VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,615, 29 ta' Lulju, 2016
Taqsima A

MALTA

ATT Nru XXXIX tal-2016

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT biex jipprovdi għal konċessjonijiet ta' parkeġġjar għal persuni b'diżabilità.

ACT No. XXXIX of 2016

AN ACT enacted by the Parliament of Malta.

AN ACT to provide for parking concessions for persons with disability.

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Nagħti l-kunsens tiegħi.

(L.S.) **MARIE-LOUISE COLEIRO PRECA**
President

29 ta' Lulju, 2016

ATT Nru XXXIX tal-2016

ATT biex jipprovdi għal konċessjonijiet ta' parkeġġjar għal persuni b'diżabilità.

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. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 biex jipprovdi għal Konċessjonijiet ta' Parkeġġjar għal Persuni b'Diżabilità. Titolu fil-qosor u bidu fis-seħħ.

(2) Dan l-Att għandu jidħol fis-seħħ fid-data li l-Ministru responsabbli għad-drittijiet ta' persuni b'diżabilità jistabbilixxi permezz ta' avviż fil-Gazzetta u dati differenti jistgħu jiġu stabbiliti għal dispożizzjonijiet differenti u għanijiet differenti ta' dan l-Att.

2. F'dan l-Att sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra - Tifsir.

"*Standards* ta' Aċċess għal Kulħadd" tfisser l-i*Standards* ta' Aċċessibilità għal Kulħadd fl-Ambjent tal-Bini f'Malta;

"applikant" tfisser persuna b'diżabilità li tapplika għall-*Blue Badge*;

"att pubbliku" tfisser att pubbliku kif imfisser fl-artikoli 183 sa 190 tal-Kodiċi Kriminali; Kap. 9.

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"*Blue Badge*" tfisser karta ta' parkeġġ għal persuni b'diżabilità li jikkwalifikaw taħt dan l-Att sabiex ikollhom din il-karta;

"Bord" tfisser il-bord mediku magħmul minn tabib, fiżjoterapista u terapista okkupazzjonali;

"detentur" tfisser kwalunkwe persuna b'diżabilità li għandha l-*Blue Badge* maħruġa taħt dan l-Att;

Kap. 413. "diżabilità" tfisser diżabilità kif imfisser taħt id-dispożizzjonijiet tal-Att dwar l-Opportunitajiet Indaqs (Persuni b'Diżabilità);

Kap. 464. "fiżjoterapista" tfisser kwalunkwe persuna reġistrata bħala fiżjoterapista skont it-Tielet Skeda li tinsab mal-Att dwar il-Professjonijiet tas-Saħħa;

Kap. 413. "Kummissarju għad-Drittijiet ta' Persuni b'Diżabilità" tfisser il-Kummissarju għad-drittijiet ta' Persuni b'Diżabilità taħt id-dispożizzjonijiet tal-Att dwar Opportunitajiet Indaqs (Persuni b'Diżabilità);

Kap. 164. "Kummissarju tal-Pulizija" tfisser il-Kummissarju tal-Pulizija kif imfisser fl-Att dwar il-Pulizija;

"nuqqas", fil-kuntest ta' diżabilità, tfisser kull telfien, restrizzjoni jew anormalità ta' funzjoni psikoloġika, fiżjoloġika jew struttura jew funzjoni anatomika;

Kap. 413. "persuna b'diżabilità" tfisser kwalunkwe persuna b'diżabilità kif imfisser fl-Att dwar l-Opportunitajiet Indaqs (Persuni b'Diżabilità);

"skema" tfisser skema li permezz tagħha detentur jingħata konċessjoni ta' parkeġġ sabiex jittaffew l-iżvantaġġi li jġib miegħu xi wieħed min-nuqqasijiet imfissra fl-artikolu 13.

"spazju apposta għall-parkeġġ" tfisser postijiet għall-parkeġġ riżervati għad-detenturi;

Kap. 464. "tabib" tfisser kwalunkwe persuna li hi reġistrata fir-Reġistru Mediku taħt id-dispożizzjonijiet tal-Att dwar il-Professjonijiet tas-Saħħa;

Kap. 464. "terapista okkupazzjonali" tfisser kwalunkwe persuna reġistrata bħala terapista okkupazzjonali skont it-Tielet Skeda tal-Att dwar il-Professjonijiet tas-Saħħa;

"uffiċjal awtorizzat" tfisser uffiċjal pubbliku nominat mill-Kummissarju għad-Drittijiet ta' Persuni b'Diżabilità bħala l-persuna

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awtorizzata sabiex tamministra l-iskema, toħroġ il-*Blue Badge*, u, sal-limitu ta' kull setgħa delegata kif previst hawn aktar 'il quddiem, tinkludi kull persuna delegata għal dan il-għan mill-uffiċjal pubbliku nominat bħala l-uffiċjal awtorizzat;

"valutazzjoni" tfisser valutazzjoni medika li tkun saret mill-Bord sabiex jiddetermina jekk persuna hijiex eliġibbli li tingħata l-*Blue Badge*;

"vettura" tfisser mezz ta' trasport kif imfisser fir-Regolamenti dwar il-Vetturi bil-Mutur ħlief għat-tifsiriet "*motor cycle*", "*quad bike*", "*motor tractor*", "vetturi N1", "vetturi N2" u "vetturi N3". L.S. 65.11

Skema għal spazji apposta ta' parkeġġ.

3. (1) Għandu jkun hemm skema li permezz tagħha persuni b'diżabilità li jikkwalifikaw taħt dik l-iskema jingħataw *Blue Badge* li tħalli vettura tipparkja fl-ispazji apposta ta' parkeġġ.

