

Nru. 118

23. 2. 90

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Louis Galea, M.P., Ministru tal-Politika Soċjali, u moqri għall-Ewwel darba fis-Seduta tal-15 ta' Jannar, 1990.

A BILL introduced by the Honourable Louis Galea Minister for Social Policy, and read the First time at the Sitting of the 15th January, 1990.

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

AN ACT to emend the Social Security Act, 1987.

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

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 jissejjah l-Att ta' l-1990 li jemenda l-Att dwar is-Sigurtà Soċjali, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehh.
Att Nru. X
ta' l-1987.

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

(a) dan l-artikolu, l-artikoli 5, 40 u 41, l-artikoli 45 sa 49 u l-artikolu 60 għandhom jidhlu fis-sehh mal-pubblikazzjoni ta' dan l-Att fil-Gazzetta;

(b) l-artikoli 4, 6, u 56 għandhom jitqiesu li bdew isehhu fl-1 ta' Jannar, 1990;

(ċ) il-paragrafu (a) ta' l-artikolu 9 u l-artikolu 25 għandhom jitqiesu li bdew isehhu fl-1 ta' Jannar, 1987;

(d) l-artikolu 36 għandu jitqies li beda jsehh fit-2 ta' Jannar, 1988;

(e) l-artikolu 38 għandu jitqies li beda jsehh fl-1 ta' Lulju, 1989;

(f) l-artikolu 42 għandu jitqies li beda jsehh fl-1 ta' Awissu, 1989;

(g) il-paragrafu (a) ta' l-artikolu 50 għandu jitqies li beda jsehh fis-7 ta' Awissu, 1989; u

(h) l-artikoli l-oħra kollha għandhom jitqiesu li bdew isehhu fis-6 ta' Jannar, 1990.

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

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

(a) il-partiti "33. Armla għandha tirċievi rata waħedha ta' Pensjoni Minima Nazzjonali", "35. Żieda fil-Pensjoni tar-Romol", "36. Żidiet oħra fil-Pensjoni tar-Romol", "40. Tnaqqis tal-Pensjoni ta' Superstiti", "41. Tibdil ta' Gratifikazzjoni f'pensjoni nozzjonali", "43. Tibdil ta' Gratifikazzjoni dovuta lill-armla", "58. Kif tinhadem il-gratifikazzjoni", "68. Tnaqqis tal-Pensjoni ta' Żewġ-Terzi minhabba fil-pensjoni tas-servizz", għandhom jithassru;

(b) minflok il-partita "75. Żieda fil-pensjoni" għandhom jidhlu l-kliem "75. Pensjoni Minima Nazzjonali Miżjuda";

(ċ) minnufih wara l-partita "102. Hlasijiet", għandha tidhol il-partita "102A. Ma jsirx hlas ta' arretrati ta' beneficiċċji, pensjonijiet jew allowances lil persuni li għandhom ċittadinanza doppja"; u

(d) il-partita "128. Penali mposti mid-Direttur" u l-partita li tibda bil-kliem "It-Tlettax-il Skeda" u ttemm bil-kliem "il-paragrafu (ċ) ta' l-artikolu 36 ta' dan l-Att" għandhom jithassru.

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

3. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) it-tifsira ta' "gratifikazzjoni" fis-subartikolu (1) tiegħu għandha tithassar;

(b) minflok l-ewwel *proviso* li hemm fit-tifsira ta' "familja" fis-subartikolu (1) tiegħu, għandu jidhol dan li ġej:

"Izda —

(a) għall-finijiet ta' għajnuna dwar mard mitluba dwar persuna li għandha l fuq minn 60 sena, flimkien ma' martu jew żewġha, jekk ikun hemm, skond il-każ, u li hadd minnhom ma jkun f'impieg assigurabbli jew persuna li tahdem għaliha nnifisha; u

(b) għall-finijiet ta' għajnuna dwar mard dwar skizofrenja kronika fir-rigward ta' xi membru tal-familja li mhuwiex il-kap tal-familja jew martu, jekk ikun hemm,

dwar il-persuni jew dawk il-koppji, għandhom, jekk ikun ta' vantaġġ għalihom, jitqiesu bħala li jiffurmaw familja għal rashom.”; u

(ċ) fit-tifsira ta' “jirtira” fis-subartikolu (1) tiegħu —

(i) minflok il-kliem “Izda iktar dwar persuna li” għandhom jidhlu dawn il-kliem li ġejjin:

“Izda iktar —

(a) dwar persuna li”; u

(ii) minnufih wara l-kliem “fil-każ ta' kull persuna oħra;” għandu jizdied dan il-paragrafu (b) ġdid li ġej:

“(b) fil-każ ta' raġel li jmut qabel ma jilhaq l-età tal-pensjoni u martu ssir intitolata għal Pensjoni ta' Superstiti skond il-*proviso* li hemm fl-artikolu 38 ta' dan l-Att, jirtira tfisser id-data meta tigri dik il-mewt jew, jekk dik il-mewt tigri fi żmien meta r-raġel kien jirċievi pensjoni għal invalidità bis-saħħa ta' dan l-Att, jirtira tfisser il-jum meta r-raġel hekk sar invalidu;”; u

(d) fis-subartikolu (3) tiegħu minnufih wara l-kliem “Għall-finijiet tal-ghoti ta' ” għandhom jidhlu l-kliem “Pensjoni ta' Superstiti, ta' ”.

4. Is-subartikolu (1) ta' l-artikolu 6 ta' l-Att prinċipali għandu jiġi emendat kif ġej:—

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

(a) fil-*proviso* li hemm fil-paragrafu (d) tiegħu, minflok il-kliem “l-artikolu 51 ta' dan l-Att”, għandhom jidhlu l-kliem “is-subartikolu (2) ta' l-artikolu 32 u l-artikolu 51 ta' dan l-Att.”;

(b) fil-paragrafu (e) tiegħu minflok il-kliem “taħt dan l-Att; jew” għandhom jidhlu l-kliem “taħt dan l-Att.”; u

(ċ) il-paragrafu (f) għandu jithassar.

5. Fl-artikolu 8 ta' l-Att prinċipali għandu jizdied is-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 8 ta' l-Att prinċipali.

