty of any other breach of professional conduct or ethical standards by the Disciplinary Committee within the ensuing three (3) years, the subsequent breach shall be considered in conjunction with the former breach in determining the severity of the disciplinary measure to be taken;

(b) impose an administrative penalty of not less than eight thousand euro (€8,000) but not exceeding twenty thousand euro (€20,000);

(c) order the temporary removal of the member from the Register:

Provided that the period of temporary removal shall be of a minimum of nine (9) months but not exceeding eighteen (18) months:

Provided further that the Disciplinary Committee may impose conditions on the health care professional for reinstatement to the Register such as the obligation to successfully undertake specific training or partake in a continuous professional development programme during the said period of application of disciplinary measure;

(d) order the erasure of the name of the health care professional from the Register in accordance with the provisions of the Act; or

(e) apply any combination of the measures referred to above.

30. The payment of any administrative penalty imposed in accordance with these regulations shall be recoverable as a civil debt in favour of the Government by the relevant Council and shall constitute an executive title for all effects and purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure.

Payment of administrative penalties.

Cap. 12.

31. The provisions of these regulations shall apply only in respect of acts or omissions committed from the date of the coming into force of these regulations. Any investigation or disciplinary proceedings concerning alleged professional misconduct or alleged breach of ethics arising from alleged acts or omissions committed prior to the date of the coming into force of these regulations shall continue to be regulated by the provisions of the Act and of the relative subsidiary legislation regulating disciplinary proceedings as in force immediately prior to the date of coming into force of these regulations and the said provisions for the purposes of the said investigations or disciplinary proceedings shall be deemed to have remained in force.

Transitory provision.

SCHEDULE (regulations 12 and 25)

FORM A

Disciplinary Committee

Notice of Disciplinary Proceedings before the Disciplinary Committee

To (date)

.....

I hereby give you notice that the *[name of relevant Council]* has filed disciplinary proceedings against you before this Disciplinary Committee for it to consider and decide on the charge[s] brought against you.

Together with this Notice, you are being served with the application of the relevant Council and with all accompanying documents and evidence.

Therefore you are accordingly being granted thirty (30) days to reply in writing to the allegations brought against you and to submit supporting documents and evidence in your defence.

Be advised that you may be assisted by an advocate or legal procurator or other health care professional of your choice both for the purposes of your reply to the allegations brought against you and in any proceedings brought against you before the Disciplinary Committee.

You are being warned that should you not file a reply in time without any reasonable explanation, the Disciplinary Committee may proceed to hear the case and decide the case in your absence.

Following receipt of your reply or the lapse of the above mentioned thirty (30) days, the Disciplinary Committee shall appoint a first sitting of the disciplinary proceedings and inform you of the date thereof.

Chairperson

Disciplinary Committee

FORM B

Disciplinary Committee

Notice to a person to give evidence and, or to bring documents or other material.

To (date)

You are hereby required to attend before the Disciplinary Committee on the..... of 20 at at and in the same manner on any other day for which the sitting is adjourned, to give evidence and, or to bring the following documents in the matter forming the subject of disciplinary proceedings against

You are hereby being warned that should you fail to attend as hereby required, you are liable to the penalties established in accordance with article 997 of the Code of Organization and Civil Procedure (Cap. 12).

Chairperson

Disciplinary Committee

