

MALTA

ATT Nru XV tal-2018

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

ATT biex jipprovdi għar-regolamentazzjoni ta' wens soċjali provdut lil individwi, minn entitajiet pubbliċi jew privati jew minn kull entità jew persuna oħra; kif ukoll biex jirregola s-setgħat, dmirijiet u riżorsi finanzjarji tal-Awtorità ta' *Standards* ta' Harsien Soċjali mwaqqfa skont dan l-Att; biex jirregola l-eżerċizzju tal-funzjonijiet tal-Awtorità, liema funzjonijiet għandhom jinkludu l-hruġ ta' liċenzji u permessi għal provditur ta' servizz ta' wens soċjali, li ddaħħal fis-seħh *standards* regolatorji għal oqsma varji ta' servizz ta' wens soċjali mogħtija lil individwi minn aġenziji jew entitajiet pubbliċi jew privati jew minn kull entità jew persuna oħra, li ddaħħal fis-seħh proċeduri għal stħarriġ ta' lmenti kontra provditur ta' servizz ta' wens soċjali, li tipprovdi għat-twiddib lil provditur ta' servizz ta' wens soċjali meta ma jkunx mewa mar-regolamenti, biex jgħin lil provditur ta' servizz ta' wens soċjali biex jilhaq kwalità oġhla ta' ġid u biex jagħmel provvedimenti dwar dawk is-setgħat kollha li jistgħu jinħtieġu sabiex l-Awtorità taqdi l-funzjonijiet tagħha skont dan l-Att.

ACT No. XV of 2018

AN ACT enacted by the Parliament of Malta.

AN ACT to provide for the regulation of social welfare provided to individuals by public or private entities or any other entity or person; as well as to regulate for the powers, duties and financial resources of the Social Care Standards Authority set up in accordance with the provisions of this Act; to regulate the exercise of the Authority's functions, which functions shall include the issuing of licences and warrants for social welfare service providers, to set regulatory standards for different areas of social welfare services that are provided to individuals by agencies or public or private entities or any other entity or person, to set procedures for the investigation of complaints against service providers of social welfare services, to provide cautions to social welfare services providers who do not observe such regulations, to assist social welfare service providers to achieve a greater quality of social well-being and to make provisions in respect of all such powers as may be necessary in order for the Authority to fulfil its functions in accordance with this Act.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

11 ta' Mejju, 2018

ATT Nru XV tal-2018

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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:-

TAQSIM TAL-ATT

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TAQSIMA I

Preliminari u Tifsiriet

Titolu fil-qosor. **1. (1)** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2018 dwar l-Awtorità ta' *Standards* ta' Harsien Soċjali.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-ħarsien soċjali jista' b'ordni fil-Gazzetta jistabbilixxi u jistgħu jiġu stabbiliti dati differenti u arrangamenti transitorji differenti fir-rigward ta' dispożizzjonijiet u għanijiet differenti ta' dan l-Att.

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

"aġenzija" tfisser kull aġenzija li tkun responsabbli għall-wens ta' min jista' jkun riferut mill-istess aġenzija għal servizzi ta' għajnuna soċjali regolati b'dan l-Att;

"assessur" tfisser kull persuna mqabba mill-Awtorità biex tagħmel valutazzjonijiet skont id-dispożizzjonijiet ta' dan l-Att u tinkludi kwalunkwe rappreżentant tal-Awtorità kif awtorizzat mill-Uffiċjal Eżekuttiv Ewlieni.

"Awtorità" tfisser l-Awtorità ta' *Standards* ta' Harsien Soċjali, kif stabbilita bl-artikolu 5;

"*Chairperson*" tfisser iċ-*Chairperson* mahtur skont l-artikolu 9;

"Ministru" tfisser il-Ministru responsabbli għall-ħarsien soċjali;

"persuna responsabbli" tfisser is-sid jew kull persuna oħra legalment responsabbli għall-għoti tas-servizz;

"provvidur ta' servizz" tfisser kull persuna jew organizzazzjoni li tipprovdi servizz ta' wens soċjali;

"provvidur ta' servizz liċenzjat" tfisser persuna jew organizzazzjoni li tkun inġenjat liċenzja mill-Awtorità sabiex topera, tipprovdi u twettaq attività jew xogħol jew biex tipprovdi servizz ta' wens soċjali;

"provvidur ta' servizz prospettiv" tfisser kull persuna jew organizzazzjoni li tapplika għal liċenzja biex tipprovdi servizz ta' wens soċjali;

"sena finanzjarja" tfisser perjodu ta' tnax-il xahar li jagħlaq fil-31 ta' Diċembru:

Iżda s-sena finanzjarja li tibda fid-data tad-dhul fis-seħh ta' dan l-Att għandha tintemm fil-31 ta' Diċembru ta' dik l-istess sena;

"servizz ta' wens soċjali" tfisser servizzi ta' wens mogħtija għall-ġid tal-utenti kemm jekk is-servizz ikun mogħti minn aġenzija jew faċilitajiet residenzjali, kemm fil-komunità jew fid-dar ta' kura u infermerija, kif jista' jkun preskritt permezz ta' regolamenti magħmulin taħt dan l-Att;

"Tribunal" tfisser it-Tribunal ta' Revizjoni Amministrattiva stabbilit bl-artikolu 5 tal-Att dwar il-Ġustizzja Amministrattiva;

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"Uffiċjal Eżekuttiv Ewlieni" tfisser l-Uffiċjal Eżekuttiv Ewlieni maħtur taħt l-artikolu 13;

"uffiċjal pubbliku" għandha l-istess tifsira mogħtija lilha bl-artikolu 124 tal-Kostituzzjoni;

"utent tas-servizz" tfisser kull min jagħmel użu minn servizz ta' wens regolat b'dan l-Att, jew regolat bi kwalunkwe regolament ieħor magħmul skont dan l-Att.

TAQSIMA II Prinċipji ta' Gwida

3. Bit-twaqqif tal-Awtorità ta' *Standards* ta' Harsien Soċjali, il-Gvern għandu jfittex li jmexxi 'l quddiem u jistabbilixxi r-regolamentazzjoni tas-servizzi ta' wens soċjali, mogħtija minn aġenziji jew entitajiet pubbliċi jew privati jew minn kull entità jew persuna oħra.

Promozzjoni u
żvilupp tal-
interessi tal-
Awtorità.

4. (1) Skont id-dispożizzjonijiet ta' dan l-Att, il-Gvern għandu jiddetermina l-politika u l-għanijiet ta' Malta fir-regolamentazzjoni tas-servizzi ta' wens soċjali mogħtija minn aġenziji jew entitajiet

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għanijiet
prinċipali.

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pubbliċi jew privati jew minn kull entità jew persuna oħra.

(2) Permezz tal-Awtorità, il-Gvern għandu jaħdem biex jikseb, *inter alia*, dan li ġej:

(a) li jistabbilixxi *standards* regolatorji għal servizzi ta' wens soċjali;

(b) li jgħin lill-provdituri ta' servizzi sabiex jipprovdu servizzi ta' kwalità għolja;

(ċ) li jinforza l-*istandards* u l-kondizzjonijiet stipulati fil-liċenzji mogħtija mill-Awtorità lill-provdituri ta' servizz.”.

TAQSIMA III

Twaqqif u Funzjonijiet tal-Awtorità ta' *Standards* ta' Harsien Soċjali

Twaqqif tal-Awtorità ta' *Standards* ta' Harsien Soċjali.

5. (1) Għandu jitwaqqaf korp, magħruf bħala l-Awtorità ta' *Standards* ta' Harsien Soċjali, li l-funzjoni prinċipali tiegħu għandha tkun li jfassal *standards* regolatorji dwar servizzi ta' wens soċjali, u li jiżgura li dawn l-*istandards* ikunu mharsa skont id-dispożizzjonijiet ta' dan l-Att.

(2) L-Awtorità tkun enti morali b'personalità ġuridika distinta.

(3) L-Awtorità għandha tkun magħmula miċ-*Chairperson* u mill-Bord imwaqqaf taħt l-artikolu 9.

Funzjonijiet tal-Awtorità

6. (1) Mingħajr preġudizzju għal xi funzjonijiet oħra, li jistgħu jkunu mogħtija lilha minn dan l-Att, jew minn xi liġi jew regolamenti oħra, il-funzjonijiet tal-Awtorità għandhom jinkludu:

(a) li tistabbilixxi *standards*, *policies* u linji gwida regolatorji dwar servizzi ta' wens soċjali u li tinforza dawn l-*istandards* kif jista' jkun meħtieġ, biex tiżgura kwalità għolja fis-servizzi ta' wens soċjali;

(b) li tistabbilixxi l-kriterji għall-għoti, iċ-ċaħda, is-sospensjoni u r-revoka ta' liċenzji; u

(ċ) li tagħti, tiċhad, tissospendi jew tirrevoka kwalunkwe liċenzja.

(2) Minkejja kull liġi oħra, meta xi funzjoni jew setgħa tal-Awtorità tiġi moqdiya jew eżerċitata permezz ta' aġent kif provdut fl-artikolu 12(2), l-azzjonijiet, l-atti u l-proċeduri kollha ġudizzjarji li jinholqu minn, jew għandhom x'jaqsmu ma' kull haġa li dwarha l-aġent jimxi għal u f'isem l-Awtorità, għandha tittiehed u ssir minn u

kontra dak l-aġent f'isem l-Awtorità.