“(5) Minkejja d-dispożizzjonijiet ta' qabel f'dan l-artikolu, fejn xi prinċipal ikun naqas jew ittraskura li jhallas xi kontribuzzjoni ta' l-ewwel klassi li dovut li jhallas taħt dan l-Att, hekk kif jgħaddu l-għaxart ijiem imsemmija fil-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 119 ta' dan l-Att, u jekk il-prinċipal konċernat għadu jonqos jew jittraskura li jhallas xi kontribuzzjonijiet kurrenti dovuti taħt dan l-Att, id-Direttur jista', b'avviż mogħti lill-prinċipal u lil kull persuna impjegata ma' dak il-prinċipal, jordna illi l-kontribuzzjonijiet li jridu jithallsu minn dik il-persuna impjegata ma għandhomx, minn dik id-data li tista' tiġi indikata fl-avviż,

jinżammu u jithallsu mill-prinċipal u li mill-istess data dawk il-kontribuzzjonijiet dovuta wara dik id-data ghandhom jithallsu direttament minn dik il-persuna impjegata lid-Direttur b'dak il-mod u f'dawk iż-żminijiet li d-Direttur jiddeċiedi.”.

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

6. L-artikolu 16 ta' l-Att prinċipali ghandu jigi emendat kif ġej:

(a) is-subartikolu (3) tieghu ghandu jigi emendat kif ġej:

(i) minflok il-paragrafu (ċ) tieghu, ghandu jidhol dan li ġej:

“(ċ) ghal kull ġimgħa kalendarja li tiġi bejn l-1 ta' April, 1978 u l-5 ta' Jannar, 1990 li matulha kienet tkun intitolata għal Pensjoni għal Invalidità li ma kienx għall-fatt li dik il-pensjoni tkun tnaqqset għal kollox skond id-dispożizzjonijiet ta' dan l-Att kif fis-sehħ sal-5 ta' Jannar, 1990.”; u

(ii) il-*proviso* tieghu ghandu jithassar;

(b) fil-paragrafu (a) tas-subartikolu (4) tieghu —

(i) minflok il-kliem “persuna li timpjega lilha nnifisha;” fil-paragrafu (ii) tieghu, ghandhom jidhlu l-kliem “persuna li timpjega lilha nnifisha; jew”; u

(ii) minnufih wara l-paragrafu (ii) tieghu ghandu jizzied dan is-subparagrafu ġdid (iii) li ġej:

“(iii) ikollha d-dritt għal dik il-kontribuzzjoni akkreditata bis-saħħa tal-paragrafu (ċ) tas-subartikolu (3) ta' dan l-artikolu u minnufih qabel ma tkun saret persuna invalida kienet persuna li taħdem għaliha nnifisha;”; u

(ċ) minnufih wara s-subartikolu (4) tieghu ghandu jidhol is-subartikolu ġdid li ġej:

“(4A) Meta kontribuzzjoni tkun akkreditata taht dan l-artikolu kontribuzzjoni wahda biss ghandha tkun akkreditata lil persuna għal ġimgħa kalendarja wahda, u ebda kontribuzzjoni ma ghandha tkun akkreditata għal xi ġimgħa kalendarja wahda li għaliha kontribuzzjoni ta' l-Ewwel Klassi jew tat-Tieni Klassi ghandha tithallas minnha jew dwarha taht dan l-Att.”.

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

7. L-artikolu 20 ta' l-Att prinċipali ghandu jigi emendat kif ġej:

(a) fil-paragrafu (a) tas-subartikolu (1) tieghu, minnufih wara l-kliem “u lanqas persuna li taħdem għaliha nnifisha;” ghandhom jidhlu l-kliem “hekk iżda li, fil-każ ta' persuna li fid-data tat-talba għal dik l-ghajnuna tkun qiegħda tbatu minn skizofrenja kronika, sew jekk din il-kondizzjoni tkun jew ma tkunx tista’

tittaffa jew titfejjaq b'dieta jew kura speċjali, jibqa' d-dritt għal Ghajjnuna għal Mard jekk il-persuna li tkun qiegħda tbatu minn dik il-kondizzjoni għib prova għas-sodisfazzjon tad-Direttur illi hija għandha storja ta' kura regolari li tinkludi perijodu ta' rikoveru fi sptar statali għall-mard mentali għal perijodu aggregat ta' mhux anqas minn disa' xhur matul l-aħħar tliet snin konsekuttivi;"; u

(b) fis-subartikolu (3) tiegħu, minnufih wara l-kliem "il-jedd għal dik l-ghajjnuna dwaru" għandhom jidhlu l-kliem " barra għajjnuna bħal dik imħallsa dwar skizofrenja kronika;".

8. L-artikolu 26 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta'
l-artikolu 26
ta' l-Att
prinċipali.

(a) minflok il-paragrafu (i) tas-subartikolu (2) tiegħu għandu jidhol dan li ġej:

"(i) b'seħħ minn l-ewwel Sibta ta' Jannar, 1990, jekk il-pensjoni tas-servizz tagħha u r-rata ta' Pensjoni għal Invalidità applikabbli fil-każ tagħha jkun flimkien iżjed minn żewġ terzi tad-dhul pensjonabbli tagħha, dik il-persuna jkollha dritt għal Pensjoni għal Invalidità; hekk iżda li, meta r-rata ta' dik il-Pensjoni għal Invalidità u l-pensjoni tas-servizz tagħha jkun flimkien iżjed mill-paga fil-ġimgħa bażika jew mis-salarju bażiku tal-kariga li dwarha tkun inqas tal-pensjoni tas-servizz tagħha, dik il-persuna tkun intitolata tirċievi bħala Pensjoni għal Invalidità dik il-parti li biha jiġi żgurat li l-pensjoni tas-servizz tagħha u l-Pensjoni għal Invalidità tagħha flimkien ma jkunux iżjed mill-paga fil-ġimgħa bażika jew salarju bażiku korrenti msemmija qabel tal-kariga li dwarha l-pensjoni tas-servizz tagħha tkun inqas; jew"; u

(b) fis-subartikolu (6) tiegħu minflok il-kliem "tkun intitolata għal Pensjoni Minima Nazzjonali." għandhom jidhlu l-kliem "tkun intitolata taħt dan l-artikolu għal Pensjoni Minima Nazzjonali, li l-ogħla rata tagħha tkun ekwivalenti għal erba' kwinti ta' Lm32.88 fil-każ ta' raġel miżżewweġ li jkun qiegħed imantni lil martu u żewġ terzi ta' Lm32.88 fil-każ ta' xi persuna oħra."

