

Fifteenth Kerala Legislative Assembly

Bill No. 147

**THE KERALA CLINICAL ESTABLISHMENTS
(REGISTRATION AND REGULATION)
SECOND AMENDMENT BILL, 2022**

©

Kerala Legislature Secretariat

2022

KERALA NIYAMASABHA PRINTING PRESS.

Fifteenth Kerala Legislative Assembly

Bill No. 147

**THE KERALA CLINICAL ESTABLISHMENTS
(REGISTRATION AND REGULATION)
SECOND AMENDMENT BILL, 2022**

Fifteenth Kerala Legislative Assembly
Bill No. 147

[Translation in English of “2022-ലെ കേരള ക്ലിനിക്കൽ സ്ഥാപനങ്ങൾ
(രജിസ്ട്രേഷനും നിയന്ത്രണവും) രണ്ടാം ഭേദഗതി ബിൽ” published under the
authority of the Governor.]

**THE KERALA CLINICAL ESTABLISHMENTS
(REGISTRATION AND REGULATION)
SECOND AMENDMENT BILL, 2022**

A

BILL

further to amend the Kerala Clinical Establishments (Registration and Regulation) Act, 2018.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 (Act 2 of 2018) for the purposes hereinafter appearing;

BE it enacted in the Seventy-third Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Clinical Establishments (Registration and Regulation) Second Amendment Act, 2022.

(2) Section 2 shall come into force on the 1st day of January 2023 and section 3 shall be deemed to have come into force on the 1st day of January 2019.

2. *Amendment of section 18.*—In section 18 of the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 (Act 2 of 2018) (hereinafter referred to as the principal Act), for the words “ a period of two years” the words “ four years and six months” shall be substituted.

3. *Amendment of section 51.*—In the proviso to sub-section (1) of section 51 of the principal Act, for the word “two” the word “four” shall be substituted.

4. *Validation.*—The period for removal of difficulties under sub-section (1) of section 51 of the principal Act shall be deemed to have been extended by the proviso to sub-section (1) of section 51 as amended by this amendment Act and accordingly anything done or any action taken under section 51 shall not be deemed to be invalid or have been invalid only on the ground that the period for the removal of difficulties has expired.

STATEMENT OF OBJECTS AND REASONS

As per section 18 of the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 validity of the provisional registration is for four years from the date of issuance of the certificate of registration. As per sub-section (2) of section 19 every clinical establishment having provisional registration shall apply for permanent registration sixty days prior to the date of expiry of the provisional registration. Provisional registration of many clinical establishments have started from 1st January, 2019. As per the existing law, the said establishments were required to apply for permanent registration before 31st October, 2022. However, the fixing of standards to be followed by clinical establishments is under process the clinical establishments cannot apply for permanent registration without fixing the said standards. Hence, the Government have decided to extend the period of provisional registration of the clinical establishments under the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 for six months. For the said purpose, the Government have decided to amend section 18 of the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 by substituting the words “ a period of two years” in place of the words “ four years and six months”.

2. Also, as per sub-section (1) of section 51 of the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 (Act 2 of 2018), if any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official gazette, make provisions which appear to them to be necessary and not inconsistent with the provisions of this Act for the purpose of removing the difficulty and it is provided that no such order shall be made after the expiry of a period of two years from the date of commencement of the said Act.

3. The restrictions existed due to the COVID-19 pandemic has hampered the smooth functioning of the Kerala Clinical Establishments Council and has necessitated the postponement of discussions with various organisations, formation of sub-committees and state council meetings. Therefore, the Government have decided to extend the period of two years for removal of difficulties in sub-section (1) of section 51 of the Act to four years. For the said purpose, the Government have decided to amend the proviso to sub-section (1) of section 51 of the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 by substituting the word "two" with "four".

4. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any recurring or non-recurring additional expenditure from the Consolidated Fund of the State.

VEENA GEORGE

EXTRACT FROM THE RELEVANT PORTIONS OF THE
KERALA CLINICAL ESTABLISHMENTS
(REGISTRATION AND REGULATION)
ACT, 2018 (ACT 2 OF 2018)

**

**

**

**

18. *Validity of provisional registration.*—Provisional registration shall be valid for a period of four years from the date of issuance of the certificate of registration.

**

**

**

**

51. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official gazette, make provisions which appear to them to be necessary and not inconsistent with the provisions of this Act for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

**

**

**

**
