

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,450, 10 ta' Lulju, 2015

Taqsimha A

MALTA

ATT Nru. XVIII tal-2015

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

ATT sabiex jemenda l-Att dwar l-Intrapriżi Żgħira, Kap. 512, u biex jipprova dwar materji anċillari jew li għandhom x'jaqsmu miegħu.

ACT No. XVIII of 2015

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Small Business Act, Cap. 512 and for matters consequential or connected therewith.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

10 ta' Lulju, 2015

ATT Nru XVIII tal-2015

ATT sabiex jemenda l-Att dwar l-Intraprizi Żgħar, Kap. 512, u biex jipprovi dwar materji ancillari jew li għandhom x'jaqsmu miegħu.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2015 li jemenda l-Att dwar l-Intraprizi Żgħar u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Intraprizi Żgħar, hawn aktar 'il quddiem imsejjaħ "l-Att".

Titolu fil-qosor.

Kap. 512

2. L-artikolu 4 tal-Att għandu jiġi emendat kif ġej:

Emenda tal-artikolu 4 tal-Att.

(a) il-paragrafu (a) tas-subartikolu (1) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(a) dipartiment tal-gvern, entità tal-gvern jew aġenzija tal-gvern għandhom jimlew l-*Impact Assessment Framework* kif murija fl-Iskeda I, jew kif jista' jkun ulterjorment stabbilit taħt xi legiżlazzjoni oħra;"

(b) fis-subartikolu (2) tiegħu minnufih wara l-kliem "artikolu 5" għandhom jidhlu l-kliem "liema entità tkun responsabbli biss sabiex tissorvelja l-implimentazzjoni tat-Taqsima 5 tal-*Impact Assessment Framework*"; u

(c) minnufih wara s-subartikolu (2) tiegħu għandu

A 722

jizzied is-subartikolu ġdid li ġej:

"(3) *L-Impact Assessment Framework* imsemmi fis-subartikolu (1)(a) għandu jiġi ppubblikat fil-verżjoni bl-Ingliż biss."

Emenda tal-
artikolu 10 tal-
Att.

3. Is-subartikolu (2) tal-artikolu 10 tal-Att għandu jiġi emendat kif ġej:

(a) is-subparagrafu (b) tiegħu għandu jiġi sostitwit kif ġej:

"(b) erbatax-il membru ieħor li jirrappreżentaw l-entitajiet jew Ministeri responsabbli għall-intrapriża jew li l-ambitu tagħhom huwa rilevanti għas-settur, li huma:

(i) id-Dipartiment tal-Kummerċ;

(ii) l-Intrapriża ta' Malta;

(iii) l-Awtorità ta' Malta għall-Kompetizzjoni u għall-Affarijiet tal-Konsumatur;

(iv) id-Direttorat tal-Politika tal-Intrapriża u l-Iskemi fi ħdan il-Ministeru responsabbli għall-ekonomija;

(v) id-Divizjoni tal-Politika Ekonomika fi ħdan il-Ministeru responsabbli għall-finanzi;

(vi) l-Awtorità Maltija għas-Servizzi Finanzjarji;

(vii) id-Dipartiment tal-Gvern Lokali;

(viii) il-Ministeru għal Ghawdex;

(ix) l-Awtorità tat-Turiżmu ta' Malta;

(x) l-Awtorità Maltija għall-Ambjent u l-Ippjanar;

(xi) il-Ministeru responsabbli għall-affarijiet rurali;

(xii) l-Uffiċċju Nazzjonali tal-Istatistika;

(xiii) il-Kummissarju tat-Taxxi; u

(xiv) il-Ministeru responsabbli għall-edukazzjoni

u impieg."; u

(b) fis-subparagrafu (ċ) tiegħu l-kliem "disa' membri" għandhom jiġu sostitwiti bil-kliem "għaxar membri" u l-kliem "il-Kunsill Nazzjonali tan-Nisa, l-Assoċjazzjoni Maltija tan-Nisa fin-Negozju u l-Fondazzjoni tan-Nisa fin-Negozju; u" għandhom jiġu sostitwiti bil-kliem "il-Kunsill Nazzjonali tan-Nisa, l-Assoċjazzjoni Maltija tan-Nisa fin-Negozju, il-Fondazzjoni tan-Nisa fin-Negozju u l-Assoċjazzjoni Maltija għall-Intrapriża tal-Familja; u".