(2) L-għan tal-iskema huwa li tiffaċilita l-integrazzjoni soċjali u l-mobilità ta' persuni b'diżabilità billi tiżdied l-aċċessibilità u titnaqqas it-tbatija li jaffaċċja d-detentur billi tingħatalu konċessjoni sabiex titnaqqaslu d-distanza bejn il-vettura pparkjata użata bħala mezz ta' trasport tad-detentur u d-destinazzjoni tad-detentur.

Ħruġ tal-*Blue Badges*.

4. (1) Il-Kummissarju għad-Drittijiet ta' Persuni b'Diżabilità għandu jkun responsabbli għall-iskema u biex jawtorizza l-ħruġ tal-*Blue Badges*.

(2) *Blue Badge* għandu jkollha d-disinn imfassal skont l-Iskeda III, għandha tkun prova fiha nnifisha u għandha tkun ikkunsidrata għall-finijiet u l-iskopijiet kollha bħala att pubbliku.

(3) *Blue Badges* għandhom jinħarġu wara li tkun saret valutazzjoni mill-Bord.

Uffiċjal awtorizzat.

5. (1) Il-Kummissarju għad-Drittijiet ta' Persuni b'Diżabilità jista' jinnomina uffiċjal pubbliku li jaqa’ taħt ir-responsabilità tal-Ministru għal-Ġustizzja, Affarijiet Soċjali, Saħħa, Trasport jew għall-Intern sabiex jaġixxi bħala uffiċjal awtorizzat.

(2) Reġistru ta' persuni li japplikaw sabiex ikunu vvalutati mill-Bord għandu jinżamm mill-uffiċjal awtorizzat; id-dispożizzjonijiet tal-Att dwar il-Protezzjoni u l-Privatezza tad-*Data* għandhom japplikaw fir-rigward ta' *data* miżmuma fir-reġistru. Kap. 440.

Spazji apposta ta' parkeġġ.

6. (1) Għandha tkun ir-responsabilità tal-Awtorità dwar it-Trasport f'Malta sabiex toħloq spazji apposta ta' parkeġġ f'żoni ta' parkeġġ u f'toroq pubbliċi:

Iżda meta żona ta' parkeġġ ma tkunx miftuħa għall-

pubbliku, għandu jkun hemm allokazzjoni xierqa ta' spazji apposta ta' parkeġġ għal persuni b'diżabilità li frekwentement ikunu f'dik iż-żona.

(2) Il-Kunsilli Lokali jistgħu joħolqu aktar spazji apposta ta' parkeġġ skont skemi eżistenti ta' parkeġġi lokali u jagħtu aktar konċessjonijiet ma' dawk li diġà ngħataw taħt dan l-Att lid-detenturi, bil-kondizzjoni li l-Awtorità dwar it-Trasport f'Malta tapprova tali konċessjonijiet.

(3) Spazji apposta ta' parkeġġ għandhom jiġu identifikati billi jkun hemm simbolu ta' aċċess kif jista' jkun approvat mill-Kummissarju għad-Drittijiet ta' Persuni b'Diżabilità minn żmien għal żmien u f'konformità mal-i*Standards* ta' Aċċess għal Kulħadd.

(4) L-ispazji apposta ta' parkeġġ għandhom ikunu ta' daqs, għamla u allokati skont l-i*Standards* ta' Aċċess għal Kulħadd.

Valutazzjoni mill-Bord.

7. (1) Persuna b'diżabilità tista' tapplika għal valutazzjoni mill-Bord b'tali mod kif preskritt mill-uffiċjal awtorizzat, li joħroġ lista ta' dokumenti li jeħtieġ li jkunu sottomessi lill-Bord u jitlob għall-ħlas ta' kwalunkwe miżata applikabbli kif jista' jkun preskritt.

(2) L-iskema tista' tibda tintuża wara li l-Bord ikun approva l-applikazzjoni u l-applikant ikun irnexxielu jikseb il-*Blue Badge*.

Blue Badge.

8. (1) Il-*Blue Badge* għandha tippermetti li vettura -

(a) li biha d-detentur ikun qiegħed jivvjaġġa, jew;

(b) li tkun ser tintuża għall-ivvjaġġar immedjat tad-detentur,

sabiex tiġi pparkjata fl-ispazji apposta ta' parkeġġ.

(2) Meta vettura tkun ipparkjata fi spazju apposta ta' parkeġġ, il-*Blue Badge* għandha dejjem tidher f'post prominenti fuq il-ħġieġa ta' quddiem tal-vettura. Meta tkun qed tintuża, il-*Blue Badge* għandha tkun murija fuq quddiem tal-vettura b'tali mod li l-*Blue Badge*, jiġifieri n-naħa li turi s-simbolu tal-aċċess, tkun viżibbli għall-finijiet ta' verifika.

(3) Il-*Blue Badge* għandha tibqa' valida għall-perjodu speċifikat fid-dokument innisfu; madanakollu, f'ebda każ il-perjodu ta' validità ma għandu jeċċedi ħames snin:

Iżda fi kwalunkwe żmien partikolari, *Blue Badge* waħda biss maħruġa f'isem id-detentur tkun meqjusa bħala waħda valida.

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(4) M'għandux ikun hemm dritt ta' tiġdid awtomatiku wara li tkun skadiet il-validità tal-*Blue Badge*, iżda d-detentur għandu jkollu d-dritt li jerġa' japplika għal *Blue Badge* ġdida. Tali applikazzjoni għandha tiġi preżentata tliet xhur qabel ma tiskadi l-*Blue Badge* u, mat-tiġdid, l-applikant għandu jagħti lura l-*Blue Badge* li tkun skadiet meta jiġbor il-ġdida:

Iżda l-uffiċjal awtorizzat għandu jipproċessa l-applikazzjoni fi żmien xahrejn mid-data tal-valutazzjoni:

Iżda wkoll il-Kummissarju għad-Drittijiet ta' Persuni b'Diżabilità għandu minnufih jawtorizza tali għotja.

