

## **ABBOZZ TA' LIĠI**

### **msejjah**

*ATT biex jirregola d-dritt għall-assistenza personali għall-persuni b'diżabilità, jistabbilixxi rekwiżiti speċifiċi għal servizzi remunerati, u jipprovdi għal materji ancillari jew konsegwenzjali.*

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

### **TAQSIMA I**

#### **MATERJI PRELIMINARI**

Titolu fil-qosor u bidu fis-sehħ.

**1.** (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2026 dwar l-Assistenza Personali.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data li l-Ministru responsabbli għad-diżabilità u l-iżvilupp ta' dan is-settur jista' b'avviż fil-Gazzetta jistabbilixxi u dati differenti jistgħu jigu hekk stabbiliti għal disposizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

Tifsir.

**2.** Għall-finijiet ta' dan l-Att, u ta' regolamenti magħmulin taħt dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra –

L.S. 595.18.

"Aġenzija" tfisser l-Aġenzija msemmija fir-regolament 2 tal-Ordni li jwaqqaf l-Aġenzija SAPPORT;

Kap. 627.

"assistent personali" tfisser persuna fiżika li toffri assistenza personali, permezz ta' appoġġ uman dirett minn persuna jew immexxi mill-utent, lil persuna b'diżabilità, bhala għodda għal għajxien indipendenti, biex tagħti s-setgħa lil dik il-persuna biex tgħix b'mod awtonomu u dinjituż u li tkun inkluża fl-aspetti kollha tal-ħajja komunitarja, skont l-Artikolu 19(b) tat-Tieni Skeda tal-

Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità, u l-paragrafu E tal-Frames Skeda tiegħu;

"assistent personali rreġistrat" tfisser assistent personali rreġistrat mid-Direttur skont l-artikolu 13;

"assistenza personali remunerata" tfisser kwalunkwe forniment finanzjarjament remunerat ta' assistenza personali;

Kap. 627.

"Bord" tfisser il-Bord dwar l-Iskema tal-Assistenza fil-finanzjament personali stabbilit bl-artikolu 7A tal-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità;

Kap. 627.

"Direttur" tfisser id-Direttur responsabbli għad-Direttorat għall-Affarijiet dwar id-Diżabilità, imwaqqaf skont l-artikolu 5(1) tal-Attdwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità, u kull persuna delegata mill-imsemmi Direttur biex taġixxi f'isem u in rappreżentanza tad-Direttur fir-rigward tal-poteri u l-obbligi tal-imsemmi Direttur taħt l-Att;

"diskriminazzjoni abbażi ta' diżabilità" tfisser diskriminazzjoni abbażi ta' diżabilità kif definita f'dan l-Att;

Kap. 627.

"diżabilità" għandu jkollha l-istess tifsira mogħtija lilha fl-artikolu 2(1) tal-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità;

Kap. 413.

"Kummissjoni" tfisser il-Kummissjoni għad-Drittijiet ta' Persuni b'Diżabilità stabbilita bl-artikolu 21 ta' l-Att dwar Opportunitajiet Indaqgħal Persuni b'Diżabilità;

"Ministru" tfisser il-Ministru responsabbli għad-diżabilità u l-iżvilupp ta' dan is-settur.

## TAQSIMA II

### IR-RWOL, L-INVOLVIMENT U R-RELAZZJONI MAL-UTENT TAS-SERVIZZ

Għażla u Kontroll.

Kap. 627.

**3.** (1) Kull persuna b'diżabilità għandu jkollha d-dritt li tkun appoġġata minn assistent personali wieħed (1) jew aktar tal-għażla tagħha stess, b'dik l-għażla tiġi eżerċitata skont l-Artikolu 12 tat-Tieni Skeda ta' l-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità, u ta' kull liġi li jkollha l-għan li tkompli timplimenta d-disposizzjonijiet ta' dak l-Artikolu.

(2) L-ebda assistent personali m'għandu jaħdem ma' aktar minn persuna waħda (1) b'diżabilità, sakemm ma jkunx hemm il-kunsens sħiħ u liberu tal- persuni b'diżabilità kollha li magħhom ikun jaħdem tali assistent personali, b'dak il-kunsens ikun imfisser u eżerċitat skont l-Artikolu 12 tat-Tieni Skeda tal-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità, u ta' kull liġi li jkollha l-għan li tkompli timplimenta d-disposizzjonijiet ta' dak l-Artikolu.

Ingaġġ ta' assistenti personali.

**4.** (1) Is-servizzi ta' assistenti personali jistgħu jew jiġu offruti fuq bażi volontarja lil persuni b'diżabilità, jew inkella bħala assistenza personali remunerata.

(2) L-assistenza personali remunerata tista' tintuża minn persuni b'diżabilità permezz ta' involviment ta' assistent personali rreġistrat li jaħdem għal rasu, jew billi jiġi impjegat assistent personali rreġistrat, kemm jekk tali assistent personali jkun jiffirma parti minn waħda mill-entitajiet imsemmija fl-artikoli 6 jew 7 hawn taht, jew mod ieħor:

Iżda din l-istipulazzjoni għandha tkun mingħajr ħsara għall-eċċezzjoni temporanja msemmija fl-artikolu 10(1), u għall-perjodu tranżitorju msemmi fl-artikolu 13(1) meta dan ikun applikabbli.

Assistenti personali impjegati u li jaħdmu għal rashom.

Kap. 594.

5. (1) Assistenti personali rreġistrati jistgħu jiġu impjegati mill-persuna b'diżabilità skont l-Att dwar is-Servizzi ta' Impieg u Tahriġ, jew inkella joffru s-servizzi tagħhom bħala persuni li jaħdmu għal rashom lil persuni b'diżabilità skont dan l-Att.

(2) Il-Ministru responsabbli għall-impieg, flimkien mal-Ministru, jista' jagħmel regolamenti skont dan l-Att, sabiex jiffacilita l-impieg ta' assistenti personali rreġistrati, jew l-akkwist ta' servizzi ta' persuni li jaħdmu għal rashom bħala assistenti personali rreġistrati, minn persuni b'diżabilità.

Involvement permezz ta' entitajiet speċifiċi.

Kap. 386.

Kap. 442.

Kap. 630.

6. (1) Persuni b'diżabilità jistgħu jistabbilixxu jew jingagġaw entitajiet kostitwiti skont l-Att dwar il-Kumpanniji, l-Att dwar is-Soċjetajiet Kooperattivi, u l-Att dwar l-Intrapriża Soċjali, sabiex jakkwistaw is-servizzi ta' assistenti personali rreġistrati.

(2) Il-Ministru responsabbli għar-reġistrazzjoni ta' sħubijiet kummerċjali, il-Ministru responsabbli għal hwejjeġ li għandhom x'jaqsmu ma' soċjetajiet kooperattivi, jew il-Ministru responsabbli għall-intrapriża, skont il-każ, flimkien mal-Ministru, jistgħu jagħmlu regolamenti skond dawn l-Atti, sabiex jiffacilitaw it-twaqqif jew l-ingaġġ ta' dawk l-entitajiet minn persuni b'diżabilità sabiex jiġu akkwistati s-servizzi ta' assistenti personali rreġistrati.

Kap. 627.

(3) L-ebda entità msemmija f'dan l-artikolu m'għandha tiddetermina l-grad ta' kontroll personali fuq il-kunsinna ta' servizz minn assistenti personali rreġistrati lil persuna b'diżabilità, b'dak il-grad ta' kontroll li għandu jiġi stabbilit u varjat minn żmien għal żmien esklussivament minn dik il-persuna b'diżabilità, skond iċ-ċirkostanzi u l-preferenzi tal-ħajja tagħha, u eżerċitat skont l-Artikolu 12 tat-Tieni Skeda tal-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità, u ta' kull leġislazzjoni li għandha l-għan li timplimenta aktar id-dispożizzjonijiet tal-imsemmi Artikolu.

Assoċjazzjonijiet ta' assistenti personali.

Kap. 492.

7. (1) Kull entità msemmija fl-artikolu 6, jew kull entità rreġistrata taht l-Att dwar Organizzazzjonijiet Volontarji, tista' tagħmel applikazzjoni lid-Direttur biex tiġi rreġistrata bħala assoċjazzjoni ta' assistenti personali, jekk tipprova għas-sodisfazzjon tad-Direttur li l-għan uniku tagħha huwa dak li ttipprovdi servizzi ta' assistenza personali, kemm jekk servizzi ta' assistenza personali remunerati jew fuq bażi volontarja, u li assistent personali rreġistrat wieħed (1) jew iktar huma allaċċati ma' dik l-entità.

Kap. 386.

Kap. 442.

Kap. 492.

Kap. 630.