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

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

(a) fit-test Malti tal-paragrafu (b) tas-subartikolu (1) tiegħu, minflok il-kliem "handikappata severament" għandhom jidhlu l-kliem "gravement handicappata"; u

(b) fis-subartikolu (4) tiegħu, minflok il-kliem "Lm2" għandhom jidhlu l-kliem "Lm2.20".

10. Minnufih wara s-subartikolu (8) ta' l-artikolu 30 ta' l-Att prinċipali għandu jidhol dan is-subartikolu ġdid (8A) li ġej:

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

"(8A) Kap ta' familja li jiddaħhal f'centru komunitarju terapewtiku għar-rijabilitazzjoni tad-drogati f'Malta hekk kif jista'

minn żmien għal żmien ikun rikonoxxut mill-Ministru għall-finijiet ta' dan is-subartikolu, u li, li kieku ma kienx għal fatt li jkun iddahhal f'dak il-post, kien ikun intitolat għal għajjnuna taht dan l-artikolu, ikun intitolat jirċievi *allowance* ta' Lm2.20 fil-gimgha sakemm ikun għadu residenti f'ċentru kif imsemmi qabel u sakemm ma jkunx hemm ebda tibdil fiċ-ċirkostanzi tiegħu jew dawk tal-familja tiegħu li kienu mod iehor jiskwalifikawh milli jirċievi Għajjnuna Soċjali li kieku kien jgħix mal-familja tiegħu u mhux f'dak iċ-Ċentru.”.

Emenda ta' l-artikolu 32 ta' l-Att prinċipali.

11. L-artikolu 32 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) id-dispożizzjonijiet li hemm fih għandhom jiġu enumerati mill-ġdid bhala s-subartikolu (1) tiegħu; u

(b) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid fuq imsemmi, għandu jiżdied dan is-subartikolu ġdid li ġej:

“(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu u d-dispożizzjonijiet ta' l-artikolu 96 ta' dan l-Att, armla taht l-età ta' 60 sena li tkun qeghda tiehu hsieb binha jew bintha xorta tibqa' intitolata għal pensjoni li tithallas taht din it-Taqsima filwaqt li tkun qeghda taħdem bi qliegh u d-dhul tagħha minn dak ix-xogħol bi qliegh ma jkunx iżjed minn medja ta' Lm32.88 fil-gimgha:

Iżda meta dak id-dhul ikun iżjed minn Lm32.88 fil-gimgha r-rata tagħha ta' dik il-pensjoni, flimkien ma' kull Pensjoni Supplimentari li tithallas taht din it-Taqsima, għandha titnaqqas b'ammont ekwivalenti għad-differenza bejn id-dhul medju tagħha fil-gimgha u Lm32.88.”.

Thassir ta' l-artikolu 33 ta' l-Att prinċipali.

12. L-artikolu 33 ta' l-Att prinċipali għandu jithassar.

Emenda ta' l-artikolu 34 ta' l-Att prinċipali.

13. L-artikolu 34 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minnufih wara l-kliem “bir-rata tal-Pensjoni Minima Nazzjonali” għandhom jidhlu l-kliem “, li l-oghla rata tagħha tkun ekwivalenti għal żewġ terzi ta' Lm32.88,”;

(b) minflok il-kliem “Bla hsara għad-dispożizzjonijiet ta' l-artikolu 33, jekk dik l-armla” għandhom jidhlu l-kliem “Jekk dik l-armla”; u

(ċ) minflok il-kliem “dik tal-Pensjoni Minima Nazzjonali” għandhom jidhlu l-kliem “dik tal-Pensjoni Minima Nazzjonali msemmija qabel”.

Thassir ta' l-artikoli 35 u 36 ta' l-Att prinċipali.

14. L-artikolu 35 u 36 ta' l-Att prinċipali għandhom jithassru.

Emenda ta' l-artikolu 38 ta' l-Att prinċipali.

15. Fl-artikolu 38 ta' l-Att prinċipali minflok il-kliem “minflok il-Pensjoni tar-Romol.” għandhom jidhlu l-kliem “minflok kull pensjoni oħra li tithallas taht id-dispożizzjonijiet ta' qabel ta' din it-Taqsima:

Iżda b'seħħ mis-6 ta' Jannar, 1990 id-dispożizzjonijiet ta' qabel ta' dan l-artikolu għandhom japplikaw ukoll fil-każ ta' armla li r-raġel tagħha fid-data tal-mewt tiegħu kien għadu ma rtirax iżda li qabel dik il-mewt kien persuna mpjegata jew persuna li timpjega lilha nnifisha għal mhux inqas minn għaxar snin b'kollox u kien hallas ir-rata ta' kontribuzzjonijiet xierqa taħt dan l-Att f'kull żmien wara l-21 ta' Jannar, 1979; u għall-finijiet ta' dan il-*proviso*, id-dispożizzjonijiet ta' l-artikolu 46 ta' dan l-Att ma għandhomx japplikaw.”.

16. Fl-artikolu 39 ta' l-Att prinċipali, minflok il-kliem “lill-pensjonant il-mejjet” u “l-pensjonant il-mejjet” kull fejn jinsabu, u “mill-pensjonant il-mejjet” għandhom rispettivament jidhlu l-kliem “lir-raġel li miet”, “ir-raġel li miet” u “mir-raġel li miet”.

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

17. L-artikoli 40, 41 u 43 ta' l-Att prinċipali għandhom jithassru.

Thassir ta' l-artikoli 40, 41 u 43 ta' l-Att prinċipali.

18. Is-subartikolu (2) ta' l-artikolu 50 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 50 ta' l-Att prinċipali.

(a) minflok il-kliem “ma' l-impieg tiegħu;” għandhom jidhlu l-kliem “ma' l-impieg tiegħu.”;

(b) il-kliem minn “u meta l-armla” sa u inklużi l-kliem “ta' l-imsemmija gratifikazzjoni.” għandhom jithassru; u

(ċ) it-tieni *proviso* li hemm għal dak is-subartikolu għandha tithassar.

19. Fl-artikolu 53 ta' l-Att prinċipali, minnufih wara l-kliem “Pensjoni Minima Nazzjonali” għandhom jidhlu l-kliem “jew Pensjoni Minima Nazzjonali Miżjuda”.

Emenda ta' l-artikolu 53 ta' l-Att prinċipali.

20. L-artikolu 55 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 55 ta' l-Att prinċipali.

(a) minflok il-kliem “għal Pensjoni għal Min Jirtira” għandhom jidhlu l-kliem “għal pensjoni taħt din it-Taqsima”; u

(b) minflok il-kliem “għal Pensjoni tar-Romol” għandhom jidhlu l-kliem “għal pensjoni”.