9. (1) Il-Kummissarju għad-Drittijiet ta' Persuni b'Diżabilità għandu jaħtar bord sabiex iwettaq valutazzjoni medika fuq l-applikant. Il-Bord għandu jkun magħmul minn: Bord.

(a) tabib,

(b) fiżjoterapista, u

(ċ) terapista okkupazzjonali.

(2) Il-Bord għandu jeżerċita l-funzjonijiet tiegħu fil-post magħżul mill-uffiċjal awtorizzat.

(3) Meta l-Bord jirrifjuta milli jagħti *Blue Badge*, wieħed għandu d-dritt għall-appell. L-applikant li ma rnexxilux jikseb il-*Blue Badge* jista' jippreżenta appell bil-miktub indirizzat lis-Segretarju tal-Bord tal-Appelli sa mhux aktar minn tletin (30) jum tax-xogħol mid-data li tkun intbagħtet l-ittra ta' rifjut.

10. (1) Il-Kummissarju għad-Drittijiet ta' Persuni b'Diżabilità għandu jaħtar Bord tal-Appelli li jkun magħmul minn: Bord tal-Appelli.

(a) uffiċjal tal-pulizija li għandu jkun mhux inqas minn grad ta' spettur assenjat fuq dmirijiet ta' traffiku, li għandu jippresjedi l-appelli, innominat mill-Kummissarju tal-Pulizija;

(b) tabib, għajr dak li jkun inħatar fuq il-Bord;

(ċ) avukat; u

(d) membru li jkun persuna b'diżabilità nominata mill-Kummissarju għad-Drittijiet ta' Persuni b'Diżabilità.

(2) Il-Bord għandu jirrevedi u jiddeċiedi l-appelli li jkunu saru skont l-artikolu 9.

(3) L-uffiċjal awtorizzat għandu jaħtar segretarju tal-Bord tal-Appelli.

Blue Badge temporanja u sostituzzjoni tagħha.

11. (1) Jekk *Blue Badge* aċċidentalment jew bl-użu tagħha tinqered jew titħassar, id-detentur għandu, minnufih, jirrapporta l-fatt lill-uffiċjal awtorizzat; meta *Blue Badge* titħassar, id-detentur għandu jagħtiha lura lill-uffiċjal awtorizzat.

(2) Jekk *Blue Badge* tintilef jew tinsteraq, id-detentur għandu jirrapporta dan il-fatt lill-uffiċjal awtorizzat, u għandu jirrapporta lill-Pulizija Eżekuttiva jew jieħu affidavit maħluf quddiem Kummissjunarju b'Setgħa li Jagħti Ġurament. Tista' tinħareġ *Blue Badge* temporanja mill-uffiċjal awtorizzat wara li jkun irċieva rapport li l-*Blue Badge* intilfet, ġiet misruqa, distrutta jew tkun tħassret, meta titħallas il-miżata applikabbli:

Iżda f'każ li l-*Blue Badge* tkun tħassret, id-detentur għandu jagħtiha lura qabel ma tinħareġ il-*Blue Badge* temporanja.

(3) Is-sostituzzjoni tal-*Blue Badge* li tkun mitlufa, misruqa, distrutta jew imħassra għandha tinħareġ mill-uffiċjal awtorizzat bil-kondizzjoni li l-*Blue Badge* temporanja tkun ġiet mogħtija lura lill-uffiċjal awtorizzat.

(4) *Blue Badge* tkun meqjusa li ntilfet meta l-uffiċjal awtorizzat ikun sodisfatt li din mhijiex rekuperabbli.

Blue Badge rtirata.

12. (1) Għall-finijiet ta' dan l-Att, *Blue Badge* li ma tkunx ġiet mimsusa, sakemm ma tkunx invalida, għandha sservi ta' evidenza għall-identità tad-detentur, u għandha tkun aċċettata bħala tali.

(2) Kwalunkwe uffiċjal pubbliku jew parti interessata li tissuspetta li l-persuna li qed tagħmel użu mill-*Blue Badge* mhijiex qed tagħmel dan b'tali mod kif inhu preskritt mid-dispożizzjonijiet ta' dan l-Att, jew li l-*Blue Badge* tkun ġiet mimsusa, għandu jagħmel rapport għand il-Pulizija.

(3) Meta għal xi raġuni xi wieħed mid-dettalji jew kwalunkwe informazzjoni oħra li tinsab fil-*Blue Badge* hija jew issir skorretta, id-detentur għandu, minnufih, jirrapporta dan lill-uffiċjal awtorizzat u għandu jagħti lura l-*Blue Badge*, u jagħti d-dettalji kollha kif ikun mitlub minn dak l-uffiċjal.

(4) L-uffiċjal awtorizzat għandu jimmarka l-*Blue Badge* bħala "Irtirata għax Skorretta" u, jew jeqridha u għandu joħroġ *Blue Badge* oħra bħala sostituta tagħha.

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13. Il-persuni li ġejjin huma eliġibbli sabiex jikkwalifikaw għall-*Blue Badge*: Kriterji ta' eliġibilità.

