

I assent.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

24th March, 2016

ACT No. XVII of 2016

AN ACT to provide for the setting up of the Maltese Sign Language Council, and for matters ancillary or consequential 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. (1) The short title of this Act is the Maltese Sign Language Recognition Act, 2016. Short title and basis.

(2) This Act is based on the principles of the consolidation of human rights, equal opportunities and linguistic rights.

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

"Committee" means the Social Affairs Committee of the House of Representatives or any other committee substituting the same;

"Council" means the Maltese Sign Language Council established under article 7;

"Deaf community" means -

(a) the distinct linguistic and cultural group of people who have a hearing impairment and who use Maltese Sign Language as their first or preferred language; and

(b) people who have a hearing impairment and who

A 684

identify with the group of people referred to in paragraph (a);

"Maltese Sign Language" means the visual and gestural language that is the first or preferred language in Malta of the distinct linguistic and cultural Deaf community;

"Minister" means the Minister responsible for the rights of persons with a disability.

Declaration,
scope and
guiding
principle.

3. (1) The Republic of Malta recognises Maltese sign language as an expression of culture and endorsement for equal opportunities and inclusion. The purpose of this Act is to promote and maintain the use of Maltese Sign Language by declaring Maltese Sign Language to be an official language of Malta and empowering the making of regulations setting competency standards for the interpretation of Maltese Sign Language.

(2) The guiding principle of this Act is that the Deaf community should be consulted on matters relating to Maltese Sign Language including the promotion of the use and development of Maltese Sign Language.

Use of Maltese
Sign Language.

4. Maltese Sign Language is declared to be an official language of Malta and the Government of Malta shall promote through all possible means the widest use of Maltese Sign Language in all government information and services, education, broadcasting, media, at the law courts, and in political, administrative, economic, social and cultural life.

Limitations.
Cap. 413.

5. The obligations under this Act are subject to such limits as circumstances make reasonable and necessary in terms of the Equal Opportunities (Persons with Disability) Act, if all reasonable measures and plans for compliance with this Act have been taken or made.

Use of other
language.

6. Nothing contained in this Act shall affect the right of any other linguistic community in Malta or the right of any person to use the language of that community or person which is not Maltese Sign Language.

Establishment
of the Maltese
Sign Language
Council.

7. There shall be established a Council to be known as the Maltese Sign Language Council, hereinafter referred to as "the Council".

Purposes of the
Council.

8. The purposes of the Council are:

(a) to advise the Minister in all matters related to sign language;

- (b) to support research related to sign language;
- (c) to support the development of sign language and motivate and enhance the recognition and expression of Maltese Sign Language;
- (d) to promote the dynamic development of such linguistic characteristics as identified by the Maltese Deaf community;
- (e) in consultation with the Deaf community, adopt a suitable linguistic policy backed by a strategic plan, and ensure that the same are put into practice and observed in all sectors of Maltese life;
- (f) to evaluate and co-ordinate the work done by associations and individuals, in Maltese Sign Language sector and to foster an atmosphere of co-operation through a consensual plan;
- (g) to seek to obtain financial resources locally and overseas in order to be able to strengthen its activities, especially such resources as are already accessible to local and international organisations for research purposes;
- (h) to co-operate with persons, bodies and organisations in the disability sector in order to increase and augment the recognition and appreciation of Maltese Sign Language and cultural activities for the further advancement of Maltese Sign Language;
- (i) to prescribe and establish regulations about the standards of competency that a person who is to act as an interpreter of Maltese Sign Language must attain and keep a register of recognised Maltese Sign Language Interpreters;
- (j) to undertake such other activities as may be assigned to it by the Minister.

9. (1) The Council shall be composed of not more than five members, who shall be appointed by the Minister, one of whom shall be appointed after consultation with the National Commission for Persons with Disability as Chairperson.

Composition of
the Council.

(2) The members shall be appointed from amongst persons who are knowledgeable in matters relating to sign language, ancillary services, public service procedures, education or in other areas related to signing; at least two of the members of the Council shall be persons

A 686

belonging to the Deaf community and another member shall be appointed in consultation with the Minister responsible for education.

(3) The members of the Council shall be appointed for a term of three years, but shall be eligible for re-appointment on the expiration of their term of office. Any member may, before the expiration of his term of office, resign by letter addressed to the Minister.

(4) A person shall not be qualified to hold office as a member of the Council if he is, or was, a Minister, Parliamentary Secretary, a member of the House of Representatives, a member of a local government authority, or if he is a public officer other than a public officer who is qualified to be appointed Chairperson of the Council under sub-article (2).

(5) Subject to the provisions of this article, the office of a member of the Council shall become vacant -

(a) at the expiration of three years from the date of his appointment; or

(b) if any circumstances arise that, if he were not a member of the Council, would cause him to be disqualified for appointment as such.

(6) A member of the Council may be removed from office by the Minister, but such member may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or of body or any other cause) or for misbehaviour.

(7) If the office of a member of the Council is vacant or if a member is for any reason unable to perform the functions of his office, the Minister shall appoint a person who is qualified to be appointed to be a member to be a temporary member of the Council, and any person so appointed shall, subject to the provisions of sub-articles (5) and (6), cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(8) The Minister shall ensure that the Council is provided with the necessary resources in order to function in an effective manner.

Report.

10. (1) The Council shall, within two years after the date on which this Act comes into force, and once every two years thereafter, prepare a report on -

(a) the operation of this Act since its commencement, and every two years after the first report; and

(b) whether any amendments to the scope and contents of this Act are necessary or desirable.

(2) The Council shall ensure that persons or organisations that are representative of the interests of the members of the Deaf community are consulted on the matters to be considered in the report.

(3) The Minister shall, at the earliest opportunity and not later than eight weeks after he has received a copy of such report, or if at any time during that period the House of Representatives is not in session, within eight weeks from the beginning of the next following session, cause a copy of such report to be laid on the Table of the House of Representatives. The report shall then be discussed by the Committee.

11. The report may be included in any report made in relation to the Equal Opportunities (Persons with Disability) Act and on the progress being made in implementing the Malta National Disability Policy and applicable Strategy and also in relation to any reporting procedure required pursuant to the obligations emanating from the UN Convention on the Rights of Persons with Disability.

Inclusion of
report in other
reports.
Cap. 413.

Passed by the House of Representatives at Sitting No. 370 of the 16th March, 2016.

ANGLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