21. Fl-artikolu 57 ta' l-Att prinċipali, minnufih wara l-kliem “għal Pensjoni Minima Nazzjonali” għandhom jidhlu l-kliem “jew għal Pensjoni Minima Nazzjonali Miżjuda”.

Emenda ta' l-artikolu 57 ta' l-Att prinċipali.

22. L-artikolu 58 ta' l-Att prinċipali għandu jithassar.

Thassir ta' l-artikolu 58 ta' l-Att prinċipali.

23. Fl-artikolu 60 ta' l-Att prinċipali minflok il-kliem “għandu jkollha dritt għal Pensjoni Minima Nazzjonali.” għandhom jidhlu l-kliem “għandu jkollha dritt taħt din it-Taqsima għal Pensjoni Minima Nazzjonali, li l-oghla rata tagħha tkun ekwivalenti għal erba' kwinti ta' Lm32.88 fil-każ ta' raġel miżżewweġ li jkun qieghed imantni lil martu u żewġ terzi ta' Lm32.88 fil-każ ta' kull persuna oħra.”.

Emenda ta' l-artikolu 60 ta' l-Att prinċipali.

Emenda ta' l-artikolu 62 ta' l-Att prinċipali.

24. Fl-artikolu 62 ta' l-Att prinċipali, minnufih wara l-kliem "Pensjoni Minima Nazzjonali" għandhom jidhlu l-kliem "jew Pensjoni Minima Nazzjonali Miżjuda".

Emenda ta' l-artikolu 64 ta' l-Att prinċipali.

25. Fit-test Malti ta' l-artikolu 64 ta' l-Att prinċipali minflok il-kliem "tal-perjodu" għandhom jidhlu l-kliem "tul perijodu".

Emenda ta' l-artikolu 65 ta' l-Att prinċipali.

26. Fl-artikolu 65 ta' l-Att prinċipali minflok il-kliem "Lm34.20,0", "Lm29.88,0" u "Lm105.77,0" għandhom jidhlu l-kliem "Lm39.45", "Lm32.88" u "Lm108.77", rispettivament.

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

27. Minflok l-artikolu 67 ta' l-Att prinċipali għandu jidhol dan li ġej:

"Tnaqqis tal-Pensjoni taż-Zewġ-Terzi minhabba fil-pensjoni tas-servizz.

67. Meta persuna jkollha dritt għal pensjoni tas-servizz, kull pensjoni li wiehed jaasal għaliha skond id-dispożizzjonijiet ta' l-artikoli 69 u 70 ta' din it-Taqsima għandha titnaqqas bl-ammont ta' dik il-pensjoni tas-servizz."

Thassir ta' l-artikolu 68 ta' l-Att prinċipali.

28. L-artikolu 68 ta' l-Att prinċipali għandu jithassar.

Emenda ta' l-artikolu 71 ta' l-Att prinċipali.

29. Is-subartikolu (3) ta' l-artikolu 71 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (i) tiegħu, minflok il-kliem "ta' l-imsemmija kariga" għandhom jidhlu l-kliem "l-aħħar kariga li fuqha d-dhul pensjonabbli tiegħu kien ġie komputat"; u

(b) fit-tieni *proviso* tiegħu, minnufih wara l-kliem "Izda iktar għall-finijiet ta' dan l-artikolu" għandhom jidhlu l-kliem " , imma bla ħsara għad-dispożizzjonijiet tal-paragrafu (b) ta' l-artikolu 65 ta' dan l-Att,".

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

30. L-artikolu 75 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok in-nota marginali tiegħu għandha tidhol din li ġejja: "Pensjoni Minima Nazzjonali Miżjuda"; u

(b) minflok is-subartikoli (1) u (2) tiegħu għandu jidhol dan li ġej:

"(1) Raġel miżżewweġ li jkun qiegħed imantni lil martu u li għandu dritt għal Pensjoni Minima Nazzjonali bis-saħħa tad-dispożizzjonijiet ta' l-artikoli 60 u 61 ta' dan l-Att għandu, minflok dik il-pensjoni iżda bla ħsara għad-dispożizzjonijiet li ġejjin u skondhom, ikun intitolat għal Pensjoni Minima Nazzjonali Miżjuda jew għal dik il-parti minnha, jekk ikun hemm, li tkun tiżgura li r-rata tiegħu ta' dik il-pensjoni ma tkunx iżjed minn żewġ terzi tad-dhul pensjonabbli tiegħu.

(2) Għall-finijiet tas-subartikolu (1) ta' dan l-artikolu —

(i) id-dhul pensjonabbli hemm imsemmi għandu, f'kull każ individwali, jiġi sostitwit b'seħħ mill-ewwel Sib tas-sena li dwarha jkun dovut xi ħlas taħt dan l-artikolu bil-mod provdut bis-subartikolu (3) ta' l-artikolu 71 ta' dan l-Att, irrispettivament mid-data meta persuna tirtira, u

(ii) il-proporzjon ta' żewġ-terzi hemm imsemmi għandu, meta l-medja ta' kontribuzzjonijiet fis-sena aċċertati in konnessjoni mat-talba għal pensjoni taħt din it-Taqsima jkun inqas minn hamsin, jiġi multiplikat bil-proporzjon li dik il-medja fis-sena għandha għal 50, u r-rizultat ta' din il-multiplikazzjoni għandu jissostitwixxi l-imsemmi proporzjon ta' żewġ-terzi.”.

