



General Assembly

Dist.
GENERAL

A/37/160
26 March 1982
ENGLISH
ORIGINAL: ARABIC/ENGLISH

Thirty-seventh session
Item 88 of the preliminary list*

WORLD PROGRAMME OF ACTION CONCERNING DISABLED PERSONS

Note verbale dated 18 March 1982 from the Chargé d'Affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

The Chargé d'Affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to enclose herewith the resolutions issued by the General People's Committee (annexes I to III) and related regulations issued by the General People's Committee for Social Security in Libya (annexes IV and V), in accordance with Act No. 3 of 1981 concerning disabled persons.

The Chargé d'Affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations would kindly request that those resolutions and regulations be circulated as an official document of the General Assembly under item 88 of the preliminary list.

* A/37/50.

ANNEX I

Resolution of the General People's Committee No. 1476 of 1981 concerning
implementation of the benefit of customs exemption in accordance with
Act No. 3 of 1981 on disabled persons

The General People's Committee,

Having taken cognizance of the Social Security Act, No. 13 of 1980, and Act No. 3 of 1981 on disabled persons,

And on the basis of the recommendation of the National Committee for the Welfare of Disabled Persons and the proposal of the General People's Committee for Social Security contained in the note of the Secretary of the Committee, the Chairman of the National Committee for Welfare of Disabled Persons, dated 7 Muharram 1391 from the death of the Prophet, corresponding to 4 November 1981 A.D.,

Has decided as follows:

Article 1

The following shall be exempt from customs duties:

- (a) Appliances, equipment and devices necessary for the habilitation or rehabilitation of disabled persons;
- (b) Prostheses designed for use as substitutes in cases of physical disability;
- (c) Aids which compensate for physical disability;
- (d) Appliances, equipment, devices, vehicles and cycles manufactured specially for use by disabled persons.

This shall be done in the manner specified by the Secretary of the General People's Committee for the Treasury.

Article 2

No additional customs duty shall be imposed on the increase in value resulting from the adaptation of ordinary appliances, equipment, devices and vehicles to make them suitable for use by the disabled.

Article 3

Customs exemption may also apply to equipment, apparatus and devices other than those mentioned above imported by disabled persons, where their use is, by their nature, restricted to disabled persons.

Article 4

Spare parts for the appliances, apparatus and devices mentioned in the preceding articles shall also be exempt from customs duties on the same basis as the appliances, equipment and devices.

Article 5

The categories of appliances, equipment, devices, vehicles and cycles to which the specifications in articles 1, 2 and 3 of this Resolution shall apply shall be determined by a resolution of the Secretary of the General People's Committee for the Treasury. The term prescribed for the use of each shall be determined by a resolution of the General People's Committee for Social Security.

Further enjoyment of customs exemption in respect of previously exempted articles shall depend on the expiry of the term laid down for their use.

However, the term of use shall not be taken into account in cases of loss or unintentional destruction.

Article 6

The above-mentioned customs-exempt appliances, equipment, devices and vehicles may not be relinquished, either for compensation or without compensation, except after payment of customs duties on them, save where they are relinquished to another disabled person who has the same entitlement to customs exemption.

Article 7

The General People's Committee for Social Security shall issue the resolutions necessary for the implementation of the provisions of this Resolution.

Article 8

This Resolution shall enter into force on the first day of the month following the date on which it was issued. It shall be published in the Official Gazette.

[Signature illegible]
(General People's Committee)

Issued on 10 Safar 1391 from the
death of the Prophet,
Corresponding to 8 December 1981 A.D.

ANNEX II

Resolution of the General People's Committee No. 1477 of 1981
concerning the benefit of tax exemption in accordance with
Act No. 3 of 1981 on disabled persons

The General People's Committee,

Having taken cognizance of the Social Security Act, No. 13 of 1980, Act No. 3 of 1981 on disabled persons, the Income Tax Act, No. 64 of 1973, Act No. 65 of 1973 on stamp duty and the Jihad Tax Act, No. 34 of 1970,

And on the basis of the recommendation of the National Committee for the Welfare of Disabled Persons and the proposal of the General People's Committee for Social Security contained in the note of its Secretary, the Chairman of the National Committee for the Welfare of Disabled Persons, dated 7 Muharram 1391 from the death of the Prophet, corresponding to 4 November 1981 A.D.,

Has decided as follows:

Article 1

The incomes of the following categories of disabled workers shall be exempt from income tax, the jihad tax, stamp duty and other taxes and dues:

- (a) Mentally retarded persons whose condition does not prevent them from engaging in specific kinds of work;
- (b) Blind persons and virtually blind persons whose sight is weak and who are not helped by vision correction;
- (c) Deaf persons and virtually deaf persons who are not helped by correction of their hearing;
- (d) Dumb persons and virtually dumb persons with unintelligible and limited pronunciation;
- (e) Persons afflicted with amputation or permanent disability of more than one of the four extremities;
- (f) Persons suffering from chronic diseases to be specified by a resolution of the General People's Committee;
- (g) Any person afflicted with a physical, sensory, mental or psychological disability which makes him unable to continue to perform his customary work and forces him to engage in other work at a lower wage.

This classification shall apply also where one of the above-mentioned disabilities occurred at the stage of academic or vocational preparation for engagement in a specific kind of work and made the person so afflicted incapable of performing that work, compelling him to engage in another kind of work at a lower wage.

Article 2

The exemption provided for in the preceding article shall apply to income arising from work, as set forth below:

- (a) Wages and salaries and similar payments made to employees or civil servants;
- (b) Dividends of producers in partnership;
- (c) The stipulated wages for workers;
- (d) Income earned by self-employed workers.

Article 3

The General People's Committee for Social Security shall issue the resolutions necessary for the implementation of the provisions of this Resolution.

Article 4

This Resolution shall enter into force on the first day of the month following the date on which it was issued. It shall be published in the Official Gazette.

[Signature illegible]
(General People's Committee)

Issued on 10 Safar 1391 from the death of the Prophet,
Corresponding to 7 December 1981 A.D.

ANNEX III

Resolution of the General People's Committee No. 1478 of 1981 concerning
implementation of the assisted domestic service benefit in accordance
with Act No. 3 of 1981 on disabled persons

The General People's Committee,

Having taken cognizance of the Social Security Act, No. 13 of 1980, and Act No. 3 of 1981 on disabled persons,

And on the basis of the recommendation of the National Committee for the Welfare of Disabled Persons and the proposal of the General People's Committee for Social Security contained in the note of its Secretary, the Chairman of the National Committee for the Welfare of Disabled Persons, dated 7 Muharram 1391 from the death of the Prophet, corresponding to 4 November 1981 A.D.,

Has decided as follows:

Article 1

A disabled person not residing in a home and belonging to one or more of the categories specified in the following article may receive a monthly allowance in the amount of 35 dinars.

This amount shall be reviewed whenever the cost of living so requires.

Article 2

The following categories of disabled persons shall be entitled to the above-mentioned allowance, provided that they are not engaged in any work:

- (a) The various kinds of mentally retarded persons;
- (b) Blind persons and virtually blind persons who have weak sight and are not helped by vision correction;
- (c) Persons afflicted with amputation or permanent disability of more than one of the four extremities;
- (d) Persons suffering from chronic diseases to be specified by a resolution of the General People's Committee.

Article 3

The above-mentioned allowance shall be personal and attached to the disabled person. It shall be exempt from all taxes and dues. It may not be sequestrated for any reason. It may be combined with the cash benefits and services prescribed under either the Act on disabled persons or the Social Security Act, in accordance with the conditions laid down in each.

Article 4

The disabled person or the person who actually supports him shall submit an application for the allowance to the People's Committee for Social Security in the municipality in which the disabled person resides.

The directives to be issued in implementation of this act shall specify the documents to be submitted and the procedures to be followed for the adoption of a decision on the application.

Article 5

A decision on the application for the allowance shall be taken within a maximum period of three months from the date of its submission. If the application is approved, the disabled person's entitlement to the allowance shall be established as of the first day of the Christian calendar month following the date of submission of the application.

In all cases, the applicant shall be notified, within the specified period, of the result of his application by registered letter with acknowledgement of receipt.

Article 6

For continuous payment of the specified allowance, the disabled person must undergo a medical test once a year so that his condition may be ascertained, unless it has been established that his condition is hopeless and there is no point in his further subjection to this requirement.

Article 7

The allowance shall be payable as due for the duration of the disabled person's life if it is evident that he is unfit for habilitation or rehabilitation, as the case may be, or if it becomes evident at a later stage that he is incapable of continuing the habilitation or rehabilitation.

It shall be payable also throughout the period required for habilitation or rehabilitation of the disabled person until such time as the process is completed and he has been guided to suitable work.

Article 8

Payment of the allowance to the disabled person may be discontinued if he refuses, without a valid excuse, to embark on or continue the habilitation or rehabilitation prescribed for him.

The following shall be regarded as valid excuses for this purpose:

- (a) There is no habilitation centre in the district where the disabled person resides;
- (b) The habilitation centre in the disabled person's district lacks facilities for training in the occupation which is suitable for him;
- (c) The disabled person is temporarily or permanently incapable of responding psychologically to the type of habilitation to which he is directed;
- (d) There is no means of transport to convey the disabled person between his residence and the habilitation centre;
- (e) It is impossible to provide an escort for a disabled person who is incapable of travelling alone.

Article 9

The allowance to the disabled person shall be discontinued if he takes up residence in a permanent residence home. This shall apply for the duration of his term of residence there.

It shall be discontinued also if he takes up a job, either before or after his habilitation or rehabilitation.

Article 10

The necessary appropriations to defray the financial burdens resulting from the implementation of this benefit shall be incorporated in the general State budget.

Article 11

The General People's Committee for Social Security shall issue the resolutions necessary for the implementation of the provisions of this Resolution.

Article 12

This Resolution shall enter into force on the first day of the month following the date on which it is issued. It shall be published in the Official Gazette.

[Signature illegible]
(General People's Committee)

Issued on 10 Safar 1391 from the death
of the Prophet,
Corresponding to 7 December 1981 A.D.

ANNEX IV

Resolution No. 17/82 concerning executive measures
for the implementation of the rules governing tax
exemptions in accordance with Act No. 3 of 1981

The General People's Committee for Social Security,

Having taken cognizance of the Social Security Act, No. 13 of 1980, Act No. 3 of 1981 on disabled persons, resolution 1477 of 1981 adopted by the General People's Committee concerning the application of the benefit of tax exemption in accordance with Act No. 3 of 1981, the resolution adopted on this subject by the General People's Committee for Social Security at its meeting held at Tripoli from 21 to 23 September 1981, and on the basis of the recommendation of the National Committee for the Welfare of Disabled Persons, has decided as follows:

Article 1

The following categories of disabled workers shall be exempt from all income taxes, the jihad tax, stamp duty and other taxes and duties:

- (a) Mentally retarded persons whose condition does not prevent them from engaging in specific kinds of work;
- (b) Blind persons and virtually blind persons whose sight is weak and who are not helped by vision correction;
- (c) Deaf persons and virtually deaf persons who are not helped by correction of their hearing;
- (d) Dumb persons and virtually dumb persons with unintelligible and limited pronunciation;
- (e) Persons afflicted with amputation or permanent disability of more than one of the four extremities;
- (f) Persons suffering from chronic diseases to be specified by a resolution of the General People's Committee;
- (g) Any person afflicted with a physical, sensory, mental or psychological disability which makes him unable to continue to perform his customary work and lowers his income, whether he remains at his original work or is forced by the disability to engage in other work.

This classification shall apply also where one of the above-mentioned disabilities occurred at the stage of academic or vocational preparation for engagement in a specific kind of work, and caused a decline in the income which the disabled person would have earned if he performed that work in a normal manner.

Article 2

Disabled persons who are self-employed, or who are employed by the following entities shall be entitled to the above-mentioned exemption:

- (a) Secretariats and People's Committees of municipalities, units and organizational divisions pertaining to either of these, and autonomous general organs;
- (b) Public institutions, bodies, services and other related bodies; law-enforcement organs such as the police, customs and the municipal guards, as well as members of the judiciary and the prosecution and other judicial bodies and the armed force;
- (c) Companies and installations totally or partially owned by society, which have the nationality of the socialist people's Libyan Arab Jamahiriya;
- (d) Companies, establishments and other bodies, when the persons concerned are partners and not employees, even if they are not yet declared as such;
- (e) Non-national bodies;

Article 3

Disabled persons entitled to exemption from taxes and duties who are employed in the above-mentioned entities shall submit an application to the financial departments in those entities.

The departments shall transmit the applications received in this connexion to the secretariat of the People's Committee for Social Security in the municipality where the disabled person works, taking into account the provisions of article 4.

Article 4

Disabled persons who are either self-employed or employed by a non-national body, and who belong to the categories entitled to exemption from taxes and duties, shall submit their applications directly to the secretariat of the People's Committee for Social Security in the municipality where they work.

Article 5

The People's Committee for Social Security in the municipality shall register all incoming applications for tax and duty exemptions in the general record of disabled persons, and shall include each application in the benefits file of each disabled person. The Committee shall arrange for the disabled person to undergo a

medical examination during the month following the date of his application, and shall notify him of the examination date.

Article 6

The Disability Evolutions Committees provided for in General People's Committee's Resolution No. 1309 of 1981 shall be competent to conduct medical examinations of applicants for tax and duty exemption.

Article 7

A chronic disease shall confer eligibility if it reaches the degree specified in the schedule of chronic diseases to be established by a decision of the General People's Committee.

Disability shall confer eligibility where it affects in toto the sensory organ concerned. Partial disability shall confer eligibility in the following cases:

(a) Where the intelligence quotient, in the case of mentally retarded persons, does not exceed 70;

(b) Where, in the case of persons with weak sight, the strength of vision, after treatment and optometric correction, does not exceed 6/60 in both eyes;

(c) Where, in the case of persons with weak hearing, the auditory threshold, after correction with a hearing aid, does not exceed 70 decibels in both ears.

Article 8

The Disability Evolution Committee shall, in addition to implementing the provisions of the preceding article, make such decisions as it deems appropriate concerning a further medical examination, in the light of its judgement concerning the probability or otherwise of an improvement.

The Committee shall record, in the form designed for this purpose, the result of the examination which it has conducted and the opinion it has reached.

Article 9

The Secretariat of the People's Committee for Social Security at the municipality shall notify the person concerned and his employer of the result of the medical examination, within 15 days of the examination.

The notification shall be made by registered letter with notice of receipt, unless within that period an official copy of the report of the medical panel which conducted the examination is delivered by hand to the person concerned.

Article 10

Exemption from taxes and duties, if eligibility is established, shall be applied retroactively to the first day of January 1982, if the onset of the disability occurred on or before that date. Otherwise exemption shall apply, if eligibility is established, as from the first day of the following month.

Article 11

Exemption from taxes and duties for disabled workers shall be limited to their income from work, described as follows:

- (a) Compensation, salaries and the like paid to employees or civil servants;
- (b) Dividends of producers in partnership;
- (c) Compensation prescribed for workers;
- (d) Income earned by self-employed workers.

Article 12

The Secretariat of the General People's Committee for Social Security shall, during an interim period ending on 31 July 1982, accept disability certificates issued by the employer or the local People's Committee, in cases of evident disabilities afflicting the following: blind persons, deaf persons, dumb persons, persons afflicted with amputation or permanent disability of more than one of the four extremities. Disabled persons submitting certificates of any of the afore-mentioned disabilities shall be granted temporary exemption from taxes and duties as specified above. To establish eligibility for such exemption, the person must undergo a medical examination within six months from the date of submitting the certificate. He shall cease to enjoy the exemption if he fails to appear for a medical examination within the specified period, unless the failure is due to causes other than negligence on his part.

In all cases, the disabled person and the organ issuing the disability certificate shall be collectively responsible for the truth of the information contained therein.

Article 13

This resolution shall enter into force on the date of its promulgation. All concerned shall implement it within their respective spheres of competence

Ibrahim Al-Faqih Hassan
Secretary of the General People's Committee
for Social Security
and
Chairman of the National Committee
for the Welfare of the Disabled

Issued on: 7/4/1391 of the death
of the Prophet
7 February 1982

ANNEX V

Resolution No. 18/82 of the General People's Committee for Social Security concerning executive measures for the implementation of the Regulation on customs exemption issued in accordance with Act No. 3 of 1981

The General People's Committee for Social Security,

Having taken cognizance of the Social Security Act, No. 13 of 1980, Act No. 3 of 1981 on disabled persons, Resolution of the General People's Committee No. 1476 of 1981 concerning implementation of the customs exemption benefit in accordance with Act No. 3 of 1981 and of the Resolution adopted on this matter by the General People's Committee for Social Security at its session in the city of Tripoli from 21 to 23 September 1981,

And on the basis of the recommendation of the National Committee for the Welfare of Disabled Persons,

Has decided as follows:

Article 1

The General People's Committee for Social Security shall, whenever necessary, draw up lists of the appliances, equipment and devices required by habilitation and rehabilitation centres and institutions for disabled persons and also of appliances adapted for the habilitation, rehabilitation or employment of disabled persons. In the case of articles not legally covered by customs exemption, the Committee shall seek the issuance of decisions for exemption by the General Secretariat for the Treasury.

Article 2

Agreement and co-ordination shall be effected between the General People's Committee for Social Security and the Medical Equipment Company and other companies concerned for the importation by these companies of materials to meet the special needs of disabled persons, in the manner proposed by the above-mentioned Committee.

Article 3

The Games Company shall be responsible for importing the practical and recreational requirements of disabled persons, as laid down by the General People's Committee for Social Security.

Article 4

Each of the above-mentioned companies shall offer and sell their imports for disabled persons to such persons on the basis of the disability card and provided that the articles purchased by disabled persons are part of the requirements imposed by their disability.

Article 5

Agreement and co-ordination shall be effected between the General People's Committee for Social Security and the companies importing and selling automobiles for the provision of the automobiles required by disabled persons, whether these are automobiles specially designed for them or adapted for their use. The agreement shall include specification of the type and value of such automobiles.

Article 6

The agreement with the companies importing automobiles and tricycles required by disabled persons must include a commitment by such companies to supply the necessary spare parts for the imports and establish workshops for their maintenance.

Article 7

A disabled person who wishes to purchase one of the above-mentioned tricycles or automobiles shall submit an application to the Social Welfare Section of the People's Committee for Social Security in the municipality of the district in which he resides. After ascertaining his condition, this Section shall bring the disabled person before the Disability Assessment Committee provided for in Decision of the General People's Committee No. 1309 of 1981, and this medical committee shall determine the extent of the disabled person's need to acquire what he has applied for and his ability to use it. This shall be recorded on the form designed for this purpose, and the Social Welfare Section shall, if the outcome is positive, provide the disabled person with a letter from the Secretary of the People's Committee for Social Security in the municipality to the agency competent to sell the disabled person the article for which he has applied.

Article 8

The following terms are prescribed for the use of the following vehicles:

- (a) The automobiles mentioned above: five years;
- (b) Wheel chairs: three years;

(c) Motorized tricycles: three years;

(d) Regular tricycles: two years.

In order to monitor observance of these terms, the Social Welfare Section of the People's Committee for Social Security in the municipality shall open a register of applications and permits issued in this regard and shall place in the benefits file of each disabled person a copy of any letter addressed to him under the preceding article. The file and the register shall be referred to before any application is approved. However, the term of use shall not be taken into account in cases of loss and unintentional destruction, provided that the burden of proof in the matter shall rest with the disabled person.

Article 9

Customs-exempt appliances, equipment, devices and vehicles for disabled persons may not be relinquished, either for compensation or without compensation, except after payment of customs duties on them, save where they are relinquished to another disabled person who has the same entitlement to customs exemption.

Article 10

The General People's Committee for Social Security shall continue to import the articles required by disabled persons until such time as the companies mentioned in this Resolution have assumed the burdens of that activity on a regular and adequate basis.

Article 11

This Resolution shall enter into force on the date on which it is issued and everyone shall implement it within his sphere of competence.

Ibrahim Al-Faqih Hasan
Secretary of the General People's
Committee for Social Security
and Chairman of the National Committee
for the Welfare of Disabled Persons

Issued on 13 Rabia II from the death
of the Prophet,
Corresponding to 7 February 1982 A.D.

ANNEX VI

Resolution No. 19/82 of the General People's Committee for Social Security concerning executive measures for the implementation of the Regulation on subsidized domestic service issued in accordance with Act No. 3 of 1981

The General People's Committee for Social Security,

Having taken cognizance of the Social Security Act, No. 13 of 1980, Act No. 3 of 1981 on disabled persons, Resolution of the General People's Committee No. 1478 of 1981 concerning implementation of the subsidized domestic service benefit in accordance with Act No. 3 of 1981 and the Resolution adopted on this matter by the General People's Committee for Social Security at its session in the city of Tripoli from 21 to 23 September 1981,

And on the basis of the recommendation of the National Committee for the Welfare of Disabled Persons,

Has decided as follows:

Article 1

A disabled person shall, where the conditions set forth in article 3 of this Decision are fulfilled, receive a monthly allowance in the amount of 35 dinars.

This amount shall be reviewed whenever the cost of living so requires.

Article 2

The monthly allowance shall be personal and attached to the disabled person. It shall be multiplied in accordance with the number of disabled persons in the same family. It shall be exempt from all taxes and dues. It may not be sequestered for any reason. It may be combined with the cash benefits and services in kind prescribed either under the Act on disabled persons or the Social Security Act, in accordance with the conditions laid down in each.

Article 3

For entitlement to the above-mentioned benefit, the disabled person must fulfil the following three social conditions:

1. The disabled person must not reside in any home for the disabled;

2. The disabled person must not be engaged in any work; an exception is made in the case of habilitation and rehabilitation;

3. The disabled person must belong to one or more of the following categories:

- (a) The various kinds of mentally retarded persons;
- (b) Blind persons and virtually blind persons who have weak sight and are not helped by vision correction;
- (c) Persons afflicted with amputation or permanent disability of more than one of the four extremities;
- (d) Persons suffering from chronic diseases to be specified by a resolution of the General People's Committee.

Article 4

A disabled person who fulfils the above conditions shall submit an application for receipt of the allowance to the Secretariat of the People's Committee for Social Security in the municipality in which he resides. The application shall be accompanied by the following documentation:

- (a) Two photographs of the disabled person;
- (b) His birth certificate;
- (c) Notification from the People's Committee of the quarter confirming that the disabled person is resident there;
- (d) An assurance from the disabled person, certified by the People's Committee of the quarter, that he does not engage in any work and does not reside in any home for the disabled.

Article 5

For the purposes of the submission of the application for the allowance and the attached documents, the disabled person may be represented by any member of his actual family, his legal guardian or his legal proxy, as the case may be.

Article 6

The Social Welfare Section of the People's Committee for Social Security in the municipality shall be responsible for receiving the application.

This Section shall:

- (a) Record the application with a serial number in the general register opened specially for applications submitted for collection of this allowance and give the parties concerned notice of receipt of the application and the attached documents;
- (b) Deposit the application, the attached documents and any subsequent papers relating to the matter in the benefits file of disabled persons;
- (c) Conduct a social investigation of the disabled person submitting the application;
- (d) Refer the disabled person applying for the allowance for a medical examination to establish the disability or chronic disease;
- (e) Submit the file, after completion of the above procedures, to the Applications Adjudication Committee.

Article 7

The Disability Assessment Committees provided for in resolution of the General People's Committee No. 13 and 9 of 1981 shall be competent to conduct medical examinations of disabled and chronically ill persons applying for the allowance.

The provisions and procedures laid down in that resolution shall apply in this matter.

Article 8

A chronic disease shall establish eligibility if it reaches the degree specified in the schedule of chronic diseases to be laid down by a decision of the General People's Committee.

Disability shall establish eligibility where it affects in toto the sensory organ concerned. Partial disability shall establish eligibility in the following cases:

- (a) Where the proportion of intelligence, in the case of mentally retarded persons, does not exceed 70 degrees;
- (b) Where, in the case of persons with weak sight, the strength of vision does not exceed 6/60 in both eyes, after treatment and correction with spectacles;
- (c) Where, in the case of persons with weak hearing, the degree of hearing does not exceed 70 decibels in both ears, after correction with a hearing aid.

Article 9

The Disability Assessment Committee shall, in addition to observing the provisions of the preceding article, make such decisions as it deems appropriate concerning renewed subjection of a case to medical examination, in the light of its judgement of the probability of the occurrence of an improvement or the absence of such probability.

The Committee shall record the result of the examination which it has carried out and the opinion at which it has arrived on the form designed for this purpose.

Article 10

The Applications Adjudication Committee shall be composed of the following:

- (a) The Secretary of the People's Committee for Social Security in the municipality - Chairman;
- (b) The Chief of the Social Welfare Section of the People's Committee for Social Security in the municipality - member;
- (c) A representative of the Cash Benefits Section of the People's Committee for Social Security in the municipality - member;
- (d) A member of the Disability Assessment Committee in the municipality - member.

Article 11

The Committee mentioned in the preceding article shall draw up rules of procedure, which shall provide that the convening of a meeting shall require the presence of the majority of the members, that, where there is a difference of opinion, its decisions shall be issued by a majority and that it shall meet at least once a month to consider applications for the allowance that are submitted to it.

In all cases, it shall make a decision on each application and notify the applicant of the outcome by registered letter with acknowledgement of receipt within a maximum term of three months from the date of the submission of the application.

Article 12

The decision of the Applications Adjudication Committee shall be kept in the applicant's file, and this shall be indicated opposite his entry in the general register.

Where a decision is issued for approval of the disabled person's application, his entitlement to the allowance shall be established as of the first day of the Christian calendar month following the date of the submission of the application.

Article 13

Cards shall be prepared for persons receiving the allowance on the model of the basic subsistence cards. The cards shall be endorsed by the Secretary of the People's Committee for Social Security in the municipality and sealed with the seal of the Committee. Each beneficiary shall be provided with his own card, and this shall be entered in the file.

Article 14

The actual supporter of the disabled person may act on behalf of the disabled person for the purposes of receipt of the card and, subsequently, collection of the allowance.

A competent disabled person may authorize another to act on his behalf in this matter.

Article 15

In the payment of the above-mentioned allowance to eligible beneficiaries, the same procedures shall be applied as those followed for payment of the basic subsistence.

Article 16

The financial burdens arising from the implementation of the scheme for the above-mentioned allowance shall be assumed by the General Treasury.

Article 17

The allowance shall be payable as due for the duration of the disabled person's life if it is evident that he is unfit for habilitation or rehabilitation, as the case may be, or if it becomes evident at a later stage that he is incapable of continuing the habilitation or rehabilitation.

It shall be payable also throughout the period required for habilitation or rehabilitation of the disabled person until such time as the process is completed and he has been guided to suitable work.

Article 18

The following conditions shall apply for continued payment of the allowance:

- (a) Receipt by the People's Committee for Social Security in the municipality of an extract of the beneficiary's birth certificate which must be submitted in December of each year so that it may be established that the beneficiary is still living;
- (b) Receipt by the same authority and at the same time each year of a statement signed by the beneficiary and certified by the People's Committee of the quarter establishing that the beneficiary is not engaged in any work and does not reside in a home for disabled persons;
- (c) The conducting of a medical examination of the beneficiary by the Disability Assessment Committee once a year in order to ascertain his condition, provided that it has not been established that his condition is hopeless and that there is no point in subjecting him again to this requirement.

Article 19

Payment of the allowance to the disabled person may be discontinued if he refuses, without a valid excuse, to embark on or continue the habilitation or rehabilitation prescribed for him.

The following shall be regarded as valid excuses for this purpose:

- (a) There is no habilitation centre in the district where the disabled person resides;
- (b) The habilitation centre in the disabled person's district lacks facilities for training in the occupation which is suitable for him;
- (c) The disabled person is temporarily or permanently incapable of responding psychologically to the type of habilitation to which he is directed;
- (d) There is no means of transport to convey the disabled person between his residence and the habilitation centre;
- (e) It is impossible to provide an escort for a disabled person who is incapable of travelling alone.

Article 20

Payment of the allowance to the recipient shall be discontinued:

- (a) If he resides on a regular basis in a permanent residence home;

(b) If he takes up a job before completion of his habilitation or rehabilitation.

Article 21

The beneficiary's entitlement to the allowance shall be finally terminated when he has completed his habilitation or rehabilitation and been directed to suitable work, regardless of his acceptance or refusal of the job.

Article 22

Every beneficiary must notify the People's Committee for Social Security in the municipality of any change occurring in his situation which affects his entitlement to the benefit.

The beneficiary shall bear all legal responsibility for his wrongful collection of any part of the allowance.

Article 23

The Social Welfare Section and the Cash Benefits Section of the People's Committee for Social Security in the municipality shall co-operate in the establishment of the procedure for cases where the allowance may or must be withheld from the recipient.

However, except for cases where the disabled person's entitlement to the allowance is finally terminated as set forth in article 21 of this Resolution, the withholding of the allowance from the recipient for any other reason mentioned in the preceding articles shall cease legally upon cessation of the cause necessitating it.

Article 24

This Resolution shall enter into force on the date on which it is issued, and everyone shall implement it within his sphere of competence.

Ibrahim al-Faqih Hasan
Secretary of the General People's Committee
for Social Security and
Chairman of the National Committee for the
Welfare of Disabled Persons

Issued on 13 Rabia II 1391
from the death of the Prophet,
Corresponding to 7 February 1982 A.D.