4. Fis-subartikolu (1) tal-artikolu 12 tal-Att il-kliem "tad-Direttorat għall-politika dwar l-intrapriża fi ħdan il-Ministeru tal-Finanzi, l-Ekonomija u Investiment" għandhom jiġu sostitwiti bil-kliem "tad-Direttorat tal-Politika tal-Intrapriża u l-Iskemi fi ħdan il-Ministeru responsabbli għall-ekonomija".

Emenda tal-artikolu 12 tal-Att.

5. Fis-subartikolu (1) tal-artikolu 16 tal-Att, il-kliem "tal-Ministeru tal-Finanzi, l-Ekonomija u Investiment" għandhom jiġu sostitwiti bil-kliem "il-Ministeru responsabbli għall-ekonomija".

Emenda tal-artikolu 16 tal-Att.

6. L-Iskeda I tal-Att għandha tiġi sostitwita b'li ġej:

Sostituzzjoni tal-Iskeda I tal-Att.

"Skeda I
(Artikolu 4)
Impact Assessment Framework

A 724

1. Summary				
		<i>Full title of proposed legislation including document referencing (e.g. EU Directives, etc).</i>		
Parent Act(s):		..... Act (Cap.)		
Rationale:		<i>Identify a clear need which is in the national interest for government to address.</i>		
Objectives of proposed legislation:		<i>Clearly state what the proposal intends to achieve.</i> <ul style="list-style-type: none"> • Objectives should be in line with the SMART¹ principle. • Objectives should demonstrate that they encapsulate the principles of Transparency, Accountability, Proportionality, Consistency and be targeted at cases where action is needed 		
Options considered:		<i>A wide set of options should be considered including the 'do nothing' option and the 'alternative to regulation' options.</i>		
Preferred option:		<i>Indicate the preferred option and the reason for this being the preferred option on the basis of the Impact Assessment including at least the following considerations:</i> <ul style="list-style-type: none"> • Short listing from all options considered • Outcome of consultation • Outcome of other assessments 		
Compelling reason for publication:		<i>State the current situation and the valid reasons for publication of proposed Legal Notice.</i>		
Deadline for publication:			Deadline due to:	
.....	.....	20.....	EU commitment <input type="checkbox"/>	National Agenda <input type="checkbox"/>
Does legislation emanate from an EU Directive?		No <input type="checkbox"/>	<i>Insert Name of Directive</i>	
		Yes <input type="checkbox"/>		

¹ SMART - Specific, Measurable, Achievable, Relevant, and, Time-bound.
Further reading: European Commission, 2009. Impact Assessment Guidelines. HM Government, 2011. IA Toolkit.



3. Social Impact⁴

Are there any envisaged social impacts on citizens (positive or negative) in any of the following areas?

Yes No

Where possible quantify the monetary value of each impact (costs and benefits)⁵

Social benefits:	
Health:	
Education:	
Spending power:	<i>Apart from a qualitative description, the equivalent cost should be calculated using 'Supply Chain Management'</i>
Administrative burden⁶:	<i>Apart from a qualitative description, the financial burden should be calculated using 'Supply Chain Management'</i>

Impact on Government⁷

Outline any implications to government's policy on social issues

4 **Examples:** demographic & economic changes, social impacts on lifestyle, quality of life and general well-being.
 5 Monetary values should be quantified with respect to the 'do nothing' scenario.
 6 Proponents should seek the guidance of the Management Efficiency Unit.
 7 Such as: prevention approaches, sustainability, improvement of efficiency, capacity building & partnerships with NGOs.



5. Impact on Small and Medium Sized Enterprises¹⁰

In conformity with the Small Business Act, Cap. 512

Does this legislation affect the business environment?

Yes No

If yes, please attach SME Test report as endorsed by the Small Business Act Implementation Unit, within the Ministry responsible for the Economy, together with the Explanatory Notes and User Guidelines

6. Gozo's Regional Impact¹¹

Social impact:	<i>Outline qualitatively and where possible quantitatively the social impacts on the region, such as reducing insularity, logistical costs, business continuity and functions.</i>
Economic impact:	<i>Outline qualitatively and where possible quantitatively the economic impacts on the region, such as value-added industry.</i>
Environmental impact:	<i>Outline qualitatively and where possible quantitatively the environmental impacts on the region, such as agro-tourism, employment and social assistance.</i>

¹⁰ Includes, but is not limited to, legislation related to agriculture, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use.