7. Is-setgħat tal-Awtorità għandhom jinkludu:

Setgħat tal-Awtorità.

(a) li tirċievi u tinforma li rċeviet applikazzjonijiet għal liċenzjar biex jingħataw servizzi ta' wens soċjali;

(b) li tqis is-servizzi ta' wens soċjali prospettivi;

(c) li tqis u tinvestiga provdituri ta' servizz ta' wens soċjali;

(d) li tagħti, tirrifjuta, tissospendi jew tirrevoka liċenzja biex ikun operat servizz għal wens soċjali, skont il-kriterji stabbiliti;

(e) li tirċievi, tinforma li rċeviet, tinvestiga u tieġu kull azzjoni meħtieġa dwar kull ilment kontra xi aġenzija jew provditur ta' servizz jew entitajiet pubbliċi jew privati jew kull entità jew persuna oħra;

(f) li tirrakkomanda miżuri biex ittejjeb il-kwalità tas-servizzi ta' wens soċjali provduti f'Malta;

(g) li tistabilixxi u taġġorna regjistru għal aġenziji jew provditur ta' servizz jew entitajiet pubbliċi jew privati jew kull entità jew persuna oħra li jipprovdu servizzi ta' wens soċjali skont kif l-Awtorità tista' minn żmien għal żmien tqis li jeħtieġ li jkunu registrati;

(h) li timmodifika jew tneħħi xi kundizzjoni, jew li timponi kundizzjonijiet oħra, wara li tkun tat il-liċenzja u, sakemm ma jkunx provdut mod ieħor, dawk il-kundizzjonijiet jidhlu fis-seħħ wara li tgħaddi sena mid-data tad-dhul fis-seħħ tal-kundizzjonijiet godda;

(i) li tagħmel rakkomandazzjonijiet lill-Gvern biex jiżviluppa politika fil-qasam tas-servizzi ta' wens soċjali.

8. (1) L-affarijiet, ix-xogħol u l-qadi tal-funzjonijiet tal-Awtorità għandhom ikunu r-responsabbiltà tal-Bord:

Tmexxija tax-xogħol tal-Awtorità.

Iżda l-Bord jista' jagħti t-tmexxija eżekuttiva tal-Awtorità, l-amministrazzjoni u l-organizzazzjoni u l-kontroll amministrattiv tal-uffiċjali u l-impjegati tagħha, lil xi uffiċjal jew uffiċjali tal-Awtorità, li jkollhom dawk is-setgħat l-oħra li minn żmien għal żmien jigu mogħtija lillu jew lilhom mill-Bord.

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(2) Mingħajr preġudizzju għal xi funzjoni oħra mogħtija lil minn dan l-Att, jew minn xi liġi oħra jew regolament ieħor, għandha tkun il-funzjoni taç-*Chairperson* li:

(a) jassumi kull responsabbiltà għas-supervizjoni u l-kontroll fuq kollox tal-Awtorità;

(b) jiżviluppa l-istrateġiji meħtieġa għall-implimentazzjoni tal-iskopijiet tal-Awtorità; u

(c) iwettaq dawk id-dmirijiet l-oħra li l-Awtorità tista' tassenjalu minn żmien għal żmien.

Bord ta'
Diretturi tal-
Awtorità ta'
Standards ta'
Harsien Soċjali.

9. (1) Għandu jkun hemm Bord ta' Diretturi tal-Awtorità ta' *Standards* ta' Harsien Soċjali, li jkun magħmul minn seba' membri li wiehed minnhom għandu jkun *Chairperson* u ieħor *Vici Chairperson*.

(2) Il-membri tal-Bord għandhom jinhatru mill-Ministru minn fost persuni li jidhirlu li jkunu kwalifikati minhabba f'li jkollhom kwalifiki professjonali jew kwalifiki akkademiċi jew esperjenza jew ikunu wrew hila fi hwejjeġ li għandhom x'jaqsmu ma' wens soċjali. Wiehed mill-membri tal-Bord mahtur mill-Ministru jista' jkun utent ta' servizz ta' wens soċjali.

(3) Mingħajr preġudizzju għal xi liġijiet oħra, iç-*Chairperson* tal-Awtorità għandu jkun mahtur mill-Ministru għal dak iż-żmien li l-Ministru jidhirlu xieraq. Il-Ministru għandu wkoll jinnomina membru ieħor tal-Bord bhala *viçi chairperson*, u l-membri li jiġi hekk appuntat ikollu s-setgħat kollha u jaqdi dawk il-funzjonijiet kollha ta' *chairperson* fin-nuqqas tiegħu jew meta dan ma jkunx jista' jagħmilha ta' *chairperson*, jew matul xi żmien li l-kariga ta' *chairperson* tkun battala; u l-Ministru jista' wkoll, f'kull waħda miç-çirkostanzi msemmija, jahtar persuna oħra bhala *chairperson* u f'dak il-każ id-dispożizzjonijiet ta' qabel għandhom japplikaw dwar dik il-persuna.

(4) Persuna tkun skwalifikata milli tinhatar u tibqa' membru tal-Bord tad-Diretturi tal-Awtorità jekk:

(a) tkun membru tal-Kamra tad-Deputati, jew tal-Parlament Ewropew, jew ta' Kunsill Lokali, jew tkun kandidat għall-elezzjoni għall-Kamra tad-Deputati, jew għall-Parlament Ewropew, jew għall-Kunsill Lokali; jew

(b) ikollha dak l-interess finanzjarju jew dak l-interess ieħor f'xi impriza jew attività li x'aktarx ma jhalliex taqdi sewwa dmirietha bhala membru tal-Bord tad-Diretturi tal-Awtorità; jew

(c) tkun inkapaċitata jew interdetta legalment; jew

(d) kienet iġġudikata falluta jew tkun għamlet ftehim jew arrangament mal-kredituri tagħha; jew

(e) tkun instabet hatja ta' reat li jolqot il-fiduċja pubblika jew ta' serq jew ta' frodi jew li tkun xjentement irċeviet proprjeta' miksuba b'serq jew frodi.

(5) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, il-membri tal-Bord tad-Diretturi tal-Awtorità għandhom iżommu l-kariga għal perjodu ta' tliet snin.

(6) Membru tal-Bord jista', meta jispiċċa minn membru, jinħatar mill-ġdid.

(7) Mingħajr preġudizzju għal xi liġijiet oħra, membru jista' jitneħħa mill-kariga mill-Ministru jekk, fil-fehma tiegħu, dak il-membri ma jkunx tajjeb biex ikompli fil-kariga; jew ma jkunx baqa' kapaċi biex jaqdi, jew ma jkunx qed jaqdi b'mod xieraq id-dmirijiet tiegħu bħala membru; jew f'kull waħda miċ-ċirkostanzi li jiskwalifikaw lil dik il-persuna milli tibqa' membru.

(8) Jekk membru jirriżenja jew jivvaka l-kariga tiegħu qabel ma jispiċċa ż-żmien tal-ħatra, jew jitneħħa mill-kariga skont is-subartikolu ta' qabel dan, il-persuna mahtura minfloku għandha tinħatar għaż-żmien li jkun għadu ma skadiex tal-ħatra oriġinali.

(9) Fl-eżerċizzju tal-funzjonijiet tagħha l-Awtorità ta' *Standards* ta' Ħarsien Soċjali m'għandhiex tkun sugġetta għad-direzzjoni jew kontroll ta' xi persuna jew awtorità oħra.

10. (1) Il-Bord għandu jiltaqa' kull meta jkun meħtieġ, iżda f'ebda każ inqas spiss minn darbtejn fix-xahar. Il-laqqgħat tal-Bord għandhom jissejġu miċ-*Chairperson* jew fuq l-inizjattiva tiegħu stess jew fuq talba ta' tnejn mill-membri l-oħra. Bla ħsara għall-ħtiġijiet l-oħra ta' dan l-Att, ebda deċiżjoni tal-Bord ma tkun valida jekk ma jkollhiex l-approvazzjoni ta' magġoranza tal-membri tal-Bord.

Proċedura tal-laqqgħat tal-Awtorità.

(2) Nofs in-numru tal-membri li għal dak iż-żmien ikunu jiffurmaw il-Bord għandhom jagħmlu *quorum* f'kull laqqgħa tal-Bord. Id-deċiżjonijiet jittieħdu b'magġoranza sempliċi tal-voti tal-membri preżenti u li jivvotaw. Iċ-*Chairperson*, jew membru ieħor li jkun qed jippresiedi fil-laqqgħa, ikollu vot oriġinali u, fil-każ ta' voti ndaq, vot deċiżiv.

(3) Fin-nuqqas taċ-*Chairperson* f'xi laqqgħa tal-Bord, il-Viċi *Chairperson*, jew persuna oħra mahtura biex tagħmilha ta'

chairperson skont l-artikolu 9(3), jew, jekk ma jkun hemm ebda membru ieħor jew persuna oħra hekk imsemmija jew maħtura, il-membri tal-Bord li jintgħazel għal hekk mill-membri l-oħra preżenti, għandu jippresiedi f'dik il-laqgħa tal-Bord.

(4) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (1), ebda għemil jew proċediment tal-Bord ma jkun invalidat biss minhabba f'xi vakanza fost il-membri.

