

I assent.

(L.S.)

**MARIE-LOUISE  
COLEIRO PRECA  
President**

15th February, 2019

**ACT No. II of 2019**

*AN ACT to amend various social welfare laws and to establish and designate the appointment of the Director responsible for Social Welfare and to make ancillary and consequential provisions thereto.*

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

**1.** The short title of this Act is the Various Social Welfare Laws (Amendment) Act, 2019. Short title.

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

"Chief Executive Officer" shall have the same meaning as assigned to it in the Social Care Standards Authority Act. Cap. 582.

**PART I**  
**AMENDMENTS TO THE CHILDREN AND YOUNG PERSONS**  
**(CARE ORDERS) ACT**

Amendment to  
the Children and  
Young Persons  
(Care Orders)  
Act.  
Cap. 285.

**3.** This Part amends the Children and Young Persons (Care Orders) Act and shall be read and construed as one with the Children and Young Persons (Care Orders) Act, hereinafter in this Part referred to as "the principal Act".

Substitution of  
article 4 of the  
principal Act.

**4.** Article 4 of the principal Act shall be substituted by the following:

"4. (1) If, on representations made to him in writing by the Chief Executive Officer of the Social Care Standards Authority and after giving the parents and the guardian, if any, of the child or young person an opportunity to express their views, and after hearing any other person he may deem likely to assist him, the Minister is satisfied that that child or young person is in need of care, protection or control, it shall be the duty of the Minister by an order in writing under his hand to take such child or young person into his care.

(2) A copy of any order made by the Minister under sub-article (1) shall forthwith be sent by registered letter to the person exercising paternal authority over the child or young person, or to his guardian, if any, who shall be asked to state to the Chief Executive Officer of the Social Care Standards Authority within twenty-one days from the date of receipt of the said letter, whether he objects to the said order.

(3) If the person to whom the registered letter is sent under sub-article (2) shall, within the time therein prescribed, signify, even verbally, his objection to the order, the Chief Executive Officer of the Social Care Standards Authority shall, not later than seven days from the date on which he shall have become aware of the objection, refer the case to the Juvenile Court in such manner as shall be prescribed by regulations made under article 13.

(4) Where a case is referred to the Juvenile Court under sub-article (3), the said court shall, in such manner and within such time as shall be prescribed by regulations made under article 13, review the whole case and decide whether the child or young person is in need of care, protection or control and shall accordingly confirm or revoke the order made under sub-article (1).

(5) If the Juvenile Court confirms the order made under

sub-article (1), the person referred to in the said sub-article may, after four months following such confirmation, request the Juvenile Court to review the order. Such a request shall be made by means of a registered letter to the Chief Executive Officer of the Social Care Standards Authority. The Chief Executive Officer of the Social Care Standards Authority shall, not later than seven days from the date of the receipt of such letter, refer the case to the Juvenile Court in the same manner as prescribed by the regulations made under article 13, so however that the said Court shall give its decision about the said reference within twenty-one days from when it is made to it.

(6) An order made under sub-article (1) shall, unless it has ceased to have effect earlier, cease to have effect on the date on which the child or young person in respect of whom the order is made attains the age of eighteen years."

**PART II  
AMENDMENTS TO THE ADOPTION REGULATIONS**

5. This Part amends the Adoption Regulations and shall be read and construed as one with the Adoption Regulations, hereinafter in this Part referred to as "the principal regulations".

Amendment to the Adoption Regulations. S.L. 16.04.

6. Sub-paragraph (a) of regulation 2 of the principal regulations shall be substituted by the following:

Amendment of regulation 2 of the principal regulations.

"(a) for the purposes of article 116(2), the prescribed authority therein referred to shall be the Chief Executive Officer of the Social Care Standards Authority. The Chief Executive Officer shall in turn submit a social report to the court in the interest of the person to be adopted, and the court shall decide on the application for an adoption after it has taken cognizance of the report;"

**PART III  
AMENDMENTS TO THE OVERSEAS ADOPTION  
(DEFINITION) ORDER**

7. This Part amends the Overseas Adoption (Definition) Order and shall be read and construed as one with the Overseas Adoption (Definition) Order, hereinafter in this Part referred to as "the principal Order".

