

**MALTA**

**ATT Nru. XVI ta' l-1989**

**ACT No. XVI of 1989**

ATT maħruġ b'liġi 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.**

Naghti l-kunsens tiegħi.

(L.S.)

ĊENSU TABONE  
President

30 ta' Ġunju, 1989

**ATT Nru. XVI ta' l-1989**

*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 għandu jissejjaħ l-Att ta' l-1989 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-sehh.

(2) Id-dispożizzjonijiet ta' dan l-Att għandhom jibdew isehhu kif ġej:

(a) dan l-artikolu, il-paragrafi (b) u (ċ) ta' l-artikolu 2, l-artikolu 3, il-paragrafu (b) ta' l-artikolu 4, il-paragrafi (a), (b) u (d) ta' l-artikolu 6, l-artikoli 10, 12, 16, 17, 19, 20, 22, 23, 26, is-sub-paragrafi (a), (b) u (d) tal-paragrafu (ċ) u l-paragrafu (d) ta' l-artikolu 27 u l-paragrafi (b), (ċ) u (d) ta' l-artikolu 28 għandhom jidhlu fis-sehh mal-pubblikazzjoni ta' dan l-Att fil-Gazzetta;

(b) l-artikoli 9 u 25 għandhom jitqiesu li dahlu fis-sehh fl-1 ta' Jannar, 1987;

(ċ) l-artikoli 21 u 31 għandhom jitqiesu li dahlu fis-sehh fit-2 ta' Jannar, 1989; u

(d) il-paragrafi (a) u (d) ta' l-artikolu 2, il-paragrafu (a) ta' l-artikolu 4, l-artikolu 5, il-paragrafu (ċ) ta' l-artikolu 6, l-artikoli 7, 8, 11, 13, 14, 15, 18, 24, il-paragrafi (a) u (b) u s-sub-paragrafu (ċ) tal-paragrafu (ċ) ta' l-artikolu 27, il-paragrafu (a) ta' l-artikolu 28 u l-artikoli 29, 30, 32 u 33 għandhom jitqiesu li dahlu fis-sehh fis-7 ta' Jannar, 1989.

Emenda ta' l-Arrangamenti ta' l-Artikoli fl-Att prinċipali.

2. L-Arrangamenti ta' l-Artikoli fl-Att prinċipali għandhom jiġu emendati kif ġej:

(a) minnufih taht il-kliem "93. Proporzjonament ta' bonus" għandhom jiżdiedu l-kliem:

"93A. Benefiċċji li jithallsu *ex-gratia*";

(b) minflok il-kliem "It-Tieni Skeda" sa u nkluzi l-kliem "Għajjnuna Soċjali" għandu jidhol l-kliem li ġej:

"It-Tieni Skeda PARTI I	Eżenzjoni mill-hlas ta' kontribuzzjonijiet tat-Tieni Klassi
PARTI II	Għajjnuna għal Mard u Għajjnuna Medika bla Hlas
PARTI III	Pensjoni ta' l-Età
PARTI IIIA	Pensjoni għall-Handikappati u Pensjoni għall-Ghomja
PARTI IV	Għajjnuna Soċjali";

(ċ) minflok il-kliem "Is-Sitt Skeda" sa u nkluzi l-kliem "Kera tad-Dar" għandu jidhol l-kliem li ġej:

"Is-Sitt Skeda PARTI I	Rati ta' Skala ta' l-Għajjnuna Soċjali
PARTI II	Rati ta' Pensjoni ta' l-Età
PARTI II A	Rati ta' Pensjoni għall-Handikappati u Pensjoni għall-Ghomja
PARTI III	Kera tad-Dar"; u

(d) minflok il-kliem "It-Tlettax-il Skeda" sa u nkluzi l-kliem "tal-proviso għall-artikolu 36 ta' dan l-Att" għandu jidhol il-kliem li ġej:

"It-Tlettax-il Skeda PARTI I	Żieda fir-rata ta' Pensjoni Minima Nazzjonali taht il-paragrafi (a) u (b)(ii) tas-subartikolu (1) ta' l-artikolu 75 ta' dan l-Att
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PARTI IA	Żieda fir-rata ta' Pensjoni Minima Nazzjonali taht il-paragrafu (b)(i) tas-subartikolu (1) ta' l-artikolu 75 ta' dan l-Att
PARTI II	Żieda fir-rata ta' Pensjoni lil armla taht l-artikolu 35 ta' dan l-Att
PARTI III	Iktar żieda fir-rata ta' pensjoni lil armla taht il-paragrafu (a) ta' l-artikolu 36 ta' dan l-Att
PARTI IV	Iktar żieda fir-rata ta' pensjoni lil armla taht il-paragrafu (b) ta' l-artikolu 36 ta' dan l-Att
PARTI V	Iktar żieda fir-rata ta' pensjoni lil armla taht il-paragrafu (ċ) ta' l-artikolu 36 ta' dan l-Att".

3. Fis-subartikolu (1) ta' l-artikolu 2 ta' l-Att prinċipali, fit-tifsira ta' "persuna gravament handikappata", minnufih wara l-kliem "ma tkunx tista' iżomm lilha nnifisha" għandhom jidhlu l-kliem "b'impieg jew xogħol għal rasha *full-time*, jew li ssir hekk inkapaċi meta jkollha l-età li tagħmel hekk,".

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

4. L-artikolu 18 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (5) tiegħu għandu jidhol dan li ġej:

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

"(5) Hlief kif provdut fil-paragrafu (ċ) tal-proviso għall-artikolu 109 ta' dan l-Att, il-Benefiċċju għal Mard għandu jithallas għal kull ġurnata ta' inkapaċità għax-xogħol iżda ma jkunx jaqbeż b'kollox massimu ta' 156 ġurnata f'kull scena kalendarja; b'tali mod illi fil-każ li min jagħmel it-talba għal dak il-benefiċċju —

(a) issirlu xi operazzjoni jew intervent kirurġiku maġġuri jew iġarrab korriment gravi jew xi marda serja li jkun jinhieġu kura fit-tul qabel ma dik il-persuna tkun tista' terġa' tibda ix-xogħol, il-hlas għall-Benefiċċju għal Mard kif imsemmi qabel f'dan is-subartikolu jista' jiġi approvat mid-Direttur għal kull numru iehor ta' ġranet iktar, li ma jaqbzux 156, 'l hinn mil-limitu msemmi qabel f'dan is-subartikolu kif jista' jitqies xieraq mid-Direttur fiċ-ċirkostanzi tal-każ u b'dan illi f'xi każ bħal dan l-ikbar numru aggregat ta' ġranet li għalihom jithallas Benefiċċju għal Mard matul xi perijodu ta' sentejn, kalkulat fuq bażi kalendarja, ma għandux ikun jaqbeż 468; u

(b) ikun qabel thallas xi benefiċċju taht id-dispożizzjonijiet ta' dan l-artikolu jew xi Benefiċċju għal

Disimpieg jew Benefiċċju Speċjali għal Disimpieg taht id-dispożizzjonijiet ta' l-artikolu 30 ta' dan l-Att, it-total shih ta' granet ta' benefiċċju li jinkisbu minn dawn il-benefiċċji magħdudin flimkien ma għandux, f'ebda każ, ikun jaqbeż f'xi żmien in-numru totali shih ta' kontribuzzjonijiet imħallsin mill-persuna konċernata li jistgħu jitqiesu:

Iżda jekk il-persuna li tagħmel it-talba għal dak il-benefiċċju tkun skwalifikata milli tirċievi dak il-benefiċċju skond is-subartikolu (6) ta' dan l-artikolu, dik il-persuna jkollha l-jedd tagħha għal Benefiċċju għal Mard għal dik is-sena kalendarja li matulha tiġi mposta l-iskwalifika, mnaqqas bin-numru ta' granet ta' dik l-iskwalifika.”; u

(b) minflok il-paragrafu (a) tas-subartikolu (6) tiegħu għandu jidhol dan li ġej:

“(a) jekk tkun irrifjutat eżami mediku kif seta' kien mehtieg mid-Direttur jew, mingħajr raġuni tajba, naqset li tattendi għal, jew li tagħmel, dak l-eżami mediku li seta' kien mehtieg mid-Direttur jew, mingħajr raġuni medika tajba, naqset li tagħmel dik il-kura medika li setgħet kienet xierqa fil-każ tagħha; jew”.

Emenda ta' l-artikolu 20 ta' l-Att prinċipali.

#### 5. L-artikolu 20 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tas-subartikolu (1) tiegħu, minflok il-kliem “la tkun pazjenta f'istituzzjoni jew sptar tal-Gvern u lanqas persuna mpjegata jew persuna li taħdem għaliha nnifisha; u” għandhom jidhlu l-kliem “la tkun persuna mpjegata u lanqas persuna li taħdem għaliha nnifisha; u”; u

(b) minnufih wara s-subartikolu (2) tiegħu għandu jidied dan is-subartikolu (3) ġdid li ġej:—

“(3) Meta xi membru li dwaru tithallas Ghajnuna għal Mard ikun jew isir irkuvrat fi sptar statali jew ta' istituzzjoni statali, il-jedd għal dik l-ghajnuna dwaru ma jintemmlux matul l-ewwel sitt xhur li jibdew mill-ewwel jum tad-dhul tiegħu f'dak l-isptar jew istituzzjoni hlief jekk din tkun istituzzjoni statali għall-kura u hsieb ta' nies xjuh kif indikat mill-Ministru b'avviż fil-Gazzetta għall-finijiet tal-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 99, f'liema każ il-jedd għal dik l-ghajnuna għandu jintemm mill-ewwel jum tad-dhul tiegħu f'dik l-istituzzjoni statali.”.

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

#### 6. L-artikolu 27 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-paragrafu (c) tas-subartikoli (1) u (2) tiegħu, għandu, f'kull każ, jidhol dan li ġej:

“(c) turi għas-sodisfazzjon tad-Direttur li —

(i) tkun ċittadin ta' Malta u normalment tirisjedi f'Malta; u

(ii) il-mezzi tagħha fil-ġimgħa, kalkolati skond id-dispożizzjonijiet tal-Parti IIIA tat-Tieni Skeda li tinsab ma' dan l-Att, ma jeċċedux Lm29.88;”

(b) minflok is-subartikolu (3) tiegħu għandu jidhol dan li ġej:

“(3) Persuna li ssir intitolata għal pensjoni taht is-subartikolu (1) jew (2) ta' dan l-artikolu għandha, jekk il-mezzi tagħha fil-ġimgħa kalkolati kif intqal qabel f'dan l-artikolu —

(a) ma jeċċedux l-ekwivalenti tad-differenza bejn id-Lm29.88 imsemmija qabel u r-rata ta' pensjoni applikabbli fil-każ tagħha skond il-Parti IIA tas-Sitt Skeda li tinsab ma' dan l-Att, għandu jkollha l-jedd għal pensjoni skond il-Parti IIA imsemmija hawn qabel; jew

(b) jeċċedu l-ekwivalenti tad-differenza bejn id-Lm29.88 imsemmija qabel u r-rata ta' pensjoni applikabbli fil-każ tagħha skond il-Parti IIA tas-Sitt Skeda li tinsab ma' dan l-Att, għandu jkollha l-jedd għal tali rata ta' pensjoni li tiżgura illi tali pensjoni u l-mezzi tagħha fil-ġimgħa, kalkolati kif imsemmi qabel f'dan l-artikolu, flimkien ma jeċċedux Lm29.88;

Iżda b'dak il-mod illi, bla ħsara għad-dispożizzjonijiet ta' l-artikolu 100 ta' dan l-Att u t-tieni proviso li hemm fil-paragrafu 4 tal-Parti IIIA tat-Tieni Skeda li tinsab ma' dan l-Att, meta raġel mizzewweġ u l-mara tiegħu jkunu t-tnejn jikkwalifikaw għal pensjoni taht id-dispożizzjonijiet ta' dan l-artikolu jew ta' l-artikolu 77 ta' dan l-Att, dik il-pensjoni li titħallas lill-mara ma tibqax tingħatalha.”;

(ċ) minflok is-subartikolu (4) tiegħu għandu jidhol dan li ġej:

“(4) meta persuna li tkun intitolata għal pensjoni taht dan l-artikolu tkun jew issir irkuvrata fi sptar statali jew istituzzjoni statali, hija tibqa' intitolata li tirċievi dik il-pensjoni matul l-ewwel sitt xhur li jibdeu mill-ewwel jum tad-dhul tagħha f'dak l-isptar jew istituzzjoni hliet jekk din tkun istituzzjoni statali għall-kura u ħsieb ta' nies xjuh kif indikat mill-Ministru b'avviż fil-Gazzetta għall-finijiet tal-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 99, f'liema każ, mill-ewwel jum tad-dhul tagħha f'dik l-istituzzjoni statali, dik il-persuna ma jkollhiex jedd għal pensjoni skond is-subartikolu (3) ta' dan l-artikolu iżda għal pensjoni ta' Lm2 fil-ġimgħa u, meta applikabbli, il-kera tad-dar kif provdut fil-Parti III tas-Sitt Skeda li tinsab ma' dan l-Att.”; u

(d) minnufih wara s-subartikolu (4) tiegħu għandu jidher is-subartikolu (5) ġdid li ġej:

“(5) Għall-finijiet tas-subartikoli (1) sa (3) ta’ dan l-artikolu, id-Lm29.88 msemija għal kwalunkwe fini hemmhekk, għandhom awtomatikament jiżdedu minn żmien għal żmien, hekk kif ikun il-każ, biż-żidiet fil-paga li jkunu bdew fis-sehh mill-1 ta’ April 1989 li jistgħu jkunu mehtieġa mill-liġi sabiex jinghataw b’mod ġenerali.”.

Emenda ta’  
l-artikolu 30  
ta’ l-Att  
prinċipali.

7. L-artikolu 30 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “skond id-dispożizzjonijiet ta’ dan l-artikolu.” għandhom jidhlu l-kliem “skond id-dispożizzjonijiet ta’ dan l-artikolu.”;

(b) minnufih wara s-subartikolu (1) tiegħu, għandu jiżded dan il-proviso li ġej:

“Iżda meta persuna li dwarha japplika dan is-subartikolu issir taħdem għaliha nnifisha taht u skond id-dispożizzjonijiet ta’ xi waħda mill-*Manpower Incentive Schemes* imhabbrin mill-Gvern, għandu madankollu jibqgħalha l-jedd għall-ghajjnuna msemija qabel matul l-ewwel 12-il ġimgħa li ssir taħdem għaliha nnifisha jekk —

(a) fil-jum meta ssir taħdem għaliha nnifisha tkun għalqet it-18-il sena iżda ma tkunx għalqet il-50 sena; u

(b) matul it-12-il xahar konsekuttivi minnufih qabel il-jum meta ssir taħdem għaliha nnifisha hija kienet registrata taht il-Parti I tar-Registru ta’ l-Impiegi kif imsemmi qabel f’dan is-subartikolu.”; u

(ċ) minflok il-paragrafu (ii) tal-proviso li hemm mas-subartikolu (6) tiegħu, għandu jidhol dan li ġej:

“(ii) meta f’xi familja membru tagħha ikun jew isir irkuvrat fi sptar statali jew istituzzjoni statali huwa għandu jibqa’ jitqies li qiegħed jagħmel sehem minn dik il-familja matul l-ewwel sitt xhur li jibded mill-ewwel jum tad-dhul tiegħu f’dak l-isptar jew istituzzjoni hliet jekk din tkun istituzzjoni statali għall-kura u hsieb ta’ nies xjuħ kif indikat mill-Ministru b’avviż fil-Gazzetta għall-finijiet tal-paragrafu (a) tas-subartikolu (1) ta’ l-artikolu 99, f’liema każ dak il-membri ma jiġix ikkunsidrat bħala li jagħmel sehem minn dik il-familja mill-ewwel jum tad-dhul tiegħu f’dik l-istituzzjoni statali; b’dak il-mod illi meta dik il-familja tkun tikkonsisti f’membri wieħed biss, hekk kif il-jedd tiegħu għall-ghajjnuna soċjali skond id-dispożizzjonijiet ta’ dan il-paragrafu jintemm, il-kera tad-dar kif provdut fil-Parti III tas-Sitt Skeda li tinsab ma’ dan l-Att għandha, madankollu, u jekk applikabbli, issir jew tibqa’ tithallas, kif ikun il-każ.”.

8. Fl-artikolu 36 ta' l-Att prinċipali, minflok il-kliem “għandha tiżdied” sa u inklużi l-kliem “kontribuzzjonijiet fis-sena kif qabel imsemmi f’dan l-artikolu.”, għandhom jidhlu dawn il-kliem li ġejjin:

Emenda ta’  
l-artikolu 36  
ta’ l-Att  
prinċipali.

“għandha tiżdied bl-ammont applikabbli muri taht —

(a) Il-Parti III tat-Tleltax-il Skeda li tinsab ma’ dan l-Att meta dik l-armla jkollha jedd li tirċievi pensjoni li tithallas lilha skond l-artikolu 33 jew l-artikolu 34 ta’ dan l-Att iżda li ma jkollhiex jedd li tirċievi żieda fir-rata tagħha ta’ dik il-pensjoni skond id-dispożizzjonijiet ta’ l-artikolu 35 ta’ dan l-Att; jew

(b) il-Parti IV tat-Tleltax-il Skeda li tinsab ma’ dan l-Att meta dik l-armla jkollha jedd tirċievi żieda fir-rata tagħha tal-pensjoni skond il-paragrafu (a) ta’ l-artikolu 35 ta’ dan l-Att; jew

(ċ) il-Parti V tat-Tleltax-il Skeda li tinsab ma’ dan l-Att meta dik l-armla jkollha jedd tirċievi żieda fir-rata tagħha tal-pensjoni skond il-paragrafu (b) ta’ l-artikolu 35 ta’ dan l-Att.

Kull żieda li tithallas skond dan l-artikolu għandha tkun kalkolata fuq il-bażi tal-medja ta’ kontribuzzjonijiet fis-sena aċċertati in konnessjoni mat-talba tagħha għal Pensjoni tar-Romol.”.

9. Fis-subartikolu (2) ta’ l-artikolu 67 tat-test Inġliż ta’ l-Att prinċipali, minflok il-kliem “sections 64 and 66” għandhom jidhlu l-kliem “sections 64 to 66”.

Emenda ta’  
l-artikolu 67  
ta’ l-Att  
prinċipali.

10. Minflok l-artikolu 70 ta’ l-Att prinċipali għandu jidhol dan li ġej:

Sostituzzjoni ta’  
l-artikolu 70  
ta’ l-Att  
prinċipali.

“70. Għall-finijiet ta’ din it-Taqsima, meta jkun qiegħed jahdem id-dhul pensjonabbli d-Direttur ma għandux jagħti każ ta’ xi żieda f’xi paga, salarju jew dhul meqjusin għall-ghan li jiġi stmat jew stmat mill-ġdid dak id-dhul pensjonabbli —

(a) li tkun intiża li tissostitwixxi —

(i) xi forma ta’ *fringe benefit* u/jew *drawings* personali, sew jekk *ex-cash* jew *ex-bank*, li l-persuna konċernata kienet kieku jkollha l-jedd għalihom minghand il-prinċipal tagħha; u

(ii) xi forma ta’ dhul jew hlas iehor li qabel il-persuna konċernata kienet tirċievi minn x’imkien iehor u li dwarhom ma kellhiex tithallas kontribuzzjoni; u

(b) kull żieda oħra f’dik il-paga jew salarju li ma jkunux jidhru lid-Direttur li huma *bona fide*.”.

11. Minflok il-paragrafu (b) tas-subartikolu (1) ta’ l-artikolu 75 ta’ l-Att prinċipali għandu jidhol dan li ġej:

Emenda ta’  
l-artikolu 75  
ta’ l-Att  
prinċipali.

“(b) meta dik il-persuna titqies li hi persuna li timpjega lilha nifisha ir-rata ta’ pensjoni taghha ghandha tiżdied —

(i) fil-każ ta’ raġel miżżewweġ, bl-ammont applikabbli skond il-Parti IA tat-Tleltax-il Skeda li tinsab ma’ dan l-Att, jew b’dik il-parti minnu li tkun tiżgura li r-rata ta’ pensjoni tiegħu miżjuda kif imsemmi qabel ma tkunx taqbeż iż-żewġ-terzi tad-dhul pensjonabbli tiegħu;

(ii) fil-każ ta’ xi persuna oħra, bl-ammont li jkun japplika skond il-Parti I tat-Tleltax-il Skeda imsemmija qabel.”.

Emenda ta’  
l-artikolu 77  
ta’ l-Att  
prinċipali

12. Minflok l-artikolu 77 ta’ l-Att prinċipali għandu jidhol dan li

“77. (1) Bla hsara għad-dispożizzjonijiet ta’ l-artikolu 100 ta’ dan l-Att u bla hsara għad-dispożizzjonijiet l-oħra ta’ dan l-Att, persuna li —

(a) ikollha l-età ta’ sittin sena; u

(b) turi għas-sodisfazzjoni tad-Direttur li —

(i) tkun ċittadin ta’ Malta u normalment tirrisjedi f’Malta; u

(ii) il-mezzi taghha fis-sena, kalkolati skond id-dispożizzjonijiet tal-Parti III tat-Tieni Skeda li tinsab ma’ dan l-Att, ma tkunx iżjed minn Lm625 fil-każ ta’ raġel miżżewweġ jew mara miżżewġa jew Lm325 fil-każ ta’ persuna wahedha jew ta’ armel jew armla;

tkun intitolata għal Pensjoni ta’ l-Età taht dan l-Att skond id-dispożizzjonijiet tas-subartikolu (2) ta’ dan l-artikolu.

(2) Persuna li ssir intitolata għal pensjoni taht isubartikolu (1) ta’ dan l-artikolu għandha tirċievi l-pensjoni taghha skond il-Parti II tas-Sitt Skeda li tinsab ma’ dan l-Att; iżda b’dak il-mod illi, bla hsara għad-dispożizzjonijiet ta’ l-artikolu 100 ta’ dan l-Att u tat-tieni proviso li hemm mal-paragrafu 3 tal-Parti III tat-Tieni Skeda li tinsab ma’ dan l-Att, meta raġel miżżewweġ u l-mara tiegħu jkunu t-tnejn jikkwalifikaw għal pensjoni taht id-dispożizzjonijiet ta’ dan l-artikolu jew ta’ l-artikolu 27 ta’ dan l-Att, dik il-pensjoni li tithallas lill-mara ma tibqax tinghatalha.

(3) Meta persuna li tkun intitolata għal pensjoni taht dan l-artikolu tkun jew issir irkuvrata fi sptar statali jew istituzzjoni statali, hija tibqa’ intitolata li tirċievi dik il-pensjoni matul l-ewwel sitt xhur li jibdew mill-ewwel jum tad-dhul taghha f’dak l-isptar jew istituzzjoni ħlief jekk din tkun istituzzjoni statali għal-kura u hsieb ta’ nies xjuh kif indikat mill-Ministru b’avviż fil-Gazzetta għall-finijiet tal-paragrafu (a) tas-subartikolu (1) ta’ l-artikolu 99, f’liema każ, mill-ewwel jum tad-dhul taghha f’dik l-istituzzjoni statali, dik

il-persuna ma jkollhiex jedd għal pensjoni skond is-subartikolu (2) ta' dan l-artikolu iżda għal pensjoni ta' Lm2 fil-gimgha u, meta applikabbli, il-kera tad-dar kif provdut fil-Parti III tas-Sitt Skeda li tinsab ma' dan l-Att.”.

**13.** Fil-paragrafu (iii) tas-subartikolu (1) ta' l-artikolu 82A ta' l-Att prinċipali minflok il-kliem “u 84 ta' dan l-Att)” għandhom jidhlu l-kliem “, 84 u 93A ta' dan l-Att u kull *allowance* fil-gimgha imħallsa minn xi prinċipal skond l-Ordni ta' *Standard* Nazzjonali ta' l-1988 dwar *Allowance* fil-Gimgha)”.

Emenda ta' l-artikolu 82A ta' l-Att prinċipali. A.L. 112 ta' l-1988.

**14.** Fl-artikolu 83A ta' l-Att prinċipali, minflok il-kliem “skond id-dispożizzjonijiet ta' dan l-Att:” għandhom jidhlu l-kliem “skond id-dispożizzjonijiet ta' dan l-Att. Għall-finijiet ta' dan l-artikolu tifel xorta jibqa' jitqies li hu persuna severament ħandikappata jekk ikun ċertifikat bħala mutu għal kollox u permanentement jew trux permanentement fi grad ta' mhux inqas minn 70 *decibel*.”.

Emenda ta' l-artikolu 83A ta' l-Att prinċipali.

**15.** Minnufih wara l-artikolu 93 ta' l-Att prinċipali għandu jiżdied lan l-artikolu ġdid 93A:

Zieda ta' l-artikolu ġdid 93A ta' l-Att prinċipali.

“Benefiċċji li jithallsu *ex-gratia*. 93A. (1) Il-Ministru jista', b'ordni fil-Gazzetta, jipprovdi għall-ħlas ta' benefiċċju *ex-gratia* lil ċerti kategoriji ta' persuni u b'dawk ir-rati u f'dik is-sura u b'dak il-mod u għal dak iż-żmien li huwa jista' jiddeċiedi bi ftehim mal-Ministru responsabbli għall-finanzi u b'mod partikolari, iżda mingħajr preġudizzju għall-mod ġeneriku ta' dak li ntqal qabel —

(a) sabiex jipprovdi għall-ħlas ta' bonus lil familja;  
u

(b) sabiex jipprovdi għall-ħlas ta' għajjnuna b'emergenza fi flus jew f'oġġetti li m'humix flus mid-Direttur tal-*Welfare*.

(2) Id-Direttur tal-*Welfare* għandu jzomm dik is-sistema ta' kontijiet u għandu jadotta dawk il-miżuri għat-tħaris ta' flus fdati lilu mid-Direttur għall-finijiet ta', u skond, il-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu hekk kif approvat mill-*Accountant General* u l-kotba, riċevuti u dokumenti kollha miżmumin għal dan il-għan għandhom, f'kull żmien, ikunu miftuħin għall-ispezzjoni ta' l-*Accountant General*, id-Direttur tal-Verifika u d-Direttur.”.

**16.** L-artikolu 98 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 98 ta' l-Att prinċipali.

(a) l-artikolu kif inhu għandu jiġi enumerat bħala s-subartikolu (1); u

(b) minnufih wara s-subartikolu (1) għandu jiżdied dan is-subartikolu ġdid li ġej:

“(2) Id-dritt għall-ghajjnuna soċjali li tithallas taht dan l-Att ma għandux jintemm dwar xi membru ta’ familja li jkun barra minn Malta sakemm il-kap ta’ dik il-familja jipprova għas-sodisfazzjon tad-Direttur li dik il-mawra barra minn Malta għandha x’taqsam mal-kura medika ta’ dik il-persuna; b’dan illi l-jedd għal dik l-ghajjnuna għandu jintemm wara li jgħaddu sitt xhur li jibdeu mill-ewwel jum tan-naqqas ta’ dik il-persuna minn Malta għal dik il-kura hliet fejn dik il-mawra barra minn Malta tkun approvata mill-Gvern.”.

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

17. Fis-subartikoli (1) u (2) ta’ l-artikolu 99 ta’ l-Att prinċipali, minflok il-kliem “u fl-artikolu 77,” għandhom, f’kull każ, jidhlu l-kliem “u fis-subartikolu (3) ta’ l-artikolu 77 ta’ dan l-Att.”.

Emenda ta’  
l-artikolu 102  
ta’ l-Att  
prinċipali.

18. Fis-sub-paragrafu (ii) tal-paragrafu (b) tas-subartikolu (1) ta’ l-artikolu 102 ta’ l-Att prinċipali, minnufih wara l-kliem “li d-Direttur jista’ minn żmien għal żmien jistabbilixxi;” għandhom jiżdiedu l-kliem “b’dak il-mod illi, meta talba għal Benefiċċju għal Mard issir filwaqt li persuna tkun qeghda temporanjament barra minn Malta, il-hlas ta’ dak il-benefiċċju għandu jsir bl-arretrati f’somma waħda shiha kemm jista’ jkun malajr wara li dik il-persuna terġa’ lura Malta;”.

Emenda ta’  
l-artikolu 109  
ta’ l-Att  
prinċipali.

19. Il-proviso li hemm ma’ l-artikolu 109 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (b) tiegħu, —

(i) il-kliem “għal Benefiċċju għal Mard jew” għandhom jithassru; u

(ii) minflok il-kliem “għal dan il-ghan.” għandhom jidhlu l-kliem “għal dan il-ghan; u”; u

(b) minnufih wara l-paragrafu (b) imsemmi qabel għandu jiżdied dan il-paragrafu ġdid (ċ) li ġej:

“(ċ) jekk it-talba tkun għal Benefiċċju għal Mard, b’senh mill-jum li l-Ministru jista’ jistabbilixxi b’avviż fil-Gazzetta, id-Direttur ma għandux jilqa’ xi talba bħal dik dwar ir-raba’ jum u kull jum ieħor li jiġi wara f’kull perijodu ta’ inkapaċità għax-xogħol hliet jekk iċ-ċertifikat mediku li jikkonferma l-inkapaċità ta’ persuna li taħdem ikun miktub u ffirmit minn persuna li jkollha l-warrant li teżerċita l-professjoni medika li tkun mahtura mill-Ministru għal dan il-ghan; b’dak il-mod illi, meta d-Direttur ikun sodisfatt li min ikun qiegħed jagħmel it-talba għal dak il-benefiċċju tkun ordinarjament residenti f’Malta iżda li, fid-data ta’ dik it-talba, tkun temporanjament barra minn Malta, id-Direttur jista’, minkejja l-provvedimenti imsemmijin qabel f’dan il-paragrafu, jilqa’ dik it-talba bħala valida għall-finijiet ta’ dan l-Att sakemm din tkun akkumpanjata minn ċertifikat mediku li jkollu dik l-ghamla u jkun ta’ dak il-mod li d-Direttur jista’ fiċ-ċirkostanzi tal-każ jidhirlu xierqa u sakemm il-persuna

koncernata tipprova ghas-sodisfazzjon tad-Direttur li ma jkollhiex jedd ghal xi forma ta' benefiċċju bħalma tista' tithallas minn xi awtorità li tkun responsabbli għall-hlas ta' benefiċċju tas-sigurtà soċjali fil-pajjiż fejn dik il-persuna tkun temporanjament toqgħod matul il-perijodu ta' dik l-inkapaċità tagħha li taħdem:

Iżda aktar li, f'kull talba għal Benefiċċju għal Mard, id-Direttur jista', jekk ikun jidhirlu li hekk jehtieg, jikkonsulta dwar l-aspetti mediċi tat-talba ma' persuna wahda jew iktar li jkollhom *warrant* biex jeżerċitaw il-professjoni medika, mahtura mill-Ministru għal dan il-ghan.”.

**20.** Fil-paragrafu (i) tas-subartikolu (4) ta' l-artikolu 111 ta' l-Att prinċipali, minflok il-kliem “jew Pensjoni għall-Handikappati; u” għandhom jidhlu l-kliem “jew Pensjoni għall-Handikappati u l-Arbitru jidhirlu li jkun mehtieg parir mediku; u”.

Emenda ta' l-artikolu 111 ta' l-Att prinċipali.

**21.** Fis-subartikolu (2) ta' l-artikolu 117 ta' l-Att prinċipali, minnufih wara l-kliem “u d-dhul” għandhom jidhlu l-kliem “(inklużi xi multi jew penalitajiet imposti skond l-artikoli 116, 119, 120, 122, 128 u 129)”.

Emenda ta' l-artikolu 117 ta' l-Att prinċipali.

**22.** Fis-subartikolu (1) ta' l-artikolu 119 ta' l-Att prinċipali, minflok il-kliem minn “huwa jehel” sa u nklużi l-kliem “hames liri.” għandhom jidhlu l-kliem li ġej:

Emenda ta' l-artikolu 119 ta' l-Att prinċipali.

“huwa jehel, meta jinstab hati, multa ta' mhux anqas minn —

(a) Lm5 għal kull kontribuzzjoni bħal dik mhux imħallsa, dwar xi kontribuzzjonijiet dovuti taht dan l-Att qabel it-3 ta' Lulju, 1989; u

(b) 50% tal-valur totali tal-kontribuzzjonijiet bħal dik mhux imħallsa iżda ta' mhux iżjed mill-valur totali tal-kontribuzzjonijiet bħal dik mhux imħallsa, dwar xi kontribuzzjonijiet dovuti taht dan l-Att f'xi żmien wara t-2 ta' Lulju, 1989.”.

**23.** L-artikolu 128 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 128 ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “penali ta'” sa u nklużi l-kliem “dwar kontribuzzjonijiet mhux imħallsa.” għandhom jidhlu l-kliem li ġej:

“penali ta' mhux anqas minn —

(a) 10% tal-valur totali tal-kontribuzzjonijiet bħal dik mhux imħallsa iżda ta' mhux iżjed minn Lm5 għal kull kontribuzzjoni bħal dik mhux imħallsa, dwar xi kontribuzzjonijiet dovuti taht dan l-Att qabel it-3 ta' Lulju, 1989; u

(b) 5% tal-valur totali tal-kontribuzzjoni bħal dik mhux imħallsa iżda ta' mhux iżjed minn 50% tal-valur totali tal-kontribuzzjonijiet bħal dik mhux imħallsa, dwar xi kontribuzzjonijiet dovuti taht dan l-Att f'xi żmien wara t-2 ta' Lulju, 1989;

li tkun iffissata mid-Direttur, flimkien ma' kull ammont li jkollu jinghata dwar kontribuzzjonijiet bhal dik mhux imhallsa:"; u

(b) minnufih wara s-subartikolu (1) tieghu, ghandu jizdied dan il-proviso ġdid li ġej:

"Izda fejn il-perijodu ta' kontribuzzjonijiet bhal dik mhux imhallsa jiġi bejn is-7 ta' Mejju 1956 u l-1 ta' Jannar 1989, jekk il-kontribuzzjonijiet bhal dik mhux imhallsa jiġu effettivament imhallsa f'xi żmien bejn l-1 ta' April, 1989 u t-30 ta' April, 1990, iż-żewġ dati nkluzi, penalitajiet bhal dik li jkunu mposti mid-Direttur skond dan is-subartikolu ghandhom sussegwentement jinghataw lura lil prinċipal jew persuna li timpjega lilha nnifisha, skond il-każ kif ikun, jekk il-kontribuzzjonijiet kollha bhal dik mhux imhallsa jithallsu fil-fatt sa u nkluz it-30 ta' April, 1990 u kontribuzzjonijiet li ghandhom jithallsu taht u skond id-dispożizzjonijiet ta' dan l-Att għall-perijodu bejn it-2 ta' Jannar, 1989 u t-30 ta' April, 1990, iż-żewġ dati nkluzi, ikunu wkoll imhallsa kif ghandhom ikunu skond id-dispożizzjonijiet ta' dan l-Att fid-data li fiha kontribuzzjonijiet bhal dik mhux imhallsa kif imsemmi qabel f'dan il-proviso effettivament jithallsu skond id-dispożizzjonijiet ta' dan il-proviso."

Emenda ta'  
l-artikolu 133  
ta' l-Att  
prinċipali.

24. L-artikolu 133 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) minnufih wara s-subartikolu (1) tieghu, ghandu jizdied is-subartikolu ġdid li ġej:—

"(1A) B'zieda mal-funzjonijiet imsemmija fis-subartikolu (1) ta' dan l-artikolu, il-Bord ghandu wkoll jeżamina l-każijiet li fihom skond il-paragrafi 3 u/jew 4 ta' l-Ordni ta' l-1989 dwar Ghajnuna b'Emergenza, id-Direttur tal-*Welfare* hu tal-fehma illi l-limiti mnizzla hemmhekk jinhtieg li jinqabzu."

(b) fis-subartikolu (4) tieghu, minflok il-kliem "taht dan l-artikolu" ghandhom jidhlu l-kliem "taht is-subartikolu (1) ta' dan l-artikolu"; u

(ċ) minnufih wara s-subartikolu (4) tieghu, ghandhom jizdiedu s-subartikoli ġodda (4A) u (4B) li ġejjin:

"(4A) L-oghla ammont ta' Ghajnuna b'Emergenza fi flus li l-Bord jista' jawtorizza taht is-subartikolu (1A) ta' dan l-artikolu m'ghandux jeċċedi Lm14.50 f'xi perijodu ta' 7 ijiem konsekuttivi iżda jista' b'danakollu jibqa' jithallas għal kull perijodu ta' żmien li l-Bord jista' jistabbilixxi fiċ-ċirkostanzi tal-każ.

(4B) L-ammont ta' Ghajnuna b'Emergenza f'oġġetti li mhumix flus li l-Bord jista' jawtorizza taht is-subartikolu (1A) ta' dan l-artikolu m'ghandux ikun soġġett għal xi limitu iżda l-Bord ghandu jassigura, safejn hu possibbli, illi l-affarijiet li jridu jinxtraw lil hinn mil-limitu mnizzel fil-paragrafu 4 ta' l-Ordni ta' l-1989 dwar Ghajnuna b'Emergenza huwa assolutament ta' htiega u li l-ispiza fuqhom se tinzamm f'limiti raġonevoli ġustifikati."

25. Fil-paragrafu (b) ta' l-artikolu 137 ta' l-Att prinċipali, minnufih wara l-kliem "li jkunu jehtieġu li tinzamm segretezza" għandhom jidhlu l-kliem "mghoddija qabel, fi jew wara l-bidu fis-sehh ta' dan l-Att".

Emenda ta' l-artikolu 137 ta' l-Att prinċipali.

26. Il-Parti II ta' l-Ewwel Skeda li tinsab ma' l-Att prinċipali għandha tiġi emendata kif ġej:

Emenda ta' l-Ewwel Skeda li tinsab ma' l-Att prinċipali.

(a) minflok il-paragrafu 6 tagħha għandu jidhol dan li ġej:

"6. Impieg ta' xi diretturi f'xi soċjetà, għall-finijiet ta' dik is-soċjetà, fejn f'din is-soċjetà jkunu ngrahdu flimkien persuni li jkunu jiġu minn xulxin, sa u nkluzi kuġini fl-ewwel grad u/jew in-nisa tagħhom jew żwieġhom, sakemm xi diretturi bħal dawk ikunu huma nnifishom soċji bħal dawk jew in-nisa ta' jew żwieġ dawk is-soċji."; u

(b) minnufih wara l-paragrafu 6 tagħha għandu jidded dan il-paragrafu 7 ġdid li ġej:

"7. Impieg ta' xi azzjonist maġġoritarju f'xi soċjetà, għall-finijiet ta' dik is-soċjetà; u għal dan il-għan kull azzjonist jibqa' jitqies li hu azzjonist maġġoritarju jekk, minkejja l-fatt li n-numru ta' azzjonijiet tiegħu ma jkunx jikkostitwixxi l-maġġoranza, il-valur jew il-poteri marbutin mal-*holding* tiegħu ikun iktar mill-valur jew il-poteri totali aggregati marbutin mal-*holding* ta' l-azzjonisti l-oħrajn f'dik is-soċjetà.".

27. It-Tieni Skeda li tinsab ma' l-Att prinċipali għandha tiġi emendata kif ġej:

Emenda tat-Tieni Skeda li tinsab ma' l-Att prinċipali.

(a) il-paragrafu 5 tal-Parti II tagħha għandu jiġi emendat kif ġej:

(i) fis-subparagrafu (ċ) tiegħu, minnufih qabel il-kliem "kull *Allowance* ta' Ġenitur" għandhom jidhlu l-kliem "kull *bonus* lil familja mhallas taht u skond l-artikolu 93A ta' dan l-Att,";

(ii) fis-sub-paragrafu (e) tiegħu, minflok il-kliem "ta' din l-Iskeda." għandhom jidhlu l-kliem "ta' din l-Iskeda,"; u

(iii) minnufih wara s-sub-paragrafu (e) imsemmi qabel għandhom jiddiedu dawn is-sub-paragrafi ġodda li ġejjin:

"(f) kull *allowance* fil-ġimgha li tithallas minn prinċipal skond l-Ordni ta' *Standard* Nazzjonali ta' l-1988 dwar *Allowance* fil-Ġimgha;

A.L. 112 ta' l-1988.

(g) kull benefiċċju, dhul, privileġġ jew għotja dovuta lil membru ta' familja taht u skond id-dispożizzjonijiet ta' xi waħda mill-*Manpower Incentive Schemes* imhabbrin mill-Gvern, għall-ewwel 12-il ġimgha ta' jedd għalihom.";

(b) minnufih wara l-paragrafu 6 tal-Parti II tieghu, ghandu jiddied dan il-paragrafu 7 li ġej:

“7. Meta kap ta’ familja jkun qieghed jirċievi Ghajnuna ghal Mard taht dan l-Att, kwalunkwe żieda mogħtija effett f’xi żmien wara s-6 ta’ Jannar, 1989 li għaliha jista’ jiġi ntitolat hu jew xi membru ieħor tal-familja tieghu dwar xi pensjoni, beneficiċċju, ghajnuna jew *allowance* hekk kif imħallas lil jew lil xi membru ieħor tal-familja tieghu taht dan l Att matul l-istess perijodu li fih hu jkun qed jirċievi l-imsemmija Ghajnuna ghal Mard, ma għandhiex titqies fil-kalkolazzjoni tal-mezzi ta’ dik il-familja ghal finijiet biex jiġi stabbilit jekk għadx baqa’ jedd jew le ghal dik l-Ghajnuna ghal Mard.”;

(ċ) il-Parti III tagħha għandha tiġi emendata kif ġej:

(a) fit-titolu tagħha, il-kliem “Pensjoni għall-Handikappati, Pensjoni għall-Għomja,” għandhom jithassru;

(b) fil-paragrafu 1 tagħha —

(i) minflok il-kliem “ta’ l-artikolu 27” għandhom jidhlu l-kliem “ta’ l-artikolu 77”; u

(ii) il-kliem “pensjoni għall-handikappati, pensjoni għall-ghomja jew” għandhom jithassru;

(ċ) fil-paragrafu 2 tagħha, minnufih qabel il-kliem “kull Ghajnuna Medika” għandhom jidhlu l-kliem “kull *bonus* lil familja mħallas taht u skond l-artikolu 93A ta’ dan l-Att,”; u

(d) fil-paragrafu 3 tagħha, il-kliem “Pensjoni għall-Handikappati jew Pensjoni għall-Għomja,” għandhom jithassru;

u

(d) minnufih wara l-Parti III tagħha għandha tiżdied il-Parti IIIA ġdida li ġejja:

### “PARTI IIIA

#### Pensjoni għall-Handikappati u Pensjoni għall-Għomja

1. Fil-kalkolu tal-mezzi għall-finijiet ta’ l-artikolu 27 ta’ dan l-Att, ghandu jitqies —

(a) il-valur ta' kull proprjeta' (minbarra d-dar ta' residenza) ta' dik il-persuna li tkun, jew tista' tkun, investita jew tintuza bi qliegh, bl-esklużjoni ta' ghamara, gojjellerija u hwejjeg oħra personali; u

(b) bla hsara għad-dispożizzjonijiet tal-paragrafu 3 ta' din il-Parti, kull dħul jew privileġġ li huwa riċevut jew jista' jiġi riċevut minn jew ikun ta' tgawdija għal dik il-persuna, kalkolat fuq bażi ta' ġimgha.

2. Il-meżzi li jistghu jingabru minn xi proprjeta' kif deskritt taht is-sub-paragrafu (a) tal-paragrafu 1 taht din il-Parti, li mhux qed tintuza bi qliegh għandhom jiġu kkalkolati kif ġej:

(a) l-ewwel Lm250 ta' proprjeta' bhal dik ma għandhux jinghata kas tagħhom; u

(b) il-valur ta' proprjeta' bhal dik fl-eċċess ta' Lm250 għandu jitqies li qed jirrendi dħul fil-ġimgha ekwivalenti għal 0.11% tal-valur kapitali tagħha.

eċċess

3. Fil-kalkolu tad-dħul jew privileġġ kif deskritt taht is-sub-paragrafu (b) tal-paragrafu 1 ta' din il-Parti, ma għandhomx jitqiesu —

(a) kull benefiċċju għal mard mogħti minn soċjeta' filantropika jew *trade union*;

(b) kull somma mhallsa minn fond tal-karita'; u

(c) kull *bonus* lil familja mhallas taht u skond l-artikolu 93A ta' dan l-Att, kull Għajnuna Medika, *Allowance* ta' Ġenitur, *Allowance* tat-Tfal, *Allowance* għal Tifel Handikappat jew Benefiċċju għal Maternità li jithallsu taht dan l-Att.

4. Sabiex jinhadmu l-meżzi ta' koppja mizzewġa għall-finijiet ta' l-ghoti ta' Pensjoni għall-Handikappati jew Pensjoni għall-Għomja, għandha tiqies xi tkun il-proprjeta' (minbarra d-dar tar-residenza) tal-koppja jew id-dħul li tkun qegħda tirċievi jew li tkun tista' tirċievi l-koppja:

Iżda, meta ma jkunx hemm kominunjonijiet ta' l-akkwisti bejniethom jew għaliex b'riżultat tas-separazzjoni legali tagħhom għandha titqies biss dik il-proprjeta' li tkun ta', jew dak id-dħul li jkun qiegħed jiġi jew li jista' jiġi riċevut, minn kull wiehed jew wahda mill-koppja:

Iżda wkoll kull wiehed jew wahda mill-koppja li dwarhom tghodd il-proviso ta' qabel din għandhom ikunu ntitolati sabiex jirċievu r-rata li tkun applikabbli lill-persuna wahda jew lil armel

jew armla skond il-Parti IIA tas-Sitt Skeda li tinsab ma' dan l-Att kif imnaqqsa bil-meżzi ta' kull ġimgħa li jkunu attribwibbli lil kull wiehed minnhom.

5. Meta raġel miżżewweġ li jkun separat minn ma' martu legalment jew "*de facto*" jipprova għas-sodifazzjoni tad Direttur li jkun qiegħed iħallas xi somma lil martu bħala kondizzjoni integrali tas-separazzjoni tagħhom, dik is-somma għandha titnaqqas meta jiġu kalkolati l-meżzi tiegħu."

Emenda  
tas-Sitt Skeda  
li tinsab  
ma' l-Att prinċipali

28. Is-Sitt Skeda li tinsab ma' l-Att prinċipali għandha tiġi emendata kif ġej:

(a) fil-Parti I tagħha —

(i) il-kliem "jew iżjed" għandhom jithassru; u

(ii) minnufih qabel il-kliem "Għall-finijiet ta' din il-Parti" għandu jidhol dan il-paragrafu ġdid li ġej:—

"Meta n-numru ta' membri fil-familja jkun jeċċedi 5 r-rati li hemm indikati għal familja ta' 5 għandhom jiżdiedu b'Lm1.50 għal kull membru għar-rigward tas-sitt membru u l-membri l-oħra sussegwenti f'dik il-familja."

(b) fit-titolu tal-Parti II tagħha, il-kliem ", Pensjoni għall-Handikappati, Pensjoni għall-Ghomja" għandhom jithassru;

(c) minnufih wara l-Parti II tagħha għandha tidhol il-Parti IIA ġdida li ġejja:

## "PARTI IIA

*Rati ta' Pensjoni għall-Handikappati u Pensjoni għall-Ghomja*

### A. Irgiel miżżewġa

Kategorija	Rata ta' pensjoni fil-ġimgħa
meta l-mara tkun tikkwalifika wkoll għal pensjoni skond l-artikoli 27 jew 77 ...	Lm c m 22.80,0
meta l-mara ma tkunx tikkwalifika wkoll għal pensjoni skond l-artikoli 27 jew 77 .	11.40,0

## B. Persuni li m'humiex irġiel miżżewġa

Kategorija	Rata ta' pensjoni fil-gimgha
nisa miżżewġa li l-irġiel tagħhom ma jkunux jikkwalifikaw għal pensjoni skond l-artikoli 27 jew 77 .....	Lm c m 11.40,0
persuni romol jew waħedhom .....	14.50,0

u

(d) fil-Parti III tagħha, minflok il-kliem “Ir-rati li jinsabu fil-Parti I u II ta’ din l-Iskeda” għandhom jidhlu l-kliem “Ir-rati li jinsabu fil-Partijiet I, II u IIA ta’ din l-Iskeda”.

**29.** Is-Seba’ Skeda li tinsab ma’ l-Att prinċipali għandha tiġi emendata kif ġej:

Emenda tas-Seba’ Skeda li tinsab ma’ l-Att prinċipali.

(a) il-kliem “jew iżjed” għandhom jithassru; u

(b) minnufih taht it-tabella li hemm fiha għandu jizdied dan il-paragrafu ġdid li ġej:

“Meta n-numru ta’ membri fil-familja jkun jeċċedi 5 ir-rata li hemm indikata għal familja ta’ 5 għandha tiżdied b’Lm2.25c għal kull membru għar-rigward tas-sitt membru u l-membri l-oħra sussegwenti f’dik il-familja.”.

**30.** It-Tmien Skeda li tinsab ma’ l-Att prinċipali għandha tiġi emendata kif ġej:

Emenda tat-Tmien Skeda li tinsab ma’ l-Att prinċipali.

(a) fil-Parti I tagħha —

(i) il-kliem “jew iżjed” għandhom jithassru; u

(ii) minnufih taht it-tabella li hemm fiha għandu jizdied dan il-paragrafu ġdid li ġej:

“Meta n-numru ta’ membri fil-familja jkun jeċċedi 5 ir-rata li hemm indikata għal familja ta’ 5 għandha tiżdied b’Lm2.80c għal kull membru għar-rigward tas-sitt membru u l-membri l-oħra sussegwenti f’dik il-familja.”; u

(b) fil-Parti II taghha —

(i) il-kliem “jew iżjed” għandhom jithassru; u

(ii) minnufih taht it-tabella li hemm fiha għandu jżied dan il-paragrafu ġdid li ġej:—

“Meta n-numru ta’ membri fil-familja jkun jeċċedi 5 ir-rata li hemm indikata għal familja ta’ 5 għandha tiżied b’Lm0.95c għal kull membru għar-rigward tas-sitt membru u l-membri l-oħra sussegwenti f’dik il-familja.”.

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

**31.** Minflok l-Għaxar Skeda li tinsab ma’ l-Att prinċipali għandu jidhol dan li ġej:

## “L-GHAXAR SKEDA

Artikoli 7 u 10.

### Rata ta’ Kontribuzzjonijiet

#### PARTI I

#### *Kontribuzzjonijiet ta’ l-Ewwel Klassi (Persuni Mpjegati)*

Kategorija	Xorta ta’ persuna mpjegata	Rata fil-ġimgha ta’ kontribuzzjoni li għandha tithallas mill-persuna mpjegata u mill-prinċipal taghha
A.	Persuni taht it-18-il sena (li ma humiex dawk li jaqghu taht il-kategorija ‘E’ hawn isfel imsemmija) .....	Lm1.37
B.	Persuni li għalqu t-18-il sena (li ma humiex dawk li jaqghu taht il-kategorija ‘F’ hawn isfel imsemmija) li l-paga bażika taghhom fil-ġimgha jew l-ekwivalenti fil-ġimgha tas-salarju bażiku taghhom fix-xahar ma jkunx jeċċedi Lm29.88,0 .....	Lm2.49

Kategorija	Xorta ta' persuna mpjegata	Rata fil-ġimgha ta' kontribuzzjoni li ghandha tithallas mill-persuna mpjegata u mill-prinċipal taghha
Ċ.	<p>Persuni li ghalqu t-18-il sena (li ma humiex dawk li jaqghu taht il-kategorija 'F' hawn isfel imsemmija) li l-paga bażika taghhom fil-ġimgha jew l-ekwivalenti fil-ġimgha tas-salarju bażiku taghhom fix-xahar jkun jeċċedi Lm29.88,0 iżda ma jkunx jeċċedi Lm105.77,0 ..</p>	<p><math>\frac{1}{12}</math>, maħduma sa l-eqreb ċentenżmu, tal-paga bażika fil-ġimgha jew ta' l-ekwivalenti fil-ġimgha tas-salarju bażiku taghhom fix-xahar.</p>
D.	<p>Persuni li ghalqu t-18-il sena (li ma humiex dawk li jaqghu taht il-kategorija 'F' hawn isfel imsemmija) li l-paga bażika taghhom fil-ġimgha jew l-ekwivalenti fil-ġimgha tas-salarju bażiku taghhom fix-xahar ikun jeċċedi Lm105.77,0</p>	<p>Lm8.81</p>
E.	<p>Persuni taht it-18-il sena li jkunu qeghdin jaghmlu kors ta' studju <i>full-time</i> jew taghlim taht l-Iskema Skular-Ħaddiem, l-Iskema Student-Ħaddiem jew skemi oħrajn simili (inkluż l-<i>Extended Skills Training Schemes</i>, iżda eskluż l-Iskemi ta' Ħaddiem-Student) li jkunu jinvolve perijodi distinti ta' xogħol u studju li għalihom ikunu qeghdin jirċievu rimunerazzjoni .....</p>	<p><math>\frac{1}{12}</math>, maħduma sa l-eqreb ċenteżmu, tar-rimunerazzjoni bażika fil-ġimgha jew ta' l-ekwivalenti fil-ġimgha tar-rimunerazzjoni bażika fix-xahar sa rata massima ta' kontribuzzjoni ta' Lm1.37,0.</p>

Kategorija	Xorta ta' persuna mpjegata	Rata fil-gimgha ta' kontribuzzjoni li ghandha tithallas mill-persuna mpjegata u mill-principjal taghha
F.	Persuni li ghalqu it-18-il sena li jkunu qeghdin jaghmlu kors ta' studju <i>full-time</i> jew taghlim taht l-Iskema Skular-Haddiem, l-Iskema Student-Haddiem jew skemi oħrajn simili (inkluż l- <i>Extended Skills Training Schemes</i> , iżda eskluż l-Iskemi ta' Haddiem-Student) li jkunu jinvolve perijodi distinti ta' xogħol u studju li ghalhom ikunu qeghdin jirċievu rimunerazzjoni .....	$\frac{1}{12}$ , maħduma sa l-eqreb ċenteżmu, tar-rimunerazzjoni bażika fil-gimgha jew ta' l-ekwivalenti fil-gimgha tar-rimunerazzjoni bażika fix-xahar sa rata massima ta' kontribuzzjoni ta' Lm2.49.0.

## PARTI II

*Kontribuzzjonijiet tat-Tieni Klassi  
(Persuni li jimpjegaw lilhom infushom)*

Kategorija	Xorta ta' persuna li timpjega lilha nnifisha	Rati ta' Kontribuzzjonijiet fil-gimgha li jithallsu minn persuna li timpjega lilha nnifisha
	Persuni li d-dhul nett tagħhom fis-sena (b'eskluzjoni ta' benefiċċju ta' maternità, <i>allowance</i> tat-tfal u kull benefiċċju <i>ex gratia</i> imħallas taht l-artikolu 93A ta' dan l-Att) matul is-sena kalendarja minnufih qabel is-sena ta' kontribuzzjoni li fiha tithallas il-kontribuzzjoni —	
A	ma jaqbiżx Lm1,640 .....	Lm3.90
B	jaqbeż Lm1,640 iżda mhux Lm2,170 .....	Lm5.20

Kategorija	Xorta ta' persuna li timpjega lilha nnifisha	Rata ta' Kontribuzzjonijiet fil-gimgha li jithallsu minn persuna li timpjega lilha nnifisha
Ċ	jaqbeż Lm2,170 iżda mhux Lm2,700 .....	Lm6.50
D	jaqbeż Lm2,700 iżda mhux Lm3,230 .....	Lm7.80
E	jaqbeż Lm3,230 iżda mhux Lm3,760 .....	Lm9.05
F	jaqbeż Lm3,760 iżda mhux Lm4,500 .....	Lm10.85
G	jaqbeż Lm4,500 .....	Lm13.20

32. Fit-Tabella Ċ tat-Tnax-il Skeda li tinsab ma' l-Att prinċipali minflok il-figura "24.70,0", "22.00,0", "17.05,0", "12.10,0", "16.25,0", "14.45,0", "11.20,0" u "7.95,0" rispettivament għandhom jidhlu l-figuri "25.70,0", "22.90,0", "17.75,0", "12.60,0", "17.25,0", "15.35,0", "11.90,0" u "8.45,0" rispettivament.

Emenda ta' t-Tnax-il Skeda li tinsab ma' l-Att prinċipali.

33. It-Tlettax-il Skeda li tinsab ma' l-Att prinċipali għandha tiġi emendata kif ġej —

Emenda ta' t-Tlettax-il Skeda li tinsab ma' l-Att prinċipali.

(a) fil-Parti I tagħha—

(i) minflok il-kliem "taht l-artikolu 75 ta' dan l-Att" għandhom jidhlu l-kliem "skond il-paragrafi (a) u (b)(ii) tas-subartikolu (1) ta' l-artikolu 75 ta' dan l-Att"; u

(ii) minflok il-figuri "3.00,0", "2.65,0", "2.05,0" u "1.45,0" rispettivament, għandhom jidhlu l-figuri "4.00,0", "3.55,0", "2.75,0" u "1.95,0" rispettivament;

(b) minnufih wara l-Parti I tagħha, għandu jiżdied dan li ġej:—

#### "PARTI IA

*Żieda fir-rata ta' Pensjoni Minima Nazzjonali skond il-paragrafu (b)(i) tas-subartikolu (1) ta' l-artikolu 75 ta' dan l-Att*

Medja fis-sena ta' kontribuzzjonijiet imhallisa jew akkreditati	L-oghla rata ta' zieda fil-gimgha
50 jew iżjed (rata sħiħa) .....	Lm c m 1.00,0
40 — 49 .....	0.90,0
30 — 39 .....	0.70,0
20 — 29 .....	0.50,0

(ċ) fil-Parti III taghha —

(i) minflok il-kliem “taht l-artikolu 36” għandhom jidhlu l-kliem “skond il-paragrafu (a) ta’ l-artikolu 36”; u

(ii) minflok il-figuri “1.00,0”, “0.90,0”, “0.70,0” u “0.50,0” rispettivament, għandhom jidhlu l-figuri “3.00,0”, “2.65,0”, “2.05,0” u “1.45,0” rispettivament;

(d) fil-Parti IV taghha —

(i) minflok il-kliem “taht il-paragrafu (b) tal-proviso għall-artikolu” għandhom jidhlu l-kliem “skond il-paragrafu (b) ta’ l-artikolu”; u

(ii) minflok il-figuri “0.30,0”, “0.25,0”, “0.20,0” u “0.15,0” rispettivament, għandhom jidhlu l-figuri “2.00,0”, “1.80,0”, “1.40,0” u “1.00,0” rispettivament; u

(e) minnufih wara l-parti IV taghha, għandha tiżdied din il-Parti V ġdida li ġejja:

#### “PARTI V

*Iktar zieda fir-rata ta’ pensjoni lil armla skond il-paragrafu (ċ) ta’ l-artikolu 36 ta’ dan l-Att*

Medja fis-sena ta’ kontribuzzjonijiet imhallsa jew akkreditati	L-ogħla rata ta’ zieda fil-gimgha
	Lm c m
50 jew iżjed (rata shiha) .....	2.30,0
40 — 49 .....	2.05,0
30 — 39 .....	1.60,0
20 — 29 .....	1.15,0

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 250 tas-26 ta’ Ġunju, 1989.

LAWRENCE GONZI  
*Speaker*

P. MUSCAT TERRIBILE  
*Skrivan tal-Kamra tad-Deputati.*

I assent.

(L.S.)

ĈENSU TABONE  
President

30th June, 1989

**ACT No. XVI of 1989**

*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:—

I. (1) This Act shall be cited as the Social Security (Amendment) Act, 1989 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) The provisions of this Act shall come into force as follows:—

(a) this section, paragraphs (b) and (c) of section 2, section 3, paragraph (b) of section 4, paragraphs (a), (b) and (d) of section 6, sections 10, 12, 16, 17, 19, 20, 22, 23, 26, sub-paragraphs (a), (b) and (d) of paragraph (c) and paragraph (d) of section 27 and paragraphs (b), (c) and (d) of section 28 shall come into force upon the publication of the Act in the Gazette;

(b) sections 9 and 25 shall be deemed to have come into force on 1st January, 1987;

(c) sections 21 and 31 shall be deemed to have come into force on 2nd January, 1989; and

(d) paragraphs (a) and (d) of section 2, paragraph (a) of section 4, section 5, paragraph (c) of section 6, sections 7, 8, 11, 13, 14, 15, 18, 24, paragraphs (a) and (b) and sub-paragraph (c) of paragraph (c) of section 27, paragraph (a) of section 28 and sections 29, 30, 32 and 33 shall be deemed to have come into force on 7th January, 1989.

Amendment of the Arrangement of Sections in the principal Act.

**2. The Arrangement of Sections of the principal Act shall be amended as follows:**

(a) immediately below the words “93. Apportionment of Bonus” therein there shall be added the words:

“93A. Benefits payable *ex-gratia*”;

(b) for the words “Second Schedule” up to and including the words “Social Assistance” there shall be substituted the following words:

“Second Schedule PART I	Exemption from the payment of Class Two contributions
PART II	Sickness Assistance and Free Medical Aids
PART III	Age Pension
PART IIIA	Handicapped Pension and Blindness Pension
PART IV	Social Assistance”;

(c) for the words “Sixth Schedule” up to and including the words “House Rent” there shall be substituted the following words:

“Sixth Schedule PART I	Scale Rates of Social Assistance
PART II	Rates of Age Pension
PART II A	Rates of Handicapped Pension and Blindness Pension
PART III	House Rent”;

(d) for the words “Thirteenth Shedule” up to and including the words “of the proviso to section 36 of the Act” there shall be substituted the following words:

“Thirteenth Schedule PART I	Increase in the rate of National Minimum Pension under paragraphs (a) and (b)(ii) of subsection (1) of section 75 of this Act
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- PART I A** Increase in the rate of National Minimum Pension under paragraphs (b)(i) of subsection (1) of section 75 of this Act
- PART II** Increase in the rate of pension to a widow under section 35 of this Act
- PART III** Further increase in the rate of pension to a widow under paragraph (a) of section 36 of this Act
- PART IV** Further increase in the rate of pension to a widow under paragraph (b) of section 36 of this Act
- PART V** Further increase in the rate of pension to a widow under paragraph (c) of section 36 of this Act”.

3. In subsection (1) of section 2 of the principal Act, in the definition of “severely handicapped person”, immediately after the words “incapable of supporting himself” there shall be inserted the words “through full-time employment or self-occupation, or who will be rendered so incapable when of age to do so,”.

Amendment of section 2 of the principal Act.

4. Section 18 of the principal Act shall be amended as follows:—

Amendment of section 18 of the principal Act.

(a) for subsection (5) there shall be substituted the following:—

“(5) Save as provided for in paragraph (c) of the proviso to section 109 of this Act, Sickness Benefit shall be paid for any day of incapacity for work but shall not exceed in the aggregate a maximum of 156 days in any calendar year; so however that where the person making a claim for such benefit —

(a) undergoes any major surgical operation or intervention or suffers a severe injury or is afflicted by some serious disease which requires a long treatment before such person may resume work, payment of Sickness Benefit as aforesaid in this subsection may be approved by the Director for any further number of days, not exceeding 156, beyond the limit aforesaid in this subsection as may be deemed fit by the Director in the circumstances of the case and provided that in any such case the aggregate maximum number of days payable by way of Sickness Benefit within any two-year period, calculated on a calendar basis, shall not exceed 468; and

(b) has previously been paid any benefit under the provisions of this section or any Unemployment Benefit or Special Unemployment Benefit under the provisions of section 30 of this Act, the grand total of benefit days by way of these benefits added together shall, in no case, exceed at any time the grand total number of reckonable contributions paid by the person concerned:

Provided that if the person making a claim for such benefit is disqualified from receiving such benefit in accordance with subsection (6) of this section, such person shall have his entitlement to Sickness Benefit for that calendar year during which the disqualification is imposed reduced by the number of days of such disqualification.”; and

(b) for paragraph (a) of subsection (6) thereof there shall be substituted the following:

“(a) if he has refused medical examination as may have been required by the Director or, without good cause, failed to attend for, or to submit himself to, such medical examination as may have been required by the Director or, without a good medical reason, failed to submit himself to such medical treatment as may have been appropriate in his case; or”.

Amendment of section 20 of the principal Act.

5. Section 20 of the principal Act shall be amended as follows:

(a) in paragraph (a) of subsection (1) thereof, for the words “is neither an inmate of a Government institution or hospital nor an employed person or a self-occupied person; and” there shall be substituted the words “is neither an employed person nor a self-occupied person; and”; and

(b) immediately after subsection (2) thereof there shall be added the following new subsection (3):

“(3) Where any member in respect of whom sickness assistance is payable is or becomes an inmate of a state-owned hospital or a state-owned institution, the right for such assistance in his respect shall not be extinguished during the first six months starting from his first day of admission to such hospital or institution unless it is a state-owned institution for the care and welfare of old people as is specified by the Minister by notice in the Gazette for the purpose of paragraph (a) of subsection (1) of section 99 in which case the right for such assistance shall be extinguished from the first day of his admission into such a state-owned institution.”.

Amendment of section 27 of the principal Act.

6. Section 27 of the principal Act shall be amended as follows:

(a) for paragraph (c) of subsections (1) and (2) thereof there shall, in each case, be substituted the following:

“(c) shows to the satisfaction of the Director that —

(i) he is a citizen of Malta and normally resides in Malta; and

(ii) his weekly means calculated in accordance with the provisions of Part IIIA of the Second Schedule to this Act do not exceed Lm29.88;”

(b) for subsection (3) thereof there shall be substituted the following:

“(3) A person who becomes entitled to a pension under subsection (1) or (2) of this Section shall, if his weekly means calculated as aforesaid in this section —

(a) do not exceed the equivalent of the difference between the aforesaid Lm29.88 and the rate of pension applicable in his case in accordance with Part IIA of the Sixth Schedule to this Act, be entitled to a pension in accordance with the aforementioned Part IIA; or

(b) exceed the equivalent of the difference between the aforesaid Lm29.88 and the rate of pension applicable in his case in accordance with Part IIA of the Sixth Schedule to this Act, be entitled to such rate of pension as shall ensure that such pension and his weekly means calculated as aforesaid in this section together do not exceed Lm29.88;

so however that save as provided for in section 100 of this Act and in the second proviso to paragraph 4 of Part IIIA of the Second Schedule to this Act, where a married man and his wife both qualify for a pension under the provisions of this section or of section 77 of this Act, any such pension as is payable to the wife shall cease to be payable.”;

(c) for subsection (4) thereof there shall be substituted the following:

“(4) Where a person who is entitled to a pension under this section is or becomes an inmate of a State-owned hospital or a State-owned institution he shall still be entitled to such pension during the first six months starting from the first day of his admission to such hospital or institution unless it is a State-owned institution for the care and welfare of old people as is specified by the Minister by notice in the Gazette for the purposes of paragraph (a) of subsection (1) of section 99 in which case, from the first day of his admission to such a State-owned institution, such a person shall not be entitled to a

pension in accordance with subsection (3) of this section but to a pension of Lm2 per week and, if applicable, the house rent provided for in Part III of the Sixth Schedule to this Act.”; and

(d) immediately after subsection (4) thereof there shall be added the following new subsection (5):

“(5) For the purposes of subsection (1) to (3) of this section, the Lm29.88 referred to for whatever purpose therein, shall automatically be increased from time to time, as the case may be, by the applicable wage increases taking effect from 1st April, 1989, that may be required by law to be awarded generally.”.

Amendment of  
section 30 of  
the principal  
Act.

7. Section 30 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, for the words “with the provisions of this section.” there shall be substituted the words “with the provisions of this section.”;

(b) immediately after subsection (1) thereof, there shall be added the following proviso:

“Provided that where a person in respect of whom this subsection applies becomes self-occupied under and in accordance with the provisions of any of the Manpower Incentive Schemes announced by Government, he shall nonetheless remain entitled to the assistance aforesaid during the first 12 weeks of his becoming self-occupied if —

(a) on the day of his becoming self-occupied he is over 18 years of age but under 50 years of age; and

(b) during the 12 consecutive months immediately prior to the day on which he becomes self-occupied he had been registered under Part I of the Employment Register as aforesaid in this subsection.”; and

(c) for paragraph (ii) of the proviso to subsection (6) thereof, there shall be substituted the following:

“(ii) where in any household a member is or becomes an inmate of a State-owned hospital or a State-owned institution he shall still be deemed to form part of that household during the first six months starting from his first day of admission to such hospital or institution unless it is a State-owned institution for the care and welfare of old people as is specified by the Minister by notice in the Gazette for the purposes of paragraph (a) of subsection (1) of section 99 in which case such a member shall not be considered as forming part of that household from the first day of his admission to such a State-owned institution; so however that where such household

consists of one member only, as soon as his entitlement for social assistance in accordance with the provisions of this paragraph ceases, the house rent provided for in Part III of the Sixth Schedule to this Act shall, nonetheless, and if applicable, become or remain payable, as the case may be.”.

8. In section 36 of the principal Act, for the words “shall be increased” up to and including the words “contributions as aforesaid in this section.”, there shall be substituted the following words:—

Amendment of section 36 of the principal Act.

“shall be increased by the applicable amount shown under —

(a) Part III of the Thirteenth Schedule to this Act where such widow is entitled to receive a pension payable in terms of section 33 or section 34 of this Act but who is not entitled to receive an increase in her rate of such pension in accordance with the provisions of section 35 of this Act; or

(b) Part IV of the Thirteenth Schedule to this Act where such widow is entitled to receive an increase in her rate of pension in accordance with paragraph (a) of section 35 of this Act; or

(c) Part V of the Thirteenth Schedule to this Act where such widow is entitled to receive an increase in her rate of pension in accordance with paragraph (b) of section 35 of this Act.

Any increase payable in accordance with this section shall be calculated on the basis of the yearly average of contributions ascertained in connection with her claim for a Widow’s Pension.”.

9. In subsection (2) of section 67 of the English text of the principal Act, for the words “sections 64 and 66” there shall be substituted the words “sections 64 to 66”.

Amendment of section 67 of the principal Act.

10. For section 70 of the principal Act there shall be substituted the following:

Substitution of section 70 of the principal Act.

“70. For the purposes of this Part, in calculating the pensionable income the Director shall ignore any increase in any wage, salary or income reckoned for the purpose of assessing or re-assessing such pensionable income —

(a) which is meant to substitute —

(i) any form of fringe benefit and/or personal drawings, whether ex-cash or ex-bank, to which the person concerned would have otherwise been entitled from his employer; and

(ii) any other form of income or remuneration which was previously receivable by the person concerned from any source and in respect of which no contribution was payable; and

(b) any other increase in such wage or salary which does not appear to the Director to be *bona fide*.”.

Amendment of section 75 of the principal Act.

11. For paragraph (b) of subsection (1) of section 75 of the principal Act there shall be substituted the following:

“(b) Where such person is treated as a self-employed person his rate of pension shall be increased —

(i) in the case of a married man, by the applicable amount in accordance with Part IA of the Thirteenth Schedule to this Act, or by such part thereof as shall ensure that his rate of pension increased as aforesaid does not exceed two-thirds of his pensionable income;

(ii) in the case of any other person, by the applicable amount in accordance with Part I of the aforesaid Thirteenth Schedule.”.

Amendment of section 77 of the principal Act.

12. For section 77 of the principal Act there shall be substituted the following:

“77. (1) Save as provided for in section 100 of this Act and subject to the other provisions of this Act, a person who —

(a) has attained the age of sixty years; and

(b) shows to the satisfaction of the Director that—

(i) he is a citizen of Malta and normally resides in Malta; and

(ii) his yearly means, calculated in accordance with the provisions of Part III of the Second Schedule to this Act, do not exceed Lm625 in the case of a married man or a married woman or Lm325 in the case of a single or widowed person;

shall be entitled to an Age Pension under this Act in accordance with the provisions of subsection (2) of this section.

(2) A person who becomes entitled to a pension under subsection (1) of this section shall receive his pension in accordance with Part II of the Sixth Schedule to this Act; so however that, save as provided for in Section 100 of this Act and in the second proviso to paragraph 3 of Part III of the Second Schedule to this Act, where

a married man and his wife both qualify for a pension under the provisions of this section or of section 27 of this Act, any such pension as is payable to the wife shall cease to be payable.

(3) Where a person who is entitled to a pension under this section is or becomes an inmate of a State-owned hospital or a State-owned institution he shall still be entitled to such pension during the first six months starting from the first day of his admission to such hospital or institution for the care and welfare of old people as is specified by the Minister by notice in the Gazette for the purposes of paragraph (a) of subsection (1) of section 99 in which case, from the first day of his admission to such a State-owned institution, such a person shall not be entitled to a pension in accordance with subsection (2) of this section but to a pension of Lm2 per week and, if applicable, the house rent provided for in Part III of the Sixth Schedule to this Act.”.

**13.** In paragraph (iii) of subsection (1) of section 82A of the principal Act for the words “and 84 of this Act)” there shall be substituted the words “, 84 and 93A of this Act and any weekly allowance payable by any employer in terms of the Weekly Allowance National Standard Order, 1988)”.

Amendment of section 82A of the principal Act.

**14.** In section 83A of the principal Act, for the words “in accordance with the provisions of this Act:” there shall be substituted the words “in accordance with the provisions of this Act. For the purposes of this section a child shall still be deemed to be a severely handicapped person if he is certified to be totally and permanently mute or permanently deaf to a degree of no less than 70 decibels.”.

Amendment of section 83A of the principal Act.

**15.** Immediately after section 93 of the principal Act there shall be added the following new section 93A:

Addition of new section 93A of the principal Act.

“benefits payable ex-gratia.

93A. (1) The Minister may, by order in the Gazette, provide for the payment of an ex-gratia benefit to certain categories of persons and at such rates and in such form and manner and for such time as he may determine with the concurrence of the Minister responsible for finance and in particular, but without prejudice to the generality of the foregoing:

(a) to provide for the payment of a family bonus; and

(b) to provide for the payment of any emergency assistance in cash or in kind by the Director of Welfare.

(2) The Director of Welfare shall keep such system of accounts and shall adopt such measures for the custody of monies entrusted to him by the Director for the purposes of, and in accordance with, paragraph (b) of subsection (1) of this section as shall be approved by the

Accountant General and all books, receipts and records kept for this purpose shall, at all times, be open to inspection by the Accountant General, the Director of Audit and the Director.”

Amendment of section 98 of the principal Act.

**16.** Section 98 of the principal Act shall be amended as follows:

(a) the present section shall be re-numbered subsection (1); and

(b) immediately after subsection (1) there shall be added the following new subsection:—

“(2) Entitlement to social assistance payable under this Act shall not be extinguished in respect of any member of the household who is abroad provided the head of such household proves to the satisfaction of the Director that such visit abroad is in connection with the medical treatment of such person; so however that the right for such assistance shall be extinguished after the lapse of six months starting from the first day of the person’s absence from Malta for such treatment except where such visit abroad was approved by Government.”

Amendment of section 99 of the principal Act.

**17.** In subsections (1) and (2) of section 99 of the principal Act, for the words “and in section 77,” there shall, in each case, be substituted the words “and subsection (3) of section 77 of this Act,”.

Amendment of section 102 of the principal Act.

**18.** In sub-paragraph (ii) of paragraph (b) of subsection (1) of section 102 of the principal Act, immediately after the words “as the Director may from time to time determine;” there shall be added the words “so however that, where a claim for Sickness Benefit is made while the person concerned is temporarily abroad, payment of such Benefit shall be made in arrears in one lump sum as early as possible after the person returns to Malta;”.

Amendment of section 109 of the principal Act.

**19.** The proviso to section 109 of the principal Act shall be amended as follows:

(a) in paragraph (b) thereof, —

(i) the words “for Sickness Benefit or” shall be deleted; and

(ii) for the words “for this purpose.” there shall be substituted the words “for this purpose; and”;

(b) immediately after the aforesaid paragraph (b) there shall be added the following new paragraph (c):

“(c) if the claim is for Sickness Benefit, with effect from the day as the Minister may determine by notice in the Gazette, the Director shall not accept any such claim in respect of the fourth and subsequent day of each spell of incapacity for work unless the medical certificate confirming the person’s

incapacity for work is drawn and signed by a person holding the warrant to practise the medical profession appointed by the Minister for this purpose; so however that, where the Director is satisfied that the person making a claim for such benefit is ordinarily resident in Malta but is, on the date of such claim, temporarily abroad, the Director may, notwithstanding the aforesaid provisions of this paragraph, accept such a claim as valid for the purposes of this Act as long as it is supported by a medical certificate in such form and manner as the Director may deem fit in the circumstances of the case and provided the person concerned proves to the satisfaction of the Director that he is not entitled to any form of benefit as may be payable by any authority that is responsible for the payment of social security benefits in the country where that person is temporarily living during the period of such incapacity for work:

Provided further that, in any claim for Sickness Benefit, the Director may, if he so deems fit, consult on the medical aspects of the claim one or more persons holding the warrant to practise the medical profession, appointed by the Minister for this purpose.”.

- 20.** In paragraph (i) of subsection (4) of section 111 of the principal Act, for the words “or a Handicapped Pension; and” there shall be substituted the words “or a Handicapped Pension and the Umpire feels that a medical advice is required; and”.
- Amendment of section 111 of the principal Act.
- 21.** In subsection (2) of section 117 of the principal Act, immediately after the words “and receipts” there shall be inserted the words “(including any fines or penalties imposed in terms of sections 116, 119, 120, 122, 128 and 129)”.
- Amendment of section 117 of the principal Act.
- 22.** In subsection (1) of section 119 of the principal Act, for the words from “he shall” up to and including the words “five pounds.” there shall be substituted the following words:
- Amendment of section 119 of the principal Act.
- “he shall, on conviction, be sentenced to a fine (*multa*) of not less than —
- (a) Lm5 for each such unpaid contribution, in respect of any contributions due under this Act prior to the 3rd July, 1989; and
- (b) 50% of the total value of such unpaid contributions but not exceeding the total value of such unpaid contributions, in respect of any contributions due under this Act at any time after the 2nd July, 1989.”.
- 23.** Section 128 of the principal Act shall be amended as follows:
- Amendment of section 128 of the principal Act.
- (a) in subsection (1) thereof, for the words “a penalty of” up to and including the words “in respect of unpaid contributions.” there shall be substituted the following words:

“a penalty of not less than —

(a) 10% of the total value of such unpaid contributions but not exceeding Lm5 for every such unpaid contribution due under this Act prior to the 3rd July, 1989; and

(b) 5% of the total value of such unpaid contributions but not exceeding 50% of the total value of such unpaid contributions, in respect of any contributions due under this Act at any time after the 2nd July, 1989;

as may be fixed by the Director, together with any amount due in respect of such unpaid contributions:”; and

(b) immediately after subsection (1) thereof, there shall be added the following new proviso:

“Provided that, where the period of such unpaid contributions falls between the 7th May, 1956 and the 1st January, 1989, if such unpaid contributions are effectively paid at any time between the 1st April, 1989 and the 30th April, 1990, both days inclusive, any such penalties as may be imposed by the Director in terms of this subsection shall subsequently be refunded to the employer or the self-employed person, as the case may be, if all such unpaid contributions are in fact paid by and including the 30th April, 1990 and any contributions due under and in accordance with the provisions of this Act for the period 2nd January, 1989 to 30th April, 1990, both dates inclusive, are also duly paid in accordance with the provisions of this Act on the date when any unpaid contributions as aforesaid in this proviso are effectively paid in accordance with this proviso.”.

Amendment of  
section 133  
of the  
principal Act.

**24.** Section 133 of the principal Act shall be amended as follows:

(a) immediately after subsection (1) thereof there shall be added the following new subsection:—

“(1A) In addition to the functions referred to in subsection (1) of this section, the Board shall also examine cases wherein in terms of paragraphs 3 and/or 4 of the Emergency Assistance Order 1989 the Director of Welfare is of the opinion that the limits laid down therein need to be exceeded.”;

(b) in subsection (4) thereof, for the words “under this section” there shall be substituted the words “under subsection (1) of this section”; and

(c) immediately after subsection (4) thereof, there shall be added the following new subsections (4A) and (4B):

**“(4A) The maximum amount of Emergency Assistance in cash which the Board may authorize under subsection (1A) of this section shall not exceed Lm14.50 in any period of 7 consecutive days but may nonetheless continue to be paid for any such period of time as the Board may determine in the circumstances of the case.**

**(4B) The amount of Emergency Assistance in kind which the Board may authorize under subsection (1A) of this section shall not be subjected to any limit but the Board shall ensure, as far as possible, that the items that need to be purchased beyond the limit laid down in paragraph 4 of the Emergency Assistance Order 1989 are absolutely necessary and that the expenditure thereon will be contained within justified reasonable limits.”.**

**25. In paragraph (b) of section 137 of the principal Act, immediately after the words “enjoining secrecy” there shall be inserted the words “passed before, on or after the commencement of this Act”.** Amendment of section 137 of the principal Act.

**26. Part II of the First Schedule to the principal Act shall be amended as follows:** Amendment of the First Schedule to the principal Act.

**(a) for paragraph 6 thereof there shall be substituted the following:**

**“6. Employment of any of the directors in any partnership, for the purposes of that partnership, wherein such partnership has been entered into between or among persons that are related to one another, up to and including cousins of the first degree and/or their spouses, provided any such directors are themselves such partners or the spouses of such partners.”; and**

**(b) immediately after paragraph 6 thereof there shall be added the following new paragraph 7:**

**“7. Employment of any majority shareholder in any partnership, for the purposes of that partnership; and for this purpose any shareholder shall still be deemed to be a majority shareholder if, notwithstanding the fact that the number of his shares do not constitute the majority, the value or powers attached to his holding exceed the aggregate total value or powers attached to the holding of the other shareholders in that partnership.”.**

**27. The Second Schedule to the principal Act shall be amended as follows:** Amendment of the Second Schedule to the principal Act.

**(a) paragraph 5 of Part II thereof shall be amended as follows:**

**(i) in sub-paragraph (c) thereof, immediately before the words “any Parental Allowance” there shall be inserted the words “any family bonus payable under and in accordance with section 93A of this Act.”;**

(ii) in sub-paragraph (e) thereof, for the words "of this Schedule." there shall be substituted the words "of this Schedule;"; and

(iii) immediately after the aforesaid sub-paragraph (e) there shall be added the following new sub-paragraphs:

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"(f) any weekly allowance payable by any employer in terms of the Weekly Allowance National Standard Order, 1988;

(g) any benefit, income, privilege or grant accruing to any member of the household under and in accordance with the provisions of any of the Manpower Incentive Schemes announced by Government, for the first 12 weeks of entitlement.";

(b) immediately after paragraph 6 of Part II thereof, there shall be added the following new paragraph 7:

"7. Where a head of household is in receipt of Sickness Assistance under this Act, any increase, taking effect at any time after the 6th January, 1989, to which he or any member of his household may become entitled in respect of any pension, benefit, assistance or allowance as is payable to him or to any member of his household under this Act during the same period within which he is in receipt of the aforesaid Sickness Assistance, shall not be taken into account in calculating the means of that household for the purposes of establishing the continued right or otherwise to such Sickness Assistance.";

(c) Part III thereof shall be amended as follows:

(a) in the title thereof, the words "Handicapped Pension, Blindness Pension," shall be deleted;

(b) in paragraph 1 thereof, —

(i) for the words "of section 27" there shall be substituted the words "of section 77"; and

(ii) the words "a handicapped pension, a blindness pension or" shall be deleted;

(c) in paragraph 2 thereof, immediately before the words "any Medical Assistance" there shall be inserted the words "any family bonus payable under and in accordance with section 93A of this Act,"; and

(d) in paragraph 3 thereof, the words "a Handicapped Pension or a Blindness Pension," shall be deleted; and

(d) immediately after Part III thereof, there shall be added the following new Part IIIA:

## “PART IIIA

### *Handicapped Pension and Blindness Pension*

1. In calculating the means for the purpose of section 27 of this Act, account shall be taken of —

(a) the value of any property (excluding the house of residence) belonging to that person which is, or could be, invested or put to profitable use, excluding furniture, jewellery and other personal effects; and

(b) save as provided for in paragraph 3 of this Part, any income or privilege which is or could be received or enjoyed by that person, calculated on a weekly basis.

2. The means which could accrue from any property as is described under sub-paragraph (a) of paragraph 1 of this Part, which is not being put to profitable use shall be calculated as follows:—

(a) the first Lm250 of such property shall be ignored; and

(b) the value of any such property in excess of Lm250 shall be deemed as producing a weekly income equivalent to 0.11% of its capital value.

3. In calculating the income or privilege as is described under sub-paragraph (b) of paragraph 1 of this Part, no account shall be taken of —

(a) any sickness benefit from a friendly society or a trade union;

(b) any sum paid out of a charitable fund; and

(c) any family bonus payable under and in accordance with section 93A of this Act, any Medical Assistance, Parental Allowance, Children’s Allowance, Handicapped Child Allowance or Maternity Benefit payable under this Act.

4. In calculating the means of a married couple for the purposes of awarding a Handicapped Pension or a Blindness Pension, account shall be taken of the property (excluding the house of residence) belonging to the couple or the income that is being received or that could be received, by each of the couple:

Provided that, where there is no community of acquests between them either because such community of acquests was excluded by contract or because it was dissolved

as a result of their legal separation, account shall only be taken of the property belonging to, or the income that is being received or that could be received by each of the couple:

Provided further that each of the couple in respect of whom the foregoing proviso applies shall be entitled to receive the rate applicable to a single or widowed person in accordance with Part IIA of the Sixth Schedule to this Act as abated by the weekly means attributable to each one of them.

5. Where a married man who is legally or *de facto* separated from his wife proves to the satisfaction of the Director that he is paying any sum to his wife as an integral condition of their separation, that sum shall be deducted when calculating his means.”.

Amendment of the Sixth Schedule to the principal Act.

28. The Sixth Schedule to the principal Act shall be amended as follows:

(a) in Part I thereof —

(i) the words “or more” shall be deleted; and

(ii) immediately before the words “For the purposes of this Part” there shall be inserted the following new paragraph:

“Where the number of members in the household exceeds 5 the rate indicated against a household of 5 shall be increased by Lm1.50 for every member in respect of the 6th and subsequent members in that household.”;

(b) in the title of Part II thereof, the words “, Handicapped Pension, Blindness Pension” shall be deleted;

(c) immediately after Part II thereof there shall be added the following new Part IIA:

“PART IIA

*Rate of Handicapped Pension and Blindness Pension*

A. Married men

Category	Rate of pension per week
where the wife also qualifies for a pension under sections 27 or 77 .....	Lm c m 22.80,0
where the wife does not qualify for a pension under sections 27 or 77 .....	11.40,0

## B. Persons not being married men

Category	Rate of pension per week
married women whose husband does not qualify for a pension in his own right under sections 27 or 77 .....	Lm c m 11.40,0
widowed or single persons .....	14.50,0

and

(d) in Part III thereof, for the words “The rates in Part I and II of this Schedule” there shall be substituted the words “The rates in Parts I, II and IIA of this schedule”.

29. The Seventh Schedule to the principal Act shall be amended as follows:

Amendment  
of the  
Seventh Schedule  
to the  
principal  
Act.

(a) the words “or more” shall be deleted; and

(b) immediately underneath the table therein there shall be added the following new paragraph —

“Where the number of members in the household exceeds 5 the rate indicated against a household of 5 shall be increased by Lm2.25 for every member in respect of the 6th and subsequent members in that household.”.

30. The Eighth Schedule to the principal Act shall be amended as follows:

Amendment  
of the  
Eighth Schedule  
to the  
principal  
Act.

(a) in Part I thereof —

(i) the words “or more” shall be deleted; and

(ii) immediately underneath the table therein there shall be added the following new paragraph:

“Where the number of members in the household exceeds 5 the rate indicated against a household of 5 shall be increased by Lm2.80 for every member in respect of the 6th and subsequent members in that household.”; and

(b) in Part II thereof —

(i) the words “or more” shall be deleted; and

(ii) immediately underneath the table therein there shall be added the following new paragraph:

“Where the number of members in the household exceeds 5 the rate indicated against a household of 5 shall be increased by Lm0.95 for every member in respect of the 6th and subsequent members in that household.”.

Substitution  
of the  
Tenth Schedule  
to the  
principal  
Act.

31. For the Tenth Schedule to the principal Act there shall be substituted the following: —

“TENTH SCHEDULE

Sections 7 and 10

**Rates of Contributions**

**PART I**

*Class One Contributions  
(Employed Persons)*

Category	Type of Employed Persons	Weekly Rate of Contribution payable by the employed person and his employer
A.	Persons under 18 years of age (other than those falling under Category ‘E’ below) .....	Lm1.37
B.	Persons over 18 years of age (other than those falling under Category ‘F’ below) whose	

Category	Type of Employed Persons	Weekly Rate of Contribution payable by the employed person and his employer
	basic weekly wage or the weekly equivalent of their basic monthly salary does not exceed Lm29.88,0 .....	Lm2.49
C	Persons over 18 years of age (other than those falling under Category 'F' below) whose basic weekly wage or the weekly equivalent of their basic monthly salary exceeds Lm29.88,0 but does not exceed Lm105.77,0 .....	$\frac{1}{12}$ , calculated to the nearest cent, of the basic weekly wage or the weekly equivalent of their basic monthly salary
D.	Persons over 18 years of age (other than those falling under Category 'F' below) whose basic weekly wage or the weekly equivalent of their basic monthly salary exceeds Lm105.77,0 .....	Lm8.81
E.	Persons under 18 years of age who are following a full-time course of studies or instruction under the Pupil-Worker Scheme, the Student-Worker Scheme, or other similar schemes (including the Extended Skills Training Schemes, but excluding the Worker-Student Schemes) involving distinct work and study periods for which they are receiving remuneration ..	$\frac{1}{12}$ , calculated to the nearest cent, of the basic weekly remuneration or the weekly equivalent of the basic monthly remuneration up to a maximum rate of contribution of Lm1.37,0
F.	Persons over 18 years of age who are following a full-time	

Category	Type of Employed Persons	Weekly Rate of Contribution payable by the employed person and his employer
	course of studies or instruction under the Pupil-Worker Scheme, the Student-Worker Scheme, or other similar schemes (including the Extended Skills Training Schemes, but excluding the Worker-Student Schemes) involving distinct work and study periods for which they are receiving remuneration ..	$\frac{1}{12}$ , calculated to the nearest cent, of the basic weekly remuneration or the weekly equivalent of the basic monthly remuneration up to a maximum rate of contribution of Lm2.49,0.

## PART II

*Class Two Contributions  
(Self-Employed Persons)*

Category	Type of Self-employed persons	Weekly Rates of Contributions payable by the self-employed person
	Persons whose annual net income (excluding maternity benefit, children's allowance and any <i>ex-gratia</i> benefit payable under section 93A of this Act) during the calendar year immediately preceding the contribution year in which the contribution is being paid —	
A	does not exceed Lm1,640 ....	Lm 3.90
B	exceeds Lm1,640 but does not exceed Lm2,170 .....	Lm 5.20
C	exceeds Lm2,170 but does not exceed Lm2,700 .....	Lm 6.50

Category	Type of Employed Persons	Weekly Rate of Contribution payable by the employed person and his employer
	course of studies or instruction under the Pupil-Worker Scheme, the Student-Worker Scheme, or other similar schemes (including the Extended Skills Training Schemes, but excluding the Worker-Student Schemes) involving distinct work and study periods for which they are receiving remuneration ..	$\frac{1}{12}$ , calculated to the nearest cent, of the basic weekly remuneration or the weekly equivalent of the basic monthly remuneration up to a maximum rate of contribution of Lm2.49,0.

## PART II

*Class Two Contributions  
(Self-Employed Persons)*

Category	Type of Self-employed persons	Weekly Rates of Contributions payable by the self-employed person
	Persons whose annual net income (excluding maternity benefit, children's allowance and any <i>ex-gratia</i> benefit payable under section 93A of this Act) during the calendar year immediately preceding the contribution year in which the contribution is being paid —	
A	does not exceed Lm1,640 ....	Lm 3.90
B	exceeds Lm1,640 but does not exceed Lm2,170 .....	Lm 5.20
C	exceeds Lm2,170 but does not exceed Lm2,700 .....	Lm 6.50

Category	Type of Self-employed persons	Weekly Rates of Contributions payable by the self-employed person
D	exceeds Lm2,700 but does not exceed Lm3,230 .....	Lm 7.80
E	exceeds Lm3,230 but does not exceed Lm3,760 .....	Lm 9.05
F	exceeds Lm3,760 but does not exceed Lm4,500 .....	Lm10.85
G	exceeds Lm4,500 .....	Lm13.20

”.

32. In Table C of the Twelfth Schedule to the principal Act for the figures “24.70,0”, “22.00,0”, “17.05,0”, “12.10,0”, “16.25,0”, “14.45,0”, “11.20,0”, and “7.95,0” respectively there shall be substituted the figures “25.70,0”, “22.90,0”, “17.75,0”, “12.60,0”, “17.25,0”, “15.35,0”, “11.90,0” and “8.45,0” respectively.

Amendment of the Twelfth Schedule to the principal Act.

33. The Thirteenth Schedule to the principal Act shall be amended as follows:

Amendment of the Thirteenth Schedule to the principal Act.

(a) In Part I thereof —

(i) for the words “under section 75 of this Act” there shall be substituted the words “under paragraphs (a) and (b) (ii) of subsection (1) of section 75 of this Act”; and

(ii) for the figures “3.00,0”, “2.65,0”, “2.05,0” and “1.45,0” respectively, there shall be substituted the figures “4.00,0”, “3.55,0”, “2.75,0” and “1.95,0” respectively;

(b) immediately after Part I thereof, there shall be added the following:

#### “PART IA

*Increase in the rate of National Minimum Pension under paragraph (b) (i) of subsection (1) of section 75 of this Act*

Yearly average of contributions paid or credited	Maximum Weekly rate of increase
	Lm c m
50 or more (full rate) .....	1.00,0
40 — 49 .....	0.90,0
30 — 39 .....	0.70,0
20 — 29 .....	0.50,0

”;

(c) in Part III thereof —

(i) for the words “under section 36” there shall be substituted the words “under paragraph (a) of section 36”; and

(ii) for the figures “1.00,0”, “0.90,0”, “0.70,0” and “0.50,0” respectively, there shall be substituted the figures “3.00,0”, “2.65,0”, “2.05,0” and “1.45,0” respectively;

(d) in Part IV thereof —

(i) for the words “under paragraph (b) of the proviso to section” there shall be substituted the words “under paragraph (b) of section”; and

(ii) for the figures “0.30,0”, “0.25,0”, “0.20,0” and “0.15,0” respectively, there shall be substituted the figures “2.00,0”, “1.80,0”, “1.40,0” and “1.00,0” respectively; and

(e) immediately after Part IV thereof, there shall be added the following new Part V:

“PART V

*Further increase in the rate of pension to a widow  
under paragraph (c) of section 36 of this Act*

Yearly average of contributions paid or credited	Maximum Weekly rate of increase
	Lm c m
50 or more (full rate) .....	2.30,0
40 — 49 .....	2.05,0
30 — 39 .....	1.60,0
20 — 29 .....	1.15,0

”.

Passed by the House of Representatives at Sitting No. 250 of the 26th June, 1989.

LAWRENCE GONZI  
*Speaker*

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