¹¹ Applicable only to legislation related, but not limited, to agriculture, fisheries, general energy & alternative energy, industry, transport, waste management, water management & separation management, telecommunications, tourism, town & country planning, noise pollution, chemical hazards or land use.



A 730

7. Enforcement and Implementation¹²	
How will this regulation be communicated?	
Who will enforce this regulation?	
Are skills required available?	
Risks:	

¹² This section should take into consideration the adoption of risk-based approaches, data sharing, the use of administrative data, e-government, interaction and collaboration between departments and government entities, and the use of administrative fines.



8. Conclusion

NOTE - Political Summary

This document presumes that the Minister and the Permanent Secretary have discussed the contents hereof. There is a presumption that the Minister will set out an Executive Summary of the Consultation Report in the Memo to be presented in Cabinet.

The Executive Summary for the purposes of the Impact Assessment is to include, as a minimum:

- A shortlist of options presented during consultation, with an explanation of the selection process conducted to create the shortlist.
- Internal and external stakeholders consulted.
- Timing of consultation.

*The scope of the statement in the **Memo** is to ensure that there is political ownership of the proposals. This is of vital importance in particular where no meaningful feedback or where, due to cogent reasons that need to be spelt out, the stakeholder feedback cannot be taken on board.*

Compliance to/Strategies of Government as may be applicable:

9. Sunset Clause

Sunset clauses are part of Government's commitment; is it envisaged that the proposed legislation contains a sunset clause / sunset clauses?


Yes No

Kindly indicate hereunder which article/clause/regulation/rule etc., of the proposed legislation is subject to a sunset clause:

Ministry/Entity responsible to carry out an evaluation:



A 732

10. Signatories		
Contact Details:	<i>contact details of PERSON RESPONSIBLE in case of queries</i>	
Name of official responsible:	<i>Name of TECHNICAL PERSON RESPONSIBLE for the drafting of the LN</i>	
Ministry / entity responsible:		
Telephone number:		
Email:		
Signature of OFFICIAL responsible for drawing up this document	Signature of DIRECTOR responsible for policy	Signature of PERMANENT SECRETARY
Date:		
FOR CABINET OFFICE USE		
Date received:		
Date checked:		
Checked by:		
Assessment:		
Action:	<i>For Cabinet use ONLY</i>	
<p>Page 9 of 10</p> 		

"

A 733

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 283 tal-1 ta' Lulju, 2015.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

A 734

I assent.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

10th July, 2015

ACT No. XVIII of 2015

AN ACT to amend the Small Business Act, Cap. 512 and for matters consequential or connected therewith.

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.

1. The short title of this Act is the Small Business (Amendment) Act, 2015, and this Act shall be read and construed as one with the Small Business Act, hereinafter referred to as "the Act".

Cap. 512

Amendment of article 4 of the Act.

2. Article 4 of the Act shall be amended as follows:

(a) paragraph (a) of sub-article (1) thereof shall be substituted by the following:

"(a) in case of subsidiary legislation, a government department, government entity or government agency shall fill in the Impact Assessment Framework as set out in Schedule I, or as may be further established under any other legislation;"

(b) in sub-article (2) thereof, immediately after the words "article 5" there shall be inserted the words "which entity shall solely be responsible for overseeing the implementation of Section 5 of the Impact Assessment Framework"; and

(c) immediately after sub-article (2) thereof, there shall be added the following new sub-article:

"(3) The Impact Assessment Framework referred

to in this sub-article (1)(a) shall be published in the English version only."

