

Nru 173

02. 04. 2026

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Julia Farrugia, M.P., Ministru għall-Inkluzjoni u l-Volontarjat, u moqri għall-Ewwel darba fis-Seduta tat-30 ta' Marzu 2026.

A BILL introduced by the Honourable Julia Farrugia, M.P., Minister for Inclusion and the Voluntary Sector, and read the First time at the Sitting of the 30th March 2026.

ATT sabiex jipprovi għall-ħarsien tal-adulti, b'mod partikolari adulti b'diżabilità, inkluzi dawk anzjani, illi minħabba li jsibu ruħhom f'sitwazzjoni ta' vulnerabbiltà, ma jkunux jistgħu jharsu lilhom infushom minn ħsara, abbuż jew negligenza u jwettaq emendi konsegwenzjali fl-Att dwar ir-Ratifika tal-Konvenzjoni dwar il-Protezzjoni Internazzjonali tal-Adulti, Kap. 633.

AN ACT to provide for the safeguarding of adults, in particular adults with a disability, including older adults, who due to finding themselves in a situation of vulnerability, are unable to protect themselves from harm, abuse, or neglect and to effect consequential amendments in the Convention on the International Protection of Adults (Ratification) Act, Cap. 633.

ELEANOR SCERRI

Skrivan tal-Kamra tad-Deputati

ELEANOR SCERRI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT sabiex jipprovdi għall-ħarsien tal-adulti, b'mod partikolari adulti b'diżabilità, inklużi dawk anzjani, illi minħabba li jsibu ruħhom f'sitwazzjoni ta' vulnerabbiltà, ma jkunux jistgħu jħarsu lilhom infushom minn ħsara, abbuż jew negliġenza u jwettaq emendi konsegwenzjali fl-Att dwar ir-Ratifika tal-Konvenzjoni dwar il-Protezzjoni Internazzjonali tal-Adulti, Kap. 633.

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:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2026 dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà.

Titolu fil-qosor
u bidu fis-seħh.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data jew dati li l-Ministru responsabbli għad-drittijiet ta' persuni b'diżabilità jista', b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jigu hekk stabbiliti dati differenti għal dispożizzjonijiet u, jew għanijiet differenti ta' dan l-Att.

2. Għall-finijiet ta' dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'ohra:

Tifsir.

"abbuż" tfisser kwalunkwe trattament offensiv, kemm jekk fiżiku, sesswali, mentali, emozzjonali, psikoloġiku, materjali jew il-konkorrenza ta' kwalunkwe minnhom, li jikkawżaw jew li jkun raġonevolment probabbli li jikkawżaw lill-vittma ħsara fiżika jew psikoloġika gravi jew telf materjali għall-patrimonju tagħha, inklużi atti jew theddid ta' vjolenza fiżika jew sesswali, atti li jivvjolaw l-integrità sesswali, kondotta degradanti jew umiljanti, insulti ripetuti, redikolu, tgħajjir, theddid emozzjonali, ingann, manipulazzjoni, l-invażjoni tal-privatezza, il-limitazzjoni tal-libertà, ċaħda ta' kura, abbuż mill-anzjani, abbuż

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ta' mandat jew ta' poteri ta' rappreżentazzjoni, u l-abbuż ekonomiku permezz tal-isfruttament finanzjarju, iċ-ċaħda tar-riżorsi finanzjarji jew id-disponiment tal-assi u l-proprjetà, kemm minn persuni fi ħdan networks qrib, bħal membri tal-familja, ħbieb, persuni ta' appoġġ, assistenti personali jew persuni li jagħtu l-kura, jew inkella minn partijiet terzi oħra;

Kap. 16. "adult" tfisser persuna li tkun kisbet l-età maġġuri skont l-artikolu 188 tal-Kodiċi Ċivili;

Iżda kwalunkwe minorenni li jkun kiseb il-kapaċità legali qabel ma jsir tal-età skont kwalunkwe liġi fis-seħħ li tirregola l-istatus personali tiegħu għandu wkoll jitqies bħala adult għall-finijiet ta' dan l-Att;

"adult f'sitwazzjoni ta' vulnerabbiltà" tfisser kwalunkwe adult b' diżabbiltà, inkluż kwalunkwe anzjan, li minhabba ċ-ċirkostanzi speċifiċi tad-diżabbiltà tiegħu, ma jkunx jista' jieħu ħsieb tiegħu nnifsu jew ma jkunx jista' jipproteġi lilu nnifsu kontra l-ħsara jew l-isfruttament, fuq medda ta' perijodu qasir, jew aktar fit-tul;

Kap. ____ "assistent personali" għandu jkollha l-istess tifsira mogħtija lilha fl-artikolu 2 tal-Att dwar l-Assistenza Personali;

Kap. 553. "anzjan" għandu jkollha l-istess tifsira mogħtija lilha fl-artikolu 2 tal-Att dwar il-Kummissarju għall-Anzjani;

"assistenza" tfisser assistenza mogħtija skont l-artikolu 17;

Kap. 12. "Bord għas-Salvagwardja tal-Awtonomija Personali" tfisser l-istess Bord imwaqqaf permezz tal-artikolu 519A tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili;

"dipartiment jew awtorità tal-kura tas-saħħa" tfisser kwalunkwe dipartiment tas-saħħa, istituzzjoni jew awtorità tal-kura tas-saħħa bħal sptarjiet, kliniċi lokali u spizeriji, kemm jekk privati jew tal-Gvern, inklużi l-impjegati tagħhom li jeżerċitaw funzjonijiet ta' kura tas-saħħa;

Kap. 627. "Direttur" tfisser id-Direttur responsabbli għad-Direttorat għall-Affarjiet dwar id-Diżabbiltà, imwaqqaf skont l-artikolu 5(1) tal-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabbiltà, li għandu jkun responsabbli fil-konfront tas-Segretarju Permanenti, u kwalunkwe persuna ngagġata skont l-artikolu 4(2) meta tkun hekk delegata sabieħ taġixxi f'isem u b'rappreżentanza tad-Direttur mill-imsemmi Direttur;

"dizabilità" 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'Dizabilità, u għandha, għall-finijiet ta' dan l-Att tinkludi kull anzjan; Kap. 627.

"ħsara" tfisser kwalunkwe kondotta ta' ħsara jew nuqqas ta' azzjoni xierqa li twassal għall-ħsara u, b'mod partikolari, tinkludi:

- (a) ħsara fiżika,
- (b) ħsara psikoloġika (bħal biża', allarm jew skonfort),
- (ċ) miżapproprjazzjoni jew ġestjoni ħażina ta' proprjetà, drittijiet jew interessi (bħal serq, frodi, approprjazzjoni indebita jew estorsjoni) u
- (d) kondotta li tikkawża ħsara lilu nnifsu;

"intervent protettiv" għandu jkollha l-istess tifsira mogħtija lilha fl-artikolu 19;

"investigazzjoni" tfisser investigazzjoni mwettqa mid-Direttur, skont l-artikolu 11, sabiex jiġi stabbilit jekk adult ikunx jeħtieġ assistenza jew protezzjoni;

"kondotta" tfisser negligenza u nuqqasijiet oħra ta' azzjoni;

"li jeħtieġ assistenza" tfisser, fir-rigward ta' adult, li jkun jeħtieġ assistenza sabiex:

- (a) jipprovdi jew jagħmel arrangamenti għall-kura adegwata għalih innifsu jew għall-patrimonju tiegħu, jew;
- (b) jipproteġi lilu nnifsu kontra l-abbuż jew in-negligenza, minħabba l-indeboliment, kemm jekk fiżiku jew mentali;

"li jeħtieġ protezzjoni" tfisser, fir-rigward ta' adult, li jkun jeħtieġ intervent protettiv sabiex jiġi assigurati s-sigurtà u l-benesseri tal-adult jew jiġi ppreservat il-patrimonju tal-adult, peress li minħabba l-indeboliment, kemm fiżiku jew mentali, l-adult:

- (a) ma jkunx jista' jipprovdi jew jagħmel arrangamenti għall-kura adegwata għalih innifsu jew għall-

patrimonju tiegħu, jew

(b) qiegħed jesperjenza u ma jistax jiproteġi lill-
nnifsu kontra l-abbuż jew in-negliġenza;

"Ministeru" tfisser il-Ministeru responsabbli għad-drittijiet
ta' persuni b'diżabilità;

"Ministru" tfisser il-Ministru responsabbli għad-drittijiet
ta' persuni b'diżabilità;

"negliġenza" tfisser nuqqas ta', jew tal-għoti tal-kura
neċessarja, għajnuna, gwida jew attenzjoni meħtieġa, li jikkawża
jew x'aktarx jikkawża lill-vittma ħsara fiżika jew psikoloġika
severa jew deterjorazzjoni severa fl-istatus tas-saħħa mentali
tagħha jew telf materjali sinifikanti lill-patrimonju tagħha;

"Ordni ta' Intervent ta' Emergenza" tfisser ordni
magħmula skont l-artikolu 26;

"Ordni ta' Intervent Protettiv" jew "Ordni" għandu jkollha
l-istess tifsira mogħtija lilha fl-artikolu 19;

Kap. 12. "Ordni għas-Salvagwardja tal-Awtonomija Personali"
tfisser ordni magħmula skont l-artikolu 519E tal-Kodiċi ta'
Organizzazzjoni u Proċedura Ċivili;

Kap. 630. "organizzazzjoni ta' intrapriża soċjali" tfisser
organizzazzjoni ta' intrapriża soċjali skont l-artikolu 3 tal-Att
dwar l-Intrapriża Soċjali;

Kap. 492. "organizzazzjoni volontarja" tfisser organizzazzjoni
volontarja skont l-artikolu 3 tal- Att dwar l-Organizzazzjonijiet
Volontarji;

Kap. 16. "persuna ta' appoġġ" għandu jkollha l-istess tifsira
mogħtija lilha fl-artikolu 188B tal-Kodiċi Ċivili;

"Pjan ta' Sapport Individwalizzat" tfisser pjan ta' assistenza
proposta jew ta' intervent protettiv, żviluppat skont il-kunċett ta'
pjanifikazzjoni ċentrata fuq il-persuna, skont l-artikolu 16;

"post ta' residenza" tfisser id-dar, l-istabiliment jew il-
bini li fih jirrisjedi adult f'sitwazzjoni ta' vulnerabbiltà, sew jekk
b'mod permanenti jew temporanju, taht kwalunkwe titolu;

Kap. 464. "professjonist fil-qasam tas-saħħa u tal-kura soċjali" tfisser
kwalunkwe professjonist reġistrat mal-Kunsill rilevanti taht l-Att

dwar il-Professjonijiet tas-Saħħa jew taht kwalunkwe liġi oħra li tirregola professjonijiet oħra relatati fil-qasam tas-saħħa jew professjonijiet fil-qasam tal-kura, inklużi imma mhux limitati għall-professjonijiet tal-qwiebel, tal-infermiera, tal-ħaddiema soċjali, tal-psikologija, tal-psikoterapija u tal-counselling, u fil-każ ta' studenti jew apprendisti, tali terminu għandu jirreferi għall-uffiċjal illi jissorveljahom b'mod dirett;

"Reġistru" tfisser ir-Registru għall-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà stabbilit permezz tal-artikolu 38;

"Reġistratur" tfisser ir-Registratur, Qrati u Tribunali Kriminali;

"Regolament (UE) 2016/679" tfisser ir-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' *data* personali u dwar il-moviment liberu ta' tali *data*, u li jhassar id-Direttiva 95/46/KE (Regolament Ġenerali dwar il-Protezzjoni tad-Data);

"rekords tas-saħħa" tfisser ir-rekords relatati mas-saħħa fiżika jew mentali ta' individwu li jkunu saru minn, jew f'isem professjonist tas-saħħa u tal-kura soċjali b'rabta mal-kura tal-individwu;

"Segretarju Permanenti" tfisser is-Segretarju Permanenti fi ħdan il-Ministeru responsabbli għad-drittijiet ta' persuni b'diżabbiltà.

3. L-għanijiet ta' dan l-Att huma:

Għan.

(a) li tiġi pprovduta jew li jsiru sforzi sabiex tingħata l-assistenza lill-adult li jkun jeħtieġ tali assistenza; u

(b) li jiġu pprovduti interventi protettivi għal kull adult li jkun jeħtieġ protezzjoni.

TAQSIMA I

DWAR ID-DIRETTUR RESPONSABBLI GĦALL-HARSIEN TAL-ADULTI F'SITWAZZJONIJIET TA' VULNERABBILTÀ

4. (1) Għandu jkun hemm Direttur responsabbli sabiex jassisti u jipproteġi lill-adulti f'sitwazzjonijiet ta' vulnerabbiltà.

Direttur għall-harsien tal-adulti f'sitwazzjonijiet ta' vulnerabbiltà.

(2) Fit-twettiq tar-rwol tiegħu skont dan l-Att, id-Direttur għandu

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jkun assistit minn, u jaħdem ma' numru ta' uffiċjali, li għandu jkollhom l-għarfien u, jew it-taħriġ professjonali rilevanti adegwat, kif deskritt fl-artikolu 12(3), u li għandu, flimkien ma' tali uffiċjali, jew permezz ta' delega jew assenjazzjoni lil tali uffiċjali, jeżerċita u jwettaq is-setgħat, il-funzjonijiet u d-dmirijiet kollha li vestiti/f'tali Direttur skont dan l-Att.

(3) Id-Direttur għandu, fl-eżerċizzju tal-funzjonijiet tiegħu skont dan l-Att, kif u meta jkun meħtieġ, jikkonsulta mal-Kummissarju għad-Drittijiet ta' Persuni b'Diżabilità stabbilit permezz tal-Att dwar Opportunitajiet Indaqgħal Persuni b'Diżabilità u, jew mal-Kummissarju għall-Anzjani stabbilit permezz tal-Att dwar il-Kummissarju għall-Anzjani u, jew mal-Kummissarju għall-Promozzjoni tad-Drittijiet ta' Persuni b'Diżordni Mentali stabbilit permezz tal-Att dwar is-Saħħa Mentali u, jew ma' kull entità jew awtorità oħra kif jista' jkollha xieraq.

Kap. 413.

Kap. 553.

Kap. 525.

(4) Fl-eżerċizzju u t-twettiq tas-setgħat, il-funzjonijiet u d-dmirijiet delegati jew assenjati lilhom kif imsemmi aktar 'il fuq, l-uffiċjali tad-Direttur għandu jkollhom, sakemm ma jkunx speċifikat xort' oħra, l-istess obbligi u jgawdu l-istess protezzjoni u privileġġi li huma bil-liġi imposti fuq, jew mogħtija lid-Direttur.

Kap. 164.

Funzjonijiet tad-Direttur.

(5) Fl-eżerċizzju u t-twettiq tal-poteri, il-funzjonijiet u r-responsabbiltajiet tagħhom, id-Direttur u l-uffiċjali msemmija fis-subartikolu (2) jistgħu jitolbu l-assistenza tal-Pulizija Eżekuttiva skont l-Att dwar il-Pulizija, kull meta jidhrilhom li dan ikun meħtieġ.

5. Mingħajr preġudizzju għall-funzjonijiet li jistgħu jiġu assenjati lilu b'dan l-Att, jew b'xi liġijiet jew regolamenti oħra, il-funzjoni primarja tad-Direttur għandha tkun li jinvestiga kwalunkwe ħsara jew riskju ta' ħsara allegata lil adult f'sitwazzjoni ta' vulnerabbiltà u li jieħu dik l-azzjoni li tista' titqies xierqa għall-protezzjoni ta' dik il-persuna. Għal dawn il-finijiet, id-Direttur għandu:

(a) dejjem jaġixxi sabiex jaċċerta ruħu bl-aħjar mod mirrieda u l-preferenzi tal-adult f'sitwazzjoni ta' vulnerabbiltà li jkun f'riskju, jirrispetta d-drittijiet tiegħu, u jagħmel kull sforz sabiex jindirizza l-ħtiġijiet u l-interessi tal-adult, billi;

(i) jagħmel sforzi reali, konsiderevoli u pertinenti sabiex jikseb espressjoni tar-rieda u tal-preferenzi mill-adult;

(ii) jipprovdu mizuri rilevanti li jiżguraw aċċessibbiltà u akkomodazzjoni raġonevoli;

(iii) jagħmel dan kollu b'mod adattat għall-età u sensitiv għall-ġeneru, b'rispett shiħ għal karatteristiċi oħra b'effett intersettorjali inkluż l-isfond kulturali jew reliġjuż ta' persuna;

(iv) ma jkollux influwenza żejda fuq l-imsemmi adult, filwaqt li jikkollabora ma' oħrajn involuti fil-protezzjoni tal-adult li jkun f'riskju:

Iżda meta ma jkunx prattikabbli li tiġi miksuba determinazzjoni tar-rieda u l-preferenzi tal-adult, id-Direttur għandu minflok jagħmel l-aħjar interpretazzjoni ta' dik ir-rieda u l-preferenzi, billi jieħu kont ukoll tal-istqarrijiet preċedenti, il-valuri, it-twemmin u l-istorja tal-ħajja tal-adult;

(b) jinvestiga jekk xi azzjoni meħuda fir-rigward tal-adult f'sitwazzjoni ta' vulnerabbiltà li jkun f'riskju hijiex adegwata, filwaqt li jiżgura li l-adult jinstema' skont l-artikolu 13, f'tali proċess;

(ċ) jipprovdi gwida għall-familja, persuni sinifikanti oħra, u persuni ta' appoġġ u assistenti personali tal-adult f'sitwazzjoni ta' vulnerabbiltà li jkun f'riskju, inklużi strateġiji ta' prevenzjoni rilevanti, konformi mal-kontenut tas-Sezzjoni A tal-Ħames Skeda tal-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabbiltà; Kap. 627.

(d) minn żmien għal żmien jorġo linji gwida fir-rigward ta' dak li jista' jikkostitwixxi ħsara sinifikanti jew riskju ta' ħsara sinifikanti, inklużi strateġiji ta' prevenzjoni rilevanti, konformi mal-kontenut tas-Sezzjoni A tal-Ħames Skeda tal-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabbiltà; Kap. 627.

(e) *ex officio* jippreżenta rapport lill-Pulizija Eżekuttiva jew inkella jinforma lill-Pulizija Eżekuttiva wara li tali Direttur jirċievi rapport, rigward fatti li jistgħu jwasslu għall-prosekuzzjoni ta' reat kriminali wieħed jew aktar li jistgħu jaffettwaw persuna f'sitwazzjoni ta' vulnerabbiltà, kemm jekk *ex officio* mill-Pulizija Eżekuttiva, kif ukoll bil-kwerela tal-parti leża.

6. Il-kwistjonijiet u x-xogħol tal-uffiċċju tad-Direttur, inklużi l-amministrazzjoni u l-organizzazzjoni tiegħu, u l-organizzazzjoni u l-kontroll amministrattiv tal-uffiċċjali u l-impjegati tiegħu, għandhom Ix-xogħol tal-uffiċċju tad-Direttur.

ikunu r-responsabbiltà tad-Direttur.

TAQSIMA II
PRINĊIPJI GWIDA U INVOLVIMENT TAL-PUBBLIKU

Prinċipji gwida. **7.** Dan l-Att għandu jiġi amministrat skont il-prinċipji gwida li ġejjin:

Kap. 16.

(a) adult għandu jkun intitolat li jgħix bil-mod li jixtieq u li jaċċetta jew jirrifjuta l-assistenza offruta mid-Direttur, bl-użu ta' kwalunkwe salvagwardji għall-awtonomija personali tiegħu previsti u eżerċitati skont il-Kodiċi Ċivili fejn meħtieġ:

Iżda d-Direttur u l-uffiċċjali tiegħu għandhom, meta joffru din l-għajnuna, jipprovdu pariri adatti għall-età u sensittivi għall-generu, li jirrispettaw ukoll karatteristiċi b'effett intersettorjali oħra, meta jkunu qed jindirizzaw il-vulnerabbiltà li tirriżulta minn inugwaljanzi marbuta ma' tali karatteristiċi, inkluż vulnerabbiltà akbar ta' adulti b'diżabbiltà għal vjolenza abbażi ta' generu;

(b) adult li jkun jeħtieġ assistenza jew protezzjoni għandu jirċievi l-assistenza jew l-intervent protettiv l-aktar effettiv, iżda l-inqas restrittiv jew intrużiv, skont il-każ;

(ċ) fir-rigward tad-dispożizzjonijiet ta' assistenza jew intervent protettiv lil adult li jkun jeħtieġ assistenza jew protezzjoni, il-kunsiderazzjoni ewlenija għandha tkun li jiġu aċċertati r-rieda u l-preferenzi tal-adult, filwaqt li jsir kull sforz sabiex jiġu indirizzati u rrispettati d-drittijiet, l-ħtiġijiet u l-interessi tal-adult, b'mod adattat għall-età u sensittivi għall-generu, b'rispett sħiħ għal karatteristiċi oħra b'effett intersettorjali inkluż l-isfond kulturali jew reliġjuż ta' persuna:

Iżda meta ma jkunx prattikabbli li tiġi ottjenuta determinazzjoni tar-rieda u l-preferenzi tal-adult, id-Direttur għandu minflok jagħmel l-aħjar interpretazzjoni ta' tali rieda u preferenzi, billi jieħu kont ukoll tal-istqarrijiet preċedenti, il-valuri, it-twemmin u l-istorja tal-ħajja tal-adult;

(d) l-assistenza jew l-intervent protettiv provduti lil adult li jkun jeħtieġ assistenza jew protezzjoni, għandhom jindirizzaw il-ħtiġijiet speċifiċi tal-adult u jiġu eżaminati mill-gdid u riveduti fuq bażi regolari mid-Direttur, inkluż b'referenza għal kwalunkwe mid-dispożizzjonijiet speċifiċi illi jordna dan l-Att, filwaqt li jkun żgurat li l-adult jinstema', skont l-artikolu 13,

sabiex ikun jista' jiġi indirizzat kwalunkwe tibdil fil-ħtiġijiet jew fiċ-ċirkostanzi tal-adult.

