

## ABBOZZ TA' LIĠI

### msejjah

*ATT sabiex jemenda l-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuna b'Diżabilità, billi jipprovi għat-twaqqif ta' Bord dwar l-Iskema tal-Assistenza fil-finanzjament personali permezz tal-imsemmi Att, Kap. 627.*

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

Titolu fil-qosor.

Kap. 627.

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2026 li jemenda l-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuna b'Diżabilità u dan l-Att għandu jinqara u jinftiehem haġa waħda mal- Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuna b'Diżabilità, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Emenda tal-artikolu 2 tal-Att prinċipali.

2. Fl-artikolu 2 tal-Att prinċipali minnufih qabel it-tifsira "DDI" għandha tiġi miżjuda t-tifsira ġdida li ġejja:-

" L.S. 595.18.

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

Iżid artikoli godda fl-Att prinċipali.

3. Minnufih wara l-artikolu 7 tal-Att prinċipali, għandhom jiġu miżjuda l-artikoli godda li ġejjin:-

"Bord dwar l-Iskema tal-Assistenza fil-finanzjament personali.

7A. (1) Għandu jigi stabbilit bord, maħtur mill-Ministru fuq parir tad-Direttur, li jkun magħruf bhala l-Bord dwar l-Iskema tal-Assistenza fil-finanzjament personali, li jkun jikkonsisti minn panel wiehed (1) jew iktar, magħmul minn dawn is-sitt (6) membri li ġejjin, u t-talbiet lill-Bord għandhom jigu assenjati mid-Direttur lill-varji panels tal-Bord, abbażi ta' rotazzjoni:

(i) persuna b'dizabilità li tagħmel użu minn servizzi ta' assistent personali, bhala Chairperson;

(ii) persuna b'dizabilità jew persuna li tirrappreżenta persuna b'dizabilità', bhala Deputat Chairperson;

(iii) occupational therapist;

(iv) haddiem soċjali;

(v) fiżjoterapista; u

(vi) membru ieħor.

(2) Il-membri tal-Bord għandu jkollhom il-kariga għal perjodu li ma jaqbiżx it-tliet snin (3), u jkunu eliġibbli għall-ħatra mill-ġdid.

(3) Il-Ministru, fuq il-parir tad-Direttur, għandu wkoll jahtar Segretarju għall-Bord, li ma jkunx membru tal-Bord.

(4) Il-kworum għal kull panel tal-Bord ikun nofs in-numru totali tal-persuni li jkunu jiffurmaw l-imsemmi panel.

(5) Il-Bord jista' jaġixxi minkejja kull vakanza fost il-membri tiegħu.

Kap. 595.

(6) Bla ħsara għad-disposizzjonijiet ta' dan l-artikolu, il-Bord għandu jirregola l-proċedura tiegħu stess, li għandha tikkonforma mad-direttivi u l-valuri tal-Att dwar l-Amministrazzjoni Pubblika u tal-Att.

Skop u funzjonijiet tal-Bord.

**7B.** (1) Il-Bord għandu jkun fdat bl-amministrazzjoni ta' fondi allokat lill-Aġenzija mill-Gvern ta' Malta, għat-twertiq ta' obbligi illi għandha Malta fir-rigward tal-għaxxien indipendenti fil-komunità għal persuni b'diżabilità, in segwitu tal-Artikolu 19 tat-Tieni Skeda għall-Att, u zborżati permezz ta' dik l-Aġenzija.

(2) Meta ssir evalwazzjoni ta' talba, il-Bord għandu jiżgura li l-finanzjament rilevanti jkun ibbażat fuq valutazzjoni tal-ħtiġijiet individwali, li tiegħu in konsiderazzjoni kriterji personalizzati applikabbli għaċ-ċirkostanzi individwali tal-ħajja ta' persuna b'diżabilità.

(3) Il-funzjonijiet tal-Bord għandhom ikunu:-

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(a) li jeżamina l-każijiet riferiti lilu mill-Aġenzija, skont l-artikolu 16 tal-Att dwar l-Assistenza Personali, ta' xi leġislazzjoni oħra, jew ta' Proċeduri Operattivi Standard adottati mill-Aġenzija, kif aġġornati minn żmien għal żmien; u

(b) li jiddetermina jekk, fid-dawl ta' ċirkostanzi partikolari ta' kull każ, l-assistenza finanzjarja għandhiex tiġi allokata fir-rigward tat-talbiet ikkonċernati, u fejn il-Bord ikun iddetermina li tali assistenza hija pagabbli, biex jiġi stabbilit l-ammont ta' tali assistenza.

Perjodi ta' żmien.

**7Ċ.** (1) Ikun id-dmir tal-Bord li jittratta kull każ riferut lilu bl-akbar espedjenza.

(2) Il-Bord għandu, barra minn hekk, jipprijoritizza l-każijiet riferiti lilu li għandhom jitqiesu li jkunu ta' natura urgenti, b'kunsiderazzjoni għall-parir tal-Aġenzija dwar dan.

Setgħat tal-Bord.

**7D.** Għat-twertiq tal-funzjonijiet tiegħu taħt dan l-Att il-Bord għandu jkollu s-setgħa:-

(a) li jesigi li xi persuna tidher quddiemu biex tagħti informazzjoni taħt ġurament jew affermazzjoni, bl-imsemmi ġurament jew affermazzjoni jiġu amministrati miċ-Chairperson jew mid-Deputat Chairperson; u

(b) li jesigi li kull persuna tipproduci quddiemu kull dokumentazzjoni li l-Bord jista' jidentifika bhala pertinenti ghat-talba li tkun qed tigi kkunsidrata.

Appelli minn decizjonijiet tal-Bord.

**7E.** (1) Kull applikant li jkun deher quddiem il-Bord jista' jappella lid-Direttur mid-decizjoni ta' tali Bord, fil-format preskritt minn tali Direttur, fi zmien ghoxrin (20) gurnata mid-data li fiha tali decizjoni tkun giet ikkomunikata lill-imsemmi applikant.

(2) Id-Direttur ghandu jassenja s-smigh tal-imsemmija appelli lil panel iehor fi hdan il-Bord, li ma jkunx dak il-panel li kkunsidra l-applikazzjoni originali.

(3) Appell ulterjuri minn tali decizjoni ghandu jsir quddiem il-Qorti tal-Appell (Kompetenza Inferjuri), fuq it-talba tal-applikant jew tad-Direttur, permezz ta' rikors fi zmien tletin (30) jum mill-gurnata meta d-decizjoni tal-Bord dwar appell fit-termini tas-subartikolu (1) tkun twasslet bil-miktub permezz ta' posta registrata lill-applikant, jew lid-Direttur, skont il-każ.

(4) Il-Ministru, flimkien mal-Ministri responsabbli ghall-finanzi u ghall-gustizzja, jista' b'regolamenti taht dan l-Att, jistabilixxi d-drittijiet li ghandhom jithallsu fir-registru tal-qorti ghar-rigward tal-prezentata ta' atti bil-miktub f'konnessjoni ma' appelli lill-Qorti tal-Appell taht dan is-subartikolu:

Kap. 12.

Izda sakemm dawk id-drittijiet ikunu gew hekk stabbiliti, ghandhom japplikaw id-drittijiet li hemm fl-Iskeda A li tinsab mal-Kodiçi ta' Organizzazzjoni u Proçedura Ċivili.

Kap. 12.

(5) Il-bord imwaqqaf taht l-artikolu 29 tal-Kodiçi ta' Organizzazzjoni u Proçedura Ċivili jista' jagħmel regoli li jirregolaw appelli lill-Qorti tal-Appell (Kompetenza Inferjuri) taht dan l-artikolu.

Rapport Annwali lill-Ministru.

**7F.** Il-Bord ghandu, mhux aktar tard minn xahrejn (2) wara l-ewwel (1) jum ta' Jannar ta' xi sena kalendarja, jissottometti lill-Ministru u lill-Kap Eżekuttiv tal-Aġenzija:-

- (a) rapport dwar l-attivitajiet tiegħu li jkopri s-sena kalendarja preċedenti;
- (b) dikjarazzjoni li turi d-dettalji tan-nefqa mgarrba matul dik is-sena;
- (c) dikjarazzjoni li turi d-dettalji tal-fondi fdati u magħmula disponibbli lill-Bord matul dik is-sena; u
- (d) kull bilanċ ta' dawn il-fondi li jibqa' fl-aħħar tal-imsemmija sena. "

Emenda tal-artikolu 8 tal-Att prinċipali.

4. Fl-artikolu 8 tal-Att prinċipali, minnufih wara l-paragrafu (d) tiegħu, għandu jiġi miżjud il-paragrafu ġdid li ġej:-

"(e) sabiex jipprovdi, flimkien mal-Ministru responsabbli għall-gustizzja, għad-drittijiet li għandhom jiġihallu fir-reġistru tal-qorti għar-rigward tal-prezentata ta' atti bil-miktub fit-termini tal-artikolu 7E(4). "

### **Ghanijiet u Raġunijiet**

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdi għat-twaqqif ta' Bord dwar l-Iskema tal-Assistenza fil-finanzjament personali.

**A BILL**  
**entitled**

*AN ACT to amend the United Nations Convention on the Rights of Persons with Disabilities Act, by providing for the establishment of a Personal Budget Assistance Scheme Board through said Act, Cap. 627.*

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:-

Short title.

Cap. 627.

1. The short title of this Act is the United Nations Convention on the Rights of Persons with Disabilities (Amendment) Act, 2026 and this Act shall be read and construed as one with the United Nations Convention on the Rights of Persons with Disabilities Act, hereinafter referred to as the "principal Act".

Amendment of article 2 of the principal Act.

2. In article 2 of the principal Act immediately before the definition "Convention" there shall be added the following new definition:-

" S.L. 595.18.

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

Adds new articles to the principal Act.

3. Immediately following article 7 of the principal Act, there shall be added the following new articles:-

"Personal Budget Assistance Scheme Board.

7A. There shall be established a board, appointed by the Minister on the advice of the Director, to be known as the Personal Budget Assistance Scheme Board, consisting of one (1) or more panels, made up of the following six (6) members, and applications to the Board shall be assigned by the Director to the various panels of the Board on a rotation basis:-

- (i) a person with disability who makes use of personal assistance services, as Chairperson;
- (ii) a person with disability or a person representing a person with disability, as Deputy Chairperson;
- (iii) an occupational therapist;
- (iv) a social worker;
- (v) a physiotherapist; and
- (vi) another member.

(2) The members of the Board shall hold office for a period not exceeding three (3) years, and shall be eligible for reappointment.

(3) The Minister, on the advice of the Director, shall also appoint a Secretary to the Board, who will not be a member of the Board.

(4) The quorum for every panel of the Board shall be half the total number of the persons comprising said panel.

(5) The Board may act notwithstanding any vacancy amongst its members.

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(6) Subject to the provisions of this article, the Board shall regulate its own procedure, conforming to directives and values in the Public Administration Act and the Act.

Scope and functions of the Board.

**7B.** (1) The Board shall be entrusted with the administration of funds allocated to the Agency by the Government of Malta, for the implementation of obligations that Malta has in respect of independent community living for persons with disability, further to Article 19 of the Second Schedule to the Act, and disbursed through said Agency.

(2) When evaluation of a request is undertaken, the Board is to ensure that relevant funding is based on an individual needs assessment, factoring in personalized criteria applicable to the individual life circumstances of a person with disability.

(3) The functions of the Board shall be:-

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(a) to examine the cases referred to it by the Agency, further to article 16 of the Personal Assistance Act, of any other legislation, or of Standard Operating Procedures adopted by the Agency, as updated from time to time; and

(b) to determine whether, in light of the particular circumstances of every case, financial assistance should be allocated in respect of the petitioners concerned, and where the Board has determined that such assistance is payable, to establish the amount of such assistance.

Timeframes.

**7C.** (1) It shall be the duty of the Board to treat every case referred to it with the utmost expediency.

(2) The Board shall, additionally, prioritise cases referred to it that shall be deemed to be of an urgent nature, having regard to the Agency's advice on this matter.

Powers of the Board.

**7D.** For the discharge of its functions under this Act the Board shall be empowered:-

(a) to require any person to appear before it to give information under oath or affirmation, with said oath or affirmation being administered by the Chairperson; and

(b) to require any person to produce before it any documentation that the Board might identify as pertinent to the request under consideration.

Appeals from decisions of the Board.

**7E.** (1) Every applicant who appeared before the Board may appeal to the Director from the decision of said Board, in the format prescribed by said Director, within twenty (20) days from the- date on which said decision would have been communicated to the said applicant.

(2) The Director shall assign the hearing of said appeal to another panel within the Board, that is not the panel which considered the original application.

(3) Further appeal from this decision shall lie to the Court of Appeal (Inferior Jurisdiction), at the instance of the applicant or of the Director, by means of an application within thirty (30) days from the day on which the decision of the Board on an appeal in terms of sub-article (1) would have been communicated in writing by means of registered post to the applicant, or to the Director, as the case may be.

(4) The Minister, together with the Minister responsible for justice, may by regulations under this Act establish the fees payable in the registry of the courts relative to the filing of judicial acts in connection with appeals to the Court of Appeal under this sub-article:

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Provided that until such fees are so established, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.

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(5) The board established under article 29 of the Code of Organization and Civil Procedure may make rules governing appeals to the Court of Appeal (Inferior Jurisdiction) under this article.

Annual Report to Minister.

**7F.** The Board shall, not later than two (2) months following the (1<sup>st</sup>) day of January of any calendar year, submit to the Minister and to the Chief Executive Officer of the Agency:-

- (a) a report on its activities covering the previous calendar year;
- (b) a statement showing details of the expenditure incurred during that year;
- (c) a statement showing details of the funds entrusted and made available to the Board during that year; and
- (d) any balance of such funds remaining at the end of the said year. "

Amendment of article 8 of the principal Act.

4. In Article 8 of the principal Act, immediately following paragraph (d) thereof, there shall be added the following new paragraph:-

"(e) to provide, together with the Minister responsible for justice, for the fees payable in the registry of the courts relative to the filing of judicial acts in terms of article 7E(4). "

### **Objects and Reasons**

The objects and reasons of this Bill are to provide for the establishment of a Personal Budget Assistance Scheme Board.