(2) Assoċjazzjoni prospettiva ta' assistenti personali għandha tissottometti lid-Direttur prova li, bħala entità, hija f'pożizzjoni tajba mar-Registratur tal-kumpaniji, il-Bord tal-Koperativi, ir-Regolatur ta' Organizzazzjonijiet ta' Intrapriżi Soċjali jew il-Kummissarju għall-Organizzazzjonijiet Volontarji u l-lista tal-assistenti personali rreġistrati ingaġġati minn dik l-entità, u tapprova l-Kodiċi ta' Kondotta għall-assoċjazzjonijiet ta' assistenti personali maħruġ skont l-artikolu 11(ċ).

(3) Id-Direttur għandu jelenka l-assoċjazzjonijiet kollha ta' assistenti personali fir-registru miżmum mill-imsemmi Direttur, skont l-artikolu 11(e).

(4) Id-Direttur jista' jissospendi jew itemm, u sussegwentement jerġa' jattiva r-registrazzjoni ta' assoċjazzjoni ta' assistenti personali, skont l-istess proċeduri previsti fir-rigward ta' assistenti personali rreġistrati skont l-artikoli 14 u 15.

Ir-rwol tal-assistenti personali u d-diskriminazzjoni minhabba f'dizabilità.

Kap. 16.

8. (1) L-assistenti personali għandhom jappoġġaw persuni b'dizabilità fit-twettiq tal-atti kollha tal-ħajja ċivili skont l-artikolu 188 tal-Kodiċi Ċivili.

Kap. 627.

(2) Kull xkiel jew żvantaġġ li persuna b'diżabilità tkun soġġetta għaliha sempliċement minhabba l-fatt li tkun appoġġata jew tixtieq li tkun appoġġata minn assistenti personali, fit-tweqqi ta' xi att imsemmi fis-subregolament preċedenti, għandhom jitqiesu bħala diskriminazzjoni minhabba f' diżabilità, u rimedju skont l-artikolu 3 tal-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità jista' jiġi mfittex f'dawk il-każijiet.

Kap. 627.

(3) Jekk assistent personali jiffaċċja xi xkiel jew żvantaġġ, jew xort'oħra xi forma ta' mġiba diskriminatorja, f'kull każ marbut mat-tweqqi tad-dmirijiet ta' dak l-assistent personali, l-assistent personali jista' wkoll jagħmel użu mill-modi ta' rimedju fl-artikolu 3 tal-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità.

Taħriġ u appoġġ.

9. (1) Id-Direttur għandu joffri jew jakkwista mingħand terzi u, jew jagħmel disponibbli dettalji dwar taħriġ bażiku, inkluż taħriġ tal-ewwel għajjnuna, u gwida offruti lill-assistenti personali mill-Aġenzija u, jew minn terzi, fir-rigward tal-kapaċità tagħhom sabiex ikunu jistgħu jwettqu r-rwol tagħhom skond dan l-Att kif xieraq.

(2) Id-Direttur għandu addizzjonalment joffri jew jakkwista mingħand terzi u, jew jagħmel disponibbli dettalji dwar taħriġ mill-Aġenzija u, jew minn terzi dwar elementi speċjalizzati ta' dmirijiet li jistgħu jitwettqu minn assistenti personali, inklużi iżda mhux limitati għal attivitajiet relatati mas-saħħa.

(3) Id-Direttur għandu joffri wkoll jew jakkwista mingħand terzi u, jew jagħmel disponibbli dettalji dwar taħriġ u appoġġ mill-Aġenzija u, jew minn terzi lil persuni b'diżabilità fir-rigward ta' proċessi rilevanti marbuta mar-reklutaġġ, it-taħriġ u s-supervizjoni ta' assistenti personali, kif ukoll dwar ir-relazzjoni bejn persuni b'diżabilità u assistenti personali.

(4) Kull taħriġ jew gwida illi jiġi offruti mid-Direttur fit-termini ta' dan l-artikolu, jew li dettalji dwarhom ikunu magħmula disponibbli mill-imsemmi Direttur, għandhom jiġu hekk offruti jew inkella magħmula disponibbli wara l-qbil bil-miktub mill-Aġenzija illi dan isir.

### TAQSIMA III

#### ASSISTENTI PERSONALI RREĠISTRATI

Assistenti personali rreġistrati.

**10.** (1) L-ebda persuna fiżika ma għandha tipprovdi servizzi ta' assistenza personali remunerati, jew tassumi t-titolu jew nomina ta' assistent personali rreġistrat, kemm-il darba ma tkunx id-detentur tat-titolu rreġistrat maħruġ taħt dan l-Att:

Iżda eċċezzjoni għall-istipulazzjoni li persuna fiżika ma għandhiex tipprovdi servizzi ta' assistenza personali remunerati għandha tapplika għal persuni fiżiċi fil-perjodu inizjali ta' sitt (6) xhur imsemmi fl-artikolu 13(1), jew f'kull perjodu fejn persuna fiżika tkun diġà talbet iżda tkun għadha ma kisbetx ir-registrazzjoni skont l-artikolu 13(1).

(2) Ir-registrazzjoni skont l-artikolu 13 hija obligatorja għal kull assistent personali li joffri servizzi ta' assistenza personali remunerati, u volontarju għal kull assistent personali ieħor.

(3) L-ebda persuna fiżika ma għandha tikkwalifika għar-registrazzjoni bħala assistent personali rreġistrat sakemm dik il-persuna fiżika ma tkunx:-

Abbozz XXX tal-2026.

(a) kisbet ċertifikat ta' approvazzjoni skont l-artikolu 34(3) tal-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà, mhux irreġistrata fl-ebda reġistru kriminali, u mhux is-sugġett ta' ebda investigazzjoni jew proċediment ġudizzjarju li jikkonċerna minorenni jew adult f'sitwazzjoni ta' vulnerabbiltà:

Kap. 77.

Iżda sakemm jidhol fis-seħh l-artikolu 34(3) tal-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà, ċertifikat tal-kondotta skont l-artikolu 2 tal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, li jissodisfa r-rekwiżiti biex dan jinħareġ skont il-Formula A fl-Ewwel Skeda tagħha, għandu jinkiseb minflok;(b) aċċettat il-Kodiċi ta' Kondotta għall-assistenti personali maħruġ fit-termini tal-artikolu 11(a); u

(ċ) iprovdiet prova, fil-format preskritt mid-Direttur, li tkun għaddiet minn taħriġ mill-individwu li jkun qed jirċievi s-servizzi tagħha bħala assistent personali, u, fejn mitlub mill-imsemmi individwu, taħriġ supplimentari addizzjonali, skont l-artikolu 9(1):

Iżda sabiex tirċievi xi fondi mill-Gvern ta' Malta għal servizzi ta' assistenza personali remunerati, skont l-artikolu 16, tkun meħtieġa prova tat-tlestija ta' dak it-taħriġ supplimentari, minn sentejn (2) wara d-dhul fis-seħh ta' din id-dispożizzjoni:

Iżda wkoll, sabiex ikunu jistgħu jwettqu ċerti elementi speċjalizzati bħala parti mid-dmirijiet tagħhom bħala assistent personali, inklużi iżda mhux limitati għal ċerti attivitajiet relatati mas-saħħa, l-applikanti huma wkoll meħtieġa jipprovdu prova li lestew b'suċċess it-taħriġ rilevanti

msemmi fl-artikolu 9(2), u ta' kull kwalifika meħtieġa, skont regolamenti speċifiċi taħt dan l-Att adottati fit-termini tal-artikolu 11(b), minn sentejn (2) wara d-dhul fis-seħħ ta' din id-dispożizzjoni.

(4) Id-Direttur għandu jelenka l-assistenti personali rreġistrati kollha fir-reġistru miżmum mill-imsemmi Direttur, skont l-artikolu 11(e).

Poteri tad-Direttur.

**11.** Id-Direttur għandu jkollu l-poteri li ġejjin fir-rigward ta' assistenti personali rreġistrati, li hu għandu jeżerċita b'konsultazzjoni mal-Aġenzija:-

(a) li jistabbilixxi, u jaġġorna kif meħtieġ, bi qbil mal-Aġenzija u wara konsultazzjoni mal-Kummissjoni, Kodiċi ta' Kondotta għall-assistenti personali;

(b) li jipproponi lill-Ministru, bi qbil mal-Aġenzija u wara konsultazzjoni mal-Kummissjoni, regolamenti taħt dan l-Att fir-rigward ta':

(i) rekwiżiti ta' taħriġ skont l-artikolu 9; u

(ii) elementi speċjalizzati tad-dmirijiet ta' assistenti personali rreġistrati, inklużi iżda mhux limitati għal attivitajiet relatati mas-saħħa, li jindikaw ukoll rekwiżiti ta' taħriġ skont l-Artikolu 9(2), u kwalifiki rilevanti meħtieġa;

(ċ) jistabbilixxi, u jaġġorna kif meħtieġ, bi qbil mal-Aġenzija u wara konsultazzjoni mal-Kummissjoni, Kodiċi ta' Kondotta għall-assoċjazzjonijiet ta' assistenti personali;

(d) jeżamina applikazzjonijiet għar-reġistrazzjoni ta' assistenti personali rreġistrati, u ta' assoċjazzjonijiet ta' assistenti personali, u għat-tigdid ta' dawn ir-reġistrazzjonijiet kollha, u jipproċessa l-għoti jew iċ-ċaħda tagħhom;

(e) jelenka l-assistenti personali rreġistrati kollha, b'indikazzjonijiet addizzjonali għal dawk li jaqgħu fil-kamp ta' applikazzjoni tal-paragrafu (b)(ii) hawn fuq, u l-assoċjazzjonijiet kollha ta' assistenti personali, f'reġistru miżmum mid-Direttur, li għandu jiġi reż disponibbli għall-pubbliku mid-Direttur fuq siti elettroniki appositivi;

(f) jzomm dik l-informazzjoni li tista' tkun meħtieġa fir-rigward ta' assistenti personali rreġistrati, u assoċjazzjonijiet ta' assistenti personali, skont dan l-Att;

(g) li jwettaq proċeduri rilevanti, skont l-artikoli 7(4), 14 u 15, fir-rigward tas-sospensjoni jew it-terminazzjoni, u l-attivazzjoni mill-ġdid sussegwenti, tar-reġistrazzjoni ta' assistenti personali rreġistrati u assoċjazzjonijiet ta' assistenti personali.

Monitoraġġ mill-Kummissjoni.

Kap. 413.

**12.** Minghajr preġudizzju għas-setgħat u l-funzjonijiet l-oħra mogħtija mill-Att dwar Opportunitajiet Indaqgħal Persuni b'Diżabilità, u b'zieda ma' dawg is-setgħat u funzjonijiet, il-Kummissjoni għandu jkollha s-setgħat li ġejjin fir-rigward tal-monitoraġġ ta' assistenti personali, kemm jekk assistenti personali rreġistrati jew mod ieħor, l-entitajiet imsemmija fl-artikolu 6, u assoċjazzjonijiet ta' assistenti personali:-

(a) tinvestiga kwalunkwe allegazzjoni ta' mġiba ħażina, negliġenza, jew inkompetenza minn assistent personali; skont il-proċedura deskritta fl-artikolu 32 tal-Att dwar Opportunitajiet Indaqgħal Persuni b'Diżabilità;

(b) tirreferi lill-awtorità responsabbli, fejn rilevanti, u inkluż lill-Pulizija jekk ikun meħtieġ, kwalunkwe kwistjoni relatata ma' jew li tirriżulta mill-allegata mġiba ħażina, negliġenza u, jew inkompetenza ta' assistent personali:

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Iżda kull referenza bħal din tista' tinkludi referenza magħmula skont l-artikolu 8 tal-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà u, jew skont kull leġislazzjoni oħra fis-sehħ.

Għoti tal-istatus ta' assistent personali rreġistrat.

**13.** (1) Persuna fiżika għandha tapplika, fi żmien sitt (6) xhur mid-dhul fis-sehħ ta' dan l-artikolu, fil-format preskritt lid-Direttur, u tissodisfa r-rekwiżiti tal-artikolu 10(3), biex tikseb reġistrazzjoni bħala assistent personali rreġistrat f'Malta, u kull applikazzjoni bħal dik għandha tkun akkumpanjata b'dokumenti li jikkonfermaw ir-rekwiżiti msemmija f'dak is-subartikolu.

(2) Jekk id-Direttur ikun sodisfatt li l-applikant jissodisfa r-rekwiżiti stabbiliti taħt dan l-Att, id-Direttur għandu jagħti lill-applikant ċertifikat ta' reġistrazzjoni, u ismu għandu jiddaħhal fir-reġistru miżmum mid-Direttur skont l-artikolu 11(e), b'indikazzjonijiet addizzjonali jekk id-detentur jaqa' fl-iskop tal-artikolu 11(b)(ii);

(3) Ċertifikat ta' reġistrazzjoni maħruġ mid-Direttur taħt dan l-Att jista' jinhareġ bla ħsara għal dawg il-limitazzjonijiet jew kondizzjonijiet li d-Direttur jista' jistipula f'kull każ. Dik ir-reġistrazzjoni tista' tinkludi dawg il-kondizzjonijiet speċjali u dik l-awtorizzazzjoni biex tipprattika fir-rigward ta' elementi speċjalizzati fid-dmirijiet ta' assistenti personali rreġistrati, skont l-artikolu 11(b)(ii), u għal dawg il-perjodi speċifiċi li d-Direttur jista' jirrakkomanda skont id-disposizzjonijiet ta' dan l-Att:

Iżda meta applikant jipprovdi prova li jkun beda jew inkella rreġistra għal taħriġ meħtieġ fit-termini tal-artikolu 10(3)(c), filwaqt illi jiddikjara li ma jkunx għadu lesta t-taħriġ kollu meħtieġ minnu, u jissodisfa lid-Direttur illi altrimenti jkun jissodisfa r-rekwiżiti l-oħra kollha stabbiliti taħt dan l-Att, id-Direttur għandu jagħti lill-applikant ċertifikat ta' reġistrazzjoni temporanju li jibqa'

validu sakemm l-applikant jinnotifika lid-Direttur bit-tkomplija tat-taħriġ kollu meħtieġ, imma fl-ebda każ għal aktar minn sitt (6) xhur mid-data tal-ħruġ tiegħu, hlief f'każijiet eċċezzjonali fejn xi taħriġ meħtieġ taħt l-artikolu 9(2) jieħu iktar fit-tul, u isem l-applikant għandu jiddaħħal fir-reġistru msemmi fis-subartikolu (2), flimkien ma' nota li dik ir-reġistrazzjoni hi waħda temporanja.

(4) Ċertifikat ta' registrazzjoni maħruġ taħt dan l-Att għandu jibqa' jkollu effett sakemm ir-rekwiziti inizjali u oħra kollha li jistgħu jiġu preskritti skont dan l-Att, jew skont kull liġi oħra fis-seħħ minn żmien għal żmien, jiġu sodisfatti mid-detentur.

(5) Id-Direttur għandu jikkunsidra applikazzjonijiet sottomessi skont dan l-artikolu hekk kif ikun raġonevolment Prattikabbli, iżda deċiżjoni dwar kull applikazzjoni bħal dik għandha tinhareġ f'kull każ sa mhux aktar tard minn xahrejn (2) minn meta d-Direttur jirċievi l-applikazzjoni flimkien mal-informazzjoni u d-dokumentazzjoni rilevanti kollha b'appoġġ għall-applikazzjoni. Id-deċiżjoni tad-Direttur għandha tiġi nnotifikata lill-applikant bil-miktub, b'kopja tkun mibgħuta wkoll lill-Aġenzija:

Izda fil-każ ta' deċiżjoni ta' rifjut tal-applikazzjoni, id-Direttur għandu jipprovdi r-raġunijiet għal dan ir-rifjut.

Sospensjoni tal-istatus ta' assistent personali rreġistrat.

**14.** (1) Jekk id-Direttur jiġi notifikat bil-miktub mill-Kummissjoni li l-imsemmija Kummissjoni kienet bdiet investigazzjoni skont l-artikolu 12(a), tali Direttur jista' jagħmel rikors b'urgenza lill-Qorti tal-Maġistrati, fejn jitlob il-ħruġ ta' ordni ta' sospensjoni temporanja fir-rigward tar-reġistrazzjoni tad-detentur, illi tkun fis-seħħ għat-tul ta' kwalunkwe investigazzjoni, kif ukoll ta' proċeduri amministrattivi jew ġudizzjarji sussegwenti li jirriżultaw minn tali investigazzjoni.

(2) F'kull każ fejn id-Direttur ikollu raġunijiet validi biex jemmen li hemm riskju konsiderevoli ta' ħsara serja lil persuni b'diżabilità li jagħmlu użu jew jistgħu jagħmlu użu mis-servizzi tad-detentur, jekk ir-reġistrazzjoni ta' dak id-detentur tibqa' attiva sakemm tintemm l-investigazzjoni, id-Direttur għandu jipproċedi billi jagħmel tali rikors b'urgenza lill-Qorti tal-Maġistrati, b'kull ordni ta' sospensjoni temporanja maħruġa bl-istess mod tkun fis-seħħ għat-tul tal-investigazzjoni, kif ukoll ta' proċeduri amministrattivi jew ġudizzjarji sussegwenti li jirriżultaw minn tali investigazzjoni.

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(3) Id-Direttur għandu jippreżenta dokumenti ta' sostenn b'appoġġ għat-talba tiegħu mar-rikors b'urgenza lill-Qorti tal-Maġistrati magħmul taħt dan l-artikolu, u fil-valutazzjoni tar-riskju ta' ħsara serja, il-Qorti tal-Maġistrati u d-Direttur għandhom ikunu ggwidati mid-dispożizzjonijiet tal-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà.