3. Sub-article (2) of article 10 of the Act shall be amended as follows: Amendment of article 10 of the Act.

(a) sub-paragraph (b) thereof shall be substituted as follows:

"(b) fourteen other members representing the entities or Ministries responsible for enterprise or whose remit is relevant to the sector, namely:

(i) the Commerce Department;

(ii) Malta Enterprise;

(iii) Malta Competition and Consumer Affairs Authority;

(iv) the Enterprise Policy and Schemes Directorate within the Ministry responsible for the economy;

(v) the Economic Policy Division within the Ministry responsible for finance;

(vi) the Malta Financial Services Authority;

(vii) the Local Government Department;

(viii) the Ministry for Gozo;

(ix) the Malta Tourism Authority;

(x) the Malta Environment and Planning Authority;

(xi) the Ministry responsible for rural affairs;

(xii) the National Statistics Office;

(xiii) the Commissioner for Revenue; and

(xiv) the Ministry responsible for education and employment."; and

(b) in sub-paragraph (c) thereof for the words "nine members" there shall be substituted the words "ten members"

A 736

and for the words "the National Council of Women, the Maltese Association of Women in Business, and the Foundation for Women Entrepreneurs; and" there shall be substituted the words "the National Council of Women, the Maltese Association of Women in Business, the Foundation for Women Entrepreneurs and the Maltese Association for Family Enterprises; and".

Amendment of
article 12 of the
Act.

4. In sub-article (1) of article 12 of the Act, the words "the Enterprise Policy Directorate within the Ministry of Finance, Economy and Investment" shall be substituted by the words "the Enterprise Policy and Schemes Directorate within the Ministry responsible for the economy".

Amendment of
article 16 of the
Act.

5. In sub-article (1) of article 16 of the Act, the words "the Ministry of Finance, Economy and Investment" shall be substituted by the words "the Ministry responsible for the economy".

Substitution of
Schedule I of
the Act.

6. Schedule I of the Act shall be substituted by the following:

"Schedule I
(Article 4)
Impact Assessment Form

1. Summary				
		<i>Full title of proposed legislation including document referencing (e.g. EU Directives, etc).</i>		
Parent Act(s):		..... Act (Cap.)		
Rationale:		<i>Identify a clear need which is in the national interest for government to address.</i>		
Objectives of proposed legislation:		<i>Clearly state what the proposal intends to achieve.</i> <ul style="list-style-type: none"> • Objectives should be in line with the SMART¹ principle. • Objectives should demonstrate that they encapsulate the principles of Transparency, Accountability, Proportionality, Consistency and be targeted at cases where action is needed 		
Options considered:		<i>A wide set of options should be considered including the 'do nothing' option and the 'alternative to regulation' options.</i>		
Preferred option:		<i>Indicate the preferred option and the reason for this being the preferred option on the basis of the Impact Assessment including at least the following considerations:</i> <ul style="list-style-type: none"> • Short listing from all options considered • Outcome of consultation • Outcome of other assessments 		
Compelling reason for publication:		<i>State the current situation and the valid reasons for publication of proposed Legal Notice.</i>		
Deadline for publication:			Deadline due to:	
.....	.....	20.....	EU commitment <input type="checkbox"/>	National Agenda <input type="checkbox"/>
Does legislation emanate from an EU Directive?		No <input type="checkbox"/>	<i>Insert Name of Directive</i>	
		Yes <input type="checkbox"/>		

¹ SMART - Specific, Measurable, Achievable, Relevant, and, Time-bound.
Further reading: European Commission, 2009. Impact Assessment Guidelines. HM Government, 2011. IA Toolkit.



2. Consultation Process³
(In line with Directive 6 issued under the PAA)
See also Part 8

A matrix indicating proposals received and how these were integrated into the proposal. In the case of rejection of proposals, the reason behind such rejection is to be provided.

Internal Consultation	Yes <input type="checkbox"/>		
	No <input type="checkbox"/>		
External Consultation	Yes <input type="checkbox"/>		
	No <input type="checkbox"/>		
Feedback received	Attached	Yes <input type="checkbox"/>	
		No <input type="checkbox"/>	
No feedback	Yes <input type="checkbox"/>		


³ Proponents are to ensure that the Consultation Exercise is in conformity to Directive 6 issued under the **Public Administration Act** and its official Guideline entitled 'Parameters for Consultation Exercises with Stakeholders' available at <http://intra.gov.mt/file-attachments-2011-2/others/directive-6-consultation-exercises-with-stakeholders>