Amendment to the Overseas Adoption (Definition) Order. S.L. 16.05.

8. Article 4 of the principal Order shall be substituted by the following:

Substitution of article 4 of the principal Order.

"4. The Social Care Standards Authority is hereby

designated as the Central Authority to discharge the duties which are imposed by the Convention upon such Authorities."

**PART IV  
AMENDMENTS TO THE CHILDREN AND YOUNG PERSONS  
(CARE ORDERS) REGULATIONS**

Amendments to the Children and Young Persons (Care Orders) Regulations. S.L. 285.01.

**9.** This Part amends the Children and Young Persons (Care Orders) Regulations and shall be read and construed as one with the Children and Young Persons (Care Orders) Regulations, hereinafter in this Part referred to as "the principal regulations".

Amendment of regulation 2 of the principal regulations.

**10.** The definition "the Director" in regulation 2 of the principal regulations shall be substituted by the following:

""The Chief Executive Officer" means the Chief Executive Officer of the Social Care Standards Authority or any person so delegated by him for the purpose;".

Amendment of regulation 4 of the principal regulations.

**11.** Regulation 4 of the principal regulations shall be amended as follows:

(a) sub-regulation (1) thereof shall be substituted by the following:

"(1) When the Chief Executive Officer becomes aware of any objection by the person exercising parental authority over, or the guardian of, a child or young person, to a care order made by the Minister under article 4(1) of the Act, he shall, as soon as may be but in any case not later than seven days from the date on which he shall have become aware as aforesaid, refer the case to the Juvenile Court by means of a written communication addressed to the Registrar of Courts or to the person performing the functions of registrar as may be assigned for the purpose in accordance with the provisions of article 369 of the Criminal Code.";

Cap. 9.

(b) sub-regulation (2) thereof shall be amended as follows:

(i) sub-paragraph (c) thereof shall be substituted by the following:

"(c) a copy of the written representations made by the Chief Executive Officer to the Minister under article 4(1) of the Act;";

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

by the following:

"(e) a list of persons (with their addresses) who in the opinion of the Chief Executive Officer could be of assistance to the Juvenile Court in reviewing the case."

**12.** Sub-regulation (2) of regulation 5 of the principal regulations shall be substituted by the following: Amendment of regulation 5 of the principal regulations.

"(2) The Juvenile Court shall hold a sitting to review a case as soon as may be, but in any case not later than seven days from the date on which the Registrar of the Court shall have received from the Chief Executive Officer the written communication referred to in regulation 4:

Provided that prior to the sitting, the Registrar of Court shall notify the parties of the date, hour and location of the hearing."

**13.** Sub-regulation (1) of regulation 9 of the principal regulations shall be substituted by the following: Amendment of regulation 9 of the principal regulations.

"(1) The Board shall meet as and when necessary but shall meet with urgency at the request of the Minister or of the Chief Executive Officer and conveyed to it through the Secretary of the Board."

**14.** Sub-regulation (1) of regulation 10 of the principal regulations shall be substituted by the following: Amendment of regulation 10 of the principal regulations.

"(1) It shall be the duty of any person or persons responsible for the home, hostel or institution with whom or in which a child or young person has been boarded out or accommodated in accordance with the provisions of article 10(1) of the Act to ensure that such child or young person is treated and brought up in an environment which is normally to be found in a good Maltese family and which is conducive to psychological security as well as to physical well-being, so as to promote normal and healthy development. In particular, such person or persons shall provide a balanced and nourishing diet and maintain normally acceptable standards of hygiene to the satisfaction of the Chief Executive Officer; and shall further ensure that, without prejudice to anything contained in any other law, the child or young person attends regular religious services and receive religious instruction."

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Amendment of regulation 11 of the principal regulations.

**15.** Sub-regulation (1) of regulation 11 of the principal regulations shall be substituted by the following:

"(1) The Chief Executive Officer shall:

(a) have the duty to inspect any premises in which a child or young person is accommodated or boarded out to ensure that the provisions of regulation 10 are being complied with;

(b) have the right to visit and interview children or young persons at the place where they are accommodated."

Amendment of the Schedule to the principal regulations.

**16.** The words "In your capacity as father/mother/guardian of the said ..... if you object to this care order you have a right to signify your objection to the Director responsible for social welfare by not later than (21) twenty-one days from the day of the receipt of this order." in Part 1 of the Schedule to the principal regulations shall be substituted by the words "In your capacity as father/mother/guardian of the said .....if you object to this care order you have a right to signify your objection to the Chief Executive Officer of the Social Care Standards Authority by not later than twenty-one (21) days from the day of the receipt of this order."

## **PART V AMENDMENTS TO THE AGENCY ACCREDITATION REGULATIONS**

Amendment to the Agency Accreditation Regulation. S.L. 495.01.

**17.** This Part amends the Agency Accreditation Regulations and shall be read and construed as one with the Agency Accreditation Regulations, hereinafter in this Part referred to as "the principal regulations".

Amendment of the Schedule to the principal regulations.

**18.** The words "Department for Social Welfare Standards, Ministry for Justice, Dialogue and Family, Bugeia Institute, 469, St. Joseph High Road, St. Venera, SVR 1012, Malta Tel: (356) 22788000, Fax: (356) 22788260 Website: [www.welfarestandards.gov.mt](http://www.welfarestandards.gov.mt) and E-mail:welfare.standards@gov.mt" in the Application for Accreditation of an Adoption Agency found in the Schedule to the principal regulations shall be substituted by the words "Social Care Standards Authority, Ministry for the Family, Children's Rights and Social Solidarity, Bugeja Institute, 469, St. Joseph High Road, St. Venera, SVR 1012, Malta, Tel: (356) 25494300, Website: [www.scsa.gov.mt](http://www.scsa.gov.mt) and E-mail: info.scsa@gov.mt."

**PART VI  
AMENDMENTS TO THE CHILD ABDUCTION  
AND CUSTODY ACT**

**19.** This Part amends the Child Abduction and Custody Act and shall be read and construed as one with the Child Abduction and Custody Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Child Abduction and Custody Act. Cap. 410.

**20.** Article 5 of the principal Act shall be substituted by the following:

Substitution of article 5 of the principal Act.

"5. The functions under the Convention of a central authority shall be discharged by the Chief Executive Officer of the Social Care Standards Authority and any application made under the Convention by or on behalf of a person outside Malta may be addressed to the office of the Chief Executive Officer of the Social Care Standards Authority."

**21.** Sub-article (2) of article 6 of the principal Act shall be substituted by the following:

Amendment of article 6 of the principal Act.

"(2) Whenever any person interested or the Chief Executive Officer of the Social Care Standards Authority alleges that a child has been wrongfully removed within the meaning of Article 3 of the Convention, he may, without prejudice to any other action with respect to the same matter that is lawfully available, make an application under sub-article (1) for redress."

**22.** Article 8 of the principal Act shall be substituted by the following:

Substitution of article 8 of the principal Act.

"8. Where the Chief Executive Officer of the Social Care Standards Authority is requested to provide information relating to a child under Article 7(d) of the Convention he may:

(a) request any person to make a report to him in writing with respect to any matter which appears to him to be relevant;

(b) request any court to which a written report relating to the child has been made to send him a copy of the report,

and such a request shall be duly complied with."

**23.** Article 16 of the principal Act shall be substituted by the following:

Substitution of article 16 of the principal Act.

"16. (1) The functions under the Convention of a central

authority shall be discharged by the Chief Executive Officer of the Social Care Standards Authority.

(2) Any application made under the Convention by or on behalf of a person outside Malta may be addressed to the Chief Executive Officer of the Social Care Standards Authority."

Substitution of article 23 of the principal Act.

**24.** Article 23 of the principal Act shall be substituted by the following:

"23. Where the Chief Executive Officer of the Social Care Standards Authority is requested to make enquiries about a child under Article 15(1)(b) of the Convention he may:

(a) request any person to make a report to him in writing with respect to any matter relating to the child concerned which appears to him to be relevant;

(b) request any court to which a written report relating to the child has been made to send him a copy of the report,

and any such request shall be duly complied with."

Amendment of article 25 of the principal Act.

**25.** Sub-article (1) of article 25 of the principal Act shall be substituted by the following:

"25. (1) Where a person on whom any rights are conferred by a decision relating to custody made by a court in Malta makes an application to the Chief Executive Officer of the Social Care Standards Authority under Article 4 of the Convention with a view to securing its recognition or enforcement in another Contracting State, the said Chief Executive Officer of the Social Care Standards Authority may require the court which made the decision to furnish him with all or any of the documents referred to in Article 13(1)(b), (c) and (d) of the Convention."

Substitution of article 28 of the principal Act.

**26.** Article 28 of the principal Act shall be substituted by the following:

"28. Expenses incurred by the Chief Executive Officer of the Social Care Standards Authority for the purposes of this Act shall be paid out of money provided by the House of Representatives for that purpose."



**PART VII  
AMENDMENTS TO THE PROTECTION OF CHILDREN  
(HAGUE CONVENTION) ACT**

**27.** This Part amends the Protection of Children (Hague Convention) Act and shall be read and construed as one with the Protection of Children (Hague Convention) Act, hereinafter in this Part referred to as "the principal Act".

Amendment to the Protection of Children (Hague Convention) Act.  
Cap. 507.

**28.** Article 6 of the principal Act shall be substituted by the following:

Substitution of article 6 of the principal Act.

"6. The functions under the Convention of a central authority shall be discharged by the Chief Executive Officer of the Social Care Standards Authority."

**PART VIII  
AMENDMENTS TO THE SOCIAL CARE  
STANDARDS AUTHORITY ACT**

**29.** This Part amends the Social Care Standards Authority Act and shall be read and construed as one with the Social Care Standards Authority Act, hereinafter in this Part referred to as "the principal Act".

Amendment to the Social Care Standards Authority Act.  
Cap. 582.

**30.** Sub-article (1) of article 30 of the principal Act shall be substituted by the following:

Amendment of article 30 of the principal Act.

"30. (1) All licensing powers and all other duties and functions of the Department for Social Welfare Standards and of the Director responsible for Welfare shall, upon the coming into force of this Act, be vested in the Authority and the Chief Executive Officer of the Social Care Standards Authority respectively, established under this Act:

Provided that any decision or licence granted by the Department for Social Welfare Standards before the coming into force of this Act shall continue to have effect as though 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."

**PART IX**  
**AMENDMENTS TO THE INTERNATIONAL MAINTENANCE**  
**OBLIGATIONS ORDER**

Amendment to  
the International  
Maintenance  
Obligations  
Order.  
S.L. 460.25.

**31.** This Part amends the International Maintenance Obligations Order and shall be read and construed as one with the International Maintenance Obligations Order, hereinafter in this Part referred to as "the principal Order".

Substitution of  
article 4 of the  
principal Order.

**32.** Article 4 of the principal Order shall be substituted by the following:

"4. The functions under the EC Regulation shall be discharged by the Chief Executive Officer of the Social Care Standards Authority as the central authority and shall receive and transmit an application for a declaration of the executive enforceability of law under Article 27 of the EC Regulation."

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Passed by the House of Representatives at Sitting No. 196 of the  
12th February, 2019.

CLAUDETTE BUTTIGIEG  
*Deputy Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



# VERŻJONI ELETTRONIKA