8. (1) Id-Direttur għandu jinvolvi lill-partijiet interessati kollha rilevanti mis-settur pubbliku u minn dak privat, u mis-soċjetà ċivili, inkluż billi jinvolvi direttament lil persuni b'diżabilità u anzjani, kif ukoll lill-organizzazzjonijiet rappreżentattivi tagħhom, sabiex iqajjem kuxjenza pubblika dwar is-suġġett ta' dan l-Att, b'mod partikolari billi jindirizza:

L-involviment tal-pubbliku.

(a) l-għarfien dwar abbuż, ħsara u negligenza fir-rigward ta' persuni f'sitwazzjonijiet ta' vulnerabbiltà, b'mod intersettorjali;

(b) id-drittijiet ta' adulti f'sitwazzjonijiet ta' vulnerabbiltà;

(ċ) il-modi ta' appoġġ u rimedju koperti minn dan l-Att;

(d) l-aċċess għal appoġġ bikri; u

(e) is-sistema ta' kontrolli tal-karattru u r-Registru stabbilit minn dan l-Att.

(2) L-informazzjoni prodotta bħala parti mill-isforzi koperti mis-subartikolu (1) għandha tkun disponibbli pubblikament, f'formati differenti aċċessibbli, u għandha tinkludi kwalunkwe gwida msemmija fl-artikolu 5(ċ) u linji gwida msemmija fl-artikolu 5(d), inklużi kwalunkwe strateġija ta' prevenzjoni marbuta magħhom.

(3) Kwalunkwe sforz immirat sabiex jilħaq u jinvolvi lill-pubbliku ingenerali, lil diversi partijiet interessati, u lil benefiċjarji attwali u potenzjali, għandhom jsiru b'mod aċċessibbli, skont il-prinċipji tad-disinn universali, u jinkludu l-provvista ta' kwalunkwe adattament raġonevoli meħtieġ.

TAQSIMA III RAPPORTI U INVESTIGAZZJONIJIET

9. (1) Kwalunkwe persuna jew entità li jkollha raġunijiet validi sabiex temmen li adult ikun jeħtieġ assistenza jew protezzjoni, inkluż l-adult innifsu, bl-użu ta' kwalunkwe salvagwardji għall-awtonomija personali tiegħu previsti u eżerċitati skont il-Kodiċi Ċivili, fejn meħtieġ, tista' tirrapporta ċ-ċirkostanzi lid-Direttur, lill-Aġenzija li toffri Sapport lill-Vittmi jew lill-Pulizija Eżekuttiva:

Opportunità sabiex wiehed jirrapporta.

Kap. 16.

Iżda kwalunkwe rapporti li tirċievi l-Aġenzija li toffri Sapport lill-Vittmi jew il-Pulizija Eżekuttiva għandu jintbagħat lid-Direttur

mingħajr dewmien.

(2) Filwaqt li kwalunkwe dokumentazzjoni sottomessa lill-Pulizija Eżekuttiva flimkien ma' rapport imsemmi fis-subartikolu (1) għandha wkoll tiġi mibgħuta lid-Direttur, il-Pulizija Eżekuttiva ma għandhiex altrimenti titlob dokumentazzjoni ta' appoġġ speċifiku, speċjalment dwar is-saħħa fiżika jew mentali jew l-istatus ta' diżabilità ta' persuna, u ma għandhiex tirrifjuta li tirreġistra jew tibgħat rapport minhabba n-nuqqas ta' tali dokumentazzjoni.

(3) Il-Pulizija Eżekuttiva tista' wkoll tipproċedi, *ex officio* jew fuq kwerela tal-parti leża, skont id-dispożizzjonijiet rilevanti applikabbli fir-rigward tal-prosekuzzjoni ta' reat partikolari, jekk l-imsemmi rapport jagħti lok ukoll għal prosekuzzjoni għal kwalunkwe reat kriminali wieħed (1) jew aktar:

Iżda f'kwalunkwe każ, il-Pulizija Eżekuttiva għandha wkoll tavża lid-Direttur u żżomm kuntatt mal-imsemmi Direttur għal appoġġ rilevanti fir-rigward ta' dawn il-prosekuzzjonijiet.

(4) Minkejja d-disposizzjonijiet tas-subartikolu (1), kwalunkwe persuna li, minhabba n-natura tal-impjeg professjonali jew ix-xogħol tagħha fil-kura tas-saħħa, is-servizzi soċjali, l-edukazzjoni, l-infurzar tal-liġi, il-counselling, is-servizzi residenzjali jew fi kwalunkwe qasam ieħor, fejn il-persuna tkun involuta f'xogħol ma' adulti f'sitwazzjonijiet ta' vulnerabbiltà, jew kwalunkwe entità li taħdem ġewwa dawn l-oqsma, ikollha raġunijiet validi sabiex temmen li adult ikun fil-bżonn ta' assistenza jew protezzjoni, għandha tirrapporta ċ-ċirkostanzi lid-Direttur jew lill-Pulizija Eżekuttiva:

Iżda fil-każ ta' studenti jew apprendisti, tali responsabilità għandha tkun tal-uffiċjal illi jissorvelja b'mod dirett lil tali studenti jew apprendisti, wara li tali studenti jew apprendisti jkunu formalment innotifikaw lill-uffiċjal rilevanti illi jissorveljahom b'mod dirett, wara li jkunu ġew segwiti l-proċeduri speċifiċi preskritti f'dan ir-rigward.

(5) L-ebda persuna ma għandha tiżvela jew tkun imġieġhla tiżvela l-identità ta' persuna jew entità li tippreżenta rapport skont is-subartikoli (1) jew (4).

(6) Kwalunkwe persuna jew entità li, bil-bona fidi, tippreżenta rapport skont is-subartikoli (1) jew (4) jew tassisti fl-investigazzjoni, ma għandhiex tkun soġġetta għal azzjoni ċivili b'rabta ma' tali rapport jew assistenza fl-investigazzjoni.

(7) Bla ħsara għad-dispożizzjonijiet tas-Sub-titolu XI tat-Titolu VIII tat-Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali, kwalunkwe persuna msemmija fis-subartikolu (4), li tonqos milli tippreżenta

rapport, għandha tkun ħatja ta' reat u tista' meta tinstab ħatja, tehel multa li ma teċċedix ħamest elef euro (€5,000).

(8) Bla ħsara għal kwalunkwe piena oħra li għaliha jista' jkun responsabbli l-awtur tar-reat taht xi ligi oħra, kwalunkwe persuna jew entità li, b'agħir malizzjuż, jew tippreżenta rapport falz, jew iżżomm jew taħbi informazzjoni mid-Direttur jew mill-Pulizija Eżekuttiva, relatata mal-ħtieġa għall-assistenza jew protezzjoni ta' adult, għandha tkun ħatja ta' reat u tista' meta tinstab ħatja, tehel piena ta' prigunerija għal perjodu ta' bejn erba' (4) xhur u sena (1), jew multa li ma teċċedix ħamest elef euro (€5,000), jew dik il-multa u prigunerija flimkien.

10. (1) Id-Direttur għandu jżomm reġistru intern li fih jirreġistra r-rapporti kollha li jirċievi skont l-artikolu preċedenti: Azzjoni dwar ir-rapport.

Iżda r-reġistru għandu jinżamm b'mod kunfidenzjali u jiġi aċċessat biss mid-Direttur jew minn persuni debitament awtorizzati mid-Direttur.

(2) Id-Direttur għandu, fi żmien ħamest (5) ijiem ta' xogħol minn meta jirċievi r-rapport, jiddetermina, abbażi tal-informazzjoni provduta, jekk hemmx raġuni suffiċjenti sabiex jemmen li l-adult f'sitwazzjoni ta' vulnerabbiltà qiegħed isofri, jew x'aktarx jista' isofri ħsara sinifikanti u d-Direttur għandu jagħmel dawk l-investigazzjonijiet u assessjar li huwa jikkunsidra meħtieġa sabiex jiddetermina jekk l-adult f'sitwazzjoni ta' vulnerabbiltà jeħtieġx assistenza u, jew protezzjoni:

Iżda f'każijiet ta' emergenza t-terminu msemmi għandu jitqassar, f' konformità mad-dispożizzjonijiet tal-artikolu 26:

Iżda wkoll jekk fl-opinjoni tad-Direttur, wara li l-istess Direttur ikun ikkonsulta mal-professjonisti rilevanti tas-saħħa u tal-kura soċjali, u, jew terzi, kif meħtieġ, ma jkunx hemm raġunijiet suffiċjenti sabiex wieħed jemmen li l-adult f'sitwazzjoni ta' vulnerabbiltà qiegħed isofri, jew x'aktarx jista' isofri ħsara sinifikanti, id-Direttur ma għandux jipproċedi dwar ir-rapport u għandu jiddikjara fid-dettall ir-raġunijiet għal tali rifjut:

Iżda wkoll tali professjonisti għandhom ikollhom għarfien u, jew taħriġ dwar il-bżonnijiet u l-esperjenzi ta' persuni b'diżabbiltà u, jew ta' persuni anzjani, u dwar identitajiet soċjali differenti, inkluż il-generu, l-età, l-orjentazzjoni sesswali jew l-orìġini etnika, li tali persuni jistgħu jkollhom.

(3) Id-Direttur għandu jkollu tletin (30) jum ta' xogħol wara d-determinazzjoni inizjali magħmula skont is-subartikolu (2), sabiex

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imexxi l-investigazzjonijiet u l-assessjar imsemmija fis-subartikolu (2):

Iżda dan it-terminu jista', għal raġuni valida, inkluż il-ħtieġa li jirċievi rapporti minn barra, jew li jitlesta l-proċess ta' ġbir ta' evidenza mill-persuni ta' interess kollha, jiġi estiż mid-Direttur b'perjodu addizzjonali ta' sittin (60) jum ta' xogħol.

Investigazzjonijiet.

11. (1) Meta d-Direttur jirċievi rapport skont is-subartikoli (1) jew (4) tal-artikolu 9, jew inkella jkollu raġuni valida sabiex jemmen li adult jista' jkollu bżonn ta' assistenza jew protezzjoni, id-Direttur jista' *ex officio* jirreferi l-kwistjoni lill-Kumitat Kongunt stabbilit mill-artikolu 12, sabiex l-istess Kumitat iwettaq investigazzjoni sabiex jiddetermina jekk l-adult ikunx jeħtieġ assistenza jew protezzjoni.

(2) Investigazzjoni tista' tinkludi analiżi tal-kondizzjoni, iċ-ċirkostanzi u l-ħtiġijiet tal-adult, b'qies għall-fatturi mediċi, tas-saħħa, soċjali, residenzjali, finanzjarji, vokazzjonali, edukattivi u fatturi oħra, ir-rwol ta' kwalunkwe relazzjoni mill-qrib tal-adult, inkluż mal-familja u ma' persuni sinifikanti oħra, u l-preżenza ta' persuni ta' appoġġ u, jew assistenti personali fil-ħajja tal-adult, meta tkun qiegħda tittiehed deċiżjoni dwar il-ħtieġa li jiġi appoġġjat l-adult sabiex jiġu żgurati s-sikurezza u l-benesseri tiegħu, u l-protezzjoni tal-patrimonju tiegħu, u dwar l-aħjar mod sabiex jiġi garantit dan, flimkien mal-adult, kwalunkwe persuni li jappoġġjawh, u kwalunkwe partijiet interessati rilevanti.

Kumitat Kongunt.

12. (1) Għandu jiġi ffurmat kumitat kongunt, illi jkun magħruf bħala l-"Kumitat Kongunt", li għandu jwettaq investigazzjonijiet skont dan l-Att, wara referenza mid-Direttur, u li jassisti lid-Direttur fl-iżvilupp u t-twettiq ta' Pjanijiet ta' Sapport Individwalizzat, f'determinazzjonijiet dwar l-assistenza u f'reviżjonijiet rilevanti.

(2) Il-Kumitat Kongunt għandu jkun magħmul:

(a) mill-membri li ġejjin *ex officio*, jew uffiċjali li jissodisfaw rwoli simili jekk jinbidlu n-nomenklaturi rilevanti, b'tali membri jiġu akkumpanjati għall-laqgħat tal-kumitat minn esperti li jirrispondu lilhom, liema membri jistgħu wkoll jiddelegaw il-postijiet tagħhom fil-kumitat lil tali esperti:

(i) id-Direttur bħala Chairperson;

(ii) il-Kap Eżekuttiv tal-Aġenzija Sapport;

(iii) il-Kap Eżekuttiv tal-Fondazzjoni għal Servizzi ta' Harsien Soċjali;

(iv) il-Kap Eżekuttiv tad-Dipartiment għall-Anzjanità Attiva u l-Kura fil-Komunità;

(v) il-Kap Kliniku tas-Servizzi tas-Saħħa Mentali fil-Ministeru responsabbli għas-Saħħa; u

(vi) il-Kap Eżekuttiv tal-Aġenzija li toffri Sapport lill-Vittmi:

Izda kwalunkwe wiehed mid-delegati jew esperti oħra msemmija hawn fuq għandu jirrikuza ruħu minn kwalunkwe proċeduri quddiem il-Kumitat Kongunt, jekk kien jassisti, jew jekk ikunu qed jassistu b'mod professjonali lill-persuna li dwarha qed jiġu kkunsidrati l-miżuri taħt dan l-Att:

Izda wkoll esperti oħra jistgħu jiġu nominati mill-membri tal-Kumitat Kongunt sabiex jaġixxu bħala sostituti għal dawk il-membri jew għad-delegati magħżula minn tali membri, kull meta tali membri jew id-delegati tagħhom ma jkunux disponibbli, jew kull meta xi delegat jirrikuza ruħu skont il-proviso preċedenti;

(b) uffiċjal maħtur mid-Direttur sabiex jaġixxi bħala Segretarju tal-Kumitat Kongunt.

(3) L-esperti msemmija fis-subartikolu (2) għandhom ikollhom għarfien u, jew taħriġ dwar:

(a) il-bżonnijiet u l-esperjenzi ta' persuni b'dizabilità u, jew ta' persuni anzjani; u

(b) l-identitajiet soċjali differenti, inkluż il-ġeneru, l-età, l-orjentazzjoni sesswali jew l-orijini etnika, li dawn il-persuni jistgħu jkollhom, li jippermettu lil tali professjonisti jkun jistgħu jidentifikaw u jindirizzaw aħjar sitwazzjonijiet ta' vulnerabbiltà marbuta ma' inugwaljanzi li jirriżultaw minn diversi identitajiet soċjali ta' persuna, inkluż sitwazzjonijiet ta' vjolenza abbażi ta' ġeneru fuq individwi b'dizabilità.

(4) Il-Kumitat Kongunt għandu jkollu laqgħat regolari f'intervalli xierqa u għandu jirregola l-proċeduri tiegħu stess.

13. (1) Fit-twettiq ta' investigazzjoni fir-rigward ta' adult, il-Kumitat Kongunt għandu jikkomunika ma', u jintervista lill-adult sabiex ikun jista' jevalwa aħjar is-sitwazzjoni tal-adult. Smigh tal-adult.

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(2) Meta jingagga mal-adult għall-finijiet ta' komunikazzjoni jew intervista ta' tali adulti skont dan l-artikolu, il-Kumitat Kongunt għandu jiddetermina r-rieda u l-preferenzi tal-adult, filwaqt li jirrispetta d-drittijiet tiegħu, billi jsegwi r-rekwiżit elenkati fl-artikolu 5(a).

(3) Għall-finijiet ta' komunikazzjoni jew intervisti bħal dawn mal-Kumitat Kongunt, adult jista' jiġi appoġġjat minn kwalunkwe persuna waħda (1) jew aktar mahtura bħala persuni ta' appoġġ għall-finijiet tal-eżerċizzju tal-awtonomija personali minn dak l-adult u, jew minn kwalunkwe persuni li jaġixxu bħala assistenti personali għal dak l-adult.

(4) Għall-finijiet ta' komunikazzjoni jew intervisti bħal dawn, il-Kumitat Kongunt jista' jkun assistit minn kwalunkwe professjonist tas-saħħa u l-kura soċjali wieħed (1) jew aktar li jkollhom il-kwalifici deskritti fl-artikolu 12(3) skont kif il-Kumitat ihoss opportun.

(5) L-adult jista' jitlob li kwalunkwe professjonist tas-saħħa u l-kura soċjali wieħed (1) jew aktar li jappoġġjaw lill-adult jinstemgħu mill-Kumitat Kongunt matul l-investigazzjoni.

(6) Meta l-Kumitat Kongunt jikkunsidra li l-interessi tal-gustizzja jeħtieġu hekk, għandu jahtar avukat tal-ghajjnuna legali sabiex jgħin lill-adult matul l-investigazzjoni.

Id-dritt għall-informazzjoni.

14. (1) Fit-twettiq ta' investigazzjoni relatata ma' adult, il-Kumitat Kongunt jista' wkoll:

Kap.12.

(a) jitlob li l-adult jipparteċipa f'valutazzjoni olistika funzjonali u tal-ħtiġijiet, skont l-istess proċeduri stabbiliti fl-artikolu 519E tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili f'każ bħal dan, madankollu sempliċement bħala valutazzjoni deskrittiva fir-rigward tal-ġhoti ta' assistenza jew protezzjoni skont dan l-Att, u mhux għal skop ta' djanjozi jew għal xi skopijiet oħra:

Iżda tali valutazzjoni għandha tiffoka fuq il-kawzi li jwasslu għal sitwazzjonijiet differenti ta' vulnerabbiltà li persuna tista' tkun qed tiffaċċja, sabiex tkun tista' finalment tindirizza l-istess kawzi, mingħajr ma tagħmel assunzjonijiet dwar il-kapaċitajiet u, jew il-ħiliet funzjonali tal-persuna;

(b) jintervista persuni li jista' jkollhom informazzjoni li tkun rilevanti għall-investigazzjoni;

(ċ) jissolleċita, jaċċetta u jirrevedi rapporti u

informazzjoni, li huma strettament meħtieġa għat-twettiq ta' dan l-Att, minn:

(i) fornitur tal-kura tas-saħħa jew tal-kura soċjali jew persuna oħra, jew aġenzija li, tkun ipprovdiet servizzi lill-adult, jew;

(ii) persuna li tamministra l-affarijiet finanzjarji, in-negozju jew assi oħra tal-adult;

(d) jesigi li persuna jew aġenzija, inkluża aġenzija tal-infurzar tal-liġi, tipprovdi informazzjoni jew tipproduci rekords ta' dokumenti fil-pussess jew fil-kontroll ta' dik il-persuna jew aġenzija li, fl-opinjoni tal-Kumitat Kongunt, jistgħu jkunu rilevanti għall-investigazzjoni;

(e) jesigi l-produzzjoni ta' rekords mediċi, finanzjarji jew oħrajn fir-rigward tal-adult.

(2) Għall-fini tas-subartikolu (1), id-dritt tal-Kumitat Kongunt għall-informazzjoni jipprevali fuq kull:

(a) asserzjoni dwar kunfidenzjalità jew privileġġ, ħlief għall-privileġġ bejn l-avukat u l-klijent, jew fir-rigward tar-relazzjoni privileġġjata bejn l-adult innifsu u fornitur tas-saħħa u kura soċjali, fejn f'dak il-każ ikun meħtieġ il-kunsens tal-adult, sakemm ma jkunx prattikabbli li jinkiseb dan il-kunsens, fejn f'dak il-każ il-Kumitat Kongunt għandu japplika determinazzjoni dwar l-aħjar interpretazzjoni fir-rigward ta' dak il-kunsens; u

(b) restrizzjoni fil-promulgazzjoni jew fi kwalunkwe liġi oħra dwar l-iżvelar jew il-kunfidenzjalità tal-informazzjoni.

(3) Kwalunkwe persuna, jew aġenzija li, jkollha l-kustodja jew il-kontroll ta' informazzjoni li għaliha l-Kumitat Kongunt huwa intitolat skont is-subartikolu (1) għandha tipprovdi dik l-informazzjoni meta mitluba.

Dmir li tiġi pprovduta informazzjoni.

15. (1) Meta matul l-investigazzjoni ta' rapport dwar adult, il-Kumitat Kongunt raġonevolment iqis li jkun meħtieġ għall-fini tat-tmexxija tal-investigazzjoni, li jinkiseb ordni tal-qorti skont is-subartikolu (2), id-Direttur għandu permezz ta' rikors quddiem il-Qorti tal-Maġistrati jitlob il-ħruġ ta' tali ordni.

Rikors.

(2) Meta tiddetermina r-rikors ipprezentat skont is-subartikolu (1), il-Qorti tal-Maġistrati tista' tagħmel kwalunkwe ordni li l-imsemmija Qorti tqis meħtieġ għall-finijiet tal-investigazzjoni, inkluż ordni li:

(a) jippermetti lill-Kumitat Kongunt aċċess għall-adult u d-dhul f'binu sabiex jiffaċilita dak l-aċċess, inkluż li jordna l-ghajnuna tal-Pulizija Eżekuttiva;

(b) jesigi li l-adult jipparteċipa f'intervista speċifikata fl-artikolu 13(1) mal-Kumitat Kongunt;

(ċ) jippermetti lill-Kumitat Kongunt u, jew lil kwalunkwe persuna ulterjuri involuta fit-twettiq ta' intervista skont l-artikolu 13, u jew valutazzjoni skont l-artikolu 14(1)(a), aċċess għall-adult u dhul fil-binu sabiex tiffaċilita dak l-aċċess;

(d) jipprojbixxi l-presenza ta' kwalunkwe persuna, minbarra dawk imsemmija fl-artikolu 13, waqt li l-Kumitat Kongunt ikun qiegħed jikkomunika ma', jew jintervista lill-adult skont l-artikolu 13; jew

(e) jesigi li persuna tipprovdi l-informazzjoni msemmija fl-artikolu 14(1).

Determinazzjoni tal-istatus u l-Pjan ta' Sapport Individwalizzat.

16. (1) Id-Direttur għandu, abbażi tal-konklużjonijiet ta' investigazzjoni fir-rigward ta' adult mill-Kumitat Kongunt, fejn l-istess konklużjonijiet jistabbilixu li l-adult ikun jeħtieġ assistenza jew protezzjoni, jaħdem ma' dan il-Kumitat Kongunt, mal-adult li jista' wkoll jiġi appoġġjat mill-persuni elenkati fl-artikolu 13(3), u mal-partijiet interessati rilevanti bħal dawk imsemmija fl-artikolu 9(4), sabiex jiżviluppa Pjan ta' Sapport Individwalizzat għall-assistenza jew l-intervent protettiv, skont il-każ, skont il-kunċett ta' pjanifikazzjoni ċentrata fuq il persuna.

(2) Fl-involvement tal-adult f'dawn il-proċeduri, id-Direttur u l-Kumitat Kongunt għandhom isegwu l-proċeduri deskritti fl-artikolu 13.

TAQSIMA IV L-ASSISTENZA

Kondizzjonijiet li jridu jiġu sodisfatti għall-provvista ta' assistenza.

17. Id-Direttur għandu jaħdem mal-Kumitat Kongunt stabbilit skont l-artikolu 12, mal-adult li jkun qed jirċievi l-assistenza, li jista' wkoll jiġi appoġġjat mill-persuni elenkati fl-artikolu 13(3), u mal-partijiet interessati rilevanti bħal dawk imsemmija fl-artikolu 9(4), sabiex jagħmel l-arrangamenti sabiex tiġi pprovduta assistenza għal adult fejn:

(a) il-Kumitat Kongunt ikun ikkonkluda, abbażi ta' investigazzjoni li l-adult ikun jeħtieġ assistenza;

(b) l-assistenza tingħata jew tiġi rrangata skont Pjan

Individwalizzat ta' Sapport, skont il-kunċett ta' pjanifikazzjoni ċentrata fuq il-persuna; u

(ċ) l-adult jagħti l-kunsens tiegħu għall-għoti ta' tali assistenza, bl-aktar mod sfiħ filwaqt li juża kwalunkwe salvagwardji tal-awtonomija personali tiegħu previsti u eżerċitati skont il-Kodiċi Ċivili.

Kap. 16.

18. L-assistenza tista' tinkludi:

Metodu ta' assistenza.

(a) il-faċilitazzjoni tal-eżerċizzju tal-awtonomija personali tal-adult, skont l-artikolu 5(a);

(b) il-valutazzjoni u l-pjanifikazzjoni ċentrata fuq il-persuna ulterjuri;

(ċ) il-provvista ta' counselling u xogħol soċjali ieħor;

(d) il-provvista ta' terapija tad-diskors u tas-smiġħ;

(e) il-forniment ta' terapija okkupazzjonali u fiżjoterapija;

(f) l-għoti ta' kura ta' respite u kura ta' matul il-jum;

(g) l-attivitajiet soċjo-rikreattivi u taħriġ vokazzjonali;

(h) servizzi li jassistu fiż-zamma tad-dar, servizzi nutrizzjonali u ta' appoġġ soċjali;

(i) l-għajnuna legali u servizzi ta' ġestjoni finanzjarja;

(j) talba għal Ordni għas-Salvagwardja tal-Awtonomija Personali;

(k) l-akkomodazzjoni residenzjali u kura personali jew ta' infermiera; u

(l) kwalunkwe servizz ieħor li jista' jappoġġa s-sikurezza u l-benesseri tal-adult:

Iżda d-Direttur jista' f'kull hin jippreżenta rikors quddiem il-Qorti Ċivili (Sezzjoni tal-Familja) skont l-artikolu 13(3) tal-Kodiċi Ċivili fejn jitlob li l-qorti tordna lil kwalunkwe persuna responsabbli għall-manteniment, ikun xi jkun il-grad, li tipprovdi l-manteniment, filwaqt li tirriżerva lil dik il-persuna d-dritt ta' rimbors minn dawk il-persuni l-oħra illi kienu marbuta li jfornu l-manteniment skont l-imsemmija ordni.

Kap. 16.

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**TAQSIMA V
INTERVENT PROTETTIV**

Ordni ta' Intervent Protettiv.

19. (1) Meta d-Direttur ikollu raġunijiet validi sabiex jemmen li adult ikun jeħtieġ protezzjoni, id-Direttur jista' jippreżenta rikors quddiem il-Qorti tal-Maġistrati għall-ħruġ ta' Ordni ta' Intervent Protettiv għall-adult:

Iżda d-Direttur għandu jippreżenta mar-rikors kopja tal-investigazzjoni mwettqa u d-dokumenti ta' sostenn.

Kap. 12.

(2) Fl-interess ta' espedjenza, il-Qorti għandha tkun assistita minn assistenti ġudizzjarji, meta tikkunsidra applikazzjoni sottomessa skont is-subartikolu (1), fir-rigward tal-eżekuzzjoni ta' funzjonijiet rilevanti marbuta mal-proċess ġudizzjarju skont l-artikolu 97A tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u sabiex tiddeċiedi fir-rigward ta' ċerti kwistjonijiet marbuta magħhom skont l-artikolu 97Ċ tal-imsemmi Kodiċi.

(3) Meta wara li tivvaluta rikors ippreżentat skont is-subartikolu (1), l-imsemmija Qorti tal-Maġistrati għandha, wkoll billi ssegwi l-gwida misjuba fl-artikolu 13 fir-rigward ta' smiġħ ta' adult, tiddetermina li tali adult ikun fil-bżonn ta' protezzjoni, u f'dan il-każ il-Qorti tista' tagħmel ordni taħt dan l-artikolu għal intervent protettiv li, fl-opinjoni tal-imsemmija Qorti, jindirizza bl-aħjar mod il-ħtiġijiet u l-interessi tal-adult, filwaqt li tiżgura konformità mad-dispożizzjonijiet tal-artikoli 5(a) u (b).

Il-proċedura.

20. (1) Il-Qorti tal-Maġistrati tista', fir-rigward ta' adult li jkun fil-bżonn ta' protezzjoni, toħroġ Ordni ta' Intervent Protettiv u tista':

(a) tordna l-għoti jew l-arrangament tal-assistenza għall-adult;

(b) tqiegħed lill-adult taħt is-superviżjoni tad-Direttur, skont il-kondizzjonijiet stabbiliti fl-Ordni; jew

(ċ) tidderiġi li l-adult jiġi rilokat u, jekk ikun meħtieġ, jitqiegħed taħt superviżjoni jew kura xierqa, skont kwalunkwe kondizzjonijiet stabbiliti fl-Ordni:

Iżda dawn il-miżuri kollha għandhom jiġu kkoordinati mid-Direttur flimkien mal-Kumitat Kongunt, filwaqt li jiġu rispettati l-proċeduri eżistenti segwiti mill-entitajiet rappreżentati fl-imsemmi Kumitat, u bl-involvement tal-adult li jista' wkoll jiġi appoġġjat mill-persuni elenkati fl-artikolu 13(3), u mill-partijiet interessati rilevanti bħal dawk imsemmija fl-artikolu 9(4).

(2) Kwalunkwe superviżjoni jew kura pprovduti skont dan l-artikolu ma għandhom bl-ebda mod jimpingu fuq il-kapaċità legali tal-adult, li għandha tibqa' regolata esklussivament mid-dispożizzjonijiet rilevanti tal-Kodiċi Ċivili.

Kap. 16.

(3) Il-Qorti tal-Maġistrati tista', fir-rigward ta' persuna li tkun meqjusa bħala sors ta' ħsara jew perikolu għal adult li jkun fil-bżonn ta' protezzjoni, tagħmel Ordni ta' Intervent Protettiv fejn tidderiġi lil dik il-persuna sabiex tagħmel waħda jew aktar minn dawn li ġejjin:

(a) tillimita l-kuntatt, il-komunikazzjoni jew l-involviment tal-persuna mal-adult jew mal-patrimonju tal-adult kif ordnat mill-qorti;

(b) ma tibqax tirisjedi fil-post ta' residenza u toqgħod 'il bogħod mill-bini użat mill-adult bħala l-post ta' residenza tiegħu, sakemm il-persuna ma tkunx is-sid jew il-persuna li jkollha t-titolu jew il-pussess tal-bini;

(ċ) ma żżurx, ma tikkomunikax ma', ma tagħtix fastidju jew ma tinterferixxix mal-adult;

(d) ma tinvolvi ruħha, jew ma tinterferixxix fil-patrimonju tal-adult;

(e) tipprovi finanzjarjament għaž-żamma u s-sostenn tal-adult jekk il-persuna jkollha obbligu legali li tagħmel dan skont id-dispożizzjonijiet tas-Subtitolu II tat-Titolu I tal-Ewwel Ktieb tal-Kodiċi Ċivili jew kwalunkwe liġi oħra, minn żmien għal żmien fis-seħħ, li timponi obbligu legali fuq dik il-persuna sabiex tipprovi tali manteniment u sostenn.

Kap. 16.

21. Salv id-dispożizzjonijiet tal-artikolu 27 tal-Att dwar is-Saħħa, jew kwalunkwe liġi oħra li tispeċifika l-kuntrarju għal dan li ġej, meta l-Qorti tal-Maġistrati tkun, permezz ta' Ordni ta' Intervent Protettiv, ordnat li adult li jkollu bżonn il-protezzjoni jkun soġġett għas-superviżjoni mid-Direttur, l-involviment tad-Direttur, fir-rigward ta' kwalunkwe deċiżjoni ta' trattament li tikkonċerna lill-adult, sakemm ma jkunx speċifikat mod ieħor fl-Ordni, għandu jkun soġġett għall-istess obbligi u l-istess setgħat li kienu jkunu assenjati lil persuna ta' appoġġ skont il-Kodiċi Ċivili.

Responsabbiltà tad-Direttur. Kap. 528.

Kap. 16.

22. (1) Meta d-Direttur ikollu raġunijiet validi sabiex jemmen li adult huwa jew jista' jkun fil-bżonn ta' assistenza jew protezzjoni u ma jkunx jista' jasal għal għidizzji raġonevoli fir-rigward tal-benesseri jew il-patrimonju personali tiegħu, id-Direttur jista' jippreżenta rikors lill-Bord għas-Salvagwardja tal-Awtonomija Personali skont l-artikolu 188A tal-Kodiċi Ċivili.

Ordni Temporanja għas-Salvagwardja tal-Awtonomija Personali.

Kap. 16.

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(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1), fejn, fiċ-ċirkostanzi deskritti fl-imsemmi subartikolu, id-Direttur għandu raġunijiet validi sabiex jemmen li hemm riskju konsiderevoli ta' ħsara immedjata u serja lill-adult jew lill-patrimonju tal-adult, id-Direttur jista' jippreżenta rikors għal, u l-Bord għas-Salvagwardja tal-Awtonomija Personali jista' johroġ ordni sabiex jahtar persuna ta' appoġġ temporanja għall-adult, filwaqt li tkun għaddejja investigazzjoni jew jittieħdu azzjonijiet oħra skont dan l-Att.

(3) Ordni li jahtar persuna ta' appoġġ temporanja skont dan l-artikolu għandu:

(a) jibqa' fis-seħh għal perjodu ta' mhux aktar minn mija u tmenin (180) jum sakemm ma jiġġeddidx mill-Bord għas-Salvagwardja tal-Awtonomija Personali fuq talba tad-Direttur;

(b) jillimita l-awtorità tal-persuna ta' appoġġ temporanja għal kwistjonijiet meħtieġa għall-protezzjoni immedjata tal-adult u l-preservazzjoni tal-patrimonju tal-adult:

Iżda l-ordni li jahtar persuna ta' appoġġ temporanja skont dan l-artikolu jista' jiġġedded aktar minn darba:

Kap. 12.

Iżda wkoll fejn ikun impossibbli li tiġi identifikata persuna ta' appoġġ temporanju, inkluż mill-grupp ta' persuni ta' appoġġ stabbilit mill-artikolu 519GA tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, il-Bord għas-Salvagwardja tal-Awtonomija Personali għandu jordna lid-Direttur sabiex iwettaq ir-rwol ta' persuna ta' appoġġ temporanju, u d-Direttur għandu jiġi assistit mill-uffiċjali imsemmija fl-artikolu 4(2) fil-prestazzjoni ta' dan ir-rwol:

Kap. 12.

Iżda wkoll fir-rigward tat-twertiq tar-rwol ta' persuni ta' appoġġ temporanju skont il-proviso preċedenti, l-obbligi ta' ipotekazzjoni taht l-artikolu 519H(1) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili ma għandux ikun applikabbli, u kwalunkwe azzjoni legali kontra l-persuna ta' appoġġ temporanju għandha tiġi mressqa kontra d-Direttorat għall-Affarijiet dwar id-Diżabilità, sakemm ma tkunx fir-rigward ta' reat elenkat fl-artikolu 38(1)(a), f'liema każ għandha tiġi mressqa direttament kontra d-Direttur jew kontra kwalunkwe uffiċjal imsemmi fl-artikolu 4(2) li jkun qed jassisti lid-Direttur skont il-proviso preċedenti

Avviż.

23. (1) Meta d-Direttur japplika għal Ordni ta' Intervent Protettiv skont dan l-Att, hlief taht l-artikolu 26, id-Direttur għandu jagħti avviż ta' mill-inqas hmistax-il (15) jum dwar ir-rikors lil dawn li ġejjin:

(a) l-adult li għandu, jew jista' jkun fil-bżonn ta' protezzjoni, li għalih jirreferi r-rikors, u b'mod li jinftiehem faċilment mill-adult;

(b) kwalunkwe persuna maħtura bħala persuna ta' appoġġ għall-finijiet tal-eżercizzju tal-awtonomija personali ta' dak l-adult;

(c) kwalunkwe persuna, minbarra l-adult, li hija s-sugġett tar-rikors.

(2) Adult li huwa jew jista' jkun fil-bżonn ta' protezzjoni, li jista' jkun assistit minn persuni ta' appoġġ għall-finijiet tal-eżercizzju tal-awtonomija personali tiegħu, kif ukoll assistenti personali, u kwalunkwe persuna oħra li hija s-sugġett ta' rikors għall-ħruġ ta' Ordni ta' Intervent Protettiv skont dan l-Att, hija intitolata li tagħmel sottomissjonijiet matul il-proċeduri relatati ma' tali rikors:

Iżda l-Qorti tal-Maġistrati tista', jekk jidhrilha li jkun meħtieġ, titlob lil kwalunkwe persuna oħra jew professjonist fil-qasam tas-saħħa u tal-kura soċjali bil-kwalifiċi deskritti fl-artikolu 12(3) sabiex tagħmel sottomissjonijiet fil-proċeduri, bl-imsemmija sottomissjonijiet, madankollu jkollhom l-għan li jippermettu lid-Direttur jaġixxi aħjar b'mod li jaċċerta r-rieda u l-preferenzi tal-adult u jirrispetta d-drittijiet tiegħu, filwaqt li jaġixxi b'mod adattat għall-età u sensitiv għall-generu, b'rispett sħiħ għal karatteristiċi oħra b'effett intersettorjali inkluż l-isfond kulturali jew reliġjuż ta' persuna.

(3) Il-Qorti tal-Maġistrati tista' tordna li adult li jkun fil-bżonn ta' protezzjoni, li għalih jirreferi rikors għal Ordni ta' Intervent Protettiv skont dan l-Att, għandu jkollu l-ispejjeż tar-rappreżentazzjoni legali koperti, għas-spejjeż tad-Direttur f'kull proċeduri relatati mar-rikors, jekk jiġi stabbilit li l-ispiża kienet lil hinn mill-mezzi tal-adult:

Iżda kwalunkwe tali ordni fir-rigward tal-ispejjeż għandu jiġi estiż wkoll għal kwalunkwe appell ipprezentat mill-adult skont l-artikolu 25(4).

24. Fi kwalunkwe rikors għall-ħruġ ta' Ordni ta' Intervent Protettiv, id-Direttur għandu jipprovdi informazzjoni suffiċjenti sabiex jistabbilixxi li: Onus.

(a) l-adult li huwa s-sugġett tar-rikors ikun jeħtieġ protezzjoni;

(b) l-protezzjoni adegwata x'aktarx ma tistax tintlaħaq hlief b'Ordni; u

(ċ) l-intervent protettiv propost huwa l-inqas intrużiv jew restrittiv mir-rimedji prattikabbli disponibbli, u li fl-għoti ta' tali intervent ta' protezzjoni, id-Direttur jaċċerta r-rieda u l-preferenzi tal-adult f'sitwazzjoni ta' vulnerabbiltà li jkun f'riskju u jirrispetta d-drittijiet tal-adult f'sitwazzjoni ta' vulnerabbiltà li jkun f'riskju, filwaqt li jaġixxi b'mod adattat għall-età u sensitiv għall-generu, b'rispett sħiħ għal karatteristiċi oħra b'effett intersettorjali inkluż l-isfond kulturali jew reliġjuż ta' persuna:

Iżda meta ma jkunx prattikabbli li tinkiseb determinazzjoni tar-rieda u l-preferenzi tal-adult, id-Direttur għandu jagħmel l-aħjar interpretazzjoni ta' tali rieda u preferenzi, billi jieħu wkoll kont tal-istqarrijiet preċedenti, il-valuri, it-twemmin u l-istorja tal-ħajja tal-adult.

Limitu ta' żmien, reviżjoni u appelli.

25. (1) Ordni ta' Intervent Protettiv għandu jibqa' fis-seħħ għal perjodu massimu ta' tmax-il (12) xahar.

(2) Id-Direttur għandu jiżgura li jiġu eżaminati l-kondizzjonijiet u l-ħtieġa għall-kontinwazzjoni ta' Ordni ta' Intervent Protettiv qabel ma jiskadi tali Ordni, skont il-proċeduri deskritti fl-artikolu 28.

(3) Il-Qorti tal-Maġistrati għandha fuq rikors ipprezentat mid-Direttur qabel ma jiskadi Ordni ta' Intervent Protettiv, issegwi l-proċedura deskritta fl-artikolu 19(3) fir-rigward ta' talbiet godda, u tiddetermina jekk iġġeddidx, tirrevokax jew xort' oħra tvarjax l-Ordni:

Iżda fl-interess tal-ispedjenza, id-dispożizzjonijiet tal-artikolu 19(2) fir-rigward ta' għajjnuna lill-Qorti minn assistenti ġudizzjarji għandhom japplikaw ukoll għal tali proċeduri ta' reviżjoni mill-Qorti.

(4) Deciżjoni tal-Qorti tal-Maġistrati sabiex toħroġ Ordni ta' Intervent Protettiv tista' tiġi appellata quddiem il-Qorti tal-Appell (Kompetenza Inferjuri), minn kwalunkwe persuna elenkata fl-artikolu 23, f'isimha stess jew f'isem entità li tali persuna tirrappreżenta, permezz ta' rikors magħmul fi żmien tletin (30) jum mill-ġurnata li fiha jkun inħareġ tali Ordni ta' Intervent Protettiv:

Iżda f'każ ta' azzjoni miġjuba minn adult li jkun inkapaċi taħt xi dispożizzjoni ta' liġi, li jħarreġ jew jiġi mħarreġ, tali azzjoni tkun tista' tinbeda minn dak l-adult minkejja dik l-inkapaċità, u l-adult għandu jingħata wkoll il-miżuri rilevanti disponibbli li jiżguraw l-aċċessibilità u l-akkomodazzjoni raġonevoli.

(5) Il-Ministru, flimkien mal-Ministru responsabbli għall-gustizzja, jista' permezz ta' regolamenti taħt dan l-Att jistabilixxi d-drittijiet li għandhom jithallsu fir-reġistru tal-qrati fir-rigward tal-

prezentata ta' atti ġudizzjarji konnessi ma' appelli lill-Qorti tal-Appell skont is-subartikolu (4):

Iżda sakemm tali drittijiet ikunu stabbiliti permezz ta' regolamenti, għandhom japplikaw id-drittijiet li jinsabu fl-Iskeda A tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

(6) Il-bord stabbilit skont l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jista' jagħmel regoli li jirregolaw appelli lill-Qorti tal-Appell (Kompetenza Inferjuri) skont is-subartikolu (4). Kap. 12.

TAQSIMA VI INTERVENT TA' EMERĠENZA

26. (1) Meta d-Direttur ikollu raġunijiet validi sabiex jemmen li hemm riskju konsiderevoli ta' ħsara immedjata lil adult li għandu, jew jista' jkun fil-bżonn ta' protezzjoni, id-Direttur jista', wara li jinforma lis-Segretarju Permanenti u wara li jikseb Ordni ta' Intervent ta' Emerġenza mill-Qorti tal-Maġistrati, jippreżenta rikors fir-Reġistru tal-istess Qorti fejn jitlob b'urgenza li: Tnehhija tal-adult fir-riskju jew tas-sors ta' ħsara potenzjali.

(a) l-adult jitneħħa mis-sors ta' ħsara potenzjali, għal tali post li d-Direttur iqis xieraq għall-protezzjoni tal-adult; jew

(b) is-sors ta' ħsara potenzjali, bl-assistenza tal-Pulizija Eżekuttiva, jitneħħa mill-prossimità tal-adult.

(2) Fi żmien erbgħa u għoxrin (24) siegħa minn meta l-adult jew is-sors ta' ħsara potenzjali jitneħħa skont is-subartikolu (1), id-Direttur għandu japplika għal Ordni ta' Intervent Protettiv għall-adult skont l-artikolu 19, kemm-il darba d-Direttur ma jkunx irrexinda qabel l-azzjonijiet meħuda taht is-subartikolu (1):

Iżda jekk il-Qorti tal-Maġistrati ma tilqax it-talba magħmula mid-Direttur, l-ebda azzjoni ma tista' titressaq kontra d-Direttur u, jew kwalunkwe persuna involuta jekk kien hemm raġunijiet validi li jiġġustifikaw l-azzjoni meħuda skont dan l-artikolu.

TAQSIMA VII REVIŻJONI

27. Id-Direttur għandu jkompli jinvolvi lill-adult li jkun fil-bżonn ta', u li jkun qiegħed jirċievi assistenza, jew adult li jkun fil-bżonn ta' protezzjoni u li jkun is-suġġett ta' Ordni ta' Intervent Protettiv, u lil kwalunkwe persuni li jkunu qed jappoġġjaw lill-adult fil-proċessi rilevanti li huma elenkati fl-artikolu 13(3), fi kwalunkwe azzjoni ppjanata jew meħuda skont dan l-Att fir-rigward ta' tali adult, u Informazzjoni lil u involviment kontinwat tal-adult.

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għandu jikkomunika kwalunkwe informazzjoni marbuta ma' tali azzjonijiet lil dak l-adult bil-miktub u b'mod li jinftiehem faċilment mill-istess adult.

Reviżjoni
skedata.

28. (1) Id-Direttur għandu jara li kull Pjan Individwalizzat ta' Sapport u kwalunkwe assistenza jew intervent protettiv jiġu riveduti skont skeda inkluża bħala parti mill-Pjan jew mill-Ordni ta' Intervent Protettiv:

(a) mill-Kumitat Kongunt;

(b) bl-assistenza ta' kwalunkwe professjonisti tas-saħħa u l-kura soċjali jew aktar li għandhom l-esperjenza elenkati fl-artikolu 12(3);

(ċ) bl-involvement tal-adult kopert mill-miżuri inkwistjoni, li jista' wkoll jiġi appoġġjat mill-persuni elenkati fl-artikolu 13(3);

(d) b'komunikazzjoni mal-partijiet interessati rilevanti, inkluż dawk elenkati fl-artikolu 9(4), kif meħtieġ; u

(e) fl-ebda każ inqas ta' spiss minn kull sitt (6) xhur.

(2) Id-Direttur għandu jara li jitwettaq reviżjoni ta' Pjan Individwalizzat ta' Sapport u ta' kull assistenza jew intervent protettiv li jkun qiegħed jingħata lil adult li jkun fi htiġeġa ta' assistenza jew protezzjoni, skont il-każ, skont id-dispożizzjonijiet tal-paragrafi (a) sa (d) tas-subartikolu (1), jekk:

(a) jidher li kien hemm bidla materjali fil-htigijiet jew fiċ-ċirkostanzi tal-adult; jew

(b) l-adult jew kwalunkwe persuna mahtura bħala persuna ta' appoġġ għall-finijiet tal-eżerċizzju tal-awtonomija personali ta' dak l-adult titlob reviżjoni bbażata fuq raġunijiet li d-Direttur jiddetermina li jkunu raġonevoli.

(3) Meta abbażi ta' reviżjoni skont is-subartikoli (1) jew (2), il-Kumitat Kongunt jasal għal konkluzjoni li kien hemm bidla materjali fil-htigijiet jew fiċ-ċirkostanzi tal-adult, id-Direttur għandu debitament jaġġusta l-Pjan Individwalizzat ta' Sapport u jista' japplika lill-Qorti tal-Maġistrati sabiex kwalunkwe Ordni ta' Intervent Protettiv firrigward tal-adult tiġi varjata, imġedda jew revokata.

Rikors mill-
adult għal bidla
fl-Ordni.

29. L-adult li jkun fil-bżonn ta' protezzjoni u li jkun is-suġġett ta' Ordni ta' Intervent Protettiv, jew kwalunkwe persuna mahtura bħala persuna ta' appoġġ għall-finijiet tal-eżerċizzju tal-awtonomija

personali ta' dak l-adult, jista', fi kwalunkwe waqt, abbażi ta' bidla materjali fil-ħtiġijiet jew fiċ-ċirkostanzi tal-adult, japplika lill-Qorti tal-Maġistrati sabiex l-Ordni tiġi varjata, imġedda jew revokata:

Iżda f'każ ta' azzjoni miġjuba minn adult li jkun inkapaċi, taht xi dispożizzjoni ta' liġi, li jharrek jew jiġi mharrek, dik l-azzjoni tkun tista' tinbeda mill-istess adult minkejja tali inkapaċità, u l-adult għandu jingħata wkoll il-miżuri rilevanti disponibbli li jiżguraw l-aċċessibilità u l-akkomodazzjoni raġonevoli.

30. Rikors ipprezentat skont l-artikolu 29 għandu jiġi notifikat lil kull persuna direttament involuta jew affettwata, inkluż id-Direttur li jkollu d-dritt li jwieġeb għar-rikors fi żmien ħmistax-il (15) jum min-notifika tar-rikors. Avviż.

TAQSIMA VIII GENERALI

31. Ma għandha tittiehed l-ebda azzjoni kontra professjonist jew istituzzjoni jew tas-saħħa jew tal-kura soċjali jew il-persunal tagħha, fir-rigward tal-amministrazzjoni tat-trattament meħtieġ, u determinat li jkun ġie pprovdut b' bona fidi u mingħajr negliġenza lill-adult li għandu jew jista' jkun fil-bżonn ta' assistenza jew protezzjoni. Responsabbiltà.

32. L-ebda persuna involuta fl-amministrazzjoni ta' dan l-Att ma għandha tiżvela informazzjoni kunfidenzjali miġbura fl-amministrazzjoni ta' dan l-Att hlief, kif soġġett għall-artikoli 13 u 14: Kunfidenzjalità.

(a) meta awtorizzata mid-Direttur;

(b) bil-kunsens tal-persuna jew persuni li lilhom tappartjeni l-informazzjoni;

(ċ) meta dan ikun meħtieġ għall-amministrazzjoni ta' dan l-Att;

(d) fil-kors ta' proċeduri ġudizzjarji skont dan l-Att, il-Kodiċi Ċivili, il-Kodiċi ta' Organizzazzjoni u Proċedura jew l-Att dwar is-Saħħa Mentali; Kap. 16.
Kap. 12.
Kap. 525.

(e) kif xort'oħra permess skont dan l-Att jew xi liġi sussidjarja magħmula tahtu.

33. Kwalunkwe persuna li: Reati.

(a) tostakola jew tfixkel kull persuna li tkun qiegħda twettaq investigazzjoni skont dan l-Att;

(b) tonqos milli tikkonforma mar-rekwiżiti ta' Ordni ta'

Intervent Protettiv; jew

(ċ) b'xi mod tmur kontra xi dispożizzjoni ta' dan l-Att jew xi liġi sussidjarja magħmula tahtu, sakemm il-piena rigward dan ma tkunx diġà speċifikata f'dak l-Att jew fil-liġi sussidjarja,

tkun hatja ta' reat u għandha meta tinstab hatja, tehel multa ta' mhux aktar minn għaxart elef euro (€10,000), jew piena ta' priġunerija ta' mhux iżjed minn sitt (6) xhur, jew dik il-multa u l-priġunerija flimkien.

Obbligi taht Atti oħra.

Kap. 16.
Kap. 9.
Kap. 12.
Kap. 581.
Kap. 413.
Kap. 525.
Kap. 627.
Kap. 528.
Kap. 31.
Kap. 464.
Kap. 471.
Kap. 582.

34. Id-dispożizzjonijiet ta' dan l-Att ma għandhomx jippreġudikaw jew jinftiehem b'mod li jillimitaw, jemendaw, iħassru jew xort'oħra jbiddu xi dispożizzjoni ta' atti u regolamenti oħra applikabbli, inkluż il-Kodiċi Ċivili, il-Kodiċi Kriminali, il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, l-Att dwar il-Vjolenza Abbażi ta' Ġeneru u Vjolenza Domestika, l-Att dwar Opportunitajiet Indaqgħal Persuni b'Diżabilità, l-Att dwar is-Saħħa Mentali, l-Att dwar il-Konvenzjoni tal-Ġnus Magħquda dwar id-Drittijiet ta' Persuni b'Diżabilità, l-Att dwar is-Saħħa, l-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li Għandhom x'Jaqsmu Magħha, l-Att dwar il-Professjonijiet tas-Saħħa, l-Att dwar il-Professjoni tal-Psikoloġija, u l-Att dwar l-Awtorità ta' *Standards* ta' Harsien Soċjali, jew jeżentaw lil kwalunkwe persuna minn kwalunkwe dmir jew obbligu ta' harsien.

TAQSIMA IX PROTEZZJONI TAD-DATA

Ipproċessar ta' data personali.
Kap. 586.

35. (1) Dan l-Att għandu jkun mingħajr preġudizzju għall-applikabilità tar-Regolament (UE) 2016/679 u tal-Att dwar il-Protezzjoni u l-Privatezza tad-*Data* inklużi r-regolamenti magħmulin taħthom, u d-drittijiet u l-libertajiet fundamentali tas-suġġetti tad-data.

(2) Id-Direttur, li jkun qiegħed jaġixxi fil-kapaċità tiegħu ta' kontrollur (hawn aktar il-quddiem għall-finijiet ta' din it-Taqsima imsejjaħ l-"kontrollur") skont l-Artikolu 4(7) tar-Regolament (UE) 2016/679, għandu jwettaq l-operazzjonijiet tal-iproċessar ta' data rilevanti li huma strettament meħtieġa għall-finijiet ta' dan l-Att, u għal dak li huwa meħtieġ u proporzjonat għall-oġġettivi segwiti mid-Direttur.

(3) L-iproċessar ta' data personali, inkluż l-iproċessar ta' kategoriji speċjali ta' data personali, għall-finijiet ta' dan l-Att għandu jikkonforma kompletament mal-prinċipji relatati mal-iproċessar ta' data personali skont l-Artikolu 5 tar-Regolament (UE) 2016/679.

Salvagwardji xierqa.

36. (1) Il-kontrollur, b'qies għan-natura, l-ambitu, il-kuntest u l-għanijiet tal-iproċessar kif ukoll ir-riskju ta' probabbiltà u gravità li

jvarjaw, fir-rigward ta' drittijiet u l-libertajiet tas-sugġetti tad-data, kemm fiż-żmien tad-determinazzjoni tal-mezzi għall-ipproċessar kif ukoll fiż-żmien tal-ipproċessar innifsu, għandu jimplementa miżuri tekniċi u organizzattivi xierqa, b'mod effettiv u sabiex jintegraw is-salvagwardji meħtieġa fl-ipproċessar, sabiex jipproteġi d-drittijiet tas-sugġetti tad-data u jiżgura livell ta' sigurtà xieraq għar-riskju.

(2) L-uffiċjal għall-protezzjoni tad-data mahtur mill-kontrollur skont tal-Artikolu 37 tar-Regolament (UE) 2016/679 għandu jkun involut u kkonsultat kif dovut u fil-waqt, fil-kwistjonijiet kollha li jikkonċernaw il-protezzjoni tad-data personali pproċessata għall-finijiet ta' dan l-Att.

(3) Sabiex jiġi żgurat u jkun jista' jintwera li l-ipproċessar tad-data jsir f'konformità mad-dispożizzjonijiet tar-Regolament (UE) 2016/679, il-kontrollur għandu jimplementa l-politiki adatti dwar il-protezzjoni tad-data, liema politiki għandhom jiġu perjodikament riveduti u aġġornati fejn meħtieġ.

(4) L-aċċess għal kwalunkwe data personali, inklużi kategoriji speċjali ta' data personali pproċessata għall-finijiet ta' dan l-Att, għandu jkun riżervat esklussivament għall-persunal tal-kontrollur kif debitament awtorizzat. L-aċċess għandu jkun ristrett sal-limitu meħtieġ għat-twertiq tal-funzjonijiet tad-Direttur skont l-għanijiet tal-Att, u għal dak li huwa meħtieġ u proporzjonat għall-għanijiet fil-mira ta' dan l-Att.

37. (1) Fir-rigward tal-ipproċessar kollu ta' data personali skont dan l-Att, kull sugġett tad-data għandu jkollu d-dritt għall-aċċess, għar-rettifika, għat-thassir u għar-restrizzjoni, inkluż id-dritt li jressaq ilment quddiem il-Kummissarju għall-Infommazzjoni u l-Protezzjoni tad-Data, id-dritt għall-kumpens u rimedju ġudizzjarju effettiv kif stabbilit fl-Att dwar il-Protezzjoni u l-Privatezza tad-Data u r-Regolament (UE) 2016/679.

Protezzjoni tad-drittijiet tas-sugġetti tad-data.

Kap. 586.

(2) Il-kontrollur jista' jirrestringi d-drittijiet u l-obbligi previsti fl-Artikoli 14 sa 20 u l-Artikolu 34 tar-Regolament (UE) 2016/679 skont l-Artikolu 23 tiegħu.

(3) Ir-restrizzjonijiet taht is-subartikolu (2) għandhom japplikaw biss meta dawn ir-restrizzjonijiet jitqiesu bħala miżura meħtieġa u proporzjonata għat-twertiq tal-funzjonijiet tal-kontrollur skont dan l-Att, jew sabiex jipproteġu l-interessi vitali tal-adulti li jeħtieġu assistenza jew protezzjoni, jew sabiex jippreservaw b'mod effettiv l-integrità tat-twassil tas-servizzi professjonali pprovduti mill-kontrollur lil tali persuni.

(4) L-uffiċjal għall-protezzjoni tad-data maħtur skont l-Artikolu 37 tar-Regolament (UE) 2016/679 għandu jiġi kkonsultat mill-kontrollur kif xieraq u fil-waqt fil-proċess kollu tal-applikazzjoni tar-restrizzjoni.

(5) Il-kontrollur għandu japplika r-restrizzjonijiet imsemmija fis-subartikolu (3) sakemm ir-raġunijiet li jiġġustifikawhom jibqgħu applikabbli, wara test tan-neċessità u tal-proporzjonalità. Ir-raġunijiet li jiġġustifikaw ir-restrizzjonijiet għandhom jiġu dokumentati u jitqiegħdu għad-dispożizzjoni tal-Kummissarju għall-Infommazzjoni u l-Protezzjoni tad-Data meta u kif meħtieġ.

(6) Meta r-raġunijiet għar-restrizzjoni ma jibqgħux japplikaw, il-kontrollur għandu jneħhi r-restrizzjoni u jinforma lis-sugġett tad-data kkonċernat skont il-każ u jikkonforma mad-drittijiet u l-obbligi previsti fl-Artikoli 14 sa 20 u l-Artikolu 34 tar-Regolament (UE) 2016/679.

(7) Il-kontrollur għandu jinforma lis-sugġetti tad-data skont il-każ dwar l-eżitu ta' tali reviżjoni.

TAQSIMA X
**KONTROLLI TAL-KARATTRU U REĠISTRU GĦALL-
PROTEZZJONI TA' ADULTI F'SITWAZZJONIJIET TA'
VULNERABBILTÀ**

Kontrolli tal-karattru.

38. (1) Id-Direttur għandu jirrikjedi li kwalunkwe individwu li jipprovdi servizzi speċifikament immirati sabiex jappoġġjaw il-benesseri ta' adulti f'sitwazzjonijiet ta' vulnerabbiltà, sew jekk dawk is-servizzi jkunu liċenzjabbli sew jekk le skont kwalunkwe legiżlazzjoni, sabiex, qabel ma jidhöl f'impjeg ma' kwalunkwe persuna jew korp ġuridiku, inkluż kwalunkwe organizzazzjoni volontarja registrata, jew ikun ingaġġat bħala voluntier minn tali persuna jew korp ġuridiku, jipproduċi:

Kap. 77.

(a) ċertifikat tal-kondotta maħruġ skont l-artikolu 2 tal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, li ma juri l-ebda htija registrata skont:

(i) dan l-Att;

Kap. 9.

(ii) it-Titolu I tat-Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali;

Kap. 9.

(iii) l-artikoli 82A sa 82E tat-Titolu II ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali;

Kap. 9.

(iv) it-Titolu V tat-Taqsima II tal-Ewwel Ktieb tal-

Kodiċi Kriminali;

(v) it-Titolu VI tat-Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.

(vi) l-artikolu 197 tas-Sub-titolu I tat-Titolu VII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.

(vii) is-Sub-titoli II u III tat-Titolu VII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.

(viii) is-Sub-titoli I sa VI tat-Titolu VIII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.

(ix) l-artikoli 244 u 244A tas-Sub-titolu VII tat-Titolu VIII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.

(x) is-Sub-titoli VIII sa XI tat-Titolu VIII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.

(xi) it-Titolu IX ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.

(xii) l-Ordinanza dwar il-Qirda tal-Kummerċ fil-Prostituzzjoni; Kap. 63.

(xiii) l-Att dwar l-Affermazzjoni tal-Orientazzjoni Sesswali, l-Identità tal-Ġeneru u l-Espressjoni tal-Ġeneru; Kap. 567.

(xiv) l-Att dwar il-Vjolenza Abbażi ta' Ġeneru u Vjolenza Domestika; u Kap. 581.

(xv) l-Att dwar il-Protezzjoni tal-Minuri (Ħarsien Alternattiv); jew Kap. 602.

(b) dokumentazzjoni komparabbli maħruġa mill-awtoritajiet kompetenti rilevanti ta' ġurisdizzjoni barranija, li ma turi l-ebda htija komparabbli registrata f'tali dokumentazzjoni:

Iżda l-ebda kopji originali ta' dik id-dokumentazzjoni ma għandhom isiru jew jinżammu mid-Direttur, wara li jkun eżamina dik id-dokumentazzjoni:

Iżda wkoll fid-data tad-dhul fis-sehħ ta' dan l-artikolu, l-individwi kollha msemmija f'dan is-subartikolu u li jkunu diġà hekk ingaġġati bhala impjegati jew voluntiera f'dik id-data għandhom, fi żmien disa' (9) xhur minn tali data, bl-istess mod ikunu meħtieġa li jikkonformaw mal-obbligu stabbilit f'dan is-subartikolu.

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(2) Id-Direttur għandu jirrikjedi wkoll li kull individwu li jixtieq jipprovdi servizzi speċifikament immirati sabiex jappoġġaw il-benesseri ta' adulti f'sitwazzjonijiet ta' vulnerabbiltà, sew jekk dawk is-servizzi huma liċenzjabbli sew jekk le skont kwalunkwe leġiżlazzjoni, bħala persuna li taħdem għal rasha, li bl-istess mod jipproduċi, qabel ma jibda jipprovdi kwalunkwe tali attivitajiet għal rasu:

- Kap. 77. (a) ċertifikat tal-kondotta maħruġ skont l-artikolu 2 tal-Ordinanza dwar iċ-Ċertifikati tal-Kondotta, li ma juri l-ebda htija reġistrata skont:
- (i) dan l-Att;
 - Kap. 9. (ii) it-Titolu I ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali;
 - Kap. 9. (iii) l-artikoli 82A sa 82E tat-Titolu II ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali;
 - Kap. 9. (iv) it-Titolu V ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali;
 - Kap. 9. (v) it-Titolu VI ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali;
 - Kap. 9. (vi) l-artikolu 197 tas-Sub-titolu I tat-Titolu VII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali;
 - Kap. 9. (vii) is-Sub-titoli II u III tat-Titolu VII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali;
 - Kap. 9. (viii) is-Sub-titoli I sa VI tat-Titolu VIII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali;
 - Kap. 9. (ix) l-artikoli 244 u 244A tas-Sub-titolu VII tat-Titolu VIII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali;
 - Kap. 9. (x) is-Sub-titoli VIII sa XI tat-Titolu VIII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali;
 - Kap. 9. (xi) it-Titolu IX ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali;
 - Kap. 63. (xii) l-Ordinanza dwar il-Qirda tal-Kummerċ fil-Prostituzzjoni;
 - Kap. 567. (xiii) l-Att dwar l-Affermazzjoni tal-Orjentazzjoni Sesswali, l-Identità tal-Ġeneru u l-Espressjoni tal-Ġeneru;

(xiv) l-Att dwar il-Vjolenza Abbaži ta' Ġeneru u Kap. 581. Vjolenza Domestika; u

(xv) l-Att dwar il-Protezzjoni tal-Minuri (Ħarsien Kap. 602. Alternattiv); jew

(b) dokumentazzjoni komparabbli maħruġa mill-awtoritajiet kompetenti rilevanti ta' ġurisdizzjoni barranija, li ma turi l-ebda htija komparabbli registrata f'tali dokumentazzjoni:

Iżda illi l-ebda kopji originali ta' dik id-dokumentazzjoni ma għandhom isiru jew jinżammu mid-Direttur, wara li jkun eżamina dik id-dokumentazzjoni:

Iżda wkoll illi fid-data tad-dhul fis-seħħ ta' dan l-artikolu, l-individwi kollha li jirreferi għalihom dan is-subartikolu, u li jkunu diġà hekk ingaġġati f'xogħol għal rashom f'dik id-data, għandhom, fi żmien disa' (9) xhur minn tali data, ikunu meħtieġa li jikkonformaw mal-obbligu stabbilit f'dan is-subartikolu.

(3) Wara li jkun aċċerta ruħu li l-individwu li jagħmel it-talba, skont is-subartikoli (1) jew (2), ma jkunx instab hati ta' kwalunkwe wieħed mir-reati elenkati f'dawk is-subartikoli, id-Direttur għandu jipproċedi bil-ħruġ ta' ċertifikat ta' approvazzjoni fir-rigward ta' dak l-individwu skont dan l-artikolu, wara l-ħlas tad-dritt indikat. Id-Direttur għandu wkoll jittrażmetti kopja ta' dak iċ-ċertifikat lill-persuna jew korp ġuridiku li kienu jew ikunu ser jingagġaw lill-impjegat jew voluntier prospettiv skont is-subartikolu (1), kif ukoll lir-Registratur:

Iżda iċ-ċertifikat ta' approvazzjoni u kwalunkwe kopji tiegħu jistgħu jinħarġu fiżikament u, jew diġitalment, u fiż-żewġ każijiet għandhom jinkludu kodiċi bidimensjonali li jinqara minn magna li jippermetti l-verifika tal-awtenticità, il-validità u l-integrità ta' iċ-ċertifikat, u l-Ministru jista' permezz ta' regolamenti skont dan l-Att jistabbilixxi wkoll speċifikazzjonijiet tekniċi li magħhom tali verżjonijiet fiżiċi u, jew diġitali ta' iċ-ċertifikat ta' approvazzjoni u ta' kopji tiegħu għandhom jikkonformaw:

Iżda wkoll n-nuqqas ta' kwalunkwe individwu li jimpjega, jew ta' kwalunkwe persuna f'tali korp ġuridiku li tkun responsabbli għall-ingaġġ ta' impjegati jew voluntiera, li tipproċedi b'dak l-impjieg jew ingaġġ volontarju mingħajr ma dak iċ-ċertifikat ikun inhareġ fir-rigward tal-impjegat jew voluntier prospettiv għandu jikkostitwixxi reat, u kwalunkwe tali individwu jew persuna meta jinsabu hatja, għandhom jeħlu l-piena ta' prigunerija minn tliet (3) xhur sa erba' (4) snin jew multa ta' mhux inqas minn elfejn u ħames mitt euro (€2,500) u mhux iżjed minn ħamsin elf euro (€50,000) jew dik il-multu u l-

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prigunerija flimkien:

Kap. 492. Iżda wkoll il-Kummissarju għal Organizzazzjonijiet
 Kap. 630. Volontarji, bis-saħħa tas-setgħat mogħtija lilu skont l-artikolu 34 tal-Att dwar l-Organizzazzjonijiet Volontarji, jew ir-Regolatur ta' Organizzazzjonijiet ta' Intrapriża Soċjali, bis-saħħa tas-setgħat mogħtija lilu skont l-artikolu 33 tal-Att dwar l-Intrapriża Soċjali, jistgħu jitolbu lid-Direttur jipprovdihom kopja taċ-ċertifikat maħruġ dwar kwalunkwe impjegat jew voluntier ingaġġat ma' organizzazzjoni volontarja registrata, jew ma' organizzazzjoni ta' intrapriża soċjali registrata rispettivament, meta dak l-impjegat jew voluntier, fl-opinjoni ta' dak il-Kummissarju jew ir-Regolatur, ikun soġġett għall-obbligi tas-subartikolu (1).

(4) Kwalunkwe persuna li prospettivament jew li preżentament tirċievi servizzi ta' persuni li jaħdmu għal rashom imsemmija fis-subartikolu (2), li jkunu provduti minn kwalunkwe persuna msemmija f'dak is-subartikolu tista', fi kwalunkwe waqt, titlob li d-Direttur jipprovdiha kopja taċ-ċertifikat maħruġ skont is-subartikolu (3), fir-rigward ta' kwalunkwe persuna li tipprovdi xi servizzi ta' persuna li taħdem għal rasha msemmija fis-subartikolu (2):

Iżda l-provvista ta' kwalunkwe tali servizzi minn kwalunkwe persuni li jaħdmu għal rashom mingħajr ma qabel ikunu kisbu tali ċertifikat għandu jikkostitwixxi reat, u kwalunkwe tali persuna għandha meta tinsab haġja, tehel il-piena ta' prigunerija minn tliet (3) xhur sa erba' (4) snin jew multa ta' mhux anqas minn elfejn u ħames mitt euro (€2,500) u mhux iżjed minn ħamsin elf euro (€50,000) jew dik il-multa u prigunerija flimkien:

Kap. 492. Iżda wkoll il-Kummissarju għall-Organizzazzjonijiet
 Kap. 630. Volontarji, bis-saħħa tas-setgħat mogħtija lilu skont l-artikolu 34 tal-Att dwar l-Organizzazzjonijiet Volontarji, jew ir-Regolatur ta' Organizzazzjonijiet ta' Intrapriża Soċjali, bis-saħħa tas-setgħat mogħtija lilu skont l-artikolu 33 tal-Att dwar l-Intrapriża Soċjali, jistgħu jitolbu li d-Direttur jipprovdihom kopja taċ-ċertifikat maħruġ dwar kwalunkwe persuna li tipprovdi xi servizzi ta' persuna li taħdem għal rasha msemmija fis-subartikolu (2) lil organizzazzjoni volontarja registrata, jew lil organizzazzjoni ta' intrapriża soċjali registrata rispettivament, meta tali persuna li tipprovdi xi servizzi ta' persuna li taħdem għal rasha, fl-opinjoni ta' dak il-Kummissarju jew ir-Regolatur, tkun soġġetta għall-obbligi tas-subartikolu (2).

Reġistru għall-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà.

39. (1) Ir-Registratur għandu jżomm Reġistru li fih għandu jigi registrat:

(a) l-isem ta' kwalunkwe persuna misjuba haġja minn qorti f'Malta, ta' reat taħt:

- (i) dan l-Att;
 - (ii) it-Titolu I ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.
 - (iii) l-artikoli 82A sa 82E tat-Titolu II ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.
 - (iv) it-Titolu V ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.
 - (v) it-Titolu VI ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.
 - (vi) l-artikolu 197 tas-Sub-titolu I tat-Titolu VII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.
 - (vii) is-Sub-titoli II u III tat-Titolu VII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.
 - (viii) is-Sub-titoli I sa VI tat-Titolu VIII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.
 - (ix) l-artikoli 244 u 244A tas-Sub-titolu VII tat-Titolu VIII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.
 - (x) is-Sub-titoli VIII sa XI tat-Titolu VIII ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.
 - (xi) it-Titolu IX ta' Taqsima II tal-Ewwel Ktieb tal-Kodiċi Kriminali; Kap. 9.
 - (xii) l-Ordinanza dwar il-Qirda tal-Kummerċ fil-Prostituzzjoni; Kap. 63.
 - (xiii) l-Att dwar l-Affermazzjoni tal-Orjentazzjoni Sesswali, l-Identità tal-Ġeneru u l-Espressjoni tal-Ġeneru; Kap. 567.
 - (xiv) l-Att dwar il-Vjolenza Abbażi ta' Ġeneru u Vjolenza Domestika; u Kap. 581.
 - (xv) l-Att dwar il-Protezzjoni tal-Minuri (Harsien Alternattiv); u Kap. 602.
- (b) id-dettalji elenkati fis-subartikoli (3) u (4).

(2) Ir-Registatur għandu wkoll idaħħal fir-Registru l-ismijiet u kwalunkwe dettalji rilevanti oħra miksuba ta' kwalunkwe persuna li tkun ċittadina ta' Malta, jew li tkun residenti f'Malta f'dak iż-żmien, sew jekk dik il-persuna tkun ċittadina ta' Malta sew jekk le, li dwarha

jkunu ġew trażmessi, mill-awtoritajiet ġudizzjarji ta' ġurisdizzjoni barranija lir-Registratur, dettalji ta' htija komparabbli, kemm-il darba dan ikun permissibbli mil-liġi, u r-Registratur għandu jżid ukoll id-dokumentazzjoni ta' sostenn kollha riċevuta mill-awtoritajiet imsemmija fir-Registru f'dan ir-rigward.

(3) Fir-rigward ta' kwalunkwe persuna residenti f'Malta li tkun instabet hatja ta' reat imsemmi fis-subartikoli preċedenti, ir-Registratur għandu, fi żmien tlett (3) ijiem minn meta tkun instabet hatja, idaðħhal l-informazzjoni li ġejja dwar tali persuna fir-Registru:

(a) id-data tat-twelid tagħha;

(b) in-numru tad-dokument ta' identifikazzjoni jew in-numru tal-passaport legalment validu tagħha;

(ċ) isimha fid-data ta' meta instabet hatja u, fejn tkun użat isem ieħor jew aktar f'dik id-data, kull wieħed minn daww il-ismijiet;

(d) l-indirizz tal-post ta' residenza tagħha fid-data ta' meta instabet hatja;

(e) l-indirizz ta' kwalunkwe fond ieħor f'Malta fejn matul il-proċedimenti tal-qorti rilevanti hija indikat li ttrissjed jew toqgħod regolament fih.

(4) Ir-Registratur għandu jkompli l-monitoraġġ ta' kwalunkwe persuna msemmija fis-subartikolu preċedenti u għandu wkoll jaġġorna r-Registru fi żmien tlett (3) ijiem f'każijiet fejn dik il-persuna:

(a) qed tuża isem differenti mill-isem imdaħħal fir-Registru; jew

(b) tkun bidlet l-indirizz tad-dar tagħha; jew

(ċ) tkun inħelset mill-kustodja wara ordni tal-qorti jew minn prigunerija jew detenzjoni fi sptar.

(5) Kwalunkwe persuna elenkata fir-Registru għandha mid-data li fiha d-dettalji tagħha jkunu ddaħlu fl-imsemmi Registru, tkun interdetta perpetwalment milli tkun ingaġġata fi kwalunkwe impjeg, volontarjat jew xogħol għal rasha msemmija fl-artikolu 34.

(6) Meta jdaħħal id-dettalji fir-Registru ta' kwalunkwe individwu li preċedement ikun inħariġlu ċertifikat ta' approvazzjoni mid-Direttur skont l-artikolu 34(3), ir-Registratur għandu minnufih javża lid-Direttur u jipprovi dik l-informazzjoni li tkun strettament

meħtieġa, sabiex id-Direttur ikun jista' jikkancelła tali ċertifikat, u jinforma lid-detentur u lil min iħaddem jew lill-korp ġuridiku rilevanti li jingagġa lil dak l-individwu bħala impjegat jew voluntier. Tali individwu jew korp ġuridiku għandhom konsegwentement ikunu obbligati jiehdu l-passi rilevanti sabiex itemmu l-impjieg jew l-ingagġ volontarju ta' dak l-individwu b'effett immedjat, mingħajr ma dak l-individwu jkun intitolat għal xi kumpens, fejn rilevanti, ħlief għal kwalunkwe remunerazzjoni li tista' tkun dovuta lilu għal servizzi mogħtija sat-terminazzjoni:

Iżda meta ċertifikat jiġi kkanċellat fir-rigward ta' impjegat jew voluntier ingagġat ma' organizzazzjoni volontarja registrata jew ma' organizzazzjoni ta' intrapriża soċjali rreġistrata, ir-Registratur għandu javża wkoll lill-Kummissarju għal Organizzazzjonijiet Volontarji jew lir-Regolatur ta' Organizzazzjonijiet ta' Intrapriża Soċjali b'tali kancellazzjoni. Ir-Registratur għandu wkoll jipprovdi dik l-informazzjoni li tkun strettament meħtieġa fil-każ ta' kwalunkwe investigazzjoni sussegwenti li tista' titwettaq mill-imsemmi Kummissarju skont l-artikolu 34 tal-Att dwar Organizzazzjonijiet Volontarji, jew mill-imsemmi Regolatur skont l-artikolu 33 tal-Att dwar l-Intrapriża Soċjali, li tkun rispettivament tinvolvi organizzazzjoni volontarja jew organizzazzjoni ta' intrapriża soċjali li qabel kienet tingagġa lill-persuna li fir-rigward tagħha tali kancellazzjoni tkun giet effettwata, jew ta' kwalunkwe persuna li qabel kienet tipprovdi kwalunkwe servizzi ta' persuna li taħdem għal rasha lil organizzazzjoni volontarja jew organizzazzjoni ta' intrapriża soċjali rispettivament, u li fir-rigward tagħha jkun gie ikkanċellat ċertifikat bl-istess mod:

Kap. 492.

Kap. 630.

Iżda wkoll in-nuqqas minn kwalunkwe tali individwu jew minn kwalunkwe persuna f'korp ġuridiku li taġixxi bħala min iħaddem jew li tkun responsabbli għall-ingagġ ta' voluntiera, li tipproċedi b'tali terminazzjoni, għandu jikkostitwixxi reat, u meta kwalunkwe tali individwu jew persuna jinsabu ħatja għandhom jehlu l-piena ta' prigunerija minn tliet (3) xhur sa erba' (4) snin jew multa ta' mhux anqas minn elfejn u ħames mitt euro (€2,500) u mhux aktar minn ħamsin elf euro (€50,000) jew tali multa u prigunerija flimkien:

Iżda wkoll id-Direttur jista', fi kwalunkwe waqt, jivverifika mas-servizzi ta' impjieg pubbliku kkostitwiti skont il-leġiżlazzjoni applikabbli, dwar jekk tkunx giet mitluba u effettwata tali terminazzjoni.

(7) Meta jdahħal id-dettalji fir-Registru ta' kwalunkwe individwu li preċedentement ikun inħarġilha ċertifikat ta' approvazzjoni mid-Direttur skont l-artikolu 38(3), u li tkun involuta f'dak il-waqt f'xi xogħol għal rasha kif imsemmi fl-artikolu 38(2), ir-Registratur għandu

minnufih javża wkoll lid-Direttur u jipprovdi dik l-informazzjoni li tkun strettament meħtieġa, sabiex id-Direttur ikun jista' jinforma lid-detentur, illi konsegwentement ikun obligat li jtemm ir-registrazzjoni tiegħu bhala persuna li taħdem għal rasha, speċifikament fir-rigward ta' kwalunkwe xogħol għal rasha msemmi fl-artikolu 38(2), b'effett immedjat:

Iżda n-nuqqas minn kwalunkwe tali individwu li jieħu l-passi rilevanti sabiex tiġi effettwata l-imsemmija terminazzjoni, għandha tikkostitwixxi reat, u kull tali persuna għandha meta tinsab haġja, tehel il-piena ta' prigunerija minn tliet (3) xhur sa erba' (4) snin jew multa ta' mhux inqas minn elfejn u hames mitt euro (€2,500) u mhux iżjed minn hamsin elf euro (€50,000) jew dik il-multa u l-prigunerija flimkien:

Iżda wkoll id-Direttur jista', fi kwalunkwe waqt, jivverifika mas-servizzi ta' impjeg pubbliku kkostitwiti skont il-leġiżlazzjoni applikabbli, dwar jekk tkunx giet mitluba u effettwata tali terminazzjoni.

TAQSIMA XI POTERI TAL-MINISTRU

Poteri tal-Ministru li jagħmel regolamenti.

40. Il-Ministru jista' jagħmel regolamenti sabiex jingħata effett aħjar lid-dispożizzjonijiet ta' dan l-Att, u għall-infurzar tagħhom u, mingħajr preġudizzju għall-ġeneralità ta' dak hawn fuq stabbilit jista', b'dawk ir-regolamenti, jipprovdi:

(a) għal kwalunkwe kwistjoni konsegwenzjali, inċidentali għal, jew relatata ma' kwalunkwe mill-provvedimenti hawn fuq msemmija;

(b) flimkien mal-Ministru responsabbli għall-ġustizzja, għad-drittijiet li għandhom jithallsu fir-registru tal-qrati fir-rigward tal-preżentata ta' atti ġudizzjarji konnessi ma' appelli lill-Qorti tal-Appell skont l-artikolu 25(4);

(ċ) għad-dritt li għandu jithallas fir-rigward tal-ħruġ ta' ċertifikat ta' approvazzjoni fit-termini tal-artikolu 38(3); u

(d) għall-istabbiliment ta' speċifikazzjonijiet tekniċi li għandhom jikkonformaw magħhom verżjonijiet fiżiċi u diġitali taċ-ċertifikat ta' approvazzjoni maħruġa skont l-artikolu 38(3), u kwalunkwe kopji tagħhom.

TAQSIMA XII
EMENDI GHALL-ATT DWAR IR-RATIFIKA TAL-
KONVENZZJONI DWAR IL-PROTEZZJONI
INTERNAZZJONALI TAL-ADULTI

41. Fl-Att dwar ir-Ratifika tal-Konvenzjoni dwar il-Protezzjoni Internazzjonali tal-Adulti:

Emendi għall-Att dwar ir-Ratifika tal-Konvenzjoni dwar il-Protezzjoni Internazzjonali tal-Adulti. Kap. 633.

(a) is-subartikoli (2) u (3) tal-artikolu 5 tiegħu għandhom jiġu sostitwiti bis-subartikoli ġodda li ġejjin:

Kap. __. "(2) Kull meta d-Direttur, fuq inizjattiva tiegħu stess jew meta jaġixxi fuq talba rċevuta minn awtorità kompetenti oħra, jallega li adult ikun jeħtieġ protezzjoni fis-sens tal-Artikolu 8 tal-Konvenzjoni jista', bla ħsara għal kull azzjoni oħra fir-rigward tal-istess materja li tkun legalment disponibbli, jeżerċita l-funzjonijiet u s-setgħat tiegħu taħt l-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà, fir-rigward tal-ħruġ ta' miżuri diretti lejn il-protezzjoni tal-persuna jew il-proprjetà tal-adult:

Kap. __. Iżda l-eżerċizzju ta' dawn il-funzjonijiet u s-setgħat skont l-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà għandu jinkludi l-preżentazzjoni ta' kwalunkwe rikors quddiem il-Qorti tal-Maġistrati jew lill-Bord għas-Salvagwardja tal-Awtonomija Personali skont dan l-imsemmi Att.

Kap. __. (3) Id-Direttur għandu, fis-sitwazzjonijiet eċċezzjonali stipulati fl-Artikolu 11 tal-Konvenzjoni, johroġ jew jitlob il-ħruġ ta' miżuri ta' natura temporanja għall-protezzjoni tal-persuna ta' adult li għalih jirreferi l-Artikolu 11 tal-Konvenzjoni, fit-termini tal-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà."

(b) is-subartikolu (2) tal-artikolu 6 tiegħu għandu jiġi emendat kif ġej:

(i) il-kliem "saret minn qorti f'Malta" għandu jiġi sostitwit bil-kliem "saret minn qorti jew awtorità kompetenti f'Malta";

(ii) il-paragrafu (a) tiegħu għandu jiġi sostitwit bil-

paragrafu ġdid li ġej:

Kap. __. "(a) il-Qorti tal-Appell tista', fuq rikors ta' xi persuna li tidher li jkollha interess fil-materja, inkluża l-persuna li lilha tirrigwarda d-deċizjoni, jew tad-Direttur, tiddikjara fuq xi waħda mir-raġunijiet speċifikati fl-Artikolu 22(2) tal-Konvenzjoni, kif ulterjorment interpretata skont l-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà, li d-deċizjoni ma għandhiex, kompletament jew parzjalment, tkun rikonoxxuta f'Malta:

Iżda meta tali rikors jiġi ppreżentat, għandu jiġi wkoll notifikat lid-Direttur u lill-persuna li lilha tirrigwardja d-deċizjoni, meta r-rikors ma jkunx sar minn tali Direttur jew persuna, b'dawn ikollhom id-dritt li jressqu risposta fi żmien ħmistax (15)-il jum min-notifika lilhom tar-rikors; u";

(iii) fil-paragrafu (b) tiegħu l-kliem "kompetenti skont l-artikolu 7." għandhom jiġu sostitwiti bil-kliem "kompetenti skont l-artikolu 7:" u minnufih wara għandu jiġi miżjud il-proviso ġdid li ġej:

" Iżda f'każ ta' parteċipazzjoni fi proċeduri skont dan l-artikolu minn persuna li tkun inkapaċi, taħt xi dispożizzjoni ta' liġi, li tħarrek jew tiġi mħarrka, tali parteċipazzjoni tkun tista' tokkorri xorta waħda minn tali persuna minkejja dik l-inkapaċità, u l-persuna għandha tingħata wkoll il-miżuri rilevanti disponibbli li jiżguraw l-aċċessibilità u l-akkomodazzjoni raġonevoli.";

(ċ) l-artikolu 7 tiegħu għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Reġistrazzjoni ta' deċiżjonijiet.

7. (1) Persuna interessata, inkluża l-persuna li lilha tirrigwarda d-deċizjoni, jew id-Direttur jistgħu jagħmlu rikors għar-reġistrazzjoni tad-deċiżjoni li jkun fiha l-miżuri fir-reġistru tal-Qorti tal-Appell:

Iżda f'każ ta' parteċipazzjoni fi proċeduri skont dan l-artikolu minn persuna li tkun inkapaċi, taħt xi dispożizzjoni ta' liġi, li tħarrek jew tiġi mħarrka, tali parteċipazzjoni tkun tista' tokkorri xorta waħda minn tali persuna minkejja dik l-inkapaċità, u l-persuna għandha tingħata wkoll il-miżuri rilevanti disponibbli li jiżguraw l-aċċessibilità u l-akkomodazzjoni raġonevoli.

(2) Meta tali rikors jiġi ppreżentat, dan għandu jiġi wkoll notifikat lid-Direttur u lill-persuna li lilha tirrigwarda d-deċiżjoni, meta r-rikors ma jkunx sar minn tali Direttur jew persuna, b'dawn ikollhom id-dritt li jressqu risposta fi żmien ħmistax (15)-il jum min-notifika lilhom tar-rikors.

Kap. __. (3) Il-Qorti tal-Appell għandha tirrifjuta li tirreġistra deċiżjoni, kompletament jew parzjalment, jekk tkun tal-opinjoni li fuq xi waħda mir-raġunijiet speċifikati fl-Artikolu 22(2) tal-Konvenzjoni, kif ulterjorment interpretata skont l-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà, id-deċiżjoni ma għandhiex tkun rikonoxxuta f'Malta.";

(d) l-artikolu 8 tiegħu għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Infurzar tad-deċiżjoni.

8. (1) Meta deċiżjoni dwar miżuri tkun ġiet reġistrata skont l-artikolu 7, id-Direttur għandu jkollu l-istess poteri għall-fini tal-infurzar tad-deċiżjoni, inkluż fir-rigward li jkun jista' jagħmel kwalunkwe talba rilevanti lil qorti kompetenti jew awtorità kompetenti oħra f'Malta, bħallikieku kienet saret jew ġiet mitluba minnu skont l-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà.

Kap. __.

(2) Proċeduri għal, jew rigward l-infurzar ta' kwalunkwe tali deċiżjoni jistgħu jittieħdu skont l-Att dwar il-Protezzjoni ta' Adulti f'Sitwazzjonijiet ta' Vulnerabbiltà, jew permezz ta' kwalunkwe azzjoni oħra fir-rigward ta' dan li tkun disponibbli legalment.";

Kap. __.

(e) fis-subartikolu (2) tal-artikolu 9 tiegħu fil-verżjoni bl-Ingliš biss, il-kelma "Part" għandha tiġi sostitwita bil-kelma "Act".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdi qafas legali għall-għoti tal-assistenza u l-protezzjoni lill-adulti f'sitwazzjonijiet ta' vulnerabbiltà li huma f'riskju ta' ħsara, abbuż jew negligenza, inkluż fir-rigward tal-għoti ta' servizzi rilevanti, permezz ta' pjanifikazzjoni ċentrata fuq il-persuna u l-intervent tal-qrati, joħloq sistema ta' ċertifikati ta' approvazzjoni għal persuni li jaħdmu ma' dawn l-adulti, u reġistru ta' trasgressuri, u jwettaq emendi

C 4022

konsegwenzjali fl-Att dwar ir-Ratifika tal-Konvenzjoni dwar il-Protezzjoni Internazzjonali tal-Adulti, Kap. 633.

**A BILL
entitled**

AN ACT to provide for the safeguarding of adults, in particular adults with a disability, including older adults, who due to finding themselves in a situation of vulnerability, are unable to protect themselves from harm, abuse, or neglect and to effect consequential amendments in the Convention on the International Protection of Adults (Ratification) Act, Cap. 633.

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:-

1. (1) The short title of this Act is the Protection of Adults in Situations of Vulnerability Act, 2026. Short title and commencement.

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

2. For the purposes of this Act, unless the context otherwise requires: Interpretation.

"abuse" means any offensive treatment, whether physical, sexual, mental, emotional, psychological, material or any combination thereof, that causes or is reasonably likely to cause the victim grievous physical or psychological harm or material loss to his estate, including acts or threats of physical or sexual violence, acts that violate sexual integrity, degrading or humiliating conduct, repeated insults, ridicule, name calling, emotional threats, deception, manipulation, invasion of privacy, limitation of liberty, denial of care, elder abuse, abuse of

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mandate or of powers of representation, and economic abuse through financial exploitation, deprivation of financial resources or disposal of assets and property, whether by persons within close networks, such as family members, friends, support persons, personal assistants or caregivers, or otherwise by other third parties;

Cap. 16. "adult" means a person who has attained the age of majority in terms of article 188 of the Civil Code:

Provided that any minor who would have acquired legal capacity before the age of majority in terms of any law in force governing his personal status shall also be considered to be an adult for the purposes of this Act;

"adult in a situation of vulnerability" means any adult with disability, including any older person, who due to the specific circumstances surrounding his disability, is unable to take care of himself or unable to protect himself against harm or exploitation, in the short term or in the longer term;

"assistance" means assistance provided in accordance with article 12;

"conduct" means neglect and other failures to 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, who shall be answerable to the Permanent Secretary, and any person engaged in terms of article 4(2) when so delegated to act in the name and representation of the Director by the said Director;

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, and shall, for the purposes of this Act, include any older adult ;

"Emergency Intervention Order" means an order made in accordance with article 26;

"harm" means all harmful conduct or lack of appropriate action leading to harm and, in particular, includes:

- (a) physical harm,
- (b) psychological harm (such as fear, alarm or distress),

(c) misappropriation or mismanagement of property, rights or interests (such as theft, fraud, embezzlement or extortion) and

(d) conduct which causes self-harm;

"health care department or authority" means any health department, health care institution or authority such as hospitals, local clinics and pharmacies, whether private or Government owned, including employees thereof who exercise health functions;

"health and social care professional" means a professional registered with the relevant Council under the Health Care Professions Act or under any other law regulating other allied health or caring professions, including but not limited to the professions of midwifery, nursing, social work, psychology, psychotherapy and counselling, and in the case of students or trainees, such term shall refer to their direct supervising officer; Cap. 464.

"health records" means records relating to an individual's physical or mental health which have been made by or on behalf of a health and social care professional in connection with the care of the individual;

"in need of assistance" means, in relation to an adult, requiring assistance to:

(a) provide or arrange for adequate care for oneself or one's estate, or;

(b) protect oneself against abuse or neglect, due to infirmity, whether physical or mental;

"in need of protection" means, in relation to an adult, requiring protective intervention to maintain the safety and wellbeing of the adult or preserve the adult's estate because, due to infirmity, whether physical or mental, the adult:

(a) is unable to provide or arrange for adequate care for himself or his estate, or

(b) is experiencing and is unable to protect himself against abuse or neglect;

"Individualised Support Plan" means a plan of proposed assistance or protective intervention, developed following the concept of person-centred planning, in accordance with article

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16;

"investigation" means an investigation carried out by the Director, in accordance with article 11, to determine whether an adult is in need of assistance or protection;

"Minister" means the Minister responsible for the rights of persons with disability;

"Ministry" means the Ministry responsible for the rights of persons with disability;

"neglect" means a lack of or failure to provide necessary care, assistance, guidance or attention which causes or is reasonably likely to cause the victim severe physical or psychological harm or severe deterioration in mental health status or significant material loss to his estate;

Cap. 553. "older person" shall have the same meaning assigned to it in article 2 of the Commissioner for Older Persons Act;

"Permanent Secretary" means the Permanent Secretary within the Ministry responsible for the rights of persons with disability;

Cap. —. "personal assistant" shall have the same meaning assigned to it in article 2 of the Personal Assistance Act;

Cap. 12. "Personal Autonomy Safeguards Board" means the same Board set up by article 519A of the Code of Organization and Civil Procedure;

Cap. 12. "Personal Autonomy Safeguard Order" means an order made in accordance to article 519E of the Code of Organization and Civil Procedure;

"place of residence" means the home, the establishment or premises within which an adult in a situation of vulnerability resides, whether permanently or temporarily, under any title whatsoever;

"Protective Intervention Order" or "Order" shall have the same meaning assigned to it in article 15;

"protective intervention" shall have the same meaning assigned to it in article 19;

"Register" means the Protection of Adults in Situations of Vulnerability Register established by article 38;

"Registrar" means the Registrar, Criminal Courts and Tribunals;

"Regulation (EU) 2016/679" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

"support person" shall have the same meaning assigned to it in article 188B of the Civil Code; Cap. 16.

"social enterprise organisation" means a social enterprise organisation in accordance with article 3 of the Social Enterprise Act; Cap. 630.

"voluntary organisation" means a voluntary organisation in accordance with article 3 of the Voluntary Organisations Act. Cap. 492.

3. The scope of this Act is: Scope.

(a) to provide or arrange for the assistance of an adult who is in need thereof; and

(b) to provide protective intervention for any adult who is in need of protection.

PART I

OF THE DIRECTOR RESPONSIBLE FOR THE SAFEGUARDING OF ADULTS IN SITUATIONS OF VULNERABILITY

4. (1) There shall be a Director responsible to assist and protect adults in situations of vulnerability. Director for the Safeguarding of Adults in Situations of Vulnerability.

(2) In fulfilling his role in accordance with this Act, the Director shall be assisted by and work alongside a number of officers, having adequate relevant professional knowledge and, or training, as described in article 12(3), and shall, together with such officers exercise and perform all powers, functions and duties incumbent vested in the said Director in accordance with this Act.

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Cap. 413.
Cap. 553.
Cap. 525.

(3) The Director shall, in the exercise of his functions in terms of this Act, as and when necessary, consult with the Commissioner for the Rights of Persons with Disability established by the Equal Opportunities (Persons with Disability) Act and, or the Commissioner for Older Persons established by the Commissioner for Older Persons Act and, or the Commissioner for the Promotion of Rights of Persons with Mental Disorders established by the Mental Health Act and, or any other entity or authority as he deems fit.

(4) In the exercise and performance of the powers, functions and duties delegated or assigned to them as aforesaid, the officers of the Director shall, unless otherwise specified, have the same obligations and enjoy the same protection and privileges as are imposed on or given to the Director by law.

Cap. 164.

(5) In the exercise and performance of their powers, functions and responsibilities, the Director and the officers referred to in sub-article (2) may request the assistance of the Executive Police in accordance with the Police Act, whenever they deem it necessary.

Functions of the Director.

5. Without prejudice to the functions which may be assigned to him by this Act, or by any other laws or regulations, the primary function of the Director shall be to investigate any alleged harm or risk of harm to an adult in a situation of vulnerability and to take such action as may be considered appropriate for the protection of such person. For these purposes, the Director shall:

(a) always ascertain the will and preferences of the adult in a situation of vulnerability who is at risk, respect his rights, and make every effort to address the adult's needs and interests by:

(i) making real, considerable and pertinent efforts to obtain an expression of will and preferences from the adult;

(ii) providing him with relevant measures ensuring accessibility and reasonable accommodation;

(iii) conducting matters in an age-appropriate and gender-sensitive manner, with full respect for other intersecting characteristics such as a person's cultural or religious background;

(iv) not exerting any undue influence on the said adult, while collaborating with others involved in the protection of the adult who is at risk:

Provided that where obtaining a determination of the adult's will and preferences is not practicable, the Director shall instead make a best interpretation of said will and preferences, also taking into account the past statements, values, beliefs and life history of the adult;

(b) enquire about whether any action taken in relation to the adult in a situation of vulnerability who is at risk is appropriate, ensuring that the adult is heard, in accordance with article 13, in such process;

(c) provide guidance for the family, other significant persons, support persons and personal assistants of the adult in a situation of vulnerability who is at risk, including relevant prevention strategies, in line with the contents of Section A of the Fifth Schedule to the United Nations Convention on the Rights of Persons with Disabilities Act; Cap. 627.

(d) from time to time issue guidelines with respect to what may constitute significant harm or risk of significant harm, including relevant prevention strategies, in line with the contents of Section A of the Fifth Schedule to the United Nations Convention on the Rights of Persons with Disabilities Act; Cap. 627.

(e) *ex officio* file a report with the Executive Police or otherwise inform the Executive Police following a report received by such Director, in respect of facts that may lead to the prosecution of one (1) or more criminal offences that may affect a person in a situation of vulnerability, whether *ex officio* by the said Executive Police, or on the complaint of the injured party.

6. The matters and business of the office of the Director, including its administration and organisation, and organisation and administrative control of its officers and employees, shall be the responsibility of the Director. Business of the office of the Director.

PART II GUIDING PRINCIPLES AND OUTREACH

7. This Act is to be administered in accordance with the following guiding principles: Guiding principles.

(a) an adult shall be entitled to live in the manner he wishes and to accept or decline assistance offered by the Director, utilising any safeguards to his personal autonomy provided for and exercised in terms of the Civil Code where necessary: Cap. 16.

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Provided that the Director and his office shall, when offering such assistance, provide age-appropriate and gender-sensitive advice, that also respects other intersecting characteristics when addressing vulnerability resulting from inequalities linked to such characteristics, such as increased vulnerability of adults with a disability to gender-based violence;

(b) an adult who is in need of assistance or protection should receive the most effective but least restrictive or intrusive assistance or protective intervention, as the case may be;

(c) in relation to the provisions of assistance or protective intervention to an adult who is in need of assistance or protection, the paramount consideration shall be to ascertain the will and preferences of the adult, while making every effort towards addressing and respecting the adult's rights, needs and interests, while acting in an age-appropriate and gender-sensitive manner, with full respect for other intersecting characteristics including a person's cultural or religious background:

Provided that when obtaining a determination of the adult's will and preferences is not practicable, the Director shall instead make a best interpretation of such will and preferences, also taking into account the past statements, values, beliefs and life history of the adult;

(d) assistance or protective intervention provided to an adult who is in need of assistance or protection, should address the specific needs of the adult and be reviewed and revisited on a regular basis by the Director, including with reference to any specific provisions ordered by this Act, in particular in respect of hearing the adult in accordance with article 13, in order to be able to address any changes to such adult's needs or circumstances.

Outreach.

8. (1) The Director shall engage all relevant stakeholders within the public and private sectors, and within civil society, including by engaging with persons with disability and older persons directly, as well as with their representative organisations, to raise public awareness on the subject-matter of this Act, in particular addressing:

(a) knowledge about abuse, harm and neglect in respect of persons in situations of vulnerability in an intersectional manner;

- (b) the rights of adults in situations of vulnerability;
- (c) modes of support and redress covered by this Act;
- (d) access to early support; and
- (e) the system of character checks and the Register established by this Act.

(2) Such information produced as part of the efforts covered by sub-article (1) shall be made publicly available, in different accessible formats, and shall include any guidance mentioned in article 5(c) and guidelines mentioned in article 5(d), including any prevention strategies linked thereto.

(3) Any effort aimed at reaching out to and engaging with the general public, different stakeholders, and actual and potential beneficiaries, shall be carried out in an accessible manner, following universal design principles, and factoring in the provision of any reasonable accommodation necessary.

PART III REPORTS AND INVESTIGATIONS

9. (1) Any person or entity having reasonable grounds for believing that an adult is in need of assistance or protection, including the adult himself, utilising any safeguards to his personal autonomy provided for and exercised in terms of the Civil Code, where necessary, may report the circumstances to the Director, the Victim Support Agency or the Executive Police:

Opportunity to report.

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Provided that any reports received by the Victim Support Agency or Executive Police shall be forwarded to the Director without delay.

(2) While any documentation submitted to the Executive Police with a report mentioned in sub-article (1) shall also be forwarded to the Director, the Executive Police shall not otherwise demand specific supporting documentation, in particular concerning the physical or mental health or the disability status of a person, and shall not decline to either register or forward a report due to the absence of such documentation.

(3) The Executive Police may also proceed, *ex officio* or on the complaint of the injured party, in accordance with the relevant provisions applicable in respect of prosecuting a particular offence, should the said report also give rise to prosecution for any one (1) or more criminal offences:

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Provided that in such case, the Executive Police shall also inform the Director and liaise with the said Director for relevant support in respect of said prosecutions.

(4) Notwithstanding the provisions of sub-article (1), any person who, by virtue of his professional employment or occupation in health care, social services, education, law enforcement, counselling, residential services or any other field where the person engages in work with adults in situations of vulnerability, or any entity operating with these fields has reasonable grounds for believing that an adult is in need of assistance or protection, shall report the circumstances to the Director or the Executive Police:

Provided that in the case of students or trainees, such responsibility shall lie with the direct supervising officer of said students or trainees, after said students or trainees would have formally notified their relevant direct supervising officer, having followed specific prescribed procedures in this respect.

(5) No person shall disclose or be compelled to disclose the identity of a person or entity filing a report in terms of sub-articles (1) or (4).

(6) Any person who or entity which, in good faith, files a report under sub-articles (1) or (4) or assists in an investigation is not liable to any civil action with respect to such report or assistance in the investigation.

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(7) Without prejudice to the provisions of Sub-title XI of Title VIII of Part II of Book First of the Criminal Code, any person referred to in sub-article (2), who fails or which fails to file a report, shall be guilty of an offence and shall be liable on conviction, to a fine (*multa*) not exceeding five thousand euro (€5,000).

(8) Without prejudice to any other punishment to which the offender may be liable under any other law, any person who or entity which, acting maliciously, either makes a false report, or withholds or conceals information from the Director or the Executive Police, related to the need for assistance or protection of an adult, shall be guilty of an offence and shall be liable on conviction, to imprisonment for a term of between four (4) months to one (1) year, or a fine (*multa*) not exceeding five thousand euro (€5,000), or to both such fine (*multa*) and imprisonment.

Action on report.

10. (1) The Director shall keep an internal register recording therein all reports, which he receives in terms of the preceding article:

Provided that the register shall be kept in a confidential

manner and only accessed by the Director or by persons duly authorised by the Director.

(2) The Director shall, within five (5) working days from receipt of the report, determine, on the basis of the information provided, whether there is sufficient reason to believe that the adult in a situation of vulnerability is suffering, or is likely to suffer, significant harm and the Director shall make such investigations and assessments as he considers necessary to determine whether the adult in a situation of vulnerability is in need of assistance and, or protection:

Provided that the time limit mentioned shall be shortened, in line with the provisions of article 26, in cases of emergency:

Provided further that if in the opinion of the Director, after said Director would have consulted relevant health and social care professionals, and, or other third parties, as necessary, there are no sufficient reasons to believe that the adult in a situation of vulnerability is suffering, or is likely to suffer, significant harm, the Director shall not proceed further on the report and shall state in detail the reasons for the dismissal:

Provided further that such professionals shall have the knowledge and, or training about the needs and experiences of persons with disability and, or of older persons, and about different social identities, including gender, age, sexual orientation or ethnic origin, which such persons may have.

(3) The Director shall have thirty (30) working days following the initial determination made in accordance with sub-article (2), to conduct the investigations and assessments referred to in sub-article (2):

Provided that this term may, upon good cause, including the need to receive reports from abroad, or to complete the process of gathering evidence from all persons of interest, be extended by the Director by an additional period of sixty (60) working days.

11. (1) Where the Director receives a report in terms of sub-articles (1) or (4) of article 9, or otherwise has reasonable grounds to believe that an adult may be in need of assistance or protection, the Director may *ex officio* refer the matter to the Joint Committee established by article 12, in order that the said Committee carries out an investigation to determine whether the adult is in need of such assistance or protection. Investigations.

(2) An investigation may include an analysis of the adult's

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condition, circumstances and needs, taking into consideration medical, health, social, residential, financial, vocational, educational and other factors, the role of any close relationships of the adult, including family and other significant persons, and the presence of support persons and, or personal assistants in the adult's life, when deciding on the need to support the adult to ensure his safety and well-being and the protection of his estate and on the best way for guaranteeing such, together with the adult, any persons supporting him, and any other relevant stakeholders.

Joint
Committee.

12. (1) There shall be constituted a committee, to be known as the "Joint Committee", which shall conduct investigations in accordance with this Act, following a reference from the Director, and assist the Director with the development and implementation of Individualised Support Plans, determinations on assistance and relevant reviews.

(2) The Joint Committee shall be composed of:

(a) the following members sitting *ex officio*, or of officials fulfilling comparable roles should relevant designations change, with such members to be accompanied for meetings of the committee by experts answerable to them, to which members may also delegate their seats on the committee to such experts:

(i) the Director as Chairperson;

(ii) the Chief Executive Officer of Agenzija Sapport;

(iii) the Chief Executive Officer of the Foundation for Social Welfare Services;

(iv) the Chief Executive Officer of the Department for Active Ageing and Community Care;

(v) the Clinical Chair of Mental Health Services within the Ministry responsible for Health; and

(vi) the Chief Executive Officer of the Victim Support Agency:

Provided that any of the above-mentioned delegates or other experts shall recuse themselves from any proceedings before the Joint Committee, should they have assisted, or be at the time assisting in a professional capacity the person in respect of whom measures under this Act are being considered:

Provided further that other experts may also be nominated by the members of the Joint Committee to act as substitutes to the said members or to the delegates chosen by such members, whenever such members or their delegates are unavailable, or whenever any delegate recuses themselves in terms of the preceding proviso;

(b) an officer appointed by the Director to act as Secretary to the Joint Committee.

(3) The experts referred to in sub-article (2) shall be knowledgeable and, or trained about:

(a) the needs and experiences of persons with disability and, or of older persons; and

(b) different social identities, including gender, age, sexual orientation or ethnic origin, which such persons may have, allowing such professionals to be able to better identify and address situations of vulnerability tied to inequalities resulting from one's multiple social identities, including situations of gender-based violence on individuals with a disability.

(4) The Joint Committee shall hold regular meetings at suitable intervals and shall regulate its own proceedings.

13. (1) In conducting an investigation in relation to an adult, the Joint Committee shall communicate with and interview the adult, in order to be able to better assess the situation of the adult. Hearing the adult.

(2) When engaging the adult for the purposes of communicating with, or interviewing such adult in terms of this article, the Joint Committee shall ascertain the will and preferences of the adult, while respecting his rights, by following the requisites listed in article 5(a).

(3) For the purposes of engaging in such communication or interviews with the Joint Committee, an adult may be supported by any one (1) or more persons appointed as support persons for the purposes of the exercise of personal autonomy by such adult and, or by any persons acting as personal assistants to that adult.

(4) For the purposes of engaging in such communication or interviews, the Joint Committee may be assisted by any one (1) or more health and social care professionals having the expertise outlined in article 12(3) as the Committee may deem opportune.

(5) The adult may request that any one (1) or more health and

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social care professionals supporting the adult be heard by the Joint Committee during the investigation.

(6) Where the Joint Committee considers that the interests of justice so require, it shall appoint an advocate for legal aid to assist the adult during the course of the investigation.

Right to information.

14. (1) In conducting an investigation in relation to an adult, the Joint Committee may:

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(a) request that the adult participate in a holistic functional and needs assessment, following the same procedures laid out in article 519E of the Code of Organization and Civil Procedure in such case, however, simply as a descriptive assessment towards granting assistance or protection in terms of this Act, and not for diagnostic or other purposes:

Provided that such assessment shall focus on the causes leading to different situations of vulnerability that a person may be facing, in order to be able to eventually address the said causes, without making any assumptions about the person's capabilities and, or functional skills;

(b) interview persons who may have information that is relevant to the investigation;

(c) solicit, accept and review reports and information, which are strictly necessary for the fulfilment of this Act from:

(i) a health or social care provider or other person who, or agency that, has provided services to the adult, or;

(ii) a person who manages the adult's financial affairs, business or other assets;

(d) require a person or agency, including a law enforcement agency, to provide information or produce records of documents in such person's or agency's possession or control which, in the opinion of the Joint Committee, may be relevant to the investigation;

(e) require the production of medical, financial or other records regarding the adult.

(2) For the purpose of sub-article (1), the Joint Committee's right to information prevails over every:

(a) claim of confidentiality or privilege, except that of a

lawyer-client privilege, or of the privileged relationship between the adult themselves and a health and social care provider, in which case the consent of the adult would be required, unless obtaining such consent would not be practicable, in which case the Joint Committee is to apply a best interpretation determination in respect of such consent; and

(b) restriction in an enactment or any other law about disclosure or confidentiality of information.

(3) Any person who, or agency that, has custody or control of information that the Joint Committee is entitled to in terms of sub-article (1) shall provide that information on request.

15. (1) Where, during the course of an investigation of a report on an adult, the Joint Committee reasonably considers it necessary for the purpose of the conduct of the investigation that a court order in accordance with sub-article (2) should be obtained, the Director shall by means of an application before the Court of Magistrates request the issue of such an order. Application.

(2) On determining an application filed in terms of sub-article (1), the Court of Magistrates may make any order the said Court considers necessary for the purpose of the investigation, including an order:

(a) allowing the Joint Committee access to the adult and entry to premises to facilitate that access including ordering the assistance of the Executive Police;

(b) requiring the adult to participate in an interview specified in article 13(1) with the Joint Committee;

(c) allowing the Joint Committee and, or any further person involved in conducting an interview under article 13, or an assessment under 14(1)(a), access to the adult and entry to premises to facilitate that access;

(d) prohibiting any person, other than those persons mentioned in article 13, from being present while the Joint Committee communicates with or interviews the adult in terms of article 13; or

(e) requiring a person to provide the information referred to in article 14(1).

16. (1) The Director shall, on the basis of the conclusions from an investigation in relation to an adult by the Joint Committee, where the said conclusions establish that the adult is in need of assistance or Determination of status and Individualised Support Plans.

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protection, work with the Joint Committee, with the adult who may also be supported by the persons listed in article 13(3), and with relevant stakeholders such as those listed in article 9(4), to develop an Individualised Support Plan for the assistance or protective intervention, as the case may be, in line with the concept of person-centred planning.

(2) In involving the adult in these proceedings, the Director and the Joint Committee shall follow the procedures outlined in article 13.

PART IV ASSISTANCE

Conditions to be fulfilled for the provision of assistance.

17. The Director shall work with the Joint Committee established under article 12, with the adult receiving assistance, who may also be supported by the persons listed in article 13(3), and with relevant stakeholders such as those listed in article 9(4), to arrange for assistance for an adult where:

(a) the Joint Committee would have concluded, on the basis of an investigation that the adult is in need of assistance;

(b) the assistance is provided or arranged in accordance with an Individualised Support Plan, in line with the concept of person-centred planning; and

(c) the adult consents for the provision of such assistance, to the fullest extent while utilising any safeguards for his personal autonomy provided for and exercised in terms of the Civil Code.

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Method of assistance.

18. Assistance may include:

(a) facilitating the exercise of the adult's personal autonomy, in accordance with article 5(a);

(b) further assessment and person-centred planning;

(c) the provision of counselling and other social work;

(d) the provision of speech and hearing therapy;

(e) the provision of occupational therapy and physiotherapy;

(f) the provision of respite care and day care;

(g) socio-recreational activity and vocational training;

- (h) housekeeping, nutritional and social support services;
- (i) legal counsel and financial management services;
- (j) request a Personal Autonomy Safeguard Order;
- (k) residential accommodation and personal or nursing care; and
- (l) any other service that may support the adult's safety and well-being:

Provided that the Director may at any time file an application before the Civil Court (Family Section) in terms of article 13 (3) of the Civil Code requiring the court to order any person liable for maintenance, in whatever degree, to supply maintenance, reserving to such person the right to claim reimbursement from such other persons as, according to the said order, were bound to pay maintenance. Cap. 16.

PART V PROTECTIVE INTERVENTION

19. (1) Where the Director has reasonable grounds to believe that an adult is in need of protection, the Director may file an application before the Court of Magistrates for the issuance of a Protective Intervention Order for the adult: Protective
Intervention
Order.

Provided that the Director shall file a copy of the investigation conducted and supporting documents with the application.

(2) In the interests of expediency, the Court shall be assisted by judicial assistants, when considering an application filed in terms of the sub-article (1), in respect of carrying out relevant functions linked to the judicial process in terms of article 97A of the Code of Organization and Civil Procedure, and when deciding on certain matters linked thereto further to article 97C of the said Code. Cap. 12.

(3) Where after assessing an application filed in terms of sub-article (1), the Court of Magistrates shall, having also been guided by article 13 in respect of hearing an adult, finds that such adult is in need of protection, the Court may make an order under this article for the protective intervention that, in the opinion of the Court, best addresses the needs and interests of the adult, while ensuring compliance with the provisions of articles 5(a) and (b) of this Act.

20. (1) The Court of Magistrates may, with respect to an adult who is in need of protection, issue a Protective Intervention Order and may: Procedure.

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(a) direct the provision or arrangement of assistance for the adult;

(b) place the adult under the supervision of the Director, in accordance with the conditions set out in the Order; or

(c) direct that the adult be relocated and, if necessary, placed under the appropriate supervision or care, in accordance with any conditions set out in the Order:

Provided that all these measures shall be coordinated by the Director together with the Joint Committee, while respecting existing procedures followed by entities represented on the said Committee, and with the involvement of the adult who may also be supported by the persons listed in article 13(3), and relevant stakeholders such as those listed in article 9(4).

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(2) Any supervision or care provided in terms of this article shall not in any way impinge on the legal capacity of the adult, which shall remain regulated exclusively by the relevant provisions of the Civil Code.

(3) The Court of Magistrates may, with respect to a person who is determined to be a source of harm or danger to an adult who is in need of protection, make a Protective Intervention Order directing such person to do one or more of the following:

(a) limit the person's contact, communication or involvement with the adult or the adult's estate as directed by the court;

(b) cease from residing at and stay away from the premises used by the adult as his place of residence, provided the person is not the owner or person having the title or possession of the premises;

(c) refrain from visiting, communicating with, harassing or interfering with the adult;

(d) refrain from having any involvement in or interfering with the adult's estate;

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(e) provide financially for the maintenance and support of the adult if the person has a legal obligation to do so according to the provisions of sub-title II of Title I of Book First of the Civil Code or any other law, from time to time in force, imposing a legal obligation on that person to provide such maintenance and support.

21. Saving the provisions of article 27 of the Health Act, or any other law to the contrary, where the Court of Magistrates has, by means of a Protective Intervention Order, ordered that an adult who is in need of protection be subject to supervision by the Director, the Director's involvement, in respect of any treatment decisions concerning the adult, unless otherwise specified in the Order, shall be subject to the same obligations and the same powers as would have been assigned to a support person in terms of the Civil Code.

Responsibility of Director. Cap. 528.

Cap. 16.

22. (1) Where the Director has reasonable grounds to believe that an adult is or may be in need of assistance or protection and is unable to make reasonable judgements with respect to his personal welfare or estate, the Director may file an application to the Personal Autonomy Safeguards Board in accordance with article 188A of the Civil Code.

Temporary Personal Autonomy Safeguard Order.

Cap. 16.

(2) Notwithstanding the provisions of sub-article (1), where, in the circumstances described in the said sub-article, the Director has reasonable grounds to believe that there is considerable risk of immediate, serious harm to the adult or the adult's estate, the Director may file an application for, and the Personal Autonomy Safeguards Board may issue an order appointing a temporary support person for the adult while an investigation is ongoing or other actions are taken pursuant to this Act.

(3) An order appointing a temporary support person in accordance with this article shall:

(a) remain in force for a period of not more than one hundred and eighty (180) days unless otherwise renewed by the Personal Autonomy Safeguards Board following the request of the Director; and

(b) limit the authority of the temporary support person to matters necessary for the immediate protection of the adult and the preservation of the adult's estate:

Provided that an order appointing a temporary support person in accordance with this article may be renewed more than once:

Provided further that where it is impossible to identify a temporary support person, including from the pool established by article 519GA of the Code of Organization and Civil Procedure, the Personal Autonomy Safeguards Board shall direct the Director to fulfil the role of temporary support person, and the said Director shall be assisted by the officers referred to in article 4(2) in his fulfilment of such role:

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Provided further that in respect of the fulfilment of the role of temporary support persons in terms of the preceding proviso, hypothecation obligations under article 519H(1) of the Code of Organization and Civil Procedure shall not be applicable, and any legal action directed at the temporary support person shall be brought against the Directorate for Disability Issues, unless it would be in respect of an offence listed in article 38(1)(a), in which case it shall be brought directly against the Director or against any officer referred to in article 4(2) who would be assisting the Director in accordance with the preceding proviso.

Notice.

23. (1) Where the Director applies for a Protective Intervention Order under this Act, except under article 26, the Director shall give at least fifteen (15) days' notice of the application to the following:

(a) the adult who is, or may be in need of protection, to whom the application refers, and in a manner readily understandable by the adult;

(b) any person appointed as a support person for the purposes of the exercise of personal autonomy by that adult;

(c) any person, other than the adult, who is the subject of the application.

(2) An adult who is or may be in need of protection, who can be assisted by a support person for the purposes of the exercise of his personal autonomy, as well as personal assistants, and any other person who is the subject of an application for the issue of a Protective Intervention Order under this Act is entitled to make submissions during the proceedings related to that application:

Provided that the Court of Magistrates may, if it deems necessary, request any other person or health and social care professional having the expertise outlined in article 12(3) to make submissions in the proceedings, with said submissions, however, having the purpose of allowing the Director to better act in a manner that ascertains the adult's will and preferences and respects his rights, while acting in an age-appropriate and gender-sensitive manner, with full respect for other intersecting characteristics including a person's cultural or religious background.

(3) The Court of Magistrates may order that an adult who is in need of protection, to whom an application for a Protective Intervention Order in terms of this Act refers, shall have the costs of legal representation of any proceedings related to the application covered at the expense of the Director, if it is established that the expense would be beyond the means of the adult:

Provided that any such order in relation to costs shall also extend to any appeal filed by the adult in terms of article 25(4).

24. In any application for the issuance of a Protective Intervention Order, the Director shall provide sufficient information to establish that: Onus.

(a) the adult who is the subject of the application is in need of protection;

(b) adequate protection is unlikely to be achieved other than by an Order; and

(c) the protective intervention proposed is the least intrusive or restrictive of the practicable remedies available, and that in providing such protection intervention, the Director ascertains the will and preferences and respects the rights of the adult in a situation of vulnerability who is at risk, while acting in an age-appropriate and gender-sensitive manner, with full respect for other intersecting characteristics including a person's cultural or religious background:

Provided that when obtaining a determination of the adult's will and preferences is not practicable, the Director shall instead make a best interpretation of such will and preferences, also taking into account the past statements, values, beliefs and life history of the adult.

25. (1) A Protective Intervention Order shall remain in force for a maximum period of twelve (12) months. Time limit, review and appeals.

(2) The Director shall ensure a review of the conditions and the need for the continuation of a Protective Intervention Order before the lapse of such an Order, further to the procedures outlined in article 28.

(3) The Court of Magistrates, upon an application filed by the Director before the lapse of a Protective Intervention Order, shall follow the procedure outlined in article 19(3) in respect of fresh applications, and determine whether to renew, revoke or otherwise vary the Order:

Provided that in the interests of expediency, the provisions of article 19(2) in respect of the Court being assisted by judicial assistants shall likewise apply to such review proceedings by the Court.

(4) A decision of the Court of Magistrates to issue a Protective Intervention Order may be appealed before the Court of Appeal

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(Inferior Jurisdiction), by any person listed in article 23, in their own name or in the name of an entity that such person represents, by means of an application filed within thirty (30) days from the day on which such Protective Intervention Order shall have been issued:

Provided that in case of an action brought by an adult who, under any provision of law, is incapable of suing or being sued, such action may be commenced by such adult notwithstanding such incapacity, and the adult shall also be provided with relevant available measures ensuring accessibility and reasonable accommodation.

(5) 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 in accordance with sub-article (4):

Cap. 12.

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

Cap. 12.

(6) The board established in accordance with article 29 of the Code of Organization and Civil Procedure may make rules governing appeals to the Court of Appeal (Inferior Jurisdiction) in accordance with sub-article (4).

PART VI EMERGENCY INTERVENTION

Removal of adult at risk or of the source of potential harm.

26. (1) Where the Director has reasonable grounds to believe that there is considerable risk of immediate harm to an adult who is, or may be in need of protection, the Director may, after informing the Permanent Secretary and after obtaining an Emergency Intervention Order from the Court of Magistrates file an application in the Registry of the said Court requesting urgently that:

(a) the adult be removed from the source of potential harm to such place as the Director considers appropriate for the protection of the adult; or

(b) the source of the potential harm be, with the assistance of the Executive Police, removed from the proximity of the adult.

Application for Protective Intervention Order.

(2) Within twenty-four (24) hours after an adult or a source of potential harm is removed pursuant to sub-article (1), the Director shall apply for a Protective Intervention Order for the adult in terms of article 19, unless the Director had previously reversed the actions

taken under sub-article (1):

Provided that if the Court of Magistrates does not accede to the request made by the Director, no action shall lie against the Director and, or any person involved, if there were reasonable grounds to justify the action taken in terms of this article.

PART VII REVIEW

27. The Director shall continue to involve an adult who is in need of, and is receiving assistance, or an adult who is in need of protection and is the subject of a Protective Intervention Order, and any persons supporting the adult in relevant processes and listed in article 13(3), in any actions planned or taken under this Act in relation to such adult, and shall communicate any information linked to such actions to that adult in writing and in a manner readily understandable by the said adult.

Information to and continued involvement of adult.

28. (1) The Director shall cause any Individualised Support Plan and any assistance or protective intervention to be reviewed in accordance with a schedule included as part of the Plan or Protective Intervention Order:

Scheduled review.

- (a) by the Joint Committee;
- (b) assisted by any one (1) or more health and social care professionals having the expertise outlined in article 12(3);
- (c) with the involvement of the adult covered by the measures in question, who may also be supported by the persons listed in article 13(3);
- (d) liaising with relevant stakeholders, including those listed in article 9(4), as necessary; and
- (e) in no case less frequently than every six (6) months.

(2) The Director shall cause the carrying out of a review of an Individualised Support Plan and any assistance or protective intervention being provided to an adult who is in need of assistance or protection, as the case may be, further to the provisions of paragraphs (a) to (d) of sub-article (1), if:

- (a) there appears to have been a material change in the needs or circumstances of the adult; or
- (b) the adult or any person appointed as a support person

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for the purposes of the exercise of personal autonomy by that adult requests a review based on grounds determined to be reasonable by the Director.

(3) Where, based on a review made under sub-articles (1) or (2), the Joint Committee reaches a conclusion that there has been a material change in the needs or circumstances of the adult, the Director shall adjust the Individualised Support Plan accordingly and may apply to the Court of Magistrates to have any Protective Intervention Order in relation to the adult varied, renewed or revoked.

Application by
the adult for
change of Order.

29. An adult who is in need of protection and is the subject of a Protective Intervention Order, or any person appointed as a support person for the purposes of the exercise of personal autonomy of that adult, may, at any time based on a material change in the needs or circumstances of the adult, apply to the Court of Magistrates to have the Order varied, renewed or revoked:

Provided that in case of an action brought by a person who, under any provision of law, is incapable of suing or being sued, said action may be commenced by such person notwithstanding such incapacity, and the said person shall also be provided with relevant available measures ensuring accessibility and reasonable accommodation.

Notice.

30. An application filed in terms of article 29 shall be served on any person directly involved or affected, including the Director who shall have a right to reply to the application within fifteen (15) days from service of the application.

PART VIII GENERAL

Liability.

31. No action shall lie against a health and social care professional or institution or its staff for rendering necessary treatment determined to have been provided in good faith and without negligence to an adult who is, or may be in need of assistance or protection.

Confidentiality.

32. No person involved in the administration of this Act shall disclose confidential information collected in the administration of this Act except, subject to articles 13 and 14 of this Act:

(a) where authorized by the Director;

(b) with the consent of the person or persons to whom the information pertains;

(c) where required for the administration of this Act;

(d) in the course of judicial proceedings in terms of this Act, the Civil Code, the Code of Organization and Civil Procedure or the Mental Health Act; or

Cap. 16.
Cap. 12.
Cap. 525.

(e) as otherwise permitted under this Act or any subsidiary legislation made thereunder.

33. Any person who:

Offences.

(a) obstructs or hinders any person who is conducting an investigation pursuant to this Act;

(b) fails to comply with the requirements of a Protective Intervention Order; or

(c) otherwise contravenes a provision of this Act or any subsidiary legislation made thereunder, unless the punishment in respect of such is already specified in the said Act or subsidiary legislation,

is guilty of an offence and liable on conviction to a fine (*multa*) of not more than ten thousand euros (€10,000), or to imprisonment for a term not exceeding six (6) months, or both.

34. The provisions of this Act shall not prejudice or be construed as limiting, amending, repealing or otherwise altering any provision of other applicable Acts and regulations including the Civil Code, Criminal Code, Code of Organization and Civil Procedure, Gender-Based Violence and Domestic Violence Act, Equal Opportunities (Persons with Disability) Act, Mental Health Act, United Nations Convention on the Rights of Persons with Disabilities Act, Health Act, Medical and Kindred Professions Ordinance, Health Care Professions Act, Psychology Profession Act and Social Care Standards Authority Act, or as exempting any person from any duty or obligation of care.

Obligations
under other
Acts.
Cap. 16.
Cap. 9.
Cap. 12.
Cap. 581.
Cap. 413.
Cap. 525.
Cap. 627.
Cap. 528.
Cap. 31.
Cap. 464.
Cap. 471.
Cap. 582.

PART IX DATA PROTECTION

35. (1) Nothing in this Act shall prejudice the applicability of Regulation (EU) 2016/679 and the Data Protection Act, including the regulations made thereunder, and the fundamental rights and freedoms of the data subjects.

Processing of
personal data.
Cap. 586.

(2) The Director acting in his capacity of controller (hereinafter for the purposes of this Part referred to as the "controller") in terms of Article 4(7) of Regulation (EU) 2016/679, shall perform the relevant

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data processing operations which are limited to the extent needed for the purposes of this Act, and to what is necessary for and proportionate to the objectives pursued by the Director.

(3) The processing of personal data, including the processing of special categories of personal data, for the purposes of this Act shall fully comply with the principles relating to the processing of personal data pursuant to Article 5 of Regulation (EU) 2016/679.

Appropriate safeguards.

36. (1) The controller, taking into account the nature, scope, context and purposes of processing as well as the risks of varying likelihood and severity for the rights and freedoms of the data subjects, both at the time of the determination of the means for processing and at the time of the processing itself, shall implement appropriate technical and organisational measures, in an effective manner and to integrate the necessary safeguards into the processing, in order to protect the rights of the data subjects and to ensure a level of security appropriate to the risk.

(2) The data protection officer designated by the controller in terms of Article 37 of Regulation (EU) 2016/679 shall be involved and consulted in a duly and timely manner on all issues in relation to the protection of personal data processed for the purposes of this Act.

(3) For the purpose of ensuring and to be able to demonstrate that the processing of personal data is performed in accordance with the provisions of Regulation (EU) 2016/679, the controller shall implement the appropriate data protection policies, which policies shall be periodically reviewed and updated where necessary.

(4) Access to any personal data, including special categories of personal data processed for the purposes of this Act, shall be reserved exclusively to duly authorised staff of the controller. Access shall be limited to the extent needed for the performance of the Director's functions in accordance with the purposes of the Act, and to what is necessary and proportionate to the objectives pursued in terms of this Act.

Protection of the rights of the data subjects.

37. (1) With respect to all the processing of personal data pursuant to this Act, every data subject shall have the right of access, rectification, erasure and restriction, including the right to lodge a complaint with the Information and Data Protection Commissioner, the right to compensation and judicial redress as laid down in the Data Protection Act and Regulation (EU) 2016/679.

Cap. 586.

(2) The controller may restrict the rights and obligations provided for in Articles 14 to 20 and Article 34 of Regulation (EU) 2016/679 in accordance with Article 23 thereof.

(3) The restrictions under sub-article (2) shall only apply where these restrictions are considered as a necessary and proportionate measure for the performance of the functions of the controller pursuant to this Act, or to protect the vital interests of the adults in need of assistance or protection, or to effectively preserve the integrity of the delivery of the professional services provided by the controller to such persons.

(4) The data protection officer designated pursuant to Article 37 of Regulation (EU) 2016/679 shall be consulted by the controller as appropriate and in a timely manner in the entire process of applying the restriction.

(5) The controller shall apply the restrictions referred to in sub-article (3) for as long as the reasons justifying them remain applicable, following a necessity and proportionality test. The reasons justifying the restrictions shall be documented and made available to the Information and Data Protection Commissioner when and as required.

(6) Where the reasons for a restriction no longer apply, the controller shall lift the restriction and inform the data subject concerned accordingly and comply with the rights and obligations provided for in Articles 14 to 20 and Article 34 of Regulation (EU) 2016/679.

(7) The controller shall review the application of the restrictions referred to in this article and depending on the outcome of such review inform the data subject accordingly.

PART X

CHARACTER CHECKS AND PROTECTION OF ADULTS IN SITUATIONS OF VULNERABILITY REGISTER

38. (1) The Director shall require any individual providing services specifically aimed at supporting the well-being of adults in situations of vulnerability, whether or not said services are licensable in accordance with any legislation, to, prior to entering into employment with any person or body corporate, including any registered voluntary organisation, or being engaged as a volunteer by any such person or body corporate, produce:

Character checks.

(a) a conduct certificate issued in accordance with article 2 of the Conduct Certificates Ordinance, showing no recordable convictions in accordance with:

Cap. 77.

(i) this Act;

(ii) Title I of Part II of Book First of the Criminal

Cap. 9.

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Code;

Cap. 9. (iii) articles 82A to 82E of Title II of Part II of Book First of the Criminal Code;

Cap. 9. (iv) Title V of Part II of Book First of the Criminal Code;

Cap. 9. (v) Title VI of Part II of Book First of the Criminal Code;

Cap. 9. (vi) article 197 of Sub-title I of Title VII of Part II of Book First of the Criminal Code;

Cap. 9. (vii) Sub-titles II and III of Title VII of Part II of Book First of the Criminal Code;

Cap. 9. (viii) Sub-titles I to VI of Title VIII of Part II of Book First of the Criminal Code;

Cap. 9. (ix) articles 244 and 244A of Sub-title VII of Title VIII of Part II of Book First of the Criminal Code;

Cap. 9. (x) Sub-titles VIII to XI of Title VIII of Part II of Book First of the Criminal Code;

Cap. 9. (xi) Title IX of Part II of Book First of the Criminal Code;

Cap. 63. (xii) the Sex Trafficking (Suppression) Ordinance;

Cap. 567. (xiii) the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act;

Cap. 581. (xiv) the Gender-Based Violence and Domestic Violence Act; and

Cap. 602. (xv) the Minor Protection (Alternative Care) Act; or

(b) comparable documentation issued by the relevant competent authorities of a foreign jurisdiction, showing no comparable convictions recorded in said documentation:

Provided that no original copies of said documentation shall be made or retained by the Director, after having examined said documentation:

Provided further that on the date of coming into force of this article, all individuals referred to in this sub-article and who are already so engaged as employees or volunteers on such date, shall, within nine (9) months of this date, likewise be required to

comply with the obligation set out in this sub-article.

(2) The Director shall also require any individual wishing to provide services specifically aimed at supporting the well-being of adults in situations of vulnerability, whether or not said services are licensable in terms of any legislation, on a self-employed basis, to likewise produce, prior to commencing any such self-employed activities:

- (a) a conduct certificate issued in accordance with article 2 of the Conduct Certificates Ordinance, showing no recordable convictions in terms of: Cap. 77.
- (i) this Act;
 - (ii) Title I of Part II of Book First of the Criminal Code; Cap. 9.
 - (iii) articles 82A to 82E of Title II of Part II of Book First of the Criminal Code; Cap. 9.
 - (iv) Title V of Part II of Book First of the Criminal Code; Cap. 9.
 - (v) Title VI of Part II of Book First of the Criminal Code; Cap. 9.
 - (vi) article 197 of Sub-title I of Title VII of Part II of Book First of the Criminal Code; Cap. 9.
 - (vii) Sub-titles II and III of Title VII of Part II of Book First of the Criminal Code; Cap. 9.
 - (viii) Sub-titles I to VI of Title VIII of Part II of Book First of the Criminal Code; Cap. 9.
 - (ix) articles 244 and 244A of Sub-title VII of Title VIII of Part II of Book First of the Criminal Code; Cap. 9.
 - (x) Sub-titles VIII to XI of Title VIII of Part II of Book First of the Criminal Code; Cap. 9.
 - (xi) Title IX of Part II of Book First of the Criminal Code; Cap. 9.
 - (xii) the Sex Trafficking (Suppression) Ordinance; Cap. 63.
 - (xiii) the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act; Cap. 567.

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Cap. 581.

(xiv) the Gender-Based Violence and Domestic Violence Act; and

Cap. 602.

(xv) the Minor Protection (Alternative Care) Act; or

(b) comparable documentation issued by the relevant competent authorities of a foreign jurisdiction, showing no comparable convictions recorded in said documentation:

Provided that no original copies of said documentation shall be made or retained by the Director after having examined such documentation:

Provided further that on the date of coming into force of this article, all individuals referred to in this sub-article, and who are already so engaged in self-employed work on such date, shall, within nine (9) months from such date, be required to comply with the obligation set out in this sub-article.

(3) On having ascertained himself that the requesting individual, in terms of sub-articles (1) or (2), has not been convicted of any of the offences listed in said sub-articles, the Director shall proceed with issuing a clearance certificate in respect of that person, in terms of this article, following payment of an indicated fee. The Director shall also transmit a copy of said certificate to the person or body corporate that would engage the prospective employee or volunteer in accordance with sub-article (1), as well as to the Registrar:

Provided that the certificate and any copies thereof may be issued physically and, or digitally, and in both cases shall contain a two-dimensional machine-readable code allowing for the verification of the certificate's authenticity, validity and integrity, and that the Minister may by regulations in accordance with this Act also establish technical specifications with which such physical and, or digital versions of the certificate and of copies thereof shall comply:

Provided further that failure by any individual employer, or by any person within such a body corporate responsible for engaging employees or volunteers, to proceed with such employment or volunteer engagement without said certificate having been issued in respect of the prospective employee or volunteer shall constitute an offence, and any such individual or person shall on conviction be liable to

imprisonment for a term from three (3) months to four (4) years or to a fine (*multa*) of not less than two thousand five hundred euro (€2,500) and not more than fifty thousand euro (€50,000) or to both such fine and imprisonment:

Provided further that the Commissioner for Voluntary Organisations, in exercise of the powers conferred on him by article 34 of the Voluntary Organisations Act, or the Regulator of Social Enterprise Organisations, in exercise of the powers conferred on him by article 33 of the Social Enterprise Act, may request that the Director provide them with a copy of the certificate issued in respect of any employee or volunteer engaged with a registered voluntary organisation, or with a registered social enterprise organisation respectively, where such employee or volunteer, in the opinion of said Commissioner or Regulator, would be subject to the requirements of sub-article (1).

Cap. 492.

Cap. 630.

(4) Any prospective or current recipient of self-employed services referred to in sub-article (2), being provided by any person mentioned in that sub-article may, at any time, request that the Director provide him with a copy of the certificate issued in accordance with sub-article (3), in respect of any person providing any self-employed services referred to in sub-article (2):

Provided that engaging in any such-self-employed services by any person without having previously obtained such a certificate shall constitute an offence, and such person shall on conviction be liable to imprisonment for a term from three (3) months to four (4) years or to a fine (*multa*) of not less than two thousand five hundred euro (€2,500) and not more than fifty thousand euro (€50,000) or to both such fine and imprisonment:

Provided further that the Commissioner for Voluntary Organisations, in exercise of the powers conferred on him by article 34 of the Voluntary Organisations Act, or the Regulator of Social Enterprise Organisations, in exercise of the powers conferred on him by article 33 of the Social Enterprise Act, may request that the Director provide them with a copy of the certificate issued in respect of any person providing any self-employed services referred to in sub-article (2) to a registered voluntary organisation, or to a registered social enterprise organisation respectively, where such person providing self-employed services, in the opinion of said Commissioner or Regulator, would be subject to the requirements of sub-article (2).

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Register of
Protection of
Adults in
Situations of
Vulnerability
Register.

39. (1) The Registrar shall maintain a Register within which there shall be recorded:

(a) the name of any person convicted by a court in Malta, of an offence against:

(i) this Act;

Cap. 9.

(ii) Title I of Part II of Book First of the Criminal Code;

Cap. 9.

(iii) articles 82A to 82E of Title II of Part II of Book First of the Criminal Code;

Cap. 9.

(iv) Title V of Part II of Book First of the Criminal Code;

Cap. 9.

(v) Title VI of Part II of Book First of the Criminal Code;

Cap. 9.

(vi) article 197 of Sub-title I of Title VII of Part II of Book First of the Criminal Code;

Cap. 9.

(vii) Sub-titles II and III of Title VII of Part II of Book First of the Criminal Code;

Cap. 9.

(viii) Sub-titles I to VI of Title VIII of Part II of Book First of the Criminal Code;

Cap. 9.

(ix) articles 244 and 244A of Sub-title VII of Title VIII of Part II of Book First of the Criminal Code;

Cap. 9.

(x) Sub-titles VIII to XI of Title VIII of Part II of Book First of the Criminal Code;

Cap. 9.

(xi) Title IX of Part II of Book First of the Criminal Code;

Cap. 63.

(xii) the Sex Trafficking (Suppression) Ordinance;

Cap. 567.

(xiii) the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act;

Cap. 581.

(xiv) the Gender-Based Violence and Domestic Violence Act;

Cap. 602.

(xv) the Minor Protection (Alternative Care) Act;
and

(b) the details listed in sub-articles (3) and (4).

(2) The Registrar shall also enter into the Register the names and any other relevant details obtained of any person who is a citizen of Malta, or who is resident in Malta at the time, whether or not said person is a citizen of Malta, in respect of whom details of a comparable conviction would have been transmitted by judicial authorities in a foreign jurisdiction shall have been transmitted to the Registrar, provided this is permitted by law, and the Registrar shall also add all supporting documentation received from said authorities to the Register.

(3) In respect of any person resident of Malta convicted of an offence referred to in the preceding sub-articles, the Registrar shall, within a period of three (3) days from the conviction, enter the following information on the said person in the Register:

- (a) his date of birth;
- (b) his legally valid identification document number or passport number;
- (c) his name on the date of the conviction and, where he used one or more other names on that date, each of those names;
- (d) the address of his place of residence on the date of the conviction;
- (e) the address of any other premises in Malta where during relevant court proceedings he indicated as regularly residing or staying at.

(4) The Registrar shall continue monitoring any person referred to in the preceding sub-article and shall also update the Register within a period of three (3) days in cases where such person:

- (a) is using a name other than a name entered into the Register; or
- (b) has changed his home address; or
- (c) has been released from custody following a court order or from imprisonment or detention in a hospital.

(5) Any person listed in the Register shall from the date on which his details were entered into the said Register onwards, be under a perpetual interdiction from being engaged in any employment, volunteering or self-employment referred to in article 38.

(6) On entering the details into the Register of any individual

previously issued with a clearance certificate by the Director in accordance with article 38(3), the Registrar shall forthwith also notify the Director and provide that information which is strictly necessary, in order that the Director be able to cancel said certificate, and inform the holder and the relevant individual or body corporate engaging that individual as employee or volunteer. Such individual or body corporate shall consequently be obliged to terminate the employment or voluntary engagement of said individual with immediate effect, without that individual being entitled to any compensation, where relevant, other than any remuneration that may be due to him for services rendered until termination:

Provided that when a certificate is cancelled in respect of an employee or volunteer engaged with a registered voluntary organisation or with a registered social enterprise organisation, the Registrar shall also notify the Commissioner for Voluntary Organisations or the Regulator of Social Enterprise Organisations of such cancellation. The Registrar shall also provide that information which is strictly necessary in the case of any subsequent investigation that might be carried out by the said Commissioner in accordance with article 34 of the Voluntary Organisations Act, or by the said Regulator in accordance with article 33 of the Social Enterprise Act, that would respectively involve a voluntary organisation or a social enterprise organisation that previously engaged the person in respect of whom said cancellation had been effected, or of any person who previously provided any self-employed services to a voluntary organisation or a social enterprise respectively, and in respect of whom a certificate would have been likewise cancelled:

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Cap. 630.

Provided further that failure by any such individual, or by any person within such a body corporate acting as employer or responsible for engaging volunteers, to proceed with such termination, shall constitute an offence, and such individual or person shall on conviction be liable to imprisonment for a term from three (3) months to four (4) years or to a fine (*multa*) of not less than two thousand five hundred euro (€2,500) and not more than fifty thousand euro (€50,000) or to both such fine and imprisonment:

Provided further that the Director may, at any point, verify with the public employment services constituted further to applicable legislation, as to whether said termination would have been requested and effected.

(7) On entering the details into the Register of any person previously issued with a clearance certificate by the Director in accordance with article 38(3), and engaged at that time in any self-employment referred to in article 38(2), the Registrar shall forthwith

also notify the Director and provide that information which is strictly necessary, in order that the Director be able to inform the holder, who would be consequently obliged to terminate his registration as a self-employed person, specifically in respect of any self-employment referred to in article 38(2), with immediate effect:

Provided that failure by any such individual to undertake relevant steps in order that such termination be effected, shall constitute an offence, and such person shall on conviction be liable to imprisonment for a term from three (3) months to four (4) years or to a fine (*multa*) of not less than two thousand five hundred euro (€2,500) and not more than fifty thousand euro (€50,000) or to both such fine and imprisonment:

Provided further that the Director may, at any time, verify with the public employment services constituted further to applicable legislation, as to whether said termination would have been requested and effected.

PART XI POWERS OF THE MINISTER

40. The Minister may make regulations to give better effect to the provisions of this Act, and for the enforcement thereof and, without prejudice to the generality of the foregoing may, by such regulations, provide:

Powers of the Minister to make regulations.

(a) for any matter consequential, incidental to or connected with any of the above-mentioned provisions;

(b) 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 connection with appeals to the Court of Appeal in accordance with article 25(4);

(c) for the fee to be paid in respect of the issuance of a clearance certificate in terms of article 38(3); and

(d) for the establishment of technical specifications with which physical and digital versions of the clearance certificate issued in terms of article 38(3), and any copies thereof, shall comply.

PART XII
AMENDMENTS TO THE CONVENTION ON THE
INTERNATIONAL PROTECTION OF ADULTS
(RATIFICATION) ACT

Amendments to
the Convention
on the
International
Protection of
Adults
(Ratification)
Act.

41. In the Convention on the International Protection of Adults (Ratification) Act:

(a) sub-articles (2) and (3) of article 5 thereof shall be substituted by the following new sub-articles:

Cap. __. "(2) Whenever the Director, of his own initiative or acting upon a request received from another competent authority, alleges that an adult is in need of protection within the meaning of Article 8 of the Convention, he may, without prejudice to any other action with respect to the same matter that is lawfully available, exercise his functions and powers in accordance with the Protection of Adults in Situations of Vulnerability Act, in respect of the issuance of measures directed to the protection of the adult's person or property:

Cap. __. Provided that the exercise of such functions and powers in accordance with the Protection of Adults in Situations of Vulnerability Act shall include the filing of any application before the Court of Magistrates or the Personal Autonomy Safeguards Board in terms of the said Act.

Cap. __. (3) The Director shall, in the exceptional situations stipulated in Article 11 of the Convention, issue or request the issuance of measures of a temporary nature for the protection of the person of an adult referred to in Article 11 of the Convention, in terms of the Protection of Adults in Situations of Vulnerability Act."

(b) in sub-article (2) of article 6 thereof:

(i) the words "made by a court in Malta" shall be substituted by the words "made by a court or competent authority in Malta";

(ii) sub-paragraph (a) thereof shall be substituted

by the following new sub-paragraph:

Cap. ___.
 "(a) the Court of Appeal may, on the application of any person appearing to have an interest in the matter, including the person to whom the decision relates, or of the Director, declare on any of the grounds specified in Article 22(2) of the Convention, as further construed in accordance with the Protection of Adults in Situations of Vulnerability Act, that the decision is not, in whole or in part, to be recognized in Malta:

Provided that when such an application is filed, it shall also be notified to the Director and to the person to whom the decision relates, where the application has not been made by such Director or person, with these having the right to submit a reply within fifteen (15) days of service of the application; and";

(iii) in sub-paragraph (b) thereof the words "competent court in terms of article 7." shall be substituted by the words "competent court in terms of article 7:", and immediately thereafter there shall be added the following new proviso:

" Provided that in the event of participation in proceedings in accordance with this article by a person who, under any provision of law, is incapable of suing or being sued, such participation may nevertheless occur by such person notwithstanding such incapacity, and the person shall also be provided with the relevant measures available to ensure accessibility and reasonable accommodation.";

(c) article 7 thereof shall be substituted by the following new article:

"Registration of decisions.

7. (1) An interested person, including the person to whom the decision relates, or the Director may file an application for the registration of the decision containing the measures in the registry of the Court of Appeal:

Provided that in the event of participation in proceedings in accordance with this article by a person who, under any provision of law, is incapable of suing or being sued, such participation may nevertheless occur by that person notwithstanding that incapacity, and the person shall also be provided with the relevant measures available to ensure accessibility and reasonable accommodation.

(2) When such an application is filed, it shall also be notified to the Director and to the person to whom the decision relates, where the application has not been made by such Director or person, with these having the right to submit a reply within fifteen (15) days of service of the application.

Cap. ____.

(3) The Court of Appeal shall refuse to register a decision, in whole or in part, if it is of the opinion that on any of the grounds specified in Article 22(2) of the Convention, as further construed in accordance with the Protection of Adults in Situations of Vulnerability Act, the decision should not be recognized in Malta.";

(d) article 8 thereof shall be substituted by the following new article:

"Enforcement of decision.

8. (1) Where a decision relating to measures has been registered according to article 7, the Director shall have the same powers for the purpose of enforcing the decision, including in respect of making any relevant request to a competent court or other competent authority in Malta, as if it had been made or requested by him in accordance with the Protection of Adults in Situations of Vulnerability Act.

Cap. __.

Cap. ____.

(2) Proceedings for or with respect to the enforcement of any such decision may be taken accordingly in terms of the Protection of Adults in Situations of Vulnerability Act, or through any other action with respect to such that is lawfully available."

(e) in sub-article (2) of article 9 thereof, in the English version only, the word "Part" shall be substituted by the word "Act".

Objects and Reasons

The objects and reasons of this Bill are to provide a legal

framework for the granting of assistance and protection to adults in situations of vulnerability who are at risk of harm, abuse or neglect, including in respect of the provision of relevant services, through person-centred planning and court intervention, to create a system of clearance certificates for persons working with such adults, and an offenders' register, and effect consequential amendments in the Convention on the International Protection of Adults (Ratification) Act, Cap. 633.