(4) Il-Qorti tal-Maġistrati għandha tiddeciedi dwar ir-rikors fl-iqsar żmien possibbli, u jekk dik il-Qorti ma tilqax it-talba magħmula mid-Direttur, l-ebda azzjoni ma tista' titressaq kontra d-

Direttur u, jew kwalunkwe persuna li tirrappreżenta jew tassisti lid-Direttur jew li inkella tkun involuta fl-investigazzjoni .

(5) Jekk il-Qorti tilqa' t-talba magħmula mid-Direttur, l-imsemmi Direttur għandu jinnotifika lid-detentur, bil-miktub, illi nota li tindika s-sussistenza ta' dik l-ordni ta' sospensjoni temporanja, fir-rigward tar-registrazzjoni ta' dak id-detentur, tkun iddahhlet fir-registru miżmum mid-Direttur taħt l-artikolu 11(e), b'kopja ta' dik in-notifika tintbagħat ukoll lill-Aġenzija.

(6) Ordni ta' sospensjoni temporanja maħruġa skont dan l-artikolu m'għandhiex tibqa' fis-seħh, ladarba l-Kummissjoni tinforma lid-Direttur bil-miktub li l-investigazzjoni tkun giet konkluża mingħajr ma jkunu rriżultaw xi sejbiet negattivi minnha, jew inkella li l-imsemmija investigazzjoni tkun twaqqfet mill-Kummissjoni, u bidla fl-istatus li tindika li r-registrazzjoni ta' detentur hija attiva ssir mid-Direttur fir-registru miżmum minnu taħt l-artikolu 11(e), filwaqt li dan l-iżvilupp għandu jiġi nnotifikat ukoll lid-detentur bil-miktub mid-Direttur, u b'kopja ta' din in-notifika tintbagħat ukoll lill-Aġenzija:

Iżda jekk id-Direttur jonqos milli jaġġorna l-istatus tad-detentur fir-registru miżmum minnu, minkejja li investigazzjoni tkun giet konkluża mill-Kummissjoni mingħajr ebda sejbiet negattivi minnha, jew inkella tkun giet imwaqqfa mill-Kummissjoni, dan id-detentur jista' jagħmel rikors lill-Qorti tal-Maġistrati biex jitlob li l-ordni ta' sospensjoni temporanja fir-rigward tar-registrazzjoni tiegħu tiġi revokata.

(7) Skont is-subartikoli (1) u (2) hawn fuq, ordni ta' sospensjoni temporanja miksuba skont dan l-artikolu għandha tibqa' fis-seħh ukoll, jekk il-Kummissjoni tagħmel referenza lil awtorità responsabbli skont l-artikolu 12(b), u għat-tul ta' kwalunkwe investigazzjoni, kif ukoll proċeduri amministrattivi jew ġudizzjarji sussegwenti li jirriżultaw minn tali investigazzjoni.

(8) Ordni ta' sospensjoni temporanja maħruġa b'segwitu għal dan l-artikolu m'għandhiex tibqa' fis-seħh, ladarba d-Direttur jiġi avżat mill-Kummissjoni li l-awtoritajiet rilevanti jkunu kkonkludew kwalunkwe investigazzjonijiet u, jew proċeduri sussegwenti mingħajr ebda sejbiet negattivi minnhom, jew inkella li l-imsemmija investigazzjonijiet u, jew proċeduri sussegwenti jkunu twaqqfu mill-awtoritajiet rilevanti, u bidla fl-istatus li tindika li r-registrazzjoni tad-detentur hija attiva ssir mid-Direttur fir-registru miżmum minnu taħt l-artikolu 11(e), filwaqt li dak l-iżvilupp għandu jiġi nnotifikat ukoll lid-detentur bil-miktub mid-Direttur, u b'kopja ta' din in-notifika tintbagħat ukoll lill-Aġenzija:

Iżda jekk id-Direttur jonqos milli jaġġorna l-istatus tad-detentur fir-registru miżmum minnu, minkejja li jkun gie avżat mill-Kummissjoni li l-awtoritajiet rilevanti kienu kkonkludew kwalunkwe investigazzjonijiet u, jew proċeduri sussegwenti fir-rigward tad-detentur, mingħajr ma jkunu ħargu sejbiet negattivi minnhom, jew inkella li l-investigazzjonijiet u, jew il-proċeduri sussegwenti jkunu twaqqfu mill-awtoritajiet rilevanti, dak id-detentur jista' jagħmel rikors lill-Qorti tal-Maġistrati biex jitlob li l-ordni ta' sospensjoni temporanja fir-rigward tar-registrazzjoni tiegħu tiġi revokata.

Terminazzjoni tal-istatus ta' assistent personali rreġistrat.

**15.** Ir-reġistrazzjoni ta' detentur għandha tiġi tterminata mid-Direttur, b'dak il-fatt jiġi notifikat lid-detentur bil-miktub, u b'kopja ta' dik in-notifika tintbagħat ukoll lill-Aġenzija, jekk:

(i) kwalunkwe investigazzjonijiet u, jew proċeduri sussegwenti msemmija flartikolu preċedenti, , inkluż kwalunkwe appell fir-rigward ta' tali investigazzjonijiet jew proċeduri sussegwenti, ikunu ġew eżawriti, u jiddeċiedu kontra l-assistent personali rreġistrat:

Iżda reġistrazzjoni ġdida taħt l-artikolu 13(1) tista' tiġi sottomessa ladarba kwalunkwe azzjoni ta' rimedju ordnata wara l-investigazzjoni tkun tittieħed mill-persuna li kienet detentur, jew wara li jkunu twettqu kwalunkwe sanzjonijiet amministrattivi imposti u, jew ma jkunux għadhom fis-seħħ, sakemm ma tkunx inħarġet biss ċanfira bħala riżultat tal-investigazzjoni, u fi kwalunkwe każ mhux aktar kmieni minn sena (1) wara t-tlestija ta' kwalunkwe passi ta' rimedju bħal dawn, konformità ma' u, jew skadenza tas-sanzjonijiet imposti, jew ħruġ ta' ċanfira;

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(ii) id-detentur ikun instab haġi minn xi qorti kompetenti ta' xi reat ikkontemplat taħt dan l-Att, l-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà, jew kwalunkwe leġislazzjoni oħra fis-seħħ fir-rigward tal-protezzjoni ta' minorenni jew ta' adulti f'sitwazzjonijiet ta' vulnerabbiltà:

Iżda f'każ ta' kundanna għal reat taħt l-artikoli 19 jew 20, wara kwalunkwe proċeduri kriminali previsti, tista' tiġi sottomessa reġistrazzjoni ġdida taħt l-artikolu 13(1), wara li tkun tħallset il-multa rilevanti u, jew ġiet skontata l-piena mogħtija, u f'kull każ mhux qabel sentejn (2) wara l-ħlas ta' dik il-multa u, jew l-iskontar ta' dik il-piena:

Iżda wkoll li, f'każ ta' kundanna għal xi reat ieħor ikkontemplat taħt dan l-Att, jew taħt kwalunkwe leġislazzjoni oħra msemmija f'dan is-subparagrafu, l-ebda applikazzjoni ġdida għar-reġistrazzjoni taħt l-artikolu 13(1) ma tista' tiġi sottomessa mill-persuna li kienet detentur, sakemm il-kundanna għal dak ir-reat ma tiġix annullata minn qorti kompetenti; jew

(iii) id-detentur ikun talab lid-Direttur jikkancella r-reġistrazzjoni preċedenti:

Iżda reġistrazzjoni ġdida tista' ssir fi kwalunkwe waqt jekk il-kondizzjonijiet għal tali reġistrazzjoni jkunu sodisfatti.

## TAQSIMA IV

### L-ISKEMA TAL-ASSISTENZA FIL-FINANZJAMENT PERSONALI

L-Iskema tal-Assistenza fil-finanzjament personali.

**16.** (1) L-Aġenzija għandha topera Skema tal-Assistenza fil-finanzjament personali finanzjata mill-Gvern ta' Malta, li permezz tagħha persuni b'diżabilità li jissodisfaw il-kriterji ta' eliġibbiltà tal-imsemmija Skema, skont il-Proċeduri Operattivi Standard għal tali Skema li jkunu ġew adottati mill-Aġenzija, kif aġġornati minn żmien għal żmien, u mqiegħda għad-dispożizzjoni tal-applikanti, jkunu jistgħu jiksbu appoġġ finanzjarju, li jkun ikopri parzjalment jew totalment, l-ingaġġ u ż-żamma tas-servizzi ta' assistenti personali rreġistrati:

Iżda l-ebda persuna b'diżabilità, anke jekk tkun tissodisfa l-kriterji ta' eliġibbiltà tal-imsemmija Skema, ma tkun tista' tingħata appoġġ finanzjarju taħt dan l-artikolu, meta l-istess servizzi li għalihom tkun tixtieq tikseb tali appoġġ finanzjarju jkunu diġà qed jiġu koperti minn skema oħra waħda (1) jew iktar imħaddma mill-Gvern ta' Malta.

(2) L-Aġenzija għandha tirreferi t-talbiet li jsiru lilha taħt din l-Iskema, u li jkunu ġew sottomessi lilha minn persuni eliġibbli skont il-Proċeduri Operattivi Standard imsemmija fis-subartikolu (1) hawn fuq, lill-Bord .

(3) Kull talba milqugħa mill-imsemmi Bord għandha tkun soġġetta għal rivedimenti regolari mibdija mill-Aġenzija jew mill-persuna b'diżabilità, quddiem il-Bord.

(4) Kull hlas fir-rigward ta' appoġġ finanzjarju lil benefiċjarju mill-Aġenzija taħt dan l-artikolu għandu jsir f'kont tal-bank miżmum mill-imsemmi benefiċjarju:

Iżda meta ma jkunx possibbli li tiġi segwita tali proċedura, fir-rigward ta' pagament speċifiku wieħed (1) jew iktar lil benefiċjarju partikolari, tkun tista' tiġi segwita proċedura alternattiva għal kull tali pagament, tenut kont taċ-ċirkostanzi speċifiċi in kwistjoni.

Amministrazzjoni tal-fondi.

**17.** (1) Fl-amministrazzjoni tal-fondi msemmija fl-artikolu preċedenti, l-Aġenzija għandha żżomm dik is-sistema ta' kontijiet u għandu jadotta dawk il-proċeduri għall-kustodja u l-iżborż ta' dawk il-flejjes li għandhom jiġu approvati mid-Direttur responsabbli għall-Finanzi fi hdan l-Aġenzija.

Kap. 601.

(2) Id-Direttur responsabbli għall-Finanzi fi ħdan l-Aġenzija jista' wkoll jintroduci mekkaniżmi ta' monitoraġġ biex jiġi ssalvagwardjat l-użu ta' fondi pubbliċi kif dirett fl-Att dwar il-Ġestjoni tal-Finanzi Pubbliċi, inkluż li jitlob mingħand il-benefiċjarji tal-Iskema kwalunkwe dokumenti rilevanti, fuq bażi *ad hoc* jew fuq bażi regolari, skont il-Proċeduri Operattivi Standard imsemmija fl-artikolu 16, għall-iskop ta' verifikazzjoni u għall-iżborż tal-flejjes allokat.

(3) Irċevuti u rekords miżmuma għall-finijiet ta' dan l-artikolu għandhom, f'kull ħin, ikunu miftuħa għall-ispezzjoni mid-Direttur responsabbli għall-Finanzi fi ħdan l-Aġenzija jew id-delegat tiegħu, l-Awditur Ġenerali, u kull uffiċjal jew uffiċjali pubbliċi oħrajn li l-Ministru jista' jahtar għal dan il-għan.

## TAQSIMA V

### REATI U PIENI

Informazzjoni falza, qarrieqa jew frawdolenti.

**18.** Kull persuna li, bil-għan li tikseb reġistrazzjoni taħt id-disposizzjonijiet ta' dan l-Att, bħala persuna fiżika li tapplika għall-istatus ta' assistent personali rreġistrat, jew bħala l-persuna fiżika responsabbli għal applikazzjoni għall-istatus ta' assoċjazzjoni ta' assistenti personali, tagħti kull informazzjoni konxjament falza jew xort'oħra taġixxi b'mod qarrieqi jew frawdolenti, tkun haġja ta' reat u teħel, meta tinsab haġja, multa ta' mhux aktar minn elfejn u tliet mitt euro (€2,300) jew prigunerija ta' mhux aktar minn tnax-il (12) xahar jew dik il-multa u prigunerija:

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Izda kull persuna illi tinsab haġja taħt dan l-artikolu għandha tkun ukoll, wara deċiżjoni finali fir-rigward ta' tali haġja, ikollha isimha mniżżel fir-Reġistru għall-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà, stabbilit bl-artiklu 35 tal-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà.

Assistenza personali rimunerata mingħajr titolu validu.

**19.** (1) Kull persuna li, meta ma tkunx assistent personali rreġistrat, tingaġġa f'assistenza personali remunerata jew tassumi t-titolu ta', jew tagħti x'tifhem li hi assistent personali rreġistrat bi ksur tad-disposizzjonijiet ta' dan l-Att, tkun haġja ta' reat u teħel, meta tinsab haġja, multa ta' mhux aktar minn elf u mitejn euro (€1,200) jew tliet (3) xhur prigunerija jew dik il-multa u prigunerija, u fil-każ ta' reat kontinwu għal multa ta' tnax-il euro (€12) għal kull jum li matulu r-reat ikompli, soġġett għal massimu ta' erbat elef u tmien mitt euro (€4,800).

.(2) Għall-finijiet tas-subartikolu (1) hawn fuq, l-użu fuq kull karta, letterhead, sinjal, bord, pjanta, avviż jew apparat, strument jew dokument ieħor miktub, stampat jew imnaqqax, tal-kliem "assistent personali rreġistrat" fir-rigward ta' isem għandu jkun prova biżżejjed tal-għarfien ta' dak l-użu minn xi persuna li dwar isimha jintużaw il-kliem imsemmi, sakemm tali persuna ma turix li l-użu ta' dan il-kliem sar mingħajr ma kienet taf u li malli saret taf bl-użu hadet passi adegwati biex twaqqaf l-użu msemmi.

Ingaġġ ta' assistenti personali rimunerati mingħajr reġistrazzjoni.

**20.** Kull persuna illi tiffacilita l-akkwist ta' assistenza personali remunerata mingħand xi persuna li ma tkunx assistent personali rreġistrat, u kull entità li takkwista jew inkella tiffacilita l-akkwist ta' assistenza personali remunerata minn xi persuna jew entità li ma tkunx assistent personali rreġistrat, tkun haġja ta' reat u tehel, meta tinsab haġja, multa ta' mhux aktar minn elf u mitejn euro (€1,200) jew tliet (3) xhur prigunerija jew dik il-multa u prigunerija, u fil-każ ta' reat kontinwu għal multa ta' tnaħ-il euro (€12) għal kull jum li matulu r-reat ikompli, soġġett għal massimu ta' erbat elef u tmien mitt euro (€4,800).

Reati kontra l-persuna ta' assistenti personali.

Kap. 9.

**21.** Id-dispożizzjonijiet tal-artikoli 91, 95, 96, 97 u 98 tal-Kodiċi Kriminali għandhom japplikaw *mutatis mutandis* fir-rigward ta' assistenti personali, u d-dispożizzjonijiet tal-artikolu 21 tal-Kodiċi Kriminali ma għandhomx japplikaw fir-rigward ta' kwalunwke persuna misjuba haġja ta' reat taħt dan l-artikolu.

Reati u pieni mingħajr preġudizzju għal liġijiet oħra.

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**22.** Id-dispożizzjonijiet ta' din it-Taqsima għandhom ikunu mingħajr preġudizzju għad-dispożizzjonijiet ta' xi liġi oħra li tistabilixxi reati u pieni relatati mas-suġġett ta' dan l-Att, inklużi d-dispożizzjonijiet rilevanti tal-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabilità fir-rigward ta' reati mwettqa minn assistenti personali, u m'għandhomx jaffettwaw l-applikazzjoni ta' xi piena oghla taħt xi liġi oħra.

**TAQSIMA VI**  
**DISPOŻIZZJONIJIET FINALI**

Dettalji li għandhom jiġu ppubblikati fil-Gazzetta.

**23.** (1) Id-Direttur għandu, mhux aktar tard minn tliet (3) xhur wara t-tmiem ta' kull sena kalendarja, jipubblika fil-Gazzetta lista ta' assistenti personali rreġistrati, u ta' assoċjazzjonijiet ta' assistenti personali, li fit-31 ta' Diċembru ta' dik is-sena, kienu rreġistrati fir-registru miżmum mid-Direttur, skont l-artikolu 11(e):

Iżda, fir-rigward tal-elenkar ta' assistenti personali rreġistrati, għandhom jiġu inklużi indikazzjonijiet addizzjonali għal dawk li jaqgħu fil-kamp ta' applikazzjoni tal-artikolu 11(b)(ii);

(2) Meta r-registrazzjoni ta' assistent personali rreġistrat, jew ta' assoċjazzjoni ta' assistenti personali, tintemm mid-Direttur skont dan l-Att, l-avviż ta' dak it-tmiem għandu jiġi ppubblikat fil-Gazzetta, u online mid-Direttur fuq siti elettronici apposti.

Poteri tal-Ministru.

**24.** Il-Ministru jista', wara konsultazzjoni mad-Direttur u mal-Aġenzija, jagħmel regolamenti li ma jkunux inkonsistenti mad-disposizzjonijiet ta' dan l-Att, li jagħtu effett aħjar lil xi disposizzjonijiet bħal dawn, u, mingħajr preġudizzju għall-ġeneralità ta' dak imsemmi qabel, dawk ir-regolamenti jistgħu jinkludu disposizzjonijiet dwar:-

(a) id-drittijiet li jistgħu jithallsu lid-Direttur b'konnessjoni mal-applikazzjonijiet għar-registrazzjoni bħala assistent personali rreġistrat, u bħala assoċjazzjoni ta' assistenti personali, skont dan l-Att;

(b) rekwiżiti ta' taħriġ u elementi speċjalizzati tad-dmirijiet ta' assistenti personali rreġistrati skont l-artikolu 11(b);

(ċ) kull haġa li tkun meħtieġa jew li tkun awtorizzata b'dan l-Att li tiġi preskritta; u

(d) kull haġa oħra konsegwenzjali, incidental jew konnessa ma' xi wieħed mill-ħwejjeg imsemmija hawn fuq.

## **Għanijiet u Raġunijiet**

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma li jinholoq qafas legali li jafferma d-dritt ta' persuni b'diżabilità f'Malta għall-assistenza personali, jirregola l-ingaġġ ta' assistenti personali, rekwiżiti ta' reġistrazzjoni għal servizzi ta' assistenza personali remunerata, u l-allokazzjoni ta' appoġġ finanzjarju għal dawn is-servizzi mill-Gvern ta' Malta, u jipprovdi għal materji aċċillari jew konsegwenzjali għalihom.

**A BILL**  
**entitled**

*AN ACT to regulate the right to personal assistance for persons with disability, establish specific requirements for remunerated services, and provide for matters ancillary or consequential thereto.*

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:-

**PART I**  
**PRELIMINARY MATTERS**

Short title and commencement.

1. (1) The short title of this Act is the Personal Assistance Act, 2026.

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

Interpretation.

2. For the purposes of this Act, and of any regulations made under this Act, unless the context otherwise requires –

S.L. 595.18.

"Agency" means the Agency referred to in regulation 2 of the Aġenzija SAPPOR (Establishment as an Agency) Order;

Cap. 627.

"Board" means the Personal Budget Assistance Scheme Board set up by article 7A of the United Nations Convention on the Rights of Persons with Disabilities Act;

Cap. 413.

"Commission" means the Commission for the Rights of Persons with Disability established by article 21 of the Equal Opportunities (Persons with Disability) Act;

Cap. 627.

"Director" means the Director responsible for the Directorate for Disability Issues, established in terms of article 5(1) of the United Nations Convention on the Rights of Persons with Disabilities Act, and any person delegated by said Director to act in the name and representation of the Director in respect of said Director's powers and obligations under the Act;

Cap. 627.

"disability" shall have the same meaning assigned to it in article 2(1) of the United Nations Convention on the Rights of Persons with Disabilities Act;

"discrimination on the basis of disability" means discrimination on the basis of disability as defined in this Act;

"Minister" means the Minister responsible for disability and the development of this sector;

Cap. 627.

"personal assistant" means a natural person offering personal assistance, through person-directed or user-led human support, to a person with disability, as a tool for independent living, to empower that person to live autonomously and in dignity and to be included in all aspects of community life, further to Article 19(b) of the Second Schedule of the United Nations Convention on the Rights of Persons with Disabilities Act, and paragraph E of the Fifth Schedule thereto;

"registered personal assistant" means a personal assistant registered by the Director in terms of article 13;

"remunerated personal assistance" means any financially remunerated provision of personal assistance.

## **PART II**

### **ROLE, ENGAGEMENT AND RELATIONSHIP WITH SERVICE USER**

Choice and Control.

Cap. 627.

3. (1) Every person with disability shall have the right to be supported by one (1) or more personal assistants of their own choosing, with such choice being exercised in terms of Article 12 of the Second Schedule of the United Nations Convention on the Rights of Persons with Disabilities Act, and of any legislation that has the purpose of further implementing the provisions of said Article.

Cap. 627.

(2) No personal assistant shall work with more than one (1) person with disability, unless there would be the full and free consent of all the persons with disability with whom said personal assistant would be working, with such consent being signified and exercised in terms of Article 12 of the Second Schedule of the United Nations Convention on the Rights of Persons with Disabilities Act, and of any legislation that has the purpose of further implementing the provisions of said Article.

Engagement of personal assistants.

4. (1) The services of personal assistants may either be offered on a voluntary basis to persons with disability, or else as remunerated personal assistance.

(2) Remunerated personal assistance may be availed of by persons with disability through engaging a self-employed registered personal assistant, or by employing a registered personal assistant, whether or not said personal assistant forms part of one of the entities referred to in articles 6 or 7 below:

Provided that this stipulation shall be without prejudice to the temporary exception mentioned in article 10(1), and to the transitory period mentioned in article 13(1) when this would be applicable.

Employed and self-employed personal assistants.

Cap. 594.

5. (1) Registered personal assistants may be employed by the person with disability in terms of the Employment and Training Services Act, or else offer their self-employed services to persons with disability in terms of this Act.

(2) The Minister responsible for employment, in conjunction with the Minister, may make regulations in terms of this Act, in order to facilitate the employment of registered personal assistants, or the procurement of self-employed services from registered personal assistants, by persons with disability.

Engagement through specific entities.

Cap. 386.

Cap. 442.

Cap. 630.

6. (1) Persons with disability may set up or engage entities constituted in terms of the Companies Act, the Co-Operative Societies Act, and the Social Enterprise Act, in order to procure the services of registered personal assistants.

(2) The Minister responsible for the registration of commercial partnerships, the Minister responsible for matters relating to co-operative societies, or the Minister responsible for enterprise, as the case may be, in conjunction with the Minister, may make regulations in terms of these Acts, in order to facilitate the setting up or engaging of said entities by persons with disability in order to procure the services of registered personal assistants.

Cap. 627.

(3) No entity mentioned in this article shall determine the degree of personal control over service delivery by registered personal assistants to a person with disability, with said degree of control to be determined and varied from time to time exclusively by said person with disability, according to their life circumstances and preferences, and exercised in terms of Article 12 of the Second Schedule of the United Nations Convention on the Rights of Persons with Disabilities Act, and of any legislation that has the purpose of further implementing the provisions of said Article.

Associations of personal assistants.

Cap. 492.

7. (1) Any entity referred to in article 6, or any entity registered under the Voluntary Organisations Act, may make an application to the Director to be registered as an association of personal assistants, if it proves to the satisfaction of the Director that its sole aim is that of providing personal assistance services, whether remunerated personal assistance services or on a voluntary basis, and that one (1) or more registered personal assistants are attached to said entity.

Cap. 386.

Cap. 442.

Cap. 492.

Cap. 630.

(2) A prospective association of personal assistants shall submit to the Director proof that, as an entity, it is in good standing with the Registrar of Companies, the Co-operatives Board, the Regulator of Social Enterprise Organisations or the Commissioner for Voluntary Organisations and list of registered personal assistants engaged by said entity, and endorse the Code of Conduct for associations of personal assistants issued in terms of article 11(c).

(3) The Director shall list all associations of personal assistants in the register held by said Director, further to article 11(e).

(4) Suspension, termination and subsequent re-activation of registration of an association of personal assistants shall follow the same procedures envisaged in terms of registered personal assistants under articles 14 and 15.

Role of personal assistants and disability discrimination.

Cap. 16.

8. (1) Personal assistants shall support persons with disability in performing all the acts of civil life in terms of article 188 of the Civil Code.

Cap. 627.

(2) Any hindrance or disadvantage to which a person with disability would be subjected merely due to the fact that they are supported or wish to be supported by personal assistants, in performing any act mentioned in the preceding sub-regulation, shall be considered discrimination on the basis of disability, and redress in terms of article 3 of the United Nations Convention on the Rights of Persons with Disabilities Act may be sought in such cases.

Cap. 627.

(3) Should a personal assistant face any hindrance or disadvantage, or otherwise any form of discriminating behaviour, in any instance linked to the performance of the duties of said personal assistant, the personal assistant may also avail themselves of the modes of redress in article 3 of the United Nations Convention on the Rights of Persons with Disabilities Act.

Training and support.

**9.** (1) The Director shall offer or procure from third parties and, or make available details about basic training, including first aid training, and guidance offered to personal assistants by the Agency and, or by third parties, in respect of their being able to fulfil their role in terms of this Act appropriately.

(2) The Director shall additionally offer or procure from third parties and, or make available details about training by the Agency and, or by third parties in respect of specialised elements of duties that may be performed by personal assistants, including but not limited to health-related activities.

(3) The Director shall also offer or procure from third parties and, or make available details about training and support by the Agency and, or by third parties to persons with disability in respect of relevant processes linked to recruiting, training and supervising personal assistants, as well as concerning the relationship between persons with disability and personal assistants.

(4) All training or guidance that are offered by the Director in terms of this article, or that details in respect of which are made available by the mentioned Director, shall be so offered or else made available following written agreement by the Agency for this to be done.

### **PART III**

#### **REGISTERED PERSONAL ASSISTANTS**

Registered personal assistants.

**10.** (1) No natural person shall provide remunerated personal assistance services, or assume the title or designation of a registered personal assistant, unless he is the holder of the registered title issued under this Act:

Provided that an exception to the stipulation that a natural person shall not provide remunerated personal assistance services shall apply to natural persons during the initial period of

six (6) months mentioned in article 13(1), or in every period in which a natural person would have already requested but would not yet have obtained registration in terms of article 13(1).

(2) Registration in terms of article 13 is compulsory for any personal assistant offering remunerated personal assistance services, and voluntary for any other personal assistant.

(3) No natural person shall qualify for registration as a registered personal assistant unless such natural person:-

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(a) has obtained a clearance certificate in terms of article 34(3) of the Protection of Adults in Situations of Vulnerability Act, is not registered in any criminal register and is not the subject of any investigation or judicial proceedings concerning a minor or an adult in a situation of vulnerability:

Cap. 77.

Provided that, pending the entry into force of article 34(3) of the Protection of Adults in Situations of Vulnerability Act, a conduct certificate in terms of article 2 of the Conduct Certificates Ordinance, fulfilling the requirements for being issued in accordance with Form A in the First Schedule thereto, shall be obtained instead;

(b) endorses the Code of Conduct for personal assistants issued in terms of article 11(a);  
and

(c) provides proof, in the format prescribed by the Director, of having undergone training by the individual who would be in receipt of his services as a personal assistant, and, where requested by said individual, additionally supplementary training, in terms of article 9(1):

Provided that in order to receive any funds from the Government of Malta towards remunerated personal assistance services, in terms of article 16, proof of completion of said supplementary training shall be required, starting two (2) years after the entry into force of this provision:

Provided further that, in order to be able to perform certain specialised elements as part of their duties as a personal assistant, including but not limited to certain health-related activities, applicants are additionally required to provide proof of successful completion of the relevant training mentioned in article 9(2), and of any qualifications necessary, further to specific regulations under this Act adopted in terms of article 11(b), starting two (2) years after the entry into force of this provision.

(4) The Director shall list all registered personal assistants in the register held by said Director, further to article 11(e).

Powers of the Director.

**11.** The Director shall have the following powers in respect of registered personal assistants, which he shall exercise in consultation with the Agency:-

(a) to establish, and update as necessary, in agreement with the Agency and following consultation with the Commission, a Code of Conduct for personal assistants;

(b) to propose to the Minister, in agreement with the Agency and following consultation with the Commission, regulations under this Act relating to:

(i) training requirements in terms of article 9; and

(ii) specialised elements of the duties of registered personal assistants, including but not limited to health-related activities, also indicating training requirements in terms of article 9(2), and relevant qualifications necessary;

(c) to establish, and update as necessary, in agreement with the Agency and following consultation with the Commission, a Code of Conduct for associations of personal assistants;

(d) to examine applications for registration of registered personal assistants, and of associations of personal assistants, and for renewal of all such registrations, and process the award or refusal thereof;

(e) to list all registered personal assistants, with additional indications for those falling within the scope of paragraph (b)(ii) above, and all associations of personal assistants, in a register held by the Director, that shall be made publicly available by the Director on apposite websites;

(f) keep such information as may be required in relation to registered personal assistants, and associations of personal assistants, in terms of this Act;

(g) to undertake relevant procedures, further to articles 7(4), 14 and 15, in respect of suspension or termination, and subsequent re-activation, of the registration of registered personal assistants and associations of personal assistants.

Monitoring by the Commission.

Cap. 413.

**12.** Without prejudice to the other powers and functions conferred by the Equal Opportunities (Persons with Disability) Act, and in addition to those powers and functions, the Commission shall have the following powers in respect of monitoring personal assistants, whether registered personal assistants or otherwise, the entities referred to in article 6, and associations of personal assistants:-

(a) inquire into any allegation of misconduct, negligence, or incompetence by a personal assistant, following the procedure outlined in article 32 of the Equal Opportunities (Persons with Disability) Act;

(b) refer to the responsible authority, where relevant, and including to the Police if necessary, any issue relating to or arising from the alleged misconduct, negligence and, or incompetence of a personal assistant:

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Provided that any such reference can include a reference made in terms of article 8 of the Protection of Adults in Situations of Vulnerability Act and, or in terms of any other legislation in force.

Granting of status of registered personal assistant.

**13.** (1) A natural person shall apply, within six (6) months of the entry into force of this article, in the prescribed format to the Director, and fulfil the requirements of article 10(3), to obtain registration as a registered personal assistant in Malta, and any such application shall be accompanied by documents confirming the requirements referred to in the said sub-article.

(2) If the Director is satisfied that the applicant fulfils the requirements established under this Act, said Director shall grant to the applicant a certificate of registration, and his name shall be entered in the register held by the Director further to article 11(e), with additional indications should the holder fall within the scope article 11(b)(ii);

(3) A certificate of registration issued by the Director under this Act may be issued subject to such limitations or conditions as the Director may stipulate in any case. Such registration may include such special conditions and such authorisation to practise in respect of specialised elements within the duties of registered personal assistants, in terms of article 11(b)(ii), and for such specific periods as the Director may recommend in accordance with the provisions of this Act:

Provided that when an applicant provides proof of having commenced or else registered for required training in terms of article 10(3)(c), while declaring that he would not have completed all the training required of him, and satisfies the Director that otherwise he would fulfil all the other requirements established under this Act, the Director shall grant to the applicant a temporary certificate of registration that shall remain valid until the applicant notifies the Director of the completion of all the required training, but in no case for more than six (6) months from its date of issuance, except in exceptional cases where any training necessary under article 9(2) would take longer, and the applicant's name shall be entered in the register mentioned in sub-article (2), together with a note that that registration is a temporary one.

(4) A certificate of registration issued under this Act shall continue to have effect as long as all initial and further requirements that may be prescribed in terms of this Act, or in terms of any other legislation in force from time to time, are fulfilled by the holder.

(5) The Director shall consider applications submitted in accordance with this article as soon as is reasonably practicable, but a decision in respect of any such application shall be issued in any case by no later than two (2) months from the receipt by the Director of the application together with all the relevant information and documentation in support of the application. The decision of the Director shall be notified to the applicant in writing, with a copy also being sent to the Agency:

Provided that in the case of a decision of refusal of the application, the Director shall provide reasons for such refusal.

Suspension of status of registered personal assistant.

**14.** (1) Should the Director be notified in writing by the Commission that said Commission would have commenced an investigation in terms of article 12(a), said Director may make an urgent application to the Court of Magistrates, requesting the issuance of a temporary suspension order in respect of the holder's registration, that would be in force for the duration of the investigation, as well as of any subsequent administrative or judicial proceedings that may result from such investigation.

(2) In every case where the Director has reasonable grounds to believe that there is considerable risk of serious harm to persons with disability who make use or might make use of the holder's services, if said holder's registration would remain active pending conclusion of the investigation, the Director shall proceed with making such an urgent application to the Court of Magistrates, with any temporary suspension order granted likewise being in force for the duration of the investigation, as well as of any subsequent administrative or judicial proceedings that may result from such investigation.

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(3) The Director shall present supporting documents in support of his request in any urgent application to the Court of Magistrates made under this article, and that in assessing the risk of serious harm, the Court of Magistrates and the Director shall be guided by the provisions of the Protection of Adults in Situations of Vulnerability Act.

(4) The Court of Magistrates shall decide on the application within the shortest time possible, and should said Court not accede to the request made by the Director, no action shall lie against the Director and, or any person representing or assisting the Director or otherwise involved in the investigation .

(5) Should the Court accede to the request made by the Director, said Director shall notify the holder, in writing, that a note indicating the subsistence of such temporary suspension order, in respect of said holder's registration, would have been entered in the register held by the Director under article 11(e), with a copy of such notification being sent also to the Agency.

(6) A temporary suspension order issued further to this article shall no longer be in force, once the Commission informs the Director in writing that the investigation would have been

concluded without any adverse findings transpiring from it, or else that said investigation would have been discontinued by the Commission, and a change in status indicating that a holder's registration is active is made by the Director in the register held by him under article 11(e), while such development is to also be notified to the holder in writing by the Director, and with a copy of said notification being sent also to the Agency:

Provided that if the Director fails to update the holder's status in the register held by him, despite an investigation having been concluded by the Commission without any adverse findings transpiring from it, or else having been discontinued by the Commission, said holder may make an application to the Court of Magistrates asking that the temporary suspension order in respect of his registration be revoked.

(7) In terms of sub-articles (1) and (2) above, a temporary suspension order obtained in terms of this article shall also continue in force, should the Commission make a reference to a responsible authority in terms of article 12(b), and for the duration of any investigation, as well as subsequent administrative or judicial proceedings resulting from such investigation.

(8) A temporary suspension order issued further to this article shall no longer be in force, once the Director is advised by the Commission that the relevant authorities would have concluded any investigations and, or subsequent proceedings without any adverse findings transpiring from them, or else that said investigations and, or subsequent proceedings would have been discontinued by the relevant authorities, and a change in status indicating that the holder's registration is active is made by the Director in the register held by him under article 11(e), while such development is to also be notified to the holder in writing by the Director, and with a copy of said notification being sent also to the Agency:

Provided that if the Director fails to update the holder's status in the register held by him, despite having been advised by the Commission that the relevant authorities would have concluded any investigations and, or subsequent proceedings in respect of the holder, without any adverse findings transpiring from them, or else that said investigations and, or subsequent proceedings would have been discontinued by the relevant authorities, said holder may make an application to the Court of Magistrates asking that the temporary suspension order in respect of his registration be revoked.

Termination of status of registered personal assistant.

**15.** A holder's registration shall be terminated by the Director, with such fact being notified to the holder in writing, and with a copy of said notification being sent also to the Agency, should:

(i) any investigations or subsequent proceedings mentioned in the previous article, including any appeals in respect of such investigations or subsequent proceedings, have been exhausted, and find against the registered personal assistant:

Provided that a fresh registration under article 13(1) may be submitted once any remedial action ordered further to the investigation would have been undertaken by the former holder, or after any administrative sanctions imposed are complied with and, or are no longer in effect, unless only a reprimand was issued as a result of the investigation, and in any case not earlier than one (1) year following the completion of any such remedial steps, compliance with and, or expiration of sanctions imposed, or issue of reprimand;

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(ii) the holder have been convicted by any competent court for any offence contemplated under this Act, the Protection of Adults in Situations of Vulnerability Act, or any other legislation in force in relation to the protection of minors or of adults in situations of vulnerability:

Provided that, in case of a conviction for an offence under articles 19 or 20, following any criminal proceedings envisaged, a fresh registration under article 13(1) may be submitted, after the relevant fine (*multa*) would have been paid and, or the prescribed punishment would have been served, and in any case not earlier than two (2) years following payment of said fine (*multa*) and, or serving of said punishment:

Provided further that, in case of conviction for any other offence contemplated under this Act, or under any other legislation mentioned in this sub-paragraph, no fresh applications for registration under article 13(1) may be submitted by the former holder, unless the conviction for such offence is overturned by a competent court; or

(iii) the holder have requested that the Director cancel his previous registration:

Provided that a fresh registration may be effected at any time if the conditions for such registration are satisfied.

## **PART IV**

### **PERSONAL BUDGET ASSISTANCE SCHEME**

Personal Budget Assistance Scheme.

**16.** (1) The Agency shall operate a Personal Budget Assistance Scheme funded by the Government of Malta, through which persons with disability who satisfy the eligibility criteria for the mentioned Scheme, further to Standard Operating Procedures for such Scheme that would have been adopted by the Agency, as updated from time to time, and made available to applicants, would be able to obtain financial support, that would cover partially or fully, the engagement and retention of the services of registered personal assistants:

Provided that no person with disability, even if satisfying the eligibility criteria for the mentioned Scheme, would be able to be granted financial support under this article, when the same services for which he would wish to obtain financial support would already be being covered by one (1) or more other schemes being operated by the Government of Malta.

(2) The Agency shall refer requests made to it under this Scheme, and that would have been submitted to it by persons eligible further to the Standard Operating Procedures mentioned in sub-article (1) above, to the Board.

(3) Every request acceded to by the said Board shall be subject to regular reviews initiated by the Agency or by the person with disability, before the Board.

(4) Every payment in respect of financial support to a beneficiary by the Agency under this article shall be made to a bank account held by the mentioned beneficiary:

Provided that when it would not be possible to follow such procedure, in respect of one (1) or more specific payments to a particular beneficiary, an alternative procedure would be able to be followed for every such payment, taking into account the specific circumstances in question.

#### Administration of funds.

**17.** (1) In administering the funds referred to in the previous article, the Agency shall keep such system of accounts and shall adopt such procedures for the custody and disbursement of such monies as shall be approved by the Director responsible for Finance within the Agency.

#### Cap. 601.

(2) The Director responsible for Finance within the Agency may also introduce monitoring mechanisms to safeguard the use of public funds as directed in the Public Funds Management Act, including being able to request from the beneficiaries of the Scheme any relevant documentation, on an *ad hoc* basis or on a regular basis, further to the Standard Operating Procedures mentioned in article 16, for the purpose of verification and for the disbursement of the monies allocated.

(3) Receipts and records kept for the purposes of this article shall, at all times, be open to inspection by the Director responsible for Finance within the Agency or his delegate, the Auditor-General, and any other public officer or officers who the Minister might appoint for this purpose.

**PART V**  
**OFFENCES AND PENALTIES**

False, deceitful or fraudulent information.

**18.** (1) Any person who, for the purpose of obtaining a registration under the provisions of this Act, as a natural person applying for the status of registered personal assistant, or as the natural person responsible for an application for the status of an association of personal assistants, gives any knowingly false information or otherwise acts in a deceitful or fraudulent manner, shall be guilty of an offence and shall, on conviction, be liable to a fine (*multa*) not exceeding two thousand three hundred euro (€2,300) or to imprisonment not exceeding twelve (12) months or to both such fine and imprisonment:

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Provided that every person found guilty under this article shall also, following a final decision in respect of said guilt, have his name entered into the Register for the Protection of Adults in Situations of Vulnerability, established by article 35 of the Protection of Adults in Situations of Vulnerability Act.

Remunerated personal assistance without valid title.

**19.** (1) Any person who, not being a registered personal assistant, engages in remunerated personal assistance or assumes the designation of, or purports to be, a registered personal assistant in contravention of the provisions of this Act, shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding one thousand two hundred euro (€1,200) or to three (3) months' imprisonment or to both such fine and imprisonment, and in the case of a continuing offence to a fine (*multa*) of twelve euro (€12) for every day during which the offence continues, subject to a maximum of four thousand and eight hundred euro (€4,800).

(2) For the purposes of sub-article (1) above, the use on any card, letterhead, sign, board, plate, advertisement or other written, printed, or engraved device, instrument, or document, of the words "registered personal assistant" in relation to a name shall be sufficient evidence of the knowledge of such use by any person in relation to whose name the said words are used, unless such person proves that the use of such words was made without his knowledge and that upon becoming aware of the use he took adequate steps to stop said use.

Engagement of remunerated personal assistants without registration.

**20.** Every person who facilitates the procurement of remunerated personal assistance from any person who is not a registered personal assistant, and any entity procuring or else facilitating

the procurement of remunerated personal assistance from any person or entity not being a registered personal assistant shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding one thousand two hundred euro (€1,200) or to three (3) months' imprisonment or to both such fine and imprisonment, and in the case of a continuing offence to a fine (*multa*) of twelve euro (€12) for every day during which the offence continues, subject to a maximum of four thousand and eight hundred euro (€4,800).

Offences against the person of personal assistants.

Cap. 9.

**21.** The provisions of articles 91, 95, 96, 97 and 98 of the Criminal Code shall apply *mutatis mutandis* in relation to personal assistants, and the provisions of article 21 of the Criminal Code shall not apply in respect of any person convicted of an offence under this article.

Offences and penalties without prejudice to other laws.

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**22.** The provisions of this Part shall be without prejudice to the provisions of any other law establishing offences and punishments related to the subject matter of this Act, including the relevant provisions of the Protection of Adults in Situations of Vulnerability Act in respect of offences committed by personal assistants, and shall not affect the application of any higher punishment under any other law.

## **PART VI FINAL PROVISIONS**

Details to be published in the Gazette.

**23.** (1) The Director shall, not later than three (3) months following the end of every calendar year, publish in the Gazette a list of registered personal assistants, and of associations of personal assistants, who or which on the 31<sup>st</sup> of December of the said year, were registered in the register held by the Director, in terms of article 11(e):

Provided that, in respect of listing of registered personal assistants, additional indications for those falling within the scope of article 11(b)(ii) shall be included;

(2) Where the registration of a registered personal assistant, or of an association of personal assistants, is suspended or terminated by the Director in terms of this Act, notice of such suspension or termination shall be published in the Gazette, and online by the Director on apposite websites.

Powers of the Minister.

**24.** The Minister may, after consultation with the Director and the Agency, make regulations not inconsistent with the provisions of this Act, to give better effect to any such provisions, and, without prejudice to the generality of the foregoing, such regulations may include provisions with respect to:-

(a) the fees that may be charged by the Director in connection with the applications for registration as a registered personal assistant, and as an association of personal assistants, in terms of this Act;

(b) training requirements and specialised elements of the duties of registered personal assistants in terms of article 11(b);

(c) any matter which is required or is authorised by this Act to be prescribed; and

(d) any other matter consequential, incidental to or connected with any of the above matters.

### **Objects and Reasons**

The objects and reasons of this Bill are to create a legal framework asserting the right of persons with disability in Malta to personal assistance, regulate the engagement of personal assistants, registration requirements for remunerated personal assistance services, and the allocation of financial support towards such services by the Government of Malta, and provide for matters ancillary or consequential thereto.