(5) Membru tal-Bord li jkun b'xi mod direttament jew indirettament interessat f'deċiżjoni magħmula jew maħsuba li tiġi magħmula, mill-Awtorità, għandu, kemm jista' jkun malajr wara li ċ-ċirkostanzi relattivi jiġu għal konjizzjoni tiegħu, juri x-xorta tal-interess tiegħu f'laqgħa tal-Bord.

(6) Kull wiri magħmul skont is-subartikolu (5) għandu jiġi registrat fil-minuti tal-laqgħa li jsir fiha, u l-membri li jagħmel wiri bħal dak:

(a) għandu, wara l-wiri, jirtira mis-seduta li fiha dik id-deċiżjoni hi maħsuba li tiġi magħmula; u

(b) ma għandux, jekk id-deċiżjoni tkun magħmula, jittiehed kont tiegħu dwar il-kostituzzjoni ta' *quorum* tal-Bord għal dik id-deċiżjoni.

(7) Għandhom jinżammu l-minuti tal-proċeduri tal-Bord u ta' kull kumitat tiegħu. Għal dan il-fini u biex jinżammu d-dokumenti rilevanti, il-Ministru għandu jinnomina persuna biex taġixxi bħala segretarju tal-Bord għal dak il-perjodu u b'dawk il-pattijiet li l-Ministru jista' jqis xierqa. Is-segretarju tal-Bord ma jkollux vot.

(8) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att u ta' kull regolament magħmul tahtu, l-Awtorità tista' tirregola l-proċeduri tagħha stess.

(9) Fl-eżerċizzju tal-funzjonijiet tal-Awtorità taht dan l-Att, il-Bord jista' jikkonsulta ma' dawk il-professjonisti, jew dawk il-persuni oħra, li jkollhom għarfien u esperjenza rilevanti fil-qasam ta' servizzi ta' wens soċjali, kif jista' jqis xieraq. Għal dan il-fini, il-Bord jista' jsejjaħ quddiemu kull persuna biex tipprova t-tagħrif mitlub u tipproduci kull dokumentazzjoni meħtieġa.

(10) Il-membri tal-Bord, is-segretarju tal-Bord jew kull min ikun involout fil-proċedimenti tal-Bord, huma marbuta bil-kunfidenzjalità u ma jistgħux jgħaddu lil terzi informazzjoni li jistgħu jsiru jafu biha waqt il-proċedimenti.

(11) Il-Bord għandu jzomm kopja vera u korretta tal-proċedimenti tiegħu kollha u l-Bord għandu jagħti kull informazzjoni mitluba mill-Ministru.

(12) Il-Bord għandu jqiegħed fuq il-Mejda tal-Kamra tad-Deputati rapport annwali dwar il-hidma tal-Awtorità ta' *Standards* ta' Harsien Soċjali sa mhux aktar tard minn erba' xhur wara t-tmiem ta' kull sena finanzjarja.

11. Mingħajr preġudizzju għad-dispożizzjonijiet tal-artikolu 8(2), ir-rappreżentanza ġuridika tal-Awtorità tkun vestita fiċ-*Chairperson* u/jew fl-Uffiċjal Eżekuttiv Ewlieni.

Rappreżentanza ġuridika tal-Awtorità.

12. (1) L-Awtorità għandha tahtar u timpjega, b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u kondizzjonijiet ta' żmien hekk kif tista', skont l-artikolu 9, tistabbilixxi, lil dawk l-uffiċjali u l-impjegati tal-Awtorità bħalma jistgħu minn żmien għal żmien ikunu meħtieġa għat-twettiq dovut u effiċjenti tal-funzjonijiet tal-Awtorità.

Hatra u funzjonijiet tal-uffiċjali u l-impjegati tal-Awtorità.

(2) Il-Prim Ministru jista', fuq talba tal-Awtorità, minn żmien għal żmien jordna li uffiċjal pubbliku għandu jiġi assenjat biex jaqdi dmirijietu mal-Awtorità f'dik il-kapaċità u b'seħħ minn dik id-data li tista' tiġi speċifikata fl-ordni tal-Prim Ministru.

Assenjament ta' uffiċjali pubbliċi biex jaqdu dmirijiet mal-Awtorità.

(3) Il-perjodu li matulu ordni bħal dik hawn aktar qabel imsemmija għandha tapplika għal xi uffiċjal li jkun speċifikat fiha, għandu, kemm-il darba l-uffiċjal ma jkunx irtira mis-servizz pubbliku, jew xort'oħra temm milli jibqa' fil-kariga f'data li tiġi qabel, jew kemm-il darba ma tiġix speċifikata data differenti f'dik l-ordni, itemm milli jibqa' jseħħ wara sena mid-data effettiva ta' dik l-ordni kemm-il darba l-ordni ma tiġix aktar kmieni revokata mill-Prim Ministru.

(4) Meta uffiċjal jiġi assenjat għal dmirijiet mal-Awtorità, dak l-uffiċjal għandu, matul iż-żmien li fih dik l-ordni jkollha effett dwaru, ikun taht l-awtorità u l-kontroll amministrattiv tal-Awtorità iżda huwa għandu għal kull għan u raġuni oħra jibqa' u jitqies u jiġi trattat bħala uffiċjal pubbliku.

Status ta' uffiċjali pubbliċi assenjati biex jaqdu dmirijiet mal-Awtorità.

(5) Mingħajr preġudizzju għall-ġeneralità ta' dak hawn aktar qabel imsemmi, uffiċjal li jkun assenjat għal dmirijiet kif hawn aktar qabel imsemmi:

(a) ma għandux waqt iż-żmien li matulu huwa jkun hekk assenjat:

(i) ikun prekluz milli japplika għal trasferiment f'xi dipartiment tal-Gvern skont il-pattijiet u l-kondizzjonijiet tas-servizz konnessi mal-hatra tiegħu mal-

Gvern li jkollu fid-data meta huwa jiġi hekk assenjat għal dmirijietu; jew

(ii) ikun hekk impjegat li r-rimunerazzjoni u l-kondizzjonijiet tas-servizz tiegħu jkunu inqas favorevoli minn dawk li jkunu konnessi mal-ħatra tiegħu mal-Gvern li jkollu fid-data hawn aktar qabel imsemmija jew li kienu jkunu konnessi ma' dik il-ħatra, matul dak iż-żmien, li kieku dak l-uffiċjal ma jkunx ġie assenjat biex jaqdi dmirijietu mal-Awtorità; u

Kap. 93.

Kap. 58.

(b) ikollu d-dritt li s-servizz tiegħu mal-Awtorità jiġi kkunsidrat bħala servizz mal-Gvern għall-għanijiet ta' pensjoni, gratwità, jew benefiċċju taħt l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema u ta' kull dritt jew privileġġ ieħor li huwa jkollu d-dritt għalih, u responsabbli għal kull responsabbiltà li dwarha huwa jkun responsabbli, hlief għall-fatt li huwa jkun ġie assenjat biex iwettaq dmiru mal-Awtorità.

(6) Meta ssir applikazzjoni kif provdut fis-subartikolu (5)(a)(i) għandha tingħatalha l-istess konsiderazzjoni daqslikieku l-applikant ma jkunx ġie assenjat għal servizz mal-Awtorità.

(7) L-Awtorità għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar l-ispiza ta' pensjonijiet u gratwitajiet li jaqla' uffiċjal li jkun assenjat għal dmirijiet mal-Awtorità kif hawn aktar qabel imsemmi matul il-perjodu li fih huwa jkun hekk assenjat.

(8) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil uffiċjal assenjat għal dmirijiet mal-Awtorità taħt xi waħda mid-dispożizzjonijiet tal-artikolu 12(2) impieg permanenti mal-Awtorità b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet li ma jkunux inqas favorevoli minn dawk li jgawdi dak l-uffiċjal fid-data ta' dik l-offerta.

(9) Il-pattijiet u l-kondizzjonijiet f'xi offerta magħmula kif hawn aktar qabel imsemmi ma għandhomx jitqiesu bħala inqas favorevoli biss għaliex ma jkunux għalkollox identiċi jew superjuri għal dawk li l-uffiċjal involut ikun qed igawdi fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet ikkunsidrati flimkien, fil-fehma tal-Prim Ministru, ikunu joffru benefiċċji sostanzjalment ekwivalenti jew akbar.

(10) Kull uffiċjal li jaċċetta impieg permanenti mal-Awtorità li jiġi offert lilu, taht id-dispożizzjonijiet tas-subartikolu (8), għandu għall-għanijiet kollha minbarra dawk tal-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, jitqies bħala li temm is-servizz tal-Gvern u li jkun daħal fis-servizz mal-Awtorità fid-data meta huwa jaċċetta, u għall-finijiet tal-imsemmija Ordinanza u tal-imsemmi Att, sakemm applikabbli għalih, servizz mal-Awtorità għandu jitqies bħala servizz mal-Gvern fi hdan it-tifsiriet tagħhom rispettivament.

Kap. 93.

Kap. 58.

(11) Kull uffiċjal bħal dak hawn aktar qabel imsemmi li, minnufih qabel ma jaċċetta impieg permanenti mal-Awtorità, kellu d-dritt li jikseb benefiċċju taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jibqa' jkollu dak id-dritt li jibbenefika taht u għal kull skop bħallikieku s-servizz tiegħu mal-Awtorità kien servizz mal-Gvern.

Kap. 58.

(12) L-Awtorità għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi għar-rigward tal-ispiza ta' pensjonijiet u gratwitajiet li jinqalgħu minn uffiċjal li jkun aċċetta li jwettaq impieg mal-Awtorità kif hawn aktar qabel imsemmi matul il-perjodu li jibda fid-data meta dak l-uffiċjal hekk jaċċetta.

(13) L-uffiċjali u l-impjegati tal-Awtorità ma għandu jkollhom ebda interess dirett jew indirett f'xi kuntratt magħmul jew li jkun maħsub li jsir mill-Awtorità, jew f'xi impriża li għandha jew li jkun se jkollha xi relazzjonijiet kummerċjali mal-Awtorità.

13. (1) L-Awtorità tista' tahtar Uffiċjal Eżekuttiv Ewlieni u tagħtih, taht is-superviżjoni u kontroll totali tagħha, dawk il-funzjonijiet, dmirijiet u setgħat hekk li dak l-Uffiċjal ikun jista' jagħti seħh lil kull politika tal-Awtorità u xort'oħra jwettaq b'mod effettiv u effiċjenti l-funzjonijiet tal-Awtorità.

Delega ta' funzjonijiet.

(2) L-Awtorità u l-Uffiċjal Eżekuttiv Ewlieni jistgħu jeżerċitaw wahda jew iktar mill-funzjonijiet tagħhom jew permezz tal-uffiċjali jew l-impjegati jew permezz ta' persuna jew entità oħra li magħha jkun sar ftehim għat-twettiq ta' xi wahda jew iżjed minn dawk il-funzjonijiet.

(3) Meta f'dan l-Att għandha ssir xi haġa minn jew kontra jew għar-rigward tal-Awtorità, jew xi avviż għandu jew jista' jingħata lill-Awtorità, dik il-haġa jew avviż jistgħu wkoll isiru minn jew kontra jew għar-rigward ta' jew jingħataw lill-Uffiċjal Eżekuttiv Ewlieni; u għall-għanijiet hawn qabel imsemmija kull riferenza f'dan l-Att għall-Awtorità, tinkludi riferenza għall-Uffiċjal Eżekuttiv Ewlieni.

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TAQSIMA IV
Liċenzjar

Applikazzjoni
għal hruġ ta'
liċenzja.

14. (1) L-ebda aġenziji jew entitajiet pubbliċi jew privati jew kull entità jew persuna oħra li tipprovdi servizz ta' wens soċjali, m'għandha tipprovdi servizz ta' wens soċjali sakemm ma jkunx hemm liċenzja valida fir-rigward ta' dak is-servizz ta' wens soċjali maħruġa mill-Awtorità.

(2) Meta aġenziji, entitajiet pubbliċi jew privati jew kull entità jew persuna oħra li tkun biĥsiebha tipprovdi iktar minn servizz ta' wens soċjali wieħed, jew tipprovdi l-istess servizz ta' wens soċjali iżda minn aktar minn lok wieħed, għandha tressaq applikazzjoni separata għal kull servizz ta' wens soċjali.

(3) L-Awtorità tista', f'kull żmien tul l-ipproċessar tal-applikazzjoni, titlob lill-provditur ta' servizz prospettiv jgħaddilha aktar dokumenti u tagħrif li hi tqis meħtieġa u żżur il-bini minn fejn ikun maħsub li jingħata s-servizz ta' wens soċjali biex tagħmel l-evalwazzjoni tagħha u taċċerta ruħha jekk il-liċenzja għandhiex tinhareġ jew le.

Hruġ ta' liċenzja
biex jopera.

15. L-Awtorità għandha toħroġ liċenzja lil provditur ta' servizz prospettiv jekk tkun sodisfatta li l-provditur ta' servizz prospettiv:

(a) jikkonforma mal-kriterji ta' eliġibiltà stabbiliti mill-Awtorità;

(b) jikkonforma mal-*standards* rilevanti għas-servizz ta' wens soċjali propost u kull regolament magħmul taħt dan l-Att; u

(c) ma jkunx jikser xi liġijiet oħra jew regolamenti applikabbli oħrajn.

Hruġ ta' liċenzja
temporanja.

16. L-Awtorità tista' toħroġ liċenzja temporanja lil provditur ta' servizz prospettiv li ma jkunx jissodisfa l-kriterji kollha ta' eliġibiltà u *standards* meħtieġa skont dan l-Att jew kull regolament ieħor magħmul taħt dan l-Att:

Iżda din il-liċenzja temporanja tista' tinhareġ biss wara li l-Awtorità teżamina u tapprova pjan ta' azzjoni pprezentat mill-provditur ta' servizz prospettiv sabiex jikkonforma mal-*standards* stipulati f'dak l-istess regolament:

Iżda wkoll dik il-liċenzja temporanja tista' tinhareġ biss għal perjodu ta' sitt (6) xhur u jista' jiġi estiż għal perjodu massimu ieħor ta' sitt (6) xhur oħra.

17. (1) Meta tohroġ liċenzja lill-provditur ta' servizz, l-Awtorità għandha tohroġ Ċertifikat ta' Liċenzja li jkun validu għal perjodu ta' sena mid-data li fiha jkun inhareġ sakemm ma jkunx provdut xort'oħra fit-termini u kundizzjonijiet imsemmija fil-liċenzja.

Ċertifikat ta' Liċenzja u tiġdid.

(2) Il-liċenzja msemmija fis-subartikolu (1) tista' tiġġedded mill-Awtorità jekk il-provditur ta' servizz japplika għal tiġdid sa mhux aktar tard minn xahrejn qabel ma tiskadi l-liċenzja u t-tiġdid jingħata biss jekk il-provditur ta' servizz ikun għadu konformi mad-dispożizzjonijiet ta' dan l-Att u ma' kull regolament magħmul taħt dan l-Att. Id-deċiżjoni tal-Awtorità dwar it-tiġdid tal-liċenzja għandha tkun notifikata lill-provditur tas-servizz liċenzjat bil-posta registrata fi żmien ħamsin jum mid-data tal-applikazzjoni għat-tiġdid.

(3) Il-provditur ta' servizz liċenzjat għandu jiżgura li l-liċenzja, jew kopja tagħha, tinżamm f'post prominenti fl-uffiċċju prinċipali tal-bini li minnu jkun qed joffri s-servizz ta' wens soċjali.

(4) Il-ħruġ u t-tiġdid ta' liċenzja għandu jsir bla preġudizzju għall-ħtiġiet ta' kwalunkwe liċenzja jew awtorizzazzjoni oħra meħtieġa skont xi ligi oħra.

18. (1) L-Awtorità għandu jkollha d-dritt li tiċċhad applikazzjoni għal liċenzja jekk jidhrilha li l-provditur prospettiv ta' servizz, jew il-provditur ta' servizz liċenzjat, ma jkunx kapaċi joffri dak is-servizz ta' wens soċjali. Iċ-ċaħda, flimkien mar-raġunijiet dettaljati għaliha, għandha tkun notifikata lill-provditur prospettiv ta' servizz jew lill-provditur ta' servizz liċenzjat li japplika għal-liċenzja, bil-posta registrata fi żmien ħamsin jum mid-data tal-applikazzjoni.

Ċaħda ta' applikazzjoni.

(2) Il-provditur prospettiv ta' servizz jew provduttur ta' servizz liċenzjat għandu d-dritt li jitlob bdil fid-deċiżjoni tal-Awtorità billi jippreżenta appell skont it-Taqsima VII ta' dan l-Att.

(3) Il-provditur prospettiv ta' servizz jew provduttur ta' servizz liċenzjat għandu d-dritt li japplika mill-ġdid lill-Awtorità għal ħruġ ta' liċenzja kemm-il darba r-raġunijiet għaċ-ċaħda ma jkunux għadhom jeżistu.

19. (1) L-Awtorità għandha d-dritt li tirrevoka liċenzja ta' provduttur ta' servizz liċenzjat f'kull waqt, jekk il-provduttur ta' servizz liċenzjat:

Revoka ta' liċenzja.

(a) ma jibqax konformi mal-kriterji ta' eligibilità għal-liċenzja;

(b) jitqies li m'għadux kapaċi joffri dawk is-servizzi ta' wens soċjali li għalihom kien liċenzjat;

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(ċ) ikun qed jikser il-kondizzjonijiet tal-liċenzja, skont id-dispożizzjonijiet ta' dan l-Att.

(2) L-Awtorità għandha tinnotifika lill-provditur tas-servizz, bil-posta reġistrata, bir-revoka li tinghata bil-miktub flimkien mar-raġunijiet għaliha u din ir-revoka għandha tidhol fis-sehħ mid-data tan-notifika.

(3) Fil-każijiet imsemmija fil-paragrafi (a), (b) u (ċ) tas-subartikolu (1), iċ-Ċertifikat ta' Liċenzja u d-dokumentazzjoni kollha relatati mas-servizz ta' wens soċjali jsiru proprjetà tal-Awtorità.

Pubblikazzjoni
fil-Gazzetta u
online.