A 740

3. Social Impact ⁴	
<p>Are there any envisaged social impacts on citizens (positive or negative) in any of the following areas?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Where possible quantify the monetary value of each impact (costs and benefits)⁵</p>	
Social benefits:	
Health:	
Education:	
Spending power:	<i>Apart from a qualitative description, the equivalent cost should be calculated using 'Supply Chain Management'</i>
Administrative burden ⁶ :	<i>Apart from a qualitative description, the financial burden should be calculated using 'Supply Chain Management'</i>
<p>Impact on Government⁷</p> <p><i>Outline any implications to government's policy on social issues</i></p>	

⁴ Examples: demographic & economic changes, social impacts on lifestyle, quality of life and general well-being.
⁵ Monetary values should be quantified with respect to the 'do nothing' scenario.
⁶ Proponents should seek the guidance of the Management Efficiency Unit.
⁷ Such as: prevention approaches, sustainability, improvement of efficiency, capacity building & partnerships with NGOs.

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5. Impact on Small and Medium Sized Enterprises ¹⁰	
<p>In conformity with the <u>Small Business Act, Cap. 512</u></p> <p>Does this legislation affect the business environment?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please attach SME Test report as endorsed by the Small Business Act Implementation Unit, within the Ministry responsible for the Economy, together with the Explanatory Notes and User Guidelines</p>	
6. Gozo's Regional Impact ¹¹	
Social impact:	<i>Outline qualitatively and where possible quantitatively the social impacts on the region, such as reducing insularity, logistical costs, business continuity and functions.</i>
Economic impact:	<i>Outline qualitatively and where possible quantitatively the economic impacts on the region, such as value-added industry.</i>
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¹⁰ Includes, but is not limited to, legislation related to agriculture, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use.

¹¹ Applicable only to legislation related, but not limited, to agriculture, fisheries, general energy & alternative energy, industry, transport, waste management, water management & separation management, telecommunications, tourism, town & country planning, noise pollution, chemical hazards or land use.




7. Enforcement and Implementation¹²	
How will this regulation be communicated?	
Who will enforce this regulation?	
Are skills required available?	
Risks:	

¹² This section should take into consideration the adoption of risk-based approaches, data sharing, the use of administrative data, e-government, interaction and collaboration between departments and government entities, and the use of administrative fines.



A 744

8. Conclusion
NOTE - Political Summary
<p><i>This document presumes that the Minister and the Permanent Secretary have discussed the contents hereof. There is a presumption that the Minister will set out an Executive Summary of the Consultation Report in the Memo to be presented in Cabinet.</i></p> <p>The Executive Summary for the purposes of the Impact Assessment is to include, as a minimum:</p> <ul style="list-style-type: none"> ➤ A shortlist of options presented during consultation, with an explanation of the selection process conducted to create the shortlist. ➤ Internal and external stakeholders consulted. ➤ Timing of consultation. <p><i>The scope of the statement in the Memo is to ensure that there is political ownership of the proposals. This is of vital importance in particular where no meaningful feedback or where, due to cogent reasons that need to be spelt out, the stakeholder feedback cannot be taken on board.</i></p>
<p>Compliance to/Strategies of Government as may be applicable:</p>
9. Sunset Clause
<p>Sunset clauses are part of Government's commitment; is it envisaged that the proposed legislation contains a sunset clause / sunset clauses?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Kindly indicate hereunder which article/clause/regulation/rule etc., of the proposed legislation is subject to a sunset clause:</p>
<p>Ministry/Entity responsible to carry out an evaluation:</p>
<p>Page 8 of 10</p> 

10. Signatories		
Contact Details:	<i>contact details of PERSON RESPONSIBLE in case of queries</i>	
Name of official responsible:	<i>Name of TECHNICAL PERSON RESPONSIBLE for the drafting of the LN</i>	
Ministry / entity responsible:		
Telephone number:		
Email:		
Signature of OFFICIAL responsible for drawing up this document	Signature of DIRECTOR responsible for policy	Signature of PERMANENT SECRETARY
Date:		
FOR CABINET OFFICE USE		
Date received:		
Date checked:		
Checked by:		
Assessment:		
Action:	<i>For Cabinet use ONLY</i>	



A 746

Passed by the House of Representatives at Sitting No. 283 of the 1st July, 2015.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