(a) persuni b'nuqqas ta' dawl b'mod permanenti li jirriżulta f'akutezza viżwali li ma teċċedix 6/60 fl-għajn it-tajba b'korretezza, jew b'limitu fil-qasam ta' viżwal li huwa inqas minn angolu ta' 20° (viżjoni ta' mina) u li jużaw vettura fuq bażi regolari; jew

(b) persuni b'nuqqas qawwi fiż-żewġ dirgħajn, li regolarment isuqu vettura bil-mutur iżda ma jistgħux idawru l-i*steering wheel* ta' vettura bil-mutur b'idejhom ukoll jekk dak l-i*steering* hu ffittjat b'pum; jew

(ċ) persuni li għandhom nuqqas fiżiku permanenti u sostanzjali li jirriżulta fl-inabilità li jimxu jew diffikultà kbira biex jimxu jew li bħala riżultat l-isforz ta' mixi jista' jkun ta' theddida fuq ħajjithom, u li jużaw vettura bil-mutur fuq bażi regolari; jew

(d) persuni b'nuqqas qawwi u permanenti fis-saħħa mentali u bi problemi qawwija ta' mġiba u li għandhom bżonn l-għajnuna u superviżjoni b'mod frekwenti matul il-jum kif ukoll matul il-lejl u li jagħmlu użu minn vettura bil-mutur fuq bażi regolari:

Iżda persuni taħt l-età ta' sentejn huma eżonerati milli jkunu eżaminati mill-Bord.

14. (1) Id-dispożizzjonijiet li ġejjin għandhom japplikaw fl-implimentazzjoni tad-dispożizzjonijiet ta' dan l-Att: Applikabilità ta' dispożizzjonijiet oħra.

(a) id-deskrizzjoni tal-*Blue Badge* għandha tintuża f'Malta skont ir-Rakkomandazzjoni tal-Kunsill 98/376/KE tal-4 ta' Ġunju 1998 dwar karta ta' parkeġġ għal persuni b'diżabilitajiet kif imsemmija fl-Iskedi I u III;

(b) ir-rakkomandazzjoni dwar ir-Rikonoxximenti Komuni tal-Unjoni Ewropea skont ir-Rakkomandazzjoni tal-Kunsill 98/376/KE tal-4 ta' Ġunju 1998 dwar karta ta' parkeġġ għal persuni b'diżabilitajiet u l-emendi sussegwenti, imsemmija fl-Iskeda II; u

(ċ) ir-rakkomandazzjoni tar-Rikonoxximent Reċiproku ta' *Blue Badge* ta' pajjiż terz skont id-dispożizzjonijiet tal-Iskeda II.

(2) Vetturi li juru l-*Blue Badge* għandhom jiġu eżentati mill-

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ikklampjar jew irmonk, iżda kull multa li għaliha s-sewwieq jew sid il-vettura jkun instab ħati għandha tiżdiedlu bi grad.

Reati u pieni.

15. (1) Kull persuna li -

(a) tuża *Blue Badge* li m'għadhiex aktar valida; jew

(b) tuża *Blue Badge* ta' detentur li miet; jew

(ċ) meta tkun qarib, kuratur jew tikkoabita mad-detentur, ma tagħtix lura l-*Blue Badge* lill-uffiċjal awtorizzat mal-mewt tad-detentur; jew

(d) meta ma tkunx id-detentur, tagħmel użu mhux xieraq tal-*Blue Badge* mingħajr l-għarfien jew permess tad-detentur; jew

(e) meta ma tkunx id-detentur, tagħmel użu mill-*Blue Badge* bi kwalunkwe mod għajr dak preskritt fl-artikolu 8; jew

(f) meta tkun detentur, tuża *Blue Badge* li ġiet irrappurtata li ġiet meqruda, mitlufa jew misruqa; jew

(g) bi kwalunkwe mod tbagħbas, tikkopja, tiffalsifika jew tibdel *Blue Badge*; jew

(h) tisraq, tagħti, tixtri jew tbigħ *Blue Badge* li hija valida, skaduta jew ikkupjata; jew

(i) tgħin jew tħajjar sabiex isir xi reat kontra l-paragrafi (a) sa (h),

tkun ħatja ta' reat kontra d-dispożizzjonijiet ta' dan l-Att.

(2) Kull persuna li twettaq reat kontra d-dispożizzjonijiet tas-subartikolu (1) għandha, meta tinstab ħatja, teħel multa ta' mhux anqas minn mitejn u tletin euro (€230) u mhux aktar minn ħames mitt euro (€500) u l-irmonk tal-vettura; meta tinstab ħatja għal reat sussegwenti, il-persuna teħel multa ta' mhux anqas minn elf euro (€1,000) u mhux aktar minn elf u ħames mitt euro (€1,500), u l-irmonk tal-vettura.

Aktar dispożizzjonijiet fir-rigward ta' reati.

16. (1) Fil-każijiet imsemmija fl-artikolu 15(ċ), (d), (e), (f) u (g) intenzjoni kriminali għandha tkun preżunta, sakemm l-akkużat ma jġibx prova li huwa aġixxa mingħajr dik l-intenzjoni.

(2) Mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (1), meta persuna tkun instabet ħatja fir-rigward tad-dispożizzjonijiet tal-artikolu 15, il-persuna għandha wkoll tinstab

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ħatja għal reati tat-traffiku.

(3) Detentur għandu jkun avżat li l-*Blue Badge* għandha tiġi rtirata wara li jkun instab ħati li għamel użu mhux xieraq jew talli ppermetta li l-*badge* tiġi użata b'mod mhux xieraq.

(4) Il-Kummissarju għad-Drittijiet ta' Persuni b'Diżabilità għandu jirtira l-*Blue Badge* jekk id-detentur jinstab ħati għal darbtejn ta' użu mhux xieraq.

(5) Uffiċjali tal-Pulizija u gwardjani tat-traffiku għandu jkollhom is-setgħa li jispezzjonaw il-*Blue Badges*, u f'każ li wieħed jonqos milli jippreżenta l-*Blue Badge* valida mingħajr raġuni ġustifikata meta jkun mitlub minn kwalunkwe uffiċjal tal-pulizija jew gwardjan tat-traffiku, dan jammonta għal reat kriminali.