20. (1) Matul ix-xahar ta' Jannar ta' kull sena l-Awtorità għandha tippubblika fil-Gazzetta:

(a) lista tal-provdituri ta' servizz liċenzjati kollha li tispeċifika t-tip ta' servizz ta' wens soċjali li jkun offrut, isimhom komplut, l-indirizz reġistrat u dettalji oħra ta' kuntatt rilevanti;

(b) lista tal-provdituri ta' servizz li l-liċenzja tagħhom kienet revokata u kull tibdil fil-kondizzjonijiet meħtieġa għall-ħruġ ta' liċenzja jew it-tiġdid tagħha; u

(ċ) kull bidla fil-kondizzjonijiet meħtieġa għal-liċenzja jew għat-tiġdid li jkunu effettwati sal-wieġed u tletin ta' Diċembru tas-sena ta' qabel.

(2) L-Awtorità għandha tieġu ħsieb li tippubblika *online* l-istess listi msemmija fil-paragrafi (a) u (b) tas-subartikolu (1), kif ukoll tagħgorna l-istess listi *online* fl-aħħar ta' kull xahar.

TAQSIMA V

Dispożizzjonijiet dwar *Standards*

Standards u
Kodiċijiet ta'
Mġiba.

21. (1) L-Awtorità għandha r-responsabbiltà li tistabbilixxi, tippubblika u tirrevedi *Standards* Regulatorji għal servizzi ta' wens soċjali.

(2) Għall-finijiet tas-subartikolu (1), l-Awtorità għandha tikkonsulta ma' kull persuna jew grupp ta' persuni li jidhrilha xierqa.

(3) L-għan tal-*Standards* Regulatorji għandu jkun li:

(a) itejbu u jistandardizzaw ir-regolamentazzjoni tas-servizzi tal-wens soċjali;

(b) jagħmlu r-regolamentazzjoni tas-servizzi aktar

effettiva;

(ċ) jiżguraw lill-utenti tas-servizz li s-servizzi ta' wens soċjali huma xierqa għall-htigiet tagħhom u jirrispettaw il-jeddijiet u d-dinjità tagħhom; u

(d) jenfasizzaw illi l-wens tal-utenti tas-servizz għandu jitqies li hu suprem.

TAQSIMA VI Infurzar ta' *Standards*

22. (1) L-Awtorità b'mod ekwu u ugwali, għandha ssegwi, teżamina u tinforza l-operat kollu li jinvolvi l-għoti ta' servizzi ta' wens soċjali minn agenziji, entitajiet pubbliċi jew privati jew minn kull entità jew persuna oħra. Permezz ta' dan ikun żgurat li dawk l-operati huma mwettqa skont id-dispożizzjonijiet ta' dan l-Att, jew xi liġijiet jew regolamenti magħmula tahtu u b'konformità ma' kull deċiżjoni magħmula taht dan l-Att, jew dawk il-liġijiet jew regolamenti oħra. Dritt ta' spezzjoni.

(2) Għall-fini tas-subartikolu ta' qabel dan, l-Awtorità jkollha s-setgħa:

(a) li tidhol mingħajr avviż, f'kull hinijiet raġonevoli, f'kull post soġġett għal spezzjoni taht dan l-Att;

(b) li twettaq f'kull wieħed minn dawn il-postijiet kull verifika, test jew att li tista' tqis li jkunu meħtieġa biex tiżgura li d-dispożizzjonijiet ta' dan l-Att, jew ta' xi regolamenti jew ordnijiet magħmula tahtu, u kull *standard* rikonoxxut dwar il-wens soċjali jkunu qegħdin jiġu mħarsa u b'mod partikolari -

(i) li tintervista, fil-preżenza ta' xhieda, lil kull persuna li jidhrilha li kellha x'taqsam mal-għoti tas-servizz ta' wens soċjali u kif ukoll lil kull persuna li jidhrilha li tkun għamlet użu minn dak is-servizz;

(ii) li teħtieġ li jingieb kull ktieb, registru jew dokument ieħor miżmumin mill-provditur tas-servizz u li tagħmel kopja ta' dawk il-kotba, registri jew dokumenti jew tieħu estratt minnhom;

(iii) li teħtieġ kull informazzjoni kif jista' raġonevolment ikun meħtieġ dwar l-investigazzjoni;

(ċ) li tieħu ritratti, filmati, *video recordings* u immajini f'format diġitali; u

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(d) li teħtiegħ l-assistenza tal-Pulizija kull meta tqis li tkun meħtiegħa.

(3) Meta tingħalaq l-investigazzjoni, l-Awtorità tista’:

(i) tibgħat rapport lill-Pulizija Eżekuttiva għal investigazzjoni ulterjuri f’kull każ li jinvolvi reat kriminali;

(ii) tieħu azzjoni amministrattiva;

(iii) tieħu kull azzjoni oħra kif jidhrilha xieraq fiċ-ċirkostanzi tal-każ.

Ġbir ta’ tagħrif.

23. L-Awtorità tista’ f’kull ħin tordna lil provditur ta’ servizz liċenzjat, jew lil provditur ta’ servizz prospettiv, jew aġenzija, jew lil persuna responsabbli, involuta fl-għoti ta’ servizz ta’ wens soċjali liċenzjat, li jgħaddulha kull tagħrif kif jista’ jkun raġonevolment meħtiegħ, relatat mas-servizz, bl-għan li twettaq il-funzjonijiet tagħha skont dan l-Att, jew kull regolament li jista’ jkun magħmul taħt dan l-Att.

Nuqqas ta’ konformità.

24. (1) Fejn l-assessor iqis li xi servizz ma jkunx konformi mad-dispożizzjonijiet ta’ dan l-Att, jew mal-kundizzjonijiet tal-liċenzja, l-assessor għandu jagħmel rapport tal-valutazzjonijiet tiegħu u għandu jirrakkomanda, fejn applikabbli, it-tibdil li l-provditur ta’ servizz liċenzjat għandu jagħmel. L-assessor għandu jibgħat kopja tar-rapport, flimkien mar-rakkomandazzjonijiet, lill-Awtorità għad-deċiżjoni tagħha u l-Awtorità tinnotifika lill-provditur b’kopja tad-deċiżjoni bil-posta reġistrata.

(2) Il-provditur ta’ servizz liċenzjat għandu jagħmel dak it-tibdil elenkat fir-rapport fiż-żmien mogħti lil lill-Awtorità. Fil-każ illi l-provditur ta’ servizz liċenzjat ma josservax it-tibdil meħtiegħ fiż-żmien lil mogħti, l-Awtorità għandha tieħu dawk il-passi li jidhrilha xierqa, skont id-dispożizzjonijiet taħt dan l-Att.

TAQSIMA VII

Appelli

Dritt ta’ appell minn deċiżjonijiet tal-Awtorità.

25. (1) Kull persuna li tħossha aggravata b’xi deċiżjoni tal-Awtorità tista’ tappella quddiem it-Tribunal fi żmien għaxart ijiem mid-data tan-notifika ta’ dik id-deċiżjoni.

Kap. 490.

(2) Id-dispożizzjonijiet tal-Att dwar il-Ġustizzja Amministrattiva għandhom japplikaw għall-kompożizzjoni tat-Tribunal f’kull appell li jsir quddiem it-Tribunal, jew f’kull każ li ssir referenza minn dan l-Att għat-Tribunal.

(3) It-Tribunal jista', meta jidher li jkun hemm raġunijiet tajba, iwaqqaf l-eżekuzzjoni tad-deċiżjoni appellata.

26. Kull parti fil-proċedimenti quddiem it-Tribunal ta' Revizjoni Amministrattiva li tħoss ruħha aggravata bid-deċiżjoni tat-Tribunal tista' tappella quddiem il-Qorti tal-Appell fil-ġurisdizzjoni tagħha inferjuri, fi żmien għaxart ijiem mid-data tad-deċiżjoni.

Appell lill-Qorti tal-Appell.

TAQSIMA VIII

Reati u Pieni

27. Kull min b'xi mod ifixkel jew jostakola lill-Awtorità jew xi wiehed mill-uffiċjali tagħha fil-qadi tal-funzjonijiet tagħhom ikun ħati ta' reat u jeħel, meta jinstab ħati mill-qorti kompetenti, prigunerija għal żmien ta' mhux aktar minn tliet xhur jew multa ta' mhux anqas minn mitt euro (€100) iżda mhux aktar minn ħamest elef euro (€5,000) jew dik il-prigunerija u multa flimkien.

Tfixkil.

28. F'każi ta' nuqqas ta' konformità l-Awtorità tista' timponi penali amministrattiva ta' mhux anqas minn mitt euro (€100) iżda mhux aktar minn għaxart elef euro (€10,000), jew f'każ fejn in-nuqqas ta' konformità jibqa' jissussisti, għal penali ta' mhux inqas minn ħamsin euro (€50) iżda mhux aktar minn tliet mija u ħamsin euro (€350) għal kull jum ta' nuqqas ta' konformità.

Penali amministrattivi imposti għal nuqqas ta' konformità.

29. Kull penali stabbilita għal xi reat f'din it-Taqsima tkun bla ħsara għal xi penali oħra stabbiliti f'xi liġi oħra jew regolamenti oħra magħmula taħt dan l-Att.

Reati oħra.

TAQSIMA IX

Mixxellanji

30. (1) Is-setgħat kollha ta' liċenzjar tad-Dipartiment għal *Standards* fil-Ħarsien Soċjali għandhom, meta jiġi fis-seħħ dan l-Att, jiġu vestiti fl-Awtorità stabbilita taħt dan l-Att:

Trasferiment ta' setgħat u responsabbiltajiet.

Iżda, kull deċiżjoni jew liċenzja mogħtija mid-Dipartiment għal *Standards* fil-Ħarsien Soċjali, qabel il-bidu fis-seħħ ta' dan l-Att, għandhom jibqgħu fis-seħħ bħallikieku d-deċiżjoni jew il-liċenzja ġew mogħtija taħt id-dispożizzjonijiet relattivi ta' dan l-Att bla ħsara għall-osservanza tal-kondizzjonijiet kollha stipulati f'dan l-Att.

(2) Meta xi att jew xi proċess ikun inbeda minn jew taħt l-awtorità tal-Gvern qabel id-data tal-bidu fis-seħħ ta' dan l-Att u dak l-att jew proċess għandu x'jaqsam ma' xi ħaġa trasferita lill-Awtorità bis-saħħa ta' dan l-Att, dak l-att jew proċess jista' jitkompla u jintemm minn jew taħt dik l-awtorità tal-Gvern.

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(3) Meta fid-data tad-dhul fis-sehħ ta' dan l-Att ikun għad hemm pendenti xi proċedura legali li fiha l-Gvern ikun parti jew ikollu d-dritt li jkun parti, u dik il-proċedura tirtigwarda xi haġa trasferita lill-Awtorità bis-saħħa ta' dan l-Att, l-Awtorità għandha tiġi sostitwita għall-Gvern f'dik il-proċedura u jkollha d-dritt li tiġi hekk sostitwita.

(4) Il-Ministru jista' b'ordni jagħmel dawk id-dispożizzjonijiet inċidentali, konsegwenzjali jew supplimentari li jkunu meħtieġa jew spedjenti għall-finijiet li jiġi żgurati u jingħata effett sħiħ għat-trasferiment ta' kull intrapriża jew ta' kull dritt, setgħa, responsabbiltà jew obbligu lill-Awtorità b'dan l-Att jew tahtu u jista' jagħmel dawk l-ordnijiet li jistgħu jkunu meħtieġa biex kull setgħa jew dmir eżerċitati mill-Gvern, fir-rigward ta' kull haġa trasferita lill-Awtorità bis-saħħa ta' dan l-Att, ikunu eżerċitabbli minn jew f'isem l-Awtorità.

(5) Il-Ministru jista' jagħmel regolamenti biex jagħti effett aħjar għad-dispożizzjonijiet ta' dan l-Att.

Dispożizzjonijiet transitorji.
Kap. 31.

31. Is-setgħat kollha ta' liċenzjar għal djar għall-persuni anzjani skont l-artikolu 98 tal-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li Għandhom x'Jaqsu Magħha għandhom, meta jiġi fis-sehħ dan l-Att jiġu vestiti fl-Awtorità stabbilita taht dan l-Att:

Kap. 31.

Iżda, kull deċiżjoni jew liċenzja mogħtija taht l-artikolu 98 tal-Ordinanza dwar il-Professjoni Medika u Professjonijiet li Għandhom x'Jaqsu Magħha, qabel il-bidu fis-sehħ ta' dan l-Att, għandhom jibqgħu fis-sehħ bħallikieku d-deċiżjoni jew il-liċenzja ġew mogħtija taht id-dispożizzjonijiet relattivi ta' dan l-Att bla ħsara għall-osservanza tal-kondizzjonijiet kollha stipulati f'dan l-Att.

Emenda konsegwenzjali tal-artikolu 98 tal-Ordinanza dwar il-Professjoni Medika u Professjonijiet li Għandhom x'Jaqsu Magħha.
Kap. 31.

32. Fis-subartikolu (1) tal-artikolu 98 tal-Ordinanza dwar il-Professjoni Medika u Professjonijiet li Għandhom x'Jaqsu Magħha l-kliem "dar ta' infermerija, dar għax-xjuħ," għandhom jiġu mħassra.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 110 tad-9 ta' Mejju, 2018.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

11th May, 2018

ACT No. XV of 2018

AN ACT to provide for the regulation of social welfare provided to individuals by public or private entities or any other entity or person; as well as to regulate for the powers, duties and financial resources of the Social Care Standards Authority set up in accordance with the provisions of this Act; to regulate the exercise of the Authority's functions, which functions shall include the issuing of licences and warrants for social welfare service providers, to set regulatory standards for different areas of social welfare services that are provided to individuals by agencies or public or private entities or any other entity or person, to set procedures for the investigation of complaints against service providers of social welfare services, to provide cautions to social welfare service providers who do not observe such regulations, to assist social welfare service providers to achieve a greater quality of social well-being and to make provisions in respect of all such powers as may be necessary in order for the Authority to fulfil its functions in accordance with this Act.

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

ARRANGEMENT OF ACT

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PART I
Preliminary and General

Short title. **1. (1)** The short title of this Act is the Social Care Standards Authority Act, 2018.

(2) This Act shall come into force on such date as the Minister responsible for social welfare may by order in the Gazette establish and different dates and transitory arrangements may be established in respect of different provisions and purposes of this Act.

Interpretation. **2.** In this Act, unless the context otherwise requires:

"agency" means any agency which is responsible for the welfare of the service user who may be referred by such agency for social welfare services regulated by this Act;

"assessor" means any person who is engaged by the Authority to carry out assessments in accordance with the provisions of this Act and may include any representative of the Authority as authorised by the Chief Executive Officer;

"Authority" means the Social Care Standards Authority, as established under article 5;

"Chairperson" means the Chairperson appointed by article 9;

"Chief Executive Officer" means the Chief Executive Officer appointed under article 13;

"financial year" means any period of twelve months ending on the 31st December;

Provided that the financial year commencing upon the date of entry into force of this Act shall terminate on the 31st December of that same year;

"licensed service provider" means any person or organisation that has been granted a licence by the Authority to operate, provide or carry out an activity or operation or to provide a service relating to social welfare;

"Minister" means the Minister responsible for social welfare;

"prospective service provider" means any person who, or organization that, applies for a license to operate a social welfare service;

"public officer" shall have the meaning assigned to it by article 124 of the Constitution of Malta;

"responsible person" means the owner, or any other person, legally responsible for the service provision;

"service provider" means any person who, or organisation that provides a social welfare service;

"service user" means any person or entity who makes use of a social welfare service;

"social welfare service" means care services, provided in relation to the well-being of service users, whether by a person, agency or residential facility, or in the community or in a care and nursing home or in the home, as well as may be prescribed by regulations made under this Act;

"Tribunal" means the Administrative Review Tribunal established by article 5 of the Administrative Justice Act. Cap. 490.

PART II Guiding Principles

3. The Government shall, through the establishment of the Social Care Standards Authority, seek to promote and establish the regulation of social welfare services, provided by agencies or public or private entities or any other entity or person. Promotion and development of the Authority's interests.

4. (1) In accordance with the provisions of this Act, the Government shall determine Malta's policies and objectives in the regulation of social welfare services provided by public or private agencies or entities or any other entity or person. Main policies and objectives.

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(2) The Government shall endeavour, through the Authority, to, *inter alia*, achieve the following:

- (a) establish regulatory standards for social welfare services;
- (b) assist the service providers to achieve a higher quality of service;
- (c) enforce the standards and conditions set in the licences granted by the Authority to service providers.

PART III

Establishment and Functions of the Social Care Standards Authority

Establishment
of the Social
Care Standards
Authority.

5. (1) There shall be established a body, to be known as the Social Care Standards Authority, whose function is to set regulatory standards in relation to social welfare services and to ensure that such standards are duly complied with, in accordance with the provisions of this Act.

(2) The Authority shall be a body corporate having a distinct legal personality.

(3) The Authority shall be composed of the Chairperson and the Board established under article 9.

Functions of the
Authority.

6. (1) Without prejudice to any other functions, which may be assigned to it by this Act, or by any other law or regulations, the functions of the Authority shall include:

- (a) to establish regulatory standards, policies and guidelines for social welfare services and to enforce such standards as may be necessary to ensure a quality level of social welfare services;
- (b) to establish criteria for the granting, refusal, suspension or revocation of licences; and
- (c) to grant, refuse, suspend or revoke any licence.

(2) Notwithstanding any other law, where any function or power of the Authority is performed or exercised through an agent as provided in article 12(2), all judicial actions, acts and proceedings arising from or relating to any matter in respect of which an agent acts for and on behalf of the Authority shall be taken or be made by or against such agent in the name of the Authority.

7. The powers of the Authority shall include:

Powers of the Authority.

(a) receiving and acknowledging applications for licensing to operate a social welfare service;

(b) assessing the proposed social welfare services;

(c) assessing and investigating social welfare service providers;

(d) granting, refusing, suspending or revoking a licence to operate a social welfare service in accordance with established criteria;

(e) receiving, acknowledging, investigating and taking any necessary action in relation to any complaint against any agency or service provider or public or private entities or any other entity or person;

(f) recommending measures to improve the quality of social welfare services provided in Malta;

(g) establishing and updating a register for agencies or service providers or public or private entities or any other entity or person providing social welfare services as the Authority may from time to time consider that require registration;

(h) to modify or remove any of the conditions, or to impose additional conditions, after the licence has been granted and unless otherwise prescribed such conditions have effect after the lapse of one year from date of entry into force of new conditions;

(i) to make recommendations to the Government to develop policies in the field of social welfare services.

8. (1) The affairs, business and the carrying out of the functions of the Authority shall be the responsibility of the Board:

Conduct of the affairs of the Authority.