31. Fis-subartikolu (3) ta' l-artikolu 77 ta' l-Att prinċipali minflok il-kliem “Lm2” għandhom jidhlu l-kliem “Lm2.20”. Emenda ta' l-artikolu 77 ta' l-Att prinċipali.
32. Is-subartikolu (1) ta' l-artikolu 79 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 79 ta' l-Att prinċipali.
- (a) fil-paragrafu (a) tiegħu, minflok il-kliem “Lm3.00,0” għandhom jidhlu l-kliem “Lm3.30,0”; u
- (b) fil-paragrafu (b) tiegħu, minflok il-kliem “Lm4.90,0” għandhom jidhlu l-kliem “Lm5.40,0”.
33. Fl-artikolu 80 ta' l-Att prinċipali, minflok il-kliem “Lm55” għandhom jidhlu l-kliem “Lm60.50”. Emenda ta' l-artikolu 80 ta' l-Att prinċipali.
34. Fis-subartikolu (1) ta' l-artikolu 82 ta' l-Att prinċipali, minflok il-kliem “Lm5.50,0” kull fejn jinsabu, għandhom jidhlu l-kliem “Lm6.05”. Emenda ta' l-artikolu 82 ta' l-Att prinċipali.
35. Fil-paragrafu (iii) tas-subartikolu (1) ta' l-artikolu 82A ta' l-Att prinċipali, minflok il-kliem minn “mhux probabbli” sa u inklużi l-kliem “taħt dan l-artikolu,” għandhom jidhlu l-kliem “ma jeċċedix Lm2600 matul is-sena kalendarja minnufih qabel is-sena ta' kontribuzzjoni li fiha talba għal *Allowance* ta' Ġenitur taħt dan l-artikolu ssir jew tithallas, kif ikun il-każ,”. Emenda ta' l-artikolu 82A ta' l-Att prinċipali.
36. It-test Malti ta' l-artikolu 83A ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 83A ta' l-Att prinċipali.
- (a) minflok il-kelma “paraliżi” għandha tidhol il-kelma “*palsy*”; u
- (b) minflok il-kelma “severament” kull fejn tinstab għandha tidhol il-kelma “*gravement*”.
37. Fl-artikolu 91 ta' l-Att prinċipali minnufih wara l-kliem “jew Ghajnuna Soċjali” għandhom jidhlu l-kliem “(minbarra dik imħallsa Emenda ta' l-artikolu 91 ta' l-Att prinċipali.

bhala *allowance* taht id-dispożizzjonijiet tas-subartikolu (8A) ta' l-artikolu 30 ta' dan l-Att)".

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

38. L-artikolu 95 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem minn "Pensjoni għall-Għomja" sa u nklużi l-kliem "ta' dan l-Att rispettivament," għandhom jidhlu l-kliem "Għajjuna Soċjali u Pensjoni ta' l-Età mħallsa taht dan l-Att,";

(b) fil-paragrafu (b) tal-proviso tiegħu, minflok il-kliem "bid-90% jew aktar." għandhom jidhlu l-kliem "bid-90% jew aktar;" u

(ċ) minnufih wara l-paragrafu (b) tal-proviso tiegħu, għandu jiżdied dan il-paragrafu ġdid (ċ) li ġej:

"(ċ) b'seħħ mill-1 ta' Lulju, 1989, persuna li tkun għalqet is-60 sena li tkun miċhuda, jew tista' tiċċaħhad, milli tirċievi Pensjoni tal-Età taht dan l-Att minhabba fid-dispożizzjonijiet tas-subparagrafu (ii) tal-paragrafu (b) ta' l-artikolu 77 ta' dan l-Att, ma għandhiex titqies li tikkwalifika għal Pensjoni għal Handikappati jew Pensjoni għall-Għomja skond l-artikolu 27 ta' dan l-Att hliet jekk dik il-persuna tista' ġġib prova għas-sodisfazzjon tad-Direttur li kienet qeghda tbat minn sub-normalità mentali severa jew li kienet persuna gravement handikappata jew li kienet persuna għamja skond dan l-Att qabel ma lahqet l-età ta' sittin tagħha."

Emenda ta' l-artikolu 96 ta' l-Att prinċipali.

39. L-artikolu 96 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "jkollu jbati konsegwenzi serji:" għandhom jidhlu l-kliem "jkollu jbati konsegwenzi serji.", u l-proviso tiegħu għandu jithassar; u

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

"(3) Għall-finijiet tad-dispożizzjonijiet ta' qabel ta' dan l-artikolu, meta jkun ir-raġel jew il-mara ta' dik il-persuna li jkollha jew kellha pusses ta' dik il-liċenza, dik il-persuna xorta tibqa' intitolata li tirċievi il-pensjoni tiegħu jew tagħha, skond il-każ, jekk in-negozju li dwaru tkun il-liċenza qatt ma kien gestit minn dik il-persuna u lanqas ma kienet il-liċenza dwar in-negozju innifisha qatt mahruġa f'isem dik il-persuna, jew meta l-komunjoni ta' l-akkwisti bejn il-miżżewġin kienet ġiet xjolta b'konsegwenza tas-separazzjoni legali tagħhom jew meta, qabel is-separazzjoni tagħhom, il-komunjoni ta' l-akkwisti kienet ġiet eskluża."

Emenda ta' l-artikolu 101 ta' l-Att prinċipali.

40. L-artikolu 101 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tas-subartikolu (1) tiegħu, minflok il-kliem "fiż-żmien preskritt, jekk ikun il-każ," għandhom jidhlu l-

kliem “fil-limiti ta’ żmien rispettivi mniżżla fis-subartikolu (2) ta’ dan l-artikolu,”;

(b) minflok is-subartikolu (2) tiegħu għandu jidhol dan li ġej:

“(2) Il-limiti ta’ żmien imsemmija fil-paragrafu (a) tas-subartikolu (1) ta’ dan l-artikolu għandhom ikunu dawn li ġejjin:

(a) fil-każ ta’ Benefiċċju għal Mard u Benefiċċju għal Korriment għaxart ijiem li jibdev jghoddu mill-ewwel jum ta’ inkapaċità għax-xogħol;

(b) fil-każ ta’ benefiċċju għad-Disimpieg, Benefiċċju Speċjali għad-Disimpieg, Ghajnuna Soċjali, Ghajnuna Medika, Pensjoni ta’ l-Età, Pensjoni għal Handikappati, Pensjoni għall-Ghomja, xi pensjoni dwar invalidità, jew *Allowance* ta’ Ġenitur, hamest ijiem li jibdev jghoddu mill-jum li dwaru ssir it-talba;

(ċ) fil-każ ta’ Ghotja taż-Żwieġ, Benefiċċju dwar il-Maternità, *Allowance* tat-Tfal, *Allowance* Speċjali, *Allowance* għal Tifel Haddikappat jew xi pensjoni għal min jirtira jew dwar ir-romol sitt xhur li jibdev jghoddu minn —

(i) il-jum li fih l-iben jew il-bint titwieled dwar Benefiċċju dwar il-Maternità, *Allowance* tat-Tfal u *Allowance* għal Tifel Handikappat;

(ii) il-jum li fih il-persuna li dwarha qed issir it-talba tilhaq is-sittax-il sena fil-każ ta’ *Allowance* Speċjali;

(iii) il-jum li fih il-persuna konċernata tilhaq l-irtir tagħha fil-każ ta’ xi pensjoni għal min jirtira;

(iv) il-jum li fih il-mara konċernata issir armla fil-każ ta’ xi pensjoni dwar ir-romol; u

(v) il-jum taż-żwieġ fil-każ ta’ Ghotja taż-Żwieġ:

Iżda jekk ma ssir l-ebda talba għal xi benefiċċju, pensjonijiet, *allowances* jew ghajnuna msemmijin qabel fil-limiti ta’ żmien imsemmijin qabel, id-dritt għal dawk il-benefiċċji, pensjonijiet, *allowances* u ghajnuna jibda jghodd biss mill-jum li fih it-talba relattiva tasal għand id-Direttur; hekk iżda li fil-każ ta’ Ghotja taż-Żwieġ l-ebda dritt għal dak il-benefiċċju ma jibqa’ jghodd wara li jghaddi l-perijodu imsemmi fil-paragrafu (ċ) ta’ dan is-subartikolu.”; u

(ċ) minnufih wara is-subartikolu (2) tiegħu għandu jizdied dan is-subartikolu (3) gdid li ġej:

“(3) Meta f’xi żmien qabel it-23 ta’ Frar, 1990 xi persuna tkun għamlet lid-Direttur talba għal *Allowance* tat-Tfal jew *Allowance* Speċjali taht dan l-Att u, għal xi raġuni hi liema hi, dik l-*allowance* baqgħet mhix imħallsa jew sospiza sad-data imsemmija qabel f’dan is-subartikolu dik il-persuna tista’, minkejja illi dik il-persuna kienet naqset li tappella lil Arbitru mahtur taht dan l-Att jew li tiehu xi azzjoni oħra li tagħtiha l-ligi, tagħmel talba għdida lid-Direttur għal dik l-*allowance* mhux aktar tard mit-30 ta’ April, 1990. Id-dispożizzjonijiet tas-subartikolu (4) ta’ l-artikolu 102 ta’ dan l-Att għandhom japplikaw għat-talba li tat lok għal dik it-talba għdida, u jekk ma ssir l-ebda talba għdida bhal dik hekk kif imsemmija qabel, dik l-*allowance* ma għandhiex tithallas taht dan l-Att fir-rigward ta’ kull perijodu li jiġi qabel it-23 ta’ Frar, 1990.”.

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

41. Minnufih wara s-subartikolu (3) ta’ l-artikolu 102 ta’ l-Att prinċipali għandu jidded dan is-subartikolu (4) għdid li ġej:

“(4) Minkejja kull dispożizzjoni ta’ dan l-Att, kull talba għal hlas ta’ xi benefiċċju, pensjoni, għajjnuna jew *allowance* taht dan l-Att ma għandhiex tithallas bl-arretrati għal perijodu ta’ iżjed minn sitt xhur, kif jista’ jiddeċiedi d-Direttur, jekk l-istima dwar dik it-talba inżammet lura bħala riżultat tan-nuqqas ta’ *osservanza* tad-dispożizzjonijiet tal-paragrafu (b) tas-subartikolu (1) ta’ l-artikolu 101 ta’ dan l-Att minn naħa ta’ min ikun għamel it-talba.”.

Żieda ta’ artikolu għdid 102A ma’ l-Att prinċipali.

42. Minnufih wara l-artikolu 102 ta’ l-Att prinċipali għandu jidhol dan l-artikolu għdid 102A li ġej:—

102A. Meta xi benefiċċji, pensjoni, għajjnuna jew *allowance* imħallsa taht dan l-Att tehtieg sew speċifikament, b’implikazzjoni jew b’inferenza li min jagħmel it-talba jew il-persuna li dwarha dak il-benefiċċju, pensjoni, għajjnuna jew *allowance* jithallas għandu jkun ċittadin ta’ Malta, it-talbiet għal dawk il-benefiċċji, pensjonijiet, għajjnuna jew *allowances* minn dawk il-persuni li jkollhom ċittadinanza doppja bis-saħħa ta’ l-artikolu 27 tal-Kostituzzjoni ta’ Malta ma għandhomx jintlaqghu meta dawn isiru għal perijodi qabel l-1 ta’ Awissu, 1989.”.

Sostituzzjoni ta’ l-artikolu 105 ta’ l-Att prinċipali.

43. Minflok l-artikolu 105 ta’ l-Att prinċipali għandu jidhol dan li ġej:

105. Hlief kif dispot fis-subartikolu (3) ta’ l-artikolu 102 ta’ dan l-Att, kull persuna li tkun irċeviet xi somma bħala benefiċċju, pensjoni, *allowance* jew għajjnuna taht dan l-Att li ma kellhiex dritt għalih skond id-dispożizzjonijiet ta’ dan l-Att, għandha thallas lura lid-Direttur is-somma li tkun hekk irċeviet, u d-Direttur għandu, mingħajr pregudizzju għal kull dritt ieħor li ttiħ il-ligi, jiġbor lura dik is-somma permezz ta’ tnaqqis minn xi benefiċċju, pensjoni, *allowance* jew għajjnuna li jkollha dritt għalihom wara dan:

(i) meta dak il-hlas żejjed iseħħ b'riżultat ta' nuqqas ta' stqarrija jew ta' preżentazzjoni hażina ta' fatti materjali (sew jekk in-nuqqas ta' stqarrija jew preżentazzjoni hażina kienu jew ma kienux bi frodi) ir-rata ta' ġbir lura permezz ta' tnaqqis minn xi benefiċċju, pensjoni, *allowance* jew għajjnuna li jkollha dritt għalihom wara dan għandu jiġi deċiż mid-Direttur iżda fl-ebda każ ma għandu jkun anqas mill- ekwivalenti ta' 30% tar-rata ta' benefiċċju, pensjoni, *allowance* jew għajjnuna li jkollha dritt għalihom wara dan; u

(ii) meta dak il-hlas żejjed iseħħ b'riżultat ta' xi eventwalità li ma tkunx wahda minn dawk imsemmija fil-paragrafu (i) ta' dan il-proviso ir-rata ta' ġbir lura permezz ta' tnaqqis minn xi benefiċċju, pensjoni, *allowance* jew għajjnuna li jkollha dritt għalihom wara dan għandu wkoll jiġi deċiż mid-Direttur iżda f'ebda każ ma għandu jkun aktar mill-ekwivalenti ta' 10% tar-rata ta' benefiċċju, pensjoni, *allowance* jew għajjnuna li jkollha dritt għalihom wara dan, sakemm il-benefiċjarju jew il-pensionant konċernat, skond kif ikun il-każ, jitlob illi rata oghla ta' tnaqqis tiġi effettwata; iżda hekk illi fi kwalunkwe każ id-Direttur ma għandu jkollu ebda dritt li jagħmel kull tnaqqis bħal dak kif imsemmija f'dan il-paragrafu dwar perijodu ta' hlas żejjed li ma jaqgħux fil-perijodu ta' sentejn konsekuttivi li jmorru lura mid-data li fiha d-Direttur isir jaf b'dak il-hlas żejjed.”.

44. Il-proviso li hemm mal-paragrafu (ċ) fl-artikolu 109 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

(a) fil-paragrafu (a) tiegħu, il-kliem “Benefiċċju għal Korrimment” għandhom jithassru; u

(b) minnufih wara l-paragrafu (a) tiegħu għandu jizded dan il-paragrafu (aa) ġdid li ġej:

“(aa) jekk it-talba hi għal Benefiċċju għal Korrimment u il-perijodu ta' inkapaċità għax-xogħol li jirriżulta minnha jeċċedi għaxart ijiem ta' benefiċċju, id-dispożizzjonijiet tal-paragrafu (a) ta' dan il-proviso għandhom japplikaw, u meta l-perijodu ta' inkapaċità għax-xogħol ma jeċċedix għaxart ijiem ta' benefiċċju, id-dispożizzjonijiet tal-paragrafu (b) ta' dan il-proviso għandhom japplikaw;”.

45. Fis-subartikolu (2) ta' l-artikolu 117 ta' l-Att prinċipali minflok il-kliem “l-artikoli 116, 119, 120, 122, 128” għandhom jidhlu l-kliem “l-artikoli 116, 120, 122”.

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

46. Minflok l-artikolu 119 ta' l-Att prinċipali għandu jidhol dan li ġej:

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

“Nuqqas ta' prinċipal jew ta' persuna li timpjega lilha nnifisha li thallas kontribuzzjonijiet.

119. (1) Jekk xi prinċipal jew persuna li timpjega lilha nnifisha jew persuna li dwarha d-dispożizzjonijiet tal-artikolu 13 ta' dan l-Att japplikaw, tonqos jew titraskura li thallas fiż-żmien preskritt xi kontribuzzjoni ta' l-Ewwel Klassi jew ta' Tieni Klassi, kif ikun il-każ, li tkun sugġetta li thallas taht dan l-Att, għandha tkun dovuta kontribuzzjoni addizzjonali ekwivalenti għal —

(a) 10% tal-valur totali ta' dawk il-kontribuzzjonijiet mhux imħallsin, dwar kontribuzzjonijiet dovuti taht dan l-Att f'kull żmien qabel it-3 ta' Lulju, 1989; u

(b) 5% tal-valur totali ta' dawk il-kontribuzzjonijiet mhux imħallsin, dwar kontribuzzjonijiet dovuti taht dan l-Att f'kull żmien wara t-2 ta' Lulju, 1989;

u din il-kontribuzzjoni addizzjonali għandha tithallas minnha lid-Direttur:

Iżda meta l-perijodu ta' dawk il-kontribuzzjonijiet mhux imħallsin ikun jahbat bejn is-7 ta' Mejju, 1956 u l-1 ta' Jannar, 1989, jekk dawk il-kontribuzzjonijiet mhux imħallsin ikunu effettivament imħallsin f'xi żmien bejn l-1 ta' April, 1989 u t-30 ta' April, 1990, iż-żewġ granet inklużi, dawk il-kontribuzzjonijiet addizzjonali msemmijin qabel li jistgħu jithallsu minnu lid-Direttur skond dan is-subartikolu, għandhom sussegwentement jinghataw lura lill-prinċipal jew lill-persuna li timpjega lilha nnifisha, kif ikun il-każ, jekk dawk il-kontribuzzjonijiet kollha mhux imħallsin fil-fatt jithallsu sa u inkluż it-30 ta' April, 1990, u kull kontribuzzjoni dovuta 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 granet inklużi, tkun ukoll debitament imħallsa skond id-dispożizzjonijiet ta' dan l-Att fid-data meta xi kontribuzzjonijiet mhux imħallsin kif imsemmi qabel f'dan il-*proviso* effettivament jithallsu skond dan il-*proviso*.

Iżda wkoll fil-każ meta persuna li timpjega lilha nnifisha jew persuna li dwarha d-dispożizzjonijiet ta' l-artikolu 13 ta' dan l-Att japplikaw, iġġib prova għas-sodisfazzjon tad-Direttur li fiż-żmien meta dawk il-kontribuzzjonijiet kienu dovuti hija kienet imsiefra jew qegħda l-isptar, iż-żmien preskritt imsemmi qabel għandu jittawwal sal-31 jum mill-miġja lura tagħha f'Malta jew minn meta tkun harġet mill-isptar, kif ikun il-każ.

(2) (a) Meta prinċipal jew persuna bħal dik imsemmija fis-subartikolu (1) ta' dan l-artikolu tonqos milli thallas il-kontribuzzjonijiet dovuti minnu flimkien mal-kontribuzzjoni addizzjonali msemmija qabel fi żmien tliet xhur miż-żmien preskritt imsemmi qabel, id-Direttur jista', minghajr preġudizzju għal kull dritt iehor li huwa jkollu, permezz ta' ittra ġudizzjarja li tigi notifikata lil dik il-persuna li għandha thallas dawk il-kontribuzzjonijiet jew kontribuzzjonijiet addizzjonali, jitlob dak il-hlas, u man-

notifika ta' dik l-ittra ġudizzjarja, it-talba tad-Direttur għal dawk il-kontribuzzjonijiet jew kontribuzzjonijiet oħra kif magħmula f'dik l-ittra ġudizzjarja għandha, wara li jiskadu għaxart ijiem minn dik in-notifika, tikkostitwixxi titolu eżekuttiv għall-finijiet tat-Titolu VII tat-Taqsima I ta' It-Tieni Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hliet jekk il-persuna li lilha jiġi notifikat ma ġgibx 'il quddiem, fi żmien l-imsemmi perijodu ta' għaxart ijiem jew dak il-perijodu, li ma jkunx ta' aktar minn tletin jum, hekk kif il-qorti ċivili kompetenti tista' tistabbilixxi wara li tintwera kawża ġusta biex isir dan, sfida għal dik it-talba permezz ta' rikors kontra d-Direttur quddiem il-qorti ċivili kompetenti.

(b) Ir-rikors għandu, taht piena ta' nullità, jgħid b'mod ċar u fil-qosor ix-xorta ta' l-ilment, il-fatti li minnhom jinqala' l-ilment u r-raġunijiet għaliex dak l-ilment għandu jintlaqa'.

(ċ) Ir-rikorrent għandu jehmeż mar-rikors dawk id-dokumenti kollha li hu jkun jista' jipproduċi b'sustenn tat-talba tiegħu, u għandu jagħti fir-rikors tiegħu l-ismijiet tax-xhieda kollha li jkun fi hsiebu jipproduċi fejn igħid, dwar kull wieħed, il-prova li jkun bil-hsieb li jagħmel.

(d) Il-qorti għandha, mingħajr dewmien, tqiegħed is-smiegħ tar-rikors għal data kmieni, liema data ma għandha f'ebda każ tkun iktar tard minn tletin jum mid-data li fiha jiġi ppreżentat ir-rikors.

(e) Ir-rikors, u l-avviż tad-data stabbilita għas-smiegħ, għandhom jiġu notifikati lid-Direttur mingħajr dewmien, u l-imsemmi Direttur għandu jippreżenta r-risposta tiegħu għalih fi żmien hmistax-il jum mid-data tan-notifika tar-rikors.

(f) Id-Direttur għandu, fir-risposta tiegħu, igħid b'mod ċar u fil-qosor jekk jaqbilx mal-fatti murija fir-rikors, u r-raġunijiet għaliex joġġezzjona għat-talba; huwa għandu wkoll jagħti fir-risposta tiegħu l-ismijiet tax-xhieda b'sustenn għar-raġunijiet tiegħu u għandu jehmeż magħha d-dokumenti kollha b'sustenn ta' dan.

(g) Fil-jum stabbilit għas-smiegħ tar-rikors, il-qorti għandha tikkonsidra l-punti ta' fatt u tal-liġi li jistgħu jiġu aċċertati biss mir-rikors, mir-risposta jew mid-dokumenti ppreżentati, minn kull waħda mill-partijiet, jew mix-xhieda indikati minn kull waħda mill-partijiet fir-rikors jew fir-risposta, skond il-każ, jew mit-trattazzjoni verbali ta' kull waħda mill-partijiet.

(h) Il-qorti għandha tisma' r-rikors sal-konklużjoni gheluq hamest ijiem tax-xogħol mid-data stabbilita għas-smiegħ originali tar-rikors, u ma għandu jingħata ebda aġġornament hliet jew bil-kunsens taż-żewġ

partijiet jew għal raġuni eċċezzjonali li tiġi reġistrata mill-qorti, u dik id-data aġġornata ma tkunx iktar tard minn kemm ikun ġustifikat għal dik ir-raġuni.

(i) Bla hsara għad-dispożizzjonijiet ta' qabel ta' dan is-subartikolu, id-dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili (Kap. 12) dwar il-proċedimenti quddiem il-Prim'Awla tal-Qorti Ċivili għandhom japplikaw dwar kull rikors bħal dak.”.

Emenda ta' l-artikolu 123 ta' l-Att prinċipali.

47. Fl-artikolu 123 ta' l-Att prinċipali, minflok il-kliem “minn 119 sa 121” għandhom jidhlu l-kliem “120 u 121”.

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

48. L-artikolu 128 ta' l-Att prinċipali għandu jithassar.

Emenda ta' l-artikolu 130 ta' l-Att prinċipali.

49. Minnufih wara l-artikolu 130 ta' l-Att prinċipali għandu jiżdied il-*proviso* ġdid li ġej:

“Iżda meta persuna impjegata tonqos li thallas xi kontribuzzjonijiet skond is-subartikolu (5) ta' l-artikolu 8 ta' dan l-Att, dak innuqqas ta' hlas għandu, meta dik il-persuna impjegata tkun irċeviet il-pagi dovuti lilha, dejjem jitqies li jkun htija tal-persuna impjegata.”.

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

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

(a) fis-subparagrafu (d) tal-paragrafu 3 tal-Parti I tagħha, minnufih wara l-kliem “kull pensjoni oħra” għandhom jidhlu l-kliem “(li ma tkunx pensjoni mħallsa bis-saħħa ta' l-artikolu 16A ta' l-Att dwar it-Tarzna ta' Malta)”; u

(Kap. 207.)

(b) fis-subparagrafu (d) tal-paragrafu 5 tal-Parti II tagħha, minflok il-kliem “żewġ terzi” għandhom jidhlu l-figuri “69.7%”.

Sostituzzjoni tat-Tielet Skeda li tinsab ma' l-Att prinċipali.

51. Minflok it-Tielet Skeda li tinsab ma' l-Att prinċipali għandu jidhol dan li ġej:

"IT-TIELET SKEDA

Artikoli 18, 28, 29, 30.

Rata ta' Benefiċċju għal Mard, Benefiċċju għal Disimpieg, Benefiċċju Speċjali għal Disimpieg u Benefiċċju għal Korriment u għall-Inkapacità

Parti I*A. Benefiċċju għal Mard u Benefiċċju Speċjali għal Disimpieg*

Numru ta' kontribuzzjonijiet imhallsa jew akkreditati fis-sena ta' kontribuzzjoni relattiva	Rata ta' Kuljum tal-Benefiċċju għal Mard jew Benefiċċju Speċjali għal Disimpieg	
	Raġel miżżewweġ li jkun qiegħed imantni lil martu	Kull persuna oħra
	Lm c m	Lm c m
50 jew iżjed (rata shiħa) ...	3.90,0	2.40,0
40 – 49	3.45,0	2.15,0
30 – 39	2.70,0	1.65,0
20 – 29	1.95,0	1.20,0

B. Benefiċċju għal Disimpieg

Numru ta' kontribuzzjonijiet imhallsa jew akkreditati fis-sena ta' kontribuzzjoni relattiva	Rata ta' Kuljum għal Benefiċċju għal Disimpieg	
	Raġel miżżewweġ li jkun qiegħed imantni lil martu	Kull persuna oħra
	Lm c m	Lm c m
50 jew iżjed (rata shiħa) ...	2.25,0	1.35,0
40 – 49	2.00,0	1.20,0
30 – 39	1.55,0	95,0
20 – 29	1.10,0	70,0

C Benefiċċju għal Korriment

Xorta ta' Benefiċċjarju	Rata ta' Kuljum ta' Benefiċċju għal Korriment	
	Raġel miżżewweġ li jkun qiegħed imantni lil martu	Kