

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,020, 14 ta' Marzu, 2023*

*Taqsim A*

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MALTA

**ATT Nru V tal-2023**

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

**ATT sabiex jemenda l-Att dwar is-Sigurtà Soċjali, Kap. 318.**

**ACT No.V of 2023**

AN ACT enacted by the Parliament of Malta.

**AN ACT to amend the Social Security Act, Cap. 318.**



Nagħti l-kunsens tiegħi.

(L.S.)

**GEORGE VELLA**  
**President**

14 ta' Marzu, 2023

**ATT Nru V tal-2023**

*ATT sabiex jemenda l-Att dwar is-Sigurtà Soċjali, Kap. 318.*

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

**1.** It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 li jemenda l-Att dwar is-Sigurtà Soċjali u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar is-Sigurtà Soċjali, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 318.

**2.** Minnufih wara s-subartikolu (5) tal-artikolu 8 tal-Att prinċipali għandu jizdied is-subartikolu ġdid li ġej:

Emenda tal-artikolu 8 tal-Att prinċipali.

Kap. 16.

"(6) Meta l-Qorti tkun qiegħda taġixxi skont is-setgħat mogħtija lilha bl-artikoli 54(5) u 59 tal-Kodiċi Ċivili, hija tista' tordna jew tagħti s-setgħa, skont il-każ, li parti mill-kontribuzzjonijiet imħallsa minn persuna assigurata jiġu trasferiti lill-persuna indikata mill-istess Qorti, u tali kontribuzzjonijiet għandhom, għall-finijiet ta' dan l-Att, jiġu kkunsidrati li tħallsu bħala persuna impjegata mill-persuna li lilha jiġu trasferiti."

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Emenda tal-artikolu 10 tal-Att prinċipali.

**3.** Minnufih wara s-subartikolu (4) tal-artikolu 10 tal-Att prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

Kap. 16. "(5) Meta l-Qorti tkun qiegħda tagixxi skont is-setgħat mogħtija lilha bl-artikoli 54(5) u 59 tal-Kodiċi Ċivili, hija tista' tordna jew tagħti s-setgħa, skont il-każ, li parti mill-kontribuzzjonijiet imħallsa minn persuna li taħdem għaliha nnifisha jew persuna li timpjega lilha nnifisha jiġu trasferiti lill-persuna indikata mill-istess Qorti, u tali kontribuzzjonijiet għandhom, għall-finijiet ta' dan l-Att, jiġu kkunsidrati li jkunu tħallsu bħala persuna li taħdem għaliha nnifisha jew li timpjega lilha nnifisha mill-persuna li lilha jiġu trasferiti."

Emenda tal-artikolu 16 tal-Att prinċipali.

**4.** Minnufih wara s-subartikolu (6) tal-artikolu 16 tal-Att prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

Kap. 16. "(7) Parti mill-kontribuzzjonijiet akkreditati lil kwalunkwe persuna taħt dan l-artikolu, jistgħu jiġu trasferiti lil persuna oħra b'ordni, digriet jew sentenza tal-Qorti meta din tkun qiegħda tagixxi skont is-setgħat mogħtija lilha bl-artikoli 54(5) u 59 tal-Kodiċi Ċivili, u tali kontribuzzjonijiet għandhom, għall-finijiet ta' dan l-Att, jiġu kkunsidrati bħala li jkunu ġew akkreditati lill-persuna li lilha jiġu trasferiti."

Emenda tal-artikolu 116 tal-Att prinċipali.

**5.** Fl-aħħar proviso għas-subartikolu (5) tal-artikolu 116 tal-Att prinċipali, il-kliem "fis-sena partikolari tagħhom." għandhom jiġu sostitwiti bil-kliem "fis-sena partikolari tagħhom:" u minnufih wara għandu jiġi miżjud dan il-proviso ġdid li ġej:

"Iżda wkoll minkejja d-dispożizzjonijiet ta' dan is-subartikolu, persuna li mingħandha jkun ġie trasferit porzjon ta' kontribuzzjonijiet għandu jkollha l-għażla li titlob sabiex tħallas lura l-ammont ta' kontribuzzjonijiet tas-sigurtà soċjali li jkunu ġew trasferiti mingħandha skont is-subartikolu (6) tal-artikolu 8, jew skont is-subartikolu (4) tal-artikolu (10), jew skont is-subartikolu (6) tal-artikolu 16, liema kontribuzzjonijiet għandhom jithallsu bil-valur tar-rata SA ta' persuna li timpjega lilha nnifisha skont kif indikat fit-Taqsima III tal-Għaxar Skeda applikabbli fis-sena li fiha tagħmel it-talba."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 96 tas-7 ta' Marzu, 2023.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**GEORGE VELLA**  
**President**

14th March, 2023

**ACT No. V of 2023**

*AN ACT to amend the Social Security Act, Cap. 318.*

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

Short title.

**1.** The short title of this Act is the Social Security (Amendment) Act, 2023 and this Act shall be read and construed as one with the Social Security Act, hereinafter referred to as "the principal Act".

Cap. 318.

Amendment of  
article 8 of the  
principal Act.

**2.** Immediately after sub-article (5) of article 8 of the principal Act there shall be added the following new sub-article:

Cap. 16.

"(6) When the Court is acting in accordance with its powers conferred to it by articles 54(5) and 59 of the Civil Code, it may order or empower, as the case may be, that part of the contributions paid by an insured person be transferred to the person indicated by the said Court, and such contributions are to be considered, for the purposes of this Act, as having been paid as an employed person by the person to whom they are transferred."

3. Immediately after sub-article (4) of article 10 of the principal Act there shall be added the following new sub-article: Amendment of article 10 of the principal Act.

Cap. 16.                   "(5) When the Court is acting in accordance with its powers conferred to it by articles 54(5) and 59 of the Civil Code, it may order or empower, as the case may be, that part of the contributions paid by a self-occupied person or a self-employed person be transferred to the person indicated by the said Court, and such contributions are to be considered, for the purposes of this Act, as having been paid as a self-occupied or a self-employed person by the person to whom they are transferred."

4. Immediately after sub-article (6) of article 16 of the principal Act there shall be added the following new sub-article: Amendment of article 16 of the principal Act.

Cap. 16.                   "(7) Part of the contributions credited to any person under this article, may be transferred to another person by order, decree or sentence of the Court when it is acting in accordance with its powers conferred to it by articles 54(5) and 59 of the Civil Code, and such contributions are to be considered, for the purposes of this Act, as credited to the person to whom they are transferred."

5. In the last proviso to sub-article (5) of article 116 of the principal Act, the words "for the respective year." shall be substituted by the words "for the respective year:" and immediately thereafter there shall be added the following new proviso: Amendment of article 116 of the principal Act.

"Provided further that, notwithstanding the provisions of this sub-article, the person from whom a portion of contributions has been transferred shall have the option to ask to pay back the amount of social security contributions transferred in accordance with sub-article (6) of article 8, or in accordance with sub-article (4) of article 10, or in accordance with sub-article (6) of article 16, which contributions shall be paid at the value of the SA rate of a self-employed person as per Part III of the Tenth Schedule applicable during the year within which the claim is made."

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Passed by the House of Representatives at Sitting No. 96 of the 7th March, 2023.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*