Provided that the Board may delegate the executive conduct of the Authority, its administration and organization and the administrative control of its officers and employees, to any officer or officers of the Authority, who shall also have such other powers as may from time to time be delegated to him or to them by the Board.

(2) Without prejudice to any other function conferred to him by this Act or any other law or regulation, it shall be the function of the Chairperson to –

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(a) assume full responsibility for the overall control and supervision of the Authority;

(b) develop the necessary strategies for the implementation of the objectives of the Authority; and

(c) perform such other duties as the Authority may assign to him from time to time.

Board of
Directors of the
Social Care
Standards
Authority.

9. (1) There shall be a Board of Directors of the Social Care Standards Authority, which shall be composed of seven members of whom one shall be the Chairperson and one other the Deputy Chairperson.

(2) The members of the Board shall be appointed by the Minister from among persons who appear to him to be qualified by reason of having professional qualifications or academic qualifications or experience of or shown capacity in, matters relating to social welfare. One of the Board members appointed by the Minister may be a service user of a social welfare service.

(3) The Chairperson of the Authority shall be appointed by the Minister for such period as the Minister shall deem appropriate. The Minister may also designate another member of the Board as deputy chairperson, and the member so designated shall have all the powers and perform all the functions of the Chairperson during his absence or inability to act as chairperson, or while he is on vacation, or during any vacancy in the office of Chairperson; and the Minister may also, in any of the circumstances aforesaid, appoint another person to act as Chairperson and in such case the foregoing provisions shall apply in respect of such person.

(4) A person shall not be qualified to hold office as a member of the Board if he:

(a) is a member of the House of Representatives, or of the European Parliament, or of a Local Council, or a candidate for election to the House of Representatives, or to the European Parliament, or to a Local Council; or

(b) has such a financial or other interest in any enterprise or activity, as is likely to affect prejudicially the discharge by him of his functions as a member of the Board; or

(c) is legally incapacitated or interdicted; or

(d) has been adjudged bankrupt or has made a composition or arrangement with his creditors; or

(e) has been convicted of a crime affecting public trust or of theft or of fraud or of knowingly receiving property obtained by theft or fraud.

(5) Subject to the provisions of this article, the members of the Board shall hold office for a period of three years.

(6) A member of the Board may, on ceasing to be a member, be eligible for reappointment.

(7) A member of the Board may be removed from office by the Minister if, in his opinion, such member is unfit to continue in office; or has become incapable of, or is not, properly performing his duties as a member; or in the event of any of the circumstances which disqualify such person from remaining a member of the Board.

(8) If a member resigns or vacates his office before completing the appointed term, or is removed in terms of the preceding sub-article, the person appointed in his stead shall be appointed for the unexpired period of the original appointment.

(9) In the exercise of its functions the Social Care Standards Authority shall not be subject to the direction or control of any other person or authority.

10. (1) The Board of the Authority shall meet as often as necessary, but in no case not less than twice a month. The meetings of the Board shall be called by the Chairperson either on his own initiative or at the request of any two of the other members. Without prejudice to the other requirements of this Act, no decision of the Board shall be valid which is not supported by a majority of the members of the Board present at the meeting.

Proceeding of
the meeting of
the Authority.

(2) Half the number of the members for the time being constituting the Board shall form a quorum at any meeting of the Board. Decisions shall be adopted by a simple majority of the votes of the members present and voting. The Chairperson, or other member presiding at the meeting, shall have an initial vote and, in the event of an equality of votes, a casting vote.

(3) In the absence of the Chairperson at any meeting of the Board, the deputy chairperson, or other person appointed to act as chairperson as nominated in terms of article 9(3), or, if no other member or person has been designated or appointed as such, a member of the Board chosen for that purpose by the other members present, shall preside at that meeting of the Board.

(4) Subject to the provisions of sub-article (1), no act or

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proceeding of the Board shall be invalidated merely by reason of any vacancy among the members.

(5) A member of the Board who is in any way directly, or indirectly, interested in a decision made, or proposed to be made, by the Authority shall, as soon as possible, after the relevant circumstances have come to his knowledge, disclose the nature of his interest at the first meeting of the Board after the relevant facts have come to his or her knowledge.

(6) Any disclosure made under sub-article (5) shall be recorded in the minutes of the meeting at which it is made, and the member making any such disclosure -

(a) shall, after the disclosure, withdraw from the meeting at which that decision is proposed to be made; and

(b) shall, if the decision has been made, be disregarded for the purpose of constituting a quorum for any such decision.

(7) Minutes of the proceedings of the Board and of any committee thereof shall be kept. For this purpose and for the keeping of the relevant records, the Minister shall designate a person to act as secretary to the Board for such period and on such terms as the Minister may deem appropriate. The secretary to the Board shall not have a vote.

(8) Subject to the provisions of this Act, or to any regulation made thereunder, the Board may regulate its own procedure.

(9) In the exercise of its functions under this Act, the Board may consult with such professionals, or such other persons having relevant knowledge and experience in the field of social welfare services, as it may deem appropriate. For such purpose, the Board may invite such professionals or other persons to attend meetings of the Board and to provide such information and documentation as it may deem appropriate.

(10) The members of the Board, the secretary to such Board, and any person involved in the proceedings of the Board, shall be bound by confidentiality and shall not disclose to any third party any information which may come to their knowledge during the proceedings.

(11) The Board shall keep a true and correct record of all its proceedings and the Board shall give to the Minister such information

as he may require.

(12) The Board shall lay on the Table of the House of Representatives the annual report of the workings of the Social Care Standards Authority, by not later than four months after the end of each financial year.

11. Without prejudice to the provisions of article 8(2), the legal representation of the Authority shall jointly vest in the Chairperson and/or the Chief Executive Officer.

Legal representative of the Authority.

12. (1) The Authority shall appoint and employ, at such remuneration and upon such time terms and conditions as it may, in accordance with article 9, determine, such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Appointment and functions of officer and employees of the Authority.

(2) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

Detailing of public officers for duty with the Authority.

(3) The period during which a direction as aforesaid shall apply to any officer specified therein, shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different date is specified in such direction, cease to have effect after one year from the effective date of such direction unless the direction is revoked earlier by the Prime Minister.

(4) Where any officer is detailed for duty with the Authority, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but he shall for other intents and purposes remain and be considered and treated as a public officer.

Status of public officers detailed for duty with the Authority.

(5) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid:

(a) shall not during the time in respect of which he is so detailed:

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by him at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and

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conditions of service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

Kap. 93.

Kap. 58.

(b) shall be entitled to have his service with the Authority considered as service with the Government for the purposes of any pension, gratuity, or benefit under the Pensions Ordinance and the Widows' and Orphans' Pensions Act and of any other right or privilege to which he would be entitled, and liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Authority.

(6) Where an application is made as provided in sub-article (5)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Authority.

(7) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which he is so detailed.

(8) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under any of the provisions of article 12(2) permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(9) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister, offer substantially equivalent or greater benefits.

Kap. 93.

Kap. 58.

(10) Every officer who accepts permanent employment with the Authority offered to him, under the provisions of sub-article (8), shall for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

(11) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority, was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if his service with the Authority were service with the Government. Kap. 58.

(12) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted performance of employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(13) The officers and employees of the Authority shall not have any direct or indirect interest in any contract made or proposed to be made by the Authority or in any enterprise which has or proposes to have any business relations with the Authority.

13. (1) The Authority may appoint a Chief Executive Officer and delegate to him, subject to its overall supervision and control, such functions, duties and powers so as to enable the said Officer to give effect to the policies of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority. Delegation of functions.

(2) The Authority and the Chief Executive Officer may exercise any one or more of its functions, either through any of its officers or employees, or through any other person or entity with whom an agreement for the performance of any one or more of such functions has been entered into.

(3) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the Chief Executive Officer; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the Chief Executive Officer.

PART IV Licensing

14. (1) No agency or public or private entities or any other entity or person that provides a social welfare service, shall provide a social welfare service unless there is in respect of such social welfare service a valid licence issued by the Authority. Applications for the issue of licences.

(2) Where the public or private agencies or entities or any other entity or person intends to provide more than one social welfare service, or to provide the same kind of social welfare service but from

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different premises, separate application in respect of each social welfare service shall be made.

(3) The Authority may, at any time during the processing of the application, require the prospective service provider to provide any documents and information deemed necessary and shall visit the premises intended to be used for the provision of the social welfare service in order to make its assessment and ascertain whether the licence should be granted or not.

Granting of
licence to
operate.

15. The Authority shall grant a licence to a prospective service provider if it is satisfied that the prospective service provider:

(a) complies with the eligibility criteria specified by the Authority;

(b) complies with any standards relevant to the proposed social welfare service and any regulations issued under this Act; and

(c) is not in violation of any applicable law or regulation.

Granting of
temporary
licence.

16. The Authority may grant a temporary licence to a prospective service provider who does not meet all the criteria of eligibility and standards required by this Act, or any other regulation made thereunder:

Provided that a temporary licence may only be granted after the Authority shall review and approve an action plan presented by the prospective service provider to conform with the standards stipulated in the relevant regulation.

Provided further that such a temporary licence may only be issued for a period of six (6) months and may only be further extended for another maximum period of six (6) months.

Licence
Certificate and
renewal.

