
**THE KERALA CLINICAL ESTABLISHMENTS (REGISTRATION
AND REGULATION) AMENDMENT BILL, 2021**

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Kerala Legislature Secretariat

2021

Fifteenth Kerala Legislative Assembly

Bill No. 40

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[Translation in English of “2021-ലെ കേരള ക്ലിനിക്കൽ സ്ഥാപനങ്ങൾ (രജിസ്ട്രേഷനും നിയന്ത്രണവും) ഭേദഗതി ബിൽ” published under the authority of the Governor.]

THE KERALA CLINICAL ESTABLISHMENTS (REGISTRATION AND REGULATION) AMENDMENT BILL, 2021

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BILL

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

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

BE it enacted in the Seventy-second 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) Amendment Act, 2021.

(2) It shall be deemed to have come into force on the 9th day of November, 2020.

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

3. *Repeal and saving.*— (1) The Kerala Clinical Establishments (Registration and Regulation) Amendment Ordinance, 2021 (114 of 2021) is hereby repealed.

(2) Notwithstanding such repeal anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

As per section 18 in chapter 4 of the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 (2 of 2018), validity of the provisional registration is for two 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.

2. Due to COVID-19 pandemic, 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 one more year. For the said purpose, the Government have decided to amend the word “two” as “three” in section 18 of the Kerala Clinical Establishments (Registration and Regulation) Act, 2018.

3. As the Legislative Assembly of the State of Kerala was not in session and as the said proposal had to be given effect immediately, the Kerala Clinical Establishments (Registration and Regulation) Amendment Ordinance, 2020 (76 of 2020) was promulgated by the Governor of Kerala on the 6th day of November, 2020 and the same was published in the Kerala Gazette Extraordinary No. 2716 dated 9th November, 2020.

4. As a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Kerala Legislative Assembly during its session which commenced on the 31st day of December, 2020 and ended on the same day and during its session which commenced on the 8th day of January, 2021 and ended on 22nd January, 2021.

5. In order to keep alive the provisions of the said Ordinance, the Kerala Clinical Establishments (Registration and Regulation) Amendment Ordinance, 2021 was promulgated by the Governor of Kerala on the 9th day of February, 2021 and the same was published as Ordinance No. 23 of 2021 in the Kerala Gazette Extraordinary No. 650 dated 10th February, 2021.

6. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Kerala Legislative Assembly during its session which commenced on the 24th day of May, 2021 and ended on the 10th day of June, 2021.

7. In order to keep alive the provisions of the said Ordinance, the Kerala Clinical Establishments (Registration and Regulation) Amendment Ordinance, 2021 was promulgated by the Governor of Kerala on the 1st day of July, 2021 and the same was published as Ordinance No.78 of 2021 in the Kerala Gazette Extraordinary No. 1944 dated 3rd July, 2021.

8. A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in and passed by the Kerala Legislative Assembly during its session which commenced on the 22nd day of July, 2021 and ended on the 13th day of August, 2021.

9. The Secretary, Kerala State Council for Clinical Establishments has submitted recommendation that the extended period of registration of three years as per the said Ordinance be further enhanced to four years. Subsequently, the Government have decided to amend the provision referred in the Ordinance No. 78 of 2021 as 'four' years instead of 'two' years. Consequently the Kerala Clinical Establishments (Registration and Regulation) Amendment Ordinance, 2021 was promulgated by the Governor of Kerala on the 23rd day of August, 2021 and the same was published as Ordinance No. 114 of 2021 in the Kerala Gazette Extraordinary No. 2486 dated 25th August, 2021.

10. The Bill seeks to replace the Kerala Clinical Establishments (Registration and Regulation) Amendment Ordinance, 2021 (114 of 2021) by an Act of the State Legislature.

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)

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

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