(6) Uffiċjali tal-Pulizija biss għandu jkollhom is-setgħa li jikkonfiskaw *Blue Badge* meta din tkun meħtieġa bħala evidenza fi prosekuzzjoni kriminali.

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SKEDA I

DESKRIZZJONI U *FACSIMILE* TA' *BLUE BADGE*

Id-deskrizzjoni ta' *Blue Badge* li tintuża f'Malta hija meħuda mir-Rakkomandazzjoni tal-Kunsill 98/376/KE tal-4 ta' Ġunju 1998 fuq karta tal-parkeġġ għal persuni b'diżabilitajiet.

A. Id-dimensjonijiet ġenerali tal-karta tal-parkeġġ li sservi bħala mudell tal-Komunità għal persuni b'diżabilità għandhom ikunu:

- għoli: 106 mm,

- wisa': 148 mm.

B. Il-kulur tal-karta tal-parkeġġ għandu jkun blu ċar, ħlief għas-simbolu abjad ta' utent ta' siġġu tar-roti, li għandu jkollu kulur blu skur fl-isfond tagħha.

Ċ. Il-karta tal-parkeġġ għal persuni b'diżabilità għandha tkun miksija bil-plastik, ħlief għall-ispazju riżervat fejn hemm il-firma tad-detentur fuq in-naħa tax-xellug fuq wara.

D. Il-karta tal-parkeġġ għal persuna b'diżabilità għandha tkun maqsuma vertikalment f'żewġ partijiet fuq quddiem kif ukoll fuq wara.

In-naħa tax-xellug fuq quddiem għandu jkollha:

- is-simbolu tal-utent tas-siġġu tar-roti abjad fuq sfond blu skur,

- id-data ta' skadenza tal-karta tal-parkeġġ,

- in-numru tas-serje tal-karta tal-parkeġġ,

- il-firma tal-Kummissarju għad-Drittijiet tal-Persuni b’Diżabilità, kif ukoll it-titlu tal-istess Kummissarju.

In-naħa tal-lemin ta' fuq quddiem għandu jkun fiha:

- b'tipa skura l-kliem **'Karta għal Parkeġġ għall-Persuni b'Diżabilità'** f'lingwa (lingwi) tal-Istat Membru li joħroġ il-karta; wara spazju xieraq, il-kliem 'Karta għal Parkeġġ' għandhom jidhru f'tipa żgħira b'lingwi oħra tal-Unjoni Ewropea,

- il-kliem 'MUDELL TAL-KOMUNITÀ EWROPEA' f'lingwa/lingwi tal-Istat Membru li joħroġ il-karta,

- fl-isfond, il-kodiċi li jiddistingwi l-Istat Membru li ħareġ il-karta tal-parkeġġ.

Fuq ix-xellug in-naħa ta' wara għandu jkun hemm:

1. il-kunjom tad-detentur;

2. l-isem (ismijiet) tad-detentur;

3. il-firma tad-detentur jew sinjal awtorizzat, jekk dan ikun permess fil-leġiżlazzjoni nazzjonali;

4. ir-ritratt tad-detentur.

Fuq il-lemin tan-naħa ta' wara għandu jkun hemm:

1. id-dikjarazzjoni:

'Din il-*Blue Badge* tagħti d-dritt lid-detentur tagħha biex jipparkja f'postijiet riservati għall-persuni b'diżabilità';

2. id-dikjarazzjoni:

'Għandha tintuża BISS mid-detentur tagħha';

3. id-dikjarazzjoni:

'Tista' tittieħed lura jekk isir użu ħażin minnha, bħal meta d-detentur tagħha jippermetti lil persuni oħra jużawha jew inkella tiġi ffalsifikata';

4. id-dikjarazzjoni:

'Jekk tara vettura mingħajr *Blue Badge* fuq parkeġġ riservat għall-persuni b'diżabilità tista' ċċempel lill-Pulizija fuq 119';

5. id-dikjarazzjoni:

'F'każ li ssib din il-*Blue Badge* u mhix tiegħek, mitlub teħodha f'Għassa tal-Pulizija'.

E. Bl-eċċezzjoni tan-naħa tal-lemin fuq quddiem, il-karti għandhom jintwerew bil-lingwa (lingwi) tal-Istat Membru li jkun ħareġ il-karta tal-parkeġġ.

SKEDA II
LISTA TA' PAJJIŻI TERZI FEJN JEŻISTI RIKONOXXIMENT
REĊIPROKU DWAR *BLUE BADGES*

Blue Badges użati fit-territorju tar-Repubblika ta' Malta għandhom jinħarġu f'Malta jew fi Stat Membru tal-Unjoni Ewropea jew taż-Żona Ekonomika Ewropea: iżda Stat taż-Żona Ekonomika Ewropea tfisser l-Iżlanda, il-Prinċipat ta' Liechtenstein, ir-Renju tan-Norveġja u l-Isvizzera:

Iżda wkoll bid-dispożizzjonijiet tar-Riżoluzzjoni numru 97/4 dwar ir-Rikonoxximent Reċiproku tal-*Badges* tal-Parkeġġ għal Persuni bi Żvantaġġi fil-Mobilità adottata mill-Konferenza Ewropea tal-Ministri tat-Trasport f'Berlin fil-21-22 ta' April 1997, dan ir-rikonoxximent reċiproku jingħata wkoll lill-*Blue Badges* maħruġa fl-Awstralja, fil-Kanada, fil-Ġappun, fil-Korea t'Isfel, fi New Zealand u fl-Istati Uniti.

SKEDA III
FACSIMILE TA' *BLUE BADGE*

SKEDA IV
PERSUNI AWTORIZZATI LI JAGĦMLU UŻU MILL-KARTA

1. Il-persuni indikati taħt l-artikolu 13 ta' dan l-Att huma l-uniċi individwi eliġibbli għall-ħruġ tal-Karta.

2. Il-Karta għandha tintuża biss skont l-artikolu 8 ta' dan l-Att.

3. Kull ksur tad-dispożizzjonijiet ta' dan l-Att għandu jirriżulta f'konsegwenzi kif stabbiliti f'dan l-Att.

VERŻJONI ELETTRONIKA

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 420 tad-19 ta' Lulju, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

VERŻJONI ELETTRONIKA

I assent.

(L.S.) **MARIE-LOUISE COLEIRO PRECA**
President

29th July, 2016

ACT No. XXXIX of 2016

AN ACT to provide for parking concessions for persons with disability.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

Short title and commencement.

1. (1) The short title of this Act is the Parking Concessions for Persons with Disability Act, 2016.

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

Interpretation.

2. In this Act, unless the context otherwise requires -

"Access for All Standards" means the Accessibility For All in the Built Environment Maltese Standard;

"applicant" means a person with disability who applies for a Blue Badge;

"assessment" means a medical assessment by the Board carried out in order to assess whether a person is eligible to be awarded a Blue Badge;

"authorised officer" means the public officer designated by the Commissioner for the Rights of Persons with Disability as the person authorised to administer the scheme, issue Blue Badges, and, to the extent of any power delegated as hereinafter provided, includes any

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person delegated for the purpose by the public officer designated as the authorised officer;

"Blue Badge" means a parking card for persons with disability who qualify under this Act to hold such card;

"Board" means a medical board composed of a medical doctor, a physiotherapist and an occupational therapist;

"Commissioner for the Rights of Persons with Disability" means the Commissioner for the Rights of Persons with Disability under the provisions of the Equal Opportunities (Persons with Disability) Act; Cap. 413.

"Commissioner of Police" means the Commissioner of Police as defined in the Police Act; Cap. 164.

"designated parking space" means parking bays reserved for holders;

"disability" means disability as defined under the provisions of the Equal Opportunities (Persons with Disability) Act; Cap. 413.

"holder" means any person with disability to whom a Blue Badge has been issued under this Act;

"impairment", in the context of disability, means any loss, restriction or abnormality of psychological, physiological, or anatomical structure or function;

"medical doctor" means any person registered in the Medical Register under the provisions of the Health Care Professions Act; Cap. 464.

"occupational therapist" means any person registered as an occupational therapist according to the Third Schedule of the Health Care Professions Act; Cap. 464.

"person with disability" means any person with a disability as defined in the Equal Opportunities (Persons with Disability) Act; Cap. 413.

"physiotherapist" means any person registered as a physiotherapist according to the Third Schedule of the Health Care Professions Act; Cap. 464.

"public instrument" means a public instrument as referred to in articles 183 to 190 of the Criminal Code; Cap. 9.

"scheme" means a scheme whereby a holder is allowed parking concessions in order to alleviate the disadvantages brought by any of the impairments referred to in article 13;

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"vehicle" means a mode of transportation as defined by the Motor Vehicles Regulations save for the definitions "motor cycle", "quad bike", "motor tractor", "N1 motor vehicle", "N2 motor vehicle" and "N3 motor vehicle".

S.L. 65.11

Scheme for designated parking spaces.

3. (1) There shall be a scheme whereby persons with disability who qualify for such scheme are given a Blue Badge which allows a vehicle to be parked in designated parking spaces.

(2) The aim of the scheme is to facilitate the social integration and mobility of persons with disability by increasing accessibility and reducing the hardship experienced by a holder by granting a concession to reduce the distance between the parked vehicle used for the transportation of the holder and the destination of the holder.

Issuance of Blue Badges.

4. (1) The Commissioner for the Rights of Persons with Disability shall be responsible for the scheme and for authorising the issuance of Blue Badges.

(2) A Blue Badge shall have the design prescribed in Schedule III, shall be proof of its content and shall be considered for all intents and purposes as a public instrument.

(3) Blue Badges shall be issued following due assessment by the Board.

Authorised officer.

5. (1) The Commissioner for the Rights of Persons with Disability may designate a public officer falling under the responsibility of the Minister for Justice, Social Affairs, Health, Transport or Home Affairs to act as the authorised officer.

(2) A register of persons who apply to be assessed by the Board shall be kept by the authorised officer; the provisions of the Data Protection Act shall apply in connection with data kept in the register.

Cap. 440.

Designated parking spaces.

6. (1) It shall be the responsibility of the Authority for Transport in Malta to create designated parking spaces in parking areas and public roads:

Provided that, when a parking area is not open to the public, suitable designated parking spaces are to be allocated for disabled persons habitually using the said area.

(2) Local Councils may make available further designated parking spaces according to any existing local parking schemes and give further concessions in addition to the ones granted under this Act to holders, provided that the Authority for Transport in Malta approves such concessions.

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(3) Designated parking spaces are to be identified by displaying the symbol of access as may be approved by the Commissioner for the Rights of Persons with Disability from time to time and made in conformity with the Access for All Standards.

(4) Designated parking spaces shall be of a size, design and location in accordance with the Access for All Standards.

Assessment by the Board.

7. (1) A person with disability may apply for assessment by the Board in the manner prescribed by the authorised officer, who shall issue the list of documents required to be submitted to the Board and request the payment of any applicable fee as may be prescribed.

(2) The scheme may be availed of after the Board approves the application and the successful applicant receives the Blue Badge.

Blue Badge.

8. (1) The Blue Badge shall enable a vehicle -

(a) in which the holder is travelling, or;

(b) which will be used for the immediate travel of the holder,

to be parked in designated parking spaces.

(2) When a vehicle is parked in a designated parking space, the Blue Badge must be prominently displayed on the vehicle's windscreen. When in use, the Blue Badge is to be displayed at the front of the vehicle in such a way that the front of the Blue Badge, that is, the side which portrays the symbol of access, is clearly visible for checking purposes.

(3) A Blue Badge shall remain valid for a period specified in the document itself; however, in no case shall the period of validity exceed five years:

Provided that at any given time, only one Blue Badge issued in the holder's name shall be deemed to be valid.

(4) There shall not be an automatic right of renewal after the expiration of validity of a Blue Badge, but the holder shall have the right to re-apply for a new Blue Badge. Such application shall be lodged three months prior to the expiry of the Blue Badge and, upon renewal, the applicant shall surrender the expired Blue Badge in exchange for a new one:

Provided that the authorised officer shall process the application within two months from the date of assessment:

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Provided further that the Commissioner for the Rights of Persons with Disability shall authorise such award without delay.

Board.

9. (1) The Commissioner for the Rights of Persons with Disability shall appoint a board to conduct medical assessments on applicants. The Board shall be composed of:

(a) a medical doctor,

(b) a physiotherapist, and

(c) an occupational therapist.

(2) The Board shall exercise its functions in the place designated by the authorised officer.

(3) A refusal of the Board to grant a Blue Badge shall give rise to the right of appeal. The unsuccessful applicant may lodge an appeal in writing addressed to the Secretary to the Appeals Board by not later than thirty (30) working days from the date of the letter of refusal.

Appeals Board.

10. (1) The Commissioner for the Rights of Persons with Disability shall appoint an Appeals Board which shall be composed of:

(a) a Police officer not below the rank of inspector assigned to traffic duties, who shall chair the appeals, nominated by the Commissioner of Police;

(b) a medical doctor, other than the one appointed on the Board;

(c) a lawyer; and

(d) a member who is a person with disability nominated by the Commissioner for the Rights of Persons with Disability.

(2) The Board shall review and decide on appeals filed in accordance with article 9.

(3) The authorised officer shall appoint a Secretary to the Appeals Board.

Temporary Blue Badge and replacement.

11. (1) If a Blue Badge is accidentally or by use destroyed or defaced, the holder shall, without delay, report the fact to the authorised officer; when a Blue Badge is defaced, the holder shall surrender it to the authorised officer.

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(2) If a Blue Badge is lost or stolen, the holder shall report the fact to the authorised officer, and file a report to the Executive Police or take a sworn affidavit before a Commissioner for Oaths. A temporary Blue Badge may be issued by the authorised officer, following receipt of a report that the Blue Badge has been lost, stolen, destroyed or defaced, and upon the payment of any applicable fee:

Provided that, in the case of a defaced Blue Badge, the holder is to surrender the said Blue Badge before the issuance of a temporary Blue Badge.

(3) A replacement of the lost, stolen, destroyed or defaced Blue Badge may be issued by the authorised officer, provided that the temporary Blue Badge is surrendered to the authorised officer.

(4) A Blue Badge shall be deemed to have been lost if the authorised officer is satisfied that it is not recoverable.

Withdrawn Blue Badge.

12. (1) For the purposes of this Act, a Blue Badge which has not been tampered with shall, unless it is invalid, be evidence of the identity of the holder, and shall be accepted as such.

(2) Any public officer or any interested party who suspects that the person making use of the Blue Badge is not doing so in the manner prescribed by the provisions of this Act, or that the Blue Badge has been tampered with, is to file a Police report.

(3) Whenever for any reason any of the particulars or any other information contained in a Blue Badge is or becomes incorrect, the holder shall, without delay, report the fact to the authorised officer and shall surrender the incorrect Blue Badge to, and give all such information as may be required by, that officer.

(4) The authorised officer shall thereafter cause the Blue Badge to be indelibly marked as "Withdrawn as Incorrect" and, or destroyed and shall issue another Blue Badge in substitution thereof.

Eligibility criteria.

13. The following persons are eligible to qualify for a Blue Badge:

(a) persons with a permanent visual impairment resulting in a visual acuity not exceeding 6/60 in the better eye with correction, or a limit in the field of vision that is less than a 20° angle (tunnel vision) and who use a motor vehicle on a regular basis; or

(b) persons with a severe permanent impairment in both upper limbs, who regularly drive a motor vehicle but cannot

turn the steering wheel of a motor vehicle by hand even if that wheel is fitted with a turning knob; or

(c) persons with a permanent and substantial physical impairment resulting in an inability to walk or very considerable difficulty in walking or as a result of which the effort of walking could be life threatening, and who use a motor vehicle on a regular basis; or

(d) persons with a severe and permanent mental impairment and with severe behavioural problems and who need help and supervision frequently throughout the day and during the night and who use a motor vehicle on a regular basis:

Provided that persons under two years of age are exonerated from being examined by the Board.

Applicability of other provisions.

14. (1) The following provisions shall apply in the implementation of the provisions of this Act:

(a) the description of the Blue Badge to be used in Malta in accordance with Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities, as referred to in Schedules I and III;

(b) the recommendation on the Mutual Recognition of EU Blue Badge according to Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities and its subsequent amendments, referred to in Schedule II; and

(c) the recommendation on the Mutual Recognition of third country Blue Badge in accordance with the provisions of Schedule II.

(2) Vehicles displaying a Blue Badge shall be exempt from clamping or towing, but any related fines (*multi*) which the driver or owner of the vehicle may be liable to shall by increased by one degree.

Offences and penalties.

15. (1) Any person who -

(a) uses a Blue Badge that is no longer valid; or

(b) uses a Blue Badge whose holder is deceased; or

(c) being a relative, carer or cohabitant of the holder, fails to return the Blue Badge to the authorised officer upon the demise of the holder; or

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(d) not being the holder, misuses a Blue Badge without the holder's knowledge or permission; or

(e) not being the holder, uses a Blue Badge in any manner other than that prescribed in article 8; or

(f) being a holder, uses a Blue Badge that has been reported destroyed, lost or stolen; or

(g) in any manner whatsoever tampers with, copies, forges, or alters a Blue Badge; or

(h) steals, donates, buys or sells a valid, expired or copied Blue Badge; or

(i) aids or abets the commission of any offence against paragraphs (a) to (h),

shall be guilty of an offence against the provisions of this Act.

(2) Any person who commits an offence against the provisions of sub-article (1) shall, on conviction, be liable to a fine (*multa*) of not less than two hundred and thirty euro (€230) and not more than five hundred euro (€500) and the towing of the vehicle; upon conviction for a subsequent offence, the person will be liable to a fine (*multa*) of not less than one thousand euro (€1,000) and not more than one thousand and five hundred euro (€1,500) and the towing of the vehicle.

Further provisions in relation to offences.

16. (1) In the cases referred to in article 15(c), (d), (e), (f) and (g) criminal intent shall be presumed, unless the accused proves that he has acted without such intent.

(2) Without prejudice to the provisions of sub-article (1), whenever a person is convicted in relation to the provisions of article 15, the person shall also be liable for traffic offences.

(3) A holder shall be warned that the Blue Badge shall be withdrawn after receiving a conviction for misusing or allowing the badge to be misused.

(4) The Commissioner for the Rights of Persons with Disability shall withdraw a Blue Badge if the holder is found guilty of two convictions for misuse.

(5) Police officers and traffic wardens shall have the power to inspect Blue Badges, and failure to produce a valid Blue Badge without a reasonable justification when asked to by any police officer

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or traffic warden shall amount to a criminal offence.

(6) Only Police officers shall have the power to seize a Blue Badge where it is required as evidence in a criminal prosecution.

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SCHEDULE I
DESCRIPTION AND FACSIMILE OF A BLUE BADGE

The description of the Blue Badge to be used in Malta is taken from Council Recommendation 98/376/EC of 4 June 1998 on a parking card for people with disabilities.

A. The overall dimensions of the Community-model parking card for people with disabilities shall be:

- height: 106 mm,

- width: 148 mm.

B. The colour of the parking card shall be light blue, except for the white wheelchair-user symbol, which shall have a dark blue background.

C. The parking card for people with disabilities shall be plastic-coated, with the exception of the space reserved for the holder's signature on the left-hand side of the reverse.

D. The parking card for people with disabilities shall be divided vertically into two parts on both the front and reverse.

The left-hand side of the front shall contain:

- the wheel-chair user symbol in white on a dark blue background,

- the date of expiry of the parking card,

- the serial number of the parking card,

- the signature of the Commissioner for the Rights of Persons with Disability and the designation of the signatory.

The right-hand side of the front shall contain:

- in bold type letters, the words **'Parking card for people with disabilities'** in the language(s) of the Member State issuing the card; after a suitable space, the words 'Parking card' shall appear in small type in the other languages of the European Union,

- the words 'EUROPEAN COMMUNITY MODEL' in the language(s) of the Member State issuing the card,

- as background, the distinguishing code of the Member State issuing the parking card.

The left-hand side of the reverse shall contain:

1. the holder's surname;

2. the holder's forename(s);

3. the holder's signature or other authorised mark, if allowed under national legislation;

4. the holder's photograph.

The right-hand side of the reverse shall contain:

1. the statement:

'This Blue Badge gives the right to the holder to park in disabled parking spaces';

2. the statement:

'Can ONLY be used by the holder';

3. the statement:

'Can be withdrawn if misused such as when allowing others to use it, or falsify it';

4. the statement:

'If a vehicle not displaying a Blue Badge is parked in a disabled parking space you can call the Police on 119';

5. the statement:

'If you find this Blue Badge and do not own it, please take it to a Police Station'.

E. With the exception of the right-hand side of the front, entries shall be shown in the language(s) of the Member State issuing the parking card.

SCHEDULE II
LIST OF THIRD COUNTRIES WHERE MUTUAL RECOGNITION OF BLUE BADGES EXISTS

Blue Badges to be used within the territory of the Republic of Malta should be issued in Malta or a Member State of the European Union or of a State of the European Economic Area: provided that a State of the European Economic Area means Iceland, the Principality of Liechtenstein, the Kingdom of Norway and Switzerland:

Provided that further to the provisions of the Resolution no. 97/4 on Reciprocal Recognition of Parking Badges for Persons with Mobility Handicaps adopted by the European Conference of Ministers of Transport in Berlin on 21 - 22 April 1997, such mutual recognition is also given to Blue Badges issued in Australia, Canada, Japan, South Korea, New Zealand and the United States.

SCHEDULE III
FACSIMILE OF A BLUE BADGE

SCHEDULE IV
PERSONS AUTHORISED TO USE THE CARD

1. Only the persons indicated under article 13 of this Act are eligible for the issuance of the Card.

2. The Card may only be used in accordance with article 8 of this Act.

3. Any breach of the provisions of this Act shall result in the consequences laid down by this Act.

VERŻJONI ELETTRONIKA

Passed by the House of Representatives at Sitting No. 420 of the19th July, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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