17. (1) Upon granting a licence to a service provider, the Authority shall issue a Licence Certificate which shall be valid for a period of one year from date of issue, unless otherwise prescribed in the terms and conditions laid down in the licence.

(2) The licence referred to in sub-article (1) may be renewed by the Authority if the service provider applies for renewal by not later than two months prior to the expiration of the licence and renewal shall only be granted if the licensed service provider is still in compliance with the provisions of this Act and of any regulation made thereunder. The decision of the Authority regarding the renewal of a licence shall be served on the licensed service provider by registered

mail, within fifty days from the application for renewal.

(3) The licensed service provider shall ensure that the licence, or a copy of it, is kept affixed in a prominent place in the principal office of the premises from which the social welfare service is provided.

(4) The issuing and renewal of a licence shall be without prejudice to the requirement of any other licence or authorisation required under any other law.

18. (1) The Authority shall have the right to refuse an application for licensing if it deems the prospective service provider or licensed service provider not fit to carry out social welfare services. The refusal together with detailed reasons therefor shall be served in writing by registered mail, to the prospective service provider or licensed service provider applying for licensing within fifty days from the date of application. Refusal of an application.

(2) The prospective service provider or licensed service provider shall have the right to request a reversal of the decision of the Authority by filing an appeal in terms of Part VII of this Act.

(3) The prospective service provider or licensed service provider shall have the right to re-apply to the Authority for a licence if the reason for the refusal no longer subsists.

19. (1) The Authority shall have the right to revoke the licence of a licensed service provider at any time, if the licensed service provider: Revocation of a licence.

(a) ceases to comply with the criteria of eligibility for licensing;

(b) is no longer deemed suitable to provide the licensed social welfare services;

(c) is in breach of the conditions for licensing in accordance with the provisions of this Act.

(2) The Authority shall serve the service provider, by registered mail, with the written revocation together with the reasons therefor and such revocation shall have effect from date of notification.

(3) In all cases mentioned in paragraphs (a), (b) and (c) of sub-article (1), the Licence Certificate and all the documentation relating to the social welfare service shall become the property of the Authority.

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Publication in the Gazette and online.

20. (1) During the month of January of every year the Authority shall publish in the Gazette:

(a) a list of all licensed service providers specifying the type of social welfare service being offered, their full name, registered address and other relevant contact details;

(b) a list of licensed service providers whose licence has been revoked and any changes in the conditions required for licensing or renewal; and

(c) any changes in the conditions required for licensing or renewal that were effected until the thirty-first of December of the previous year.

(2) The Authority shall ensure to publish online the same mentioned lists in paragraphs (a) and (b) of sub-article (1), and update the same online lists at the end of every month.

PART V Setting of Standards

Standards and Codes of Conduct.

21. (1) The Authority shall be responsible for establishing, publishing and reviewing Regulatory Standards for social welfare services.

(2) For the purposes of sub-article (1), the Authority shall consult such persons or groups of persons as it considers appropriate.

(3) The purpose of Regulatory Standards shall be to:

(a) improve and standardize the regulation of social welfare services;

(b) render effective the essential regulation of the services;

(c) reassure the service users that social welfare services are appropriate to their needs and respect their rights and dignity; and

(d) emphasize that the welfare of the service users is to be considered as paramount.

PART VI Enforcing of Standards

Powers of entry and inspection.

22. (1) The Authority in a fair and equal manner, shall monitor, review and enforce all operations involving the provision of social

welfare services provided by agencies, public or private entities or any other entity or person. This will ensure that such operations are carried out in accordance with this Act, or any other law or regulations prescribed thereunder and in compliance with any decision made under this Act, or such other law or regulations.

(2) For the purposes of the preceding sub-article, the Authority shall have the power to:

(a) enter any premises at any reasonable time and without prior notice and inspect any operation involving the provision of social welfare services;

(b) to carry out in any such premises any search, examination, test or inquiry which it may consider necessary in order to satisfy itself that the provisions of this Act, or of any regulations or orders made thereunder, and any recognised social welfare standards are being observed, and in particular –

(i) to interview, in the presence of witnesses, any person whom it considers was involved in the provision of the social welfare service and any person whom it considers has made use of such service;

(ii) to require the production of any books, registers or other documents being kept by the service provider and to make a copy of such books, registers or documents or take extracts therefrom;

(iii) require any information as may be reasonably required in relation to the investigation;

(c) take photographs, films, video recordings or electronic images; and

(d) to require the assistance of the Police whenever deemed necessary.

(3) On the conclusion of an investigation, the Authority may:

(i) submit a report to the Executive Police for further investigation in all cases involving a criminal offence;

(ii) take any administrative action, which it deems appropriate in the circumstances of the case;

(iii) take any such other action as it deems

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appropriate in the circumstances of the case.

Provision of information

23. The Authority may at any time require a licensed service provider or a prospective service provider, or agency, or the responsible person, involved in the provision of the licensed social welfare service, to supply them with any information as may be reasonably required in relation to the service for the purposes of fulfilling its functions under this Act and any regulations, which may be made thereunder.

Non-compliance.

24. (1) Where the assessor deems that a service is not compliant with the provisions of this Act, or with the terms of the licence, the assessor shall make a report of his assessment and shall recommend, where applicable, the changes which the licensed service provider should undertake. The assessor shall remit a copy of the report, together with his recommendations, to the Authority for its decision and the Authority shall serve on the licensed service provider a copy of its decision by means of registered post.

(2) The licensed service provider shall effect the changes listed in the report within the time-frame established by the Authority. In the event that the licensed service provider does not comply with the required changes within the specified time-frames, the Authority shall take any action it deems fit, according to the provisions of this Act.

PART VII Appeals

Right of appeal from decisions of the Authority.

25. (1) Any person who feels aggrieved by a decision of the Authority may appeal before the Tribunal within ten days from the date of service of the decision.

Cap. 490.

(2) The provisions of the Administrative Justice Act shall apply to the composition of the Tribunal in any appeal made to the Tribunal, or in all cases where a reference by this Act is made to the Tribunal.

(3) The Tribunal may, upon good grounds being shown, stay the execution of the decision appealed from.

Appeal to the Court of Appeal.

26. Any party to the proceedings before the Administrative Review Tribunal who feels aggrieved by a decision of the Tribunal, may appeal to the Court of Appeal in its inferior jurisdiction within ten days from the date of service of the decision.

PART VIII Offences and penalties

Hindrance.

27. Any person who in any way hinders or obstructs the Authority or any of its officers in the performance of any of their functions shall

be guilty of an offence and shall, on conviction by the competent court, be liable to detention for a term of not more than three months or to a fine (*multa*) of not less than one hundred euro (€100) but not exceeding five thousand euro (€5,000), or to both such fine and detention.

28. In the event of non-compliance the Authority may impose an administrative penalty of not less than one hundred euro (€100) but not exceeding ten thousand euro (€10,000), or in the case of continuance of non-compliance a daily penalty of not less than fifty euro (€50) but not more than three hundred and fifty euro (€350) for each day that the non-compliance continues.

Administrative penalties to be imposed for non-compliance.

29. Any penalty established for any offence in this Part shall be without prejudice to any other penalty established under any other laws or regulations prescribed under this Act.

Other offences.

PART IX Miscellaneous

30. (1) All licensing powers of the Department for Social Welfare Standards shall upon the coming into force of this Act be vested in the Authority established under this Act:

Transfer of powers and responsibilities.

Provided that any decision or licence granted by the Department for Social Welfare Services, before the coming into force of this Act, shall continue to have effect as if the decision or licence had been given or granted under the relative provisions of this Act subject to the satisfaction of all conditions stipulated in this Act.

(2) Where any act or process has been commenced by or under the authority of the Government prior to the date of entry into force of this Act and such act or process is in relation to anything transferred to the Authority by virtue of this Act, such act or process may be carried on and completed by or under that authority of the Government.

(3) Where on the date of entry into force of this Act any legal proceeding is pending to which the Government is a party or is entitled to be a party and such proceeding has reference to anything transferred to the Authority by virtue of this Act, the Authority shall be substituted in such proceeding for the Government and shall be entitled to be so substituted.

(4) The Minister may by order make such incidental, consequential or supplementary provisions as may be necessary or expedient for the purpose of securing and giving full effect to the transfer of any undertaking or any right, power, liability or obligation to the Authority by or under this Act and may make such orders as may

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be necessary to make any powers and duties exercised by the Government, in relation to anything transferred to the Authority by virtue of this Act, exercisable by and on behalf of the Authority.

(5) The Minister may make regulations to give better effect to the provisions of this Act.

Transitory provisions.
Cap. 31.

31. All licensing powers of homes for older persons in terms of article 98 of the Medical and Kindred Professions Ordinance shall upon the coming into force of this Act be vested in the Authority established under this Act:

Cap. 31.

Provided that any decision or licence granted under article 98 of the Medical and Kindred Professions Ordinance, before the coming into force of this Act, shall continue to have effect as if the decision or licence had been given or granted under the relative provisions of this Act subject to the satisfaction of all conditions stipulated in this Act.

Consequential amendment of article 98 of the Medical and Kindred Professions Ordinance.
Cap. 31.

32. In sub-article (1) of article 98 of the Medical and Kindred Professions Ordinance, the words "nursing home, home for the aged," shall be deleted.

Passed by the House of Representatives at Sitting No. 110 of the 9th May, 2018.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

