

MALTA

ATT Nru. XX ta' l-1987

ACT No. XX of 1987

ATT mahruġ b'ligi mill-Parlament ta' Malta.

AN ACT enacted by the Parliament of Malta.

ATT biex jemenda l-Att ta' l-1987 dwar is-Sigurtà Soċjali.

AN ACT to amend the Social Security Act, 1987.

Nagħti l-kunsens tiegħi.

(L.S.)

PAUL XUEREB
Aġent President

10 ta' Novembru, 1987

ATT Nru. XX ta' l-1987

ATT biex jemenda l-Att ta' l-1987 dwar is-Sigurtà Soċjali.

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

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1987 li jemenda l-Att dwar is-Sigurtà Soċjali, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1987 dwar is-Sigurtà Soċjali, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehħ.

(2) Dan l-Att, barra minn dan l-artikolu, għandu jitqies li beda jsehh kif ġej:

(a) l-artikoli minn 3 sa 5, il-paragrafu (b) ta' l-artikolu 6, l-artikoli minn 7 sa 9, 12, 13 u minn 15 sa 17 b'seħħ mill-1 ta' Jannar, 1987; u

(b) l-artikolu 2, il-paragrafu (a) ta' l-artikolu 6, l-artikoli 10, 11 u 14 b'seħħ mill-4 ta' Lulju, 1987.

2. Fis-subartikolu (1) ta' l-artikolu 2 ta' l-Att prinċipali, —

Emenda ta'
l-artikolu 2
ta' l-Att
prinċipali.

(a) minflok il-kliem " "Dipartiment" tfisser id-Dipartiment tas-Servizzi Soċjali;" għandhom jidhlu l-kliem " "Dipartiment" tfisser id-Dipartiment tas-Sigurtà Soċjali;" u

(b) minflok il-kliem " "Direttur" tfisser id-Direttur tas-Servizzi Soċjali u tinkludi kull uffiċjal tad-Dipartiment appuntat mid-Direttur jew kull uffiċjal pubbliku appuntat mill-Ministru għal xi raġuni partikulari, jew kategorija ta' raġunijiet;" għandhom jidhlu l-kliem " "Direttur" tfisser id-Direttur tas-Sigurtà Soċjali u tinkludi kull uffiċjal tad-Dipartiment appuntat mid-Direttur jew kull uffiċjal pubbliku appuntat mill-Ministru għal xi skop partikulari, jew kategorija ta' skopijiet;".

3. Fil-paragrafu (d) tas-subartikolu (1) ta' l-artikolu 6 ta' l-Att prinċipali, il-kliem "li titqies f'inqas minn 100%" għandhom jithassru; u fit-test Malti tiegħu minflok il-kelma "invalidità" għandha tidhol il-kelma "inkapaċità".

Emenda ta'
l-artikolu 6
ta' l-Att
prinċipali.

Emenda ta' l-artikolu 16 ta' l-Att prinċipali.

4. Il-paragrafu (a) tas-subartikolu (3) ta' l-artikolu 16 ta' l-Att prinċipali, għandu jiġi emendat kif ġej:

(a) minnufih wara l-kliem "li matulha tkun intitolata għal" għandu jidhol il-kliem "pensjoni għal invalidità jew"; u

(b) il-kliem "jew pensjoni għal inkapaċità meta l-grad ta' inkapaċità tkun stmata bil-100%," għandhom jithassru.

Emenda ta' l-artikolu 18 ta' l-Att prinċipali.

5. Fis-subartikolu (3) ta' l-artikolu 18 ta' l-Att prinċipali, il-kliem "u li d-dhul tagħha nett wahdu minn dak ix-xogħol li taħdem għaliha nnifisha, kalkolat fuq bażi ta' kuljum, ikun jaqbeż ir-rata ta' Benefiċċju għal Mard applikabbli għaliha skond il-Parti I tat-Tielet Skeda li tinsab ma' dan l-Att," għandhom jithassru.

Emenda ta' l-artikolu 27 ta' l-Att prinċipali.

6. Is-subartikolu (4) ta' l-artikolu 27 ta' l-Att prinċipali, għandu jiġi emendat kif ġej:

(a) minflok il-kliem "125c fil-ġimgha" għandhom jidhlu l-kliem "Lm2 fil-ġimgha"; u

(b) minnufih wara l-kliem "Parti III tas-Sitt Skeda li tinsab ma' dan l-Att" għandhom jidhlu l-kliem "hekk iżda li persuna li tkun pazjenta fi sptar tal-Gvern bl-iskop li jkollha kura medika jew kirurgika jew pazjenta fi sptar tal-mard tal-mohh bl-iskop li jkollha kura mentali, ma titqiesx li hija rkuvrata dment illi hija tibqa' jkollha bżonn dik il-kura ma' tul l-ewwel xahrejn mid-data li fiha hija tidhol fl-isptar".

Emenda ta' l-artikolu 29 ta' l-Att prinċipali.

7. L-artikolu 29 ta' l-Att prinċipali, għandu jiġi emendat kif ġej:

(a) fis-subartikolu (3) tiegħu, minflok il-kliem "99%", kull fejn dawn jinsabu, għandhom jidhlu l-kliem "89%"; u

(b) fis-subartikolu (4) tiegħu, minflok il-kliem "stmat għal-100%" għandhom jidhlu l-kliem "stmat għal 90% jew iktar".

Emenda ta' l-artikolu 39 ta' l-Att prinċipali.

8. L-artikolu 39 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-proviso li jinsab miegħu minflok il-kelma "Izda", għandhom jidhlu l-kliem "Izda wkoll,"; u

(b) minnufih wara l-kliem "it-Taqsima V ta' dan l-Att;" għandu jidhol dan il-proviso ġdid li ġej:

"Izda b'seħh mill-1 ta' Jannar, 1987, meta l-pensjonant il-mejjet kien, qabel ma laħaq l-età tal-pensjoni, intitolat għal pensjoni taht l-artikolu 26 ta' dan l-Att, u f'kull żmien wara ma baqax iktar intitolat għal dik il-pensjoni b'konsegwenza li jkun qiegħed jaħdem bi qliegh, għandhom jitqiesu, għall-fini li jiġi stmat id-dritt tagħha għal Pensjoni ta' Superstiti, il-kontribuzzjonijiet kollha akkreditati taht l-artikolu 16 ta' dan l-Att filwaqt li l-pensjonant il-mejjet kien intitolat għal dik il-pensjoni; b'dak il-mod illi kull numru bħal dak ta' kontribuzzjonijiet akkreditati hekk meqjus ma għandux ikun jaqbeż in-numru ta' kontribuzzjonijiet imħallsin mill-pensjonant il-mejjet bejn id-data ta' meta ma jkunx aktar baqa' intitolat għal dik il-pensjoni u d-data ta' meta jkun irtira;"

Emenda ta' l-artikolu 56 ta' l-Att prinċipali.

9. L-artikolu 56 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (i) tas-subartikolu (1) tiegħu —

(i) minflok il-kliem "mill-ewwel Sibt ta' Jannar, 1988" għandhom jidhlu l-kliem "mill-ewwel Sibt ta' Jannar, 1987"; u

(ii) il-proviso li jinsab ma' l-imsemmi paragrafu (i) għandu jithassar; u

(b) minflok in-nota marginali tiegħu għandu jidhol dan li ġej: “Dritt ta’ Pensjoni għal Min Jirtira u ta’ Pensjoni Miżjuda għal Min Jirtira”.

10. Minnufih wara s-subartikolu (3) ta’ l-artikolu 82 ta’ l-Att prinċipali, għandu jidhol dan il-proviso li ġej:

“Izda, b’senh mill-4 ta’ Lulju, 1987, id-dispożizzjonijiet ta’ dan l-artikolu ma għandhomx jibqgħu japplikaw dwar kull tqala li biha r-rikorrenti tidhol fit-tmien xahar tat-tqala tagħha f’xi żmien wara d-data imsemmija.”.

Emenda ta’
l-artikolu 82
ta’ l-Att
prinċipali.

11. L-artikolu 83 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) Minflok il-kliem minn “il-kap ta’ familja” sa “30 ċenteżmu fil-ġimgha.” għandhom jidhlu l-kliem “għandu jkun id-dritt ta’ kull tifel f’kull familja li jkollu *allowance* imhallsa dwaru taht u skond id-dispożizzjonijiet ta’ dan l-artikolu b’waħda minn dawn ir-rati li ġejjin, sakemm dan ikun it-tifel jew it-tifla tal-kap tal-familja:

Emenda ta’
l-artikolu 83
ta’ l-Att
prinċipali.

(i) Lm3.50 fil-ġimgha meta dak it-tifel ikun l-ewwel tifel eliġibbli fil-familja;

(ii) Lm2.70 fil-ġimgha meta dak it-tifel ikun it-tieni tifel eliġibbli fil-familja;

(iii) Lm1.70 fil-ġimgha meta dak it-tifel ikun it-tielet tifel eliġibbli fil-familja;

(iv) Lm1 fil-ġimgha meta dak it-tifel ikun ir-raba’ jew iktar mir-raba’ tifel eliġibbli fil-familja.”; u

(b) fil-proviso li hemm miegħu —

(i) minflok il-kliem “l-ewwel tliet itfal li jitwieldu minn dan iż-żwieġ ġdid għandhom isiru eliġibbli li jirċievu” għandhom jidhlu l-kliem “kull tifel li jitwieled minn dan iż-żwieġ ġdid għandu jsir eliġibbli li jirċievi”;

(ii) minflok il-kliem “fil-paragrafi (i), (ii) u (iii) ta’ dan l-artikolu” għandhom jidhlu l-kliem “f’dan l-artikolu”; u

(iii) il-kliem kollu li jiġi minnufih wara l-kliem “ir-rati msemmijin qabel,” għandhom jithassru.

12. Fl-artikolu 91 ta’ l-Att prinċipali, il-kliem “b’99 fil-mija jew inqas” għandhom jithassru.

Emenda ta’
l-artikolu 91
ta’ l-Att
prinċipali.

13. Fil-proviso (b) li hemm għall-artikolu 95 ta’ l-Att prinċipali minflok il-kliem “stmata bil-100 fil-mija” għandhom jidhlu l-kliem “stmata bid-90% jew iktar.”

Emenda ta’
l-artikolu 95
ta’ l-Att
prinċipali.

14. L-artikolu 99 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu —

(i) minflok il-kliem “u għandha minflok tirċievi 40%” għandhom jidhlu l-kliem “u għandha minflok tirċievi 60%”

(ii) minflok l-kliem “l-40% imsemmijin għandhom jithallsu” għandhom jidhlu l-kliem “is-60% imsemmijin għandhom jithallsu”;

(iii) minflok l-kliem “u l-bilanċ ta’ 60%” għandhom jidhlu l-kliem “u l-bilanċ ta’ 40%”; u

(iv) fil-proviso tiegħu —

Emenda ta’
l-artikolu 99
ta’ l-Att
prinċipali.

(1) minflok il-kliem “ghall-40% qabel imsemmijin” għandhom jidhlu l-kliem “ghas-60% qabel imsemmijin”; u

(2) minflok il-kliem “u l-bilanċ ta’ 40% lir-raġel u kwantu għal 60% lill-kumitat imsemmi qabel” għandhom jidhlu l-kliem “u l-bilanċ ta’ 60% lir-raġel u kwantu għal 40% lill-Kumitat imsemmi qabel”;

(b) fis-subartikolu (2) tiegħu minflok il-kliem “għandu jithallas kwantu għal 40% lill-mara, u kwantu għal 60% lill-Kumitat imsemmi” għandhom jidhlu l-kliem “għandu jithallas kwantu għal 60% lill-mara, u kwantu għal 40% lill-Kumitat imsemmi”; u

(ċ) fis-subartikolu (4) tiegħu, minflok il-kliem “0.0033” għandhom jidhlu l-kliem “0.0022”.

Emenda ta’
t-Tieni Skeda
li tinsab ma’
l-Att prinċipali.

15. Fit-test Malti tas-subparagrafu (b) tal-paragrafu 2 tal-Parti IV tat-Tieni Skeda li tinsab ma’ l-Att prinċipali, minflok il-kliem “tas-subparagrafu (a)” għandhom jidhlu l-kliem “tas-subparagrafu (b)”.

Emenda ta’
l-Għaxar Skeda
li tinsab ma’
l-Att prinċipali.

16. Fil-Parti I ta’ l-Għaxar Skeda li tinsab ma’ l-Att prinċipali minflok il-kliem “l-etá assigurabbli”, kull fejn jinsabu, għandhom jidhlu f’kull każ il-kliem “it-tmintax-il sena”.

Emenda tat-
test Inġliż
tat-Tnax-il
Skeda li tinsab
ma’ l-Att
prinċipali.

17. Fit-test Inġliż tat-Tnax-il Skeda li tinsab ma’ l-Att prinċipali, minflok il-figuri “12.00,0” fir-raba’ kolonna tat-Tabella E għandhom jidhlu l-figuri “12.10,0”.

Emenda ta’
l-Erbatax-il
Skeda li tinsab
ma’ l-Att
prinċipali.

18. Fil-paragrafu (2) ta’ l-Erbatax-il Skeda li tinsab ma’ l-Att prinċipali, minflok il-kliem “jew jonqos skond id-differenza li tirriżulta, jekk ikun hemm,” għandhom jidhlu l-kliem “biż-żidiet fil-paga applikabbli li jkunu meħtieġa bil-liġi li jingħataw lil kulhadd, sakemm kull żieda bħal dik tkun inqas miż-żieda netta li tinkiseb”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 33 tat-3 ta’ Novembru, 1987.

JIMMY FARRUGIA
Speaker

P. MUSCAT TERRIBILE
Aġent Skrivani tal-Kamra tad-Deputati.

I assent.

(L.S.)

PAUL XUEREB
Acting President

10th November, 1987

ACT No. XX of 1987

AN ACT to amend the Social Security Act, 1987.

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) This Act may be cited as the Social Security (Amendment) Act, 1987 and shall be read and construed as one with the Social Security Act, 1987, hereinafter referred to as “the principal Act”. Short title and commencement.
- (2) This Act, other than this section, shall be deemed to have come into force as follows:
- (a) sections 3 to 5, paragraph (b) of section 6, sections 7 to 9, 12, 13 and from 15 to 17 with effect from the 1st January, 1987; and
- (b) section 2, paragraph (a) of section 6, sections 10, 11 and 14 with effect from the 4th July 1987.
2. In subsection (1) of section 2 of the principal Act, — Amendment of section 2 of the principal Act.
- (a) for the words “ “Department” means Department of Social Services;” there shall be substituted the words “ “Department” means Department of Social Security;”; and
- (b) for the words “ “Director” means the Director of Social Services and includes any officer of the Department designated by the Director or any public officer designated by the Minister for a particular purpose or class of purposes;” there shall be substituted the words “ “Director” means the Director of Social Security and includes any officer of the Department designated by the Director or any public officer designated by the Minister for a particular purpose or class of purposes;”.
3. In paragraph (d) of subsection (1) of section 6 of the principal Act, the words “assessed at less than 100%” shall be deleted; and in the Maltese text thereof for the word “invalidità” there shall be substituted the word “inkapaçità”. Amendment of section 6 of the principal Act.
4. Paragraph (a) of subsection (3) of section 16 of the principal Act shall be amended as follows: Amendment of section 16 of the principal Act.

(a) immediately after the words "during which he is entitled to" there shall be added the words "invalidity pension or"; and

(b) the words "or disablement pension where the degree of disablement is assessed at 100%," shall be deleted.

Amendment of section 18 of the principal Act.

5. In subsection (3) of section 18 of the principal Act, the words "and that his net income from such self-occupation by itself, calculated on a daily basis, exceeds the rate of Sickness Benefit applicable to him in accordance with Part I of the Third Schedule to this Act," shall be deleted.

Amendment of section 27 of the principal Act.

6. Subsection (4) of section 27 of the principal Act shall be amended as follows:

(a) for the words "125c per week" there shall be substituted the words "Lm2 per week"; and

(b) immediately after the words "Part III of the Sixth Schedule to this Act" there shall be added the words "so however that a person who has become an inmate of a state-owned hospital for the purpose of obtaining medical or surgical treatment or an inmate of a hospital for mental diseases for the purpose of obtaining mental treatment, shall not be treated as such an inmate so long as he continues to require such treatment during the first two months as from the date of his admission to the hospital".

Amendment of section 29 of the principal Act.

7. Section 29 of the principal Act shall be amended as follows:

(a) in subsection (3) thereof, for the words "99%", wherever they occur, there shall be substituted the words "89%"; and

(b) in subsection (4) thereof, for the words "assessed at 100%" there shall be substituted the words "assessed at 90% or more".

Amendment of section 39 of the principal Act.

8. Section 39 of the principal Act shall be amended as follows:

(a) in the proviso thereto for the words "Provided that" there shall be substituted the words "Provided further that"; and

(b) immediately after the words "Part V of this Act:" there shall be added the following new proviso:

"Provided that with effect from the 1st January, 1987, where the deceased pensioner had been, prior to reaching pension age, entitled to a pension under section 26 of this Act, and at any time thereafter ceased to be entitled to such pension as a result of his becoming gainfully occupied, any contributions credited under section 16 of this Act while the deceased pensioner was entitled to such pension shall, for the purpose of assessing her right to a Survivor's Pension, be taken into account; so however that any such number of credited contributions as is taken into account shall not exceed the number of contributions paid by the deceased pensioner between the date of his cessation of entitlement to such pension and the date of his retirement;"

Amendment of section 56 of the principal Act.

9. Section 56 of the principal Act shall be amended as follows:

(a) in paragraph (i) of subsection (1) thereof —

(i) for the words "the first Saturday of January 1988" there shall be substituted the words "the first Saturday of January 1987"; and

(ii) the proviso to the said paragraph (i) shall be deleted; and

(b) for the marginal note thereto there shall be substituted the following: "Entitlement to Retirement Pension and Increase¹ Retirement Pension".

- 10.** Immediately after subsection (3) of section 82 of the principal Act, there shall be added the following proviso: Amendment of section 82 of the principal Act.
- “Provided that, with effect from the 4th July 1987, the provisions of this subsection shall cease to apply in respect of any pregnancy by virtue of which the claimant enters her eighth month of pregnancy at any time after the said date.”.
- 11.** Section 83 of the principal Act shall be amended as follows: Amendment of section 83 of the principal Act
- (a) for the words from “the head of a household” up to the words “30c per week”, there shall be substituted the words “it shall be the right of every child in any household to have an allowance paid out in his respect under, and in accordance with, the provisions of this section at one of the following rates, as long as such child is the son or daughter of the head of household:
- (i) Lm3.50 per week where such child is the first eligible child in the household;
- (ii) Lm2.70 per week where such child is the second eligible child in the household;
- (iii) Lm1.70 per week where such child is the third eligible child in the household;
- (iv) Lm1 per week where such child is the fourth or subsequent eligible child in the household:”; and
- (b) in the proviso thereto —
- (i) for the words “the first three children” there shall be substituted the words “every child”;
- (ii) the words “paragraphs (i), (ii) and (iii) of” shall be deleted; and
- (iii) all the words immediately following the words “aforementioned rates,” shall be deleted.
- 12.** In section 91 of the principal Act, the words “at 99% or less” shall be deleted. Amendment of section 91 of the principal Act.
- 13.** In proviso (b) to section 95 of the principal Act, for the words “assessed at 100%” there shall be substituted the words “assessed at 90% or more”. Amendment of section 95 of the principal Act.
- 14.** Section 99 of the principal Act shall be amended as follows: Amendment of section 99 of the principal Act.
- (a) in subsection (1) thereof —
- (i) for the words “and he shall receive instead, 40%” there shall be substituted the words “and he shall receive instead 60%”;
- (ii) for the words “the said 40% shall be paid” there shall be substituted the words “the said 60% shall be paid”;
- (iii) for the words “and the balance of 60%” there shall be substituted the words “and the balance of 40%”; and
- (iv) in the proviso thereof —
- (1) for the words “the aforementioned 40%” there shall be substituted the words “the aforementioned 60%”; and

(2) for the words "shall be paid as to 40% to the husband and as to 60% to the afore-mentioned Committee" there shall be substituted the words "shall be paid as to 60% to the husband and as to 40% to the afore-mentioned Committee";

(b) in subsection (2) thereof for the words "shall be paid as to 40% to the wife, and as to 60% to the said Committee" there shall be substituted the words "shall be paid as to 60% to the wife, and as to 40% to the said Committee"; and

(c) in subsection (4) thereof, for the words "0.0033" there shall be substituted the words "0.0022".

Amendment of
Second Schedule
of the principal
Act.

15. In the Maltese text of subparagraph (b) of paragraph 2 of part IV of the Second Schedule of the principal Act, for the words "tas-subparagrafu (a)" there shall be inserted the words "tas-subparagrafu (b)".

Amendment of
Tenth Schedule
of the
principal Act.

16. In Part I of the Tenth Schedule to the principal Act for the words "insurable age", wherever they occur, there shall be substituted in each case the words "18 years of age".

Amendment of
the English Text
of Twelfth
Schedule of the
principal Act.

17. In the English text of the Twelfth Schedule to the principal Act, for the figures "12.00,0" in the fourth column of Table E there shall be substituted the figures "12.10,0".

Amendment of
Fourteenth
Schedule of the
principal Act.

18. In paragraph (2) of the Fourteenth Schedule to the principal Act, for the words "or decreased by the difference obtaining, if any," there shall be substituted the words "by the applicable wage increases required by law to be awarded generally, as long as each such increase is less than the net increase obtaining".

Passed by the House of Representatives at Sitting No. 33 of the 3rd November, 1987.

JIMMY FARRUGIA
Speaker

P. MUSCAT TERRIBILE
Acting Clerk to the House of Representatives.