

229. L-Onor. Ivan Bartolo jipproponi:

L-Ewwel Qari ta' Abbozz ta' Ligi msejjaħ "Att tal-2024 biex jemenda l-Att dwar id-Donazzjoni ta' organi, tessuti u ċelloli umani".

21.02.2024

Abbozz ta' Ligi imsejjah Att biex jemenda l-Att dwar id-Donazzjonijiet ta' organi, tessuti u celloli umani

JIGI APPROVAT mill-President, fuq u bil-parir u kunsens tal-Kamra tar-Rapprezentanti, f'dan il-Parlament imlaqqa', u bl-awtorita' tal-istess, kif gej:-

Titolu fil-qosor

It-titolu qasir ta' dan l-Att hu l-Att tal-2024 li jemenda l-Att dwar id-Donazzjonijiet ta' organi, tessuti u celloli umani (Kapitlu 558 tal-Ligijiet ta' Malta), minn hawn imsejjah l-"Att Principali".

Emenda tal-Artiklu 4 tal-Att Principali

L-artiklu 4 ghandu jigi emendat kif gej:

Il-paragrafi (a) u (c) tas-subinciz (2) ghandhom ikunu imhassra;

Emenda tal-Artiklu 5 tal-Att Principali

L-artiklu 5 ghandu jkun emendat kif gej:

- (i) is-subartiklu (1) ghandu jkun imhassar;
- (ii) Is-subartiklu (2) ghandu jigi rinumerat bhala subartiklu (1);
- (iii) Is-subartiklu (3) ghandu jigi rineumerat bhala subartiklu (2);

Artiklu 6 gdid

(1) l-artiklu 6 tal-Att Principali ghandu jkun imhassar u minfloku ghandu jkun imdahhal dan l-artiklu 6 gdid:

“(1) Kull persuna li tkun ghalqet is-sittax-il sena tkun meqjusa, salv dak li hu ipprovdut fis-subartiklu (2) ta’ dan l-artiklu, li tkun tat il-kunsens taghha biex taghti l-organi u, jew tessuti, u jew celloli taghha wara mewtha.

(2) Kull persuna li ma tkunx trid li l-organi u, jew tessuti, u jew celloli taghha jkunu moghtija wara mewtha, ghandha d-dritt li tiddikjara espressament li ma tkunx tixtieq taghti l-organi u, jew tessuti, u jew celloli taghha wara mewtha. Ghandha tiddikjara dan permezz ta’ formoli li l-Ministru jista’ jistabilixxi b’regolamenti maghmulin taht dan l-Att. Kull oggezzjoni ghandha tkun registrata fir-Registru imwaqqaf fl-artiklu 4 tal-Att Principali;

(3) Kull persuna li tirregistra l-oggezzjoni taghha skond kif provdut fis-subartiklu (2) ta’ dan l-artiklu ghandha d-dritt li tispecifica liema organi partikolari, tessuti jew celloli tkun tixtieq li ma taghtix, u ghandha tiddikjara dan espressament fir-Registru imwaqqaf fl-artiklu 4 tal-Att Principali;”

Artiklu 7 gdid

L-artiklu 7 tal-Att Principali ghandu jkun imhassar u minfloku ghandu jkun imdahhal dan l-artiklu 7 gdid:

“Persuna li tkun espressament iddikjarat li ma tkunx tixtieq taghti l-organi, tessuti jew celloli taghha, ghandu jkollha l-jedd li tiehu lura d-decizjoni li ma ssirx donatur, u ghandu jinforma lis-Suprintendent li ghandu minnufih jirregistra din l-informazzjoni fir-Registru imwaqqaf fl-artiklu 4 tal-Att Principali”

L-artiklu 8 tal-Att Principali ghandu jithassar

L-artiklu 9 tal-Att Principali ghandu jkun rinumerat bhala artiklu 8

L-artiklu 10 tal-Att Principali ghandu jkun rinumerat bhala artiklu 9

L-artiklu 11 tal-Att Principali ghandu jkun rinumerat bhala artiklu 10;

L-artiklu 10 rinumerat tal-Att Principali ghandu jkun emendat kif gej:

(1) il-kliem “minkejja li l-persuna deceduta setghet kienet donatur registrat”
ghandhom ikunu imhassra;

L-artiklu 12 tal-Att Principali ghandu jkun rinumerat bhala artiklu 11;

L-artiklu 13 tal-Att Principali ghandu jkun rinumerat bhala artiklu 12;

L-artiklu 14 tal-Att Principali ghandu jithassar;

L-artiklu 15 tal-Att Principali ghandu jkun rinumerai bhala artiklu 13;

Ghanijiet u Ragunijiet

L-ghan ta' dan l-Abbozz huwa sabiex jipprovdi li kull persuna li ghalqet is-sittax-il sena residenti f'Malta jkun meqjus li tat il-kunsens taghha li l-organi, tessuti u celloli umani taghha jkunu jistghu jinghataw wara mewtha, kif ukoll jaghti d-dritt lil kull persuna li tiddikjara li ma tkunx trid li taghmel tali donazzjoni wara mewtha.

A Bill entitled an Act to amend the Human Organs, tissues and cell donation Act

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

The short title of this Act is the Act to amend the Human Organs, Tissues and Cell Donation Act (Chapter 558 of the Laws of Malta) 2024 and shall be read and construed as one with the said Act, hereinafter called “the principal Act”.

This Act shall come into force on such date as the Minister for Justice shall by notice in the Government Gazette establish.

Amendment to Article 4 of the principal Act

Article 4 shall be amended as follows:

Paragraphs (a) and (c) of sub article (2) shall be deleted;

Amendment to Article 5 of the principal Act

Article 5 shall be amended as follows:

- (i) sub article (1) shall be deleted;
- (ii) sub article (2) shall be renumbered as sub article (1);
- (iii) sub article (3) shall be renumbered as sub article (2);

New Article 6

(1) Article 6 of the principal Act shall be deleted and the following new article 6 shall be inserted:

“(1) Any person who has attained the age of sixteen years of age shall be deemed, subject to the provisions of sub article (2) of this article, to consent to have his organs and, or, tissues and, or, cells, to be donated after his death;

(2) Any person who does not want his organs and, or tissues and, or, cells to be donated after his death shall clearly register his objection in such forms as the Minister may so establish by Regulations made under this Act. Each and every objection shall be recorded in the Register set up under article 4 of the principal Act;

(3) Any person registering his objectives as provided for in sub article (2) of this Article may exclude particular organs, tissues or cells from being donated after his death and has to specifically record this in the Register set up in accordance with article 4 of this Act;”

New Article 7

Article 7 of the principal Act shall be deleted and the following new Article 7 shall be inserted:

“A person having registered his objection in accordance with sub article (2) of the previous Article shall be entitled to retract his objection and shall inform the Superintendent who shall forthwith record this information in the Register provided for in Article 4 of this Act”

Article 8 of the principal Act shall be deleted

Article 9 of the principal Act shall be renumbered as Article 8

Article 10 of the principal Act shall be renumbered as Article 9

Article 11 of the principal Act shall be renumbered as Article 10

The renumbered Article 10 of the principal Act shall be amended as follows:

- (1) The words “notwithstanding that the deceased might have been a registered donor” shall be deleted;

Article 12 of the principal Act shall be renumbered as Article 11

Article 13 of the principal Act shall be renumbered as Article 12

Article 14 of the principal Act shall be deleted;

Article 15 of the principal Act shall be renumbered as article 13;

Objects and Reasons

The aim underpinning this Bill is to provide for any person who has attained the age of sixteen years of age and is resident in Malta to be considered and deemed as having given his consent for his organs, tissues and cells to be donated after his death, and is also granting the right to any person to be able to declare that he does not want any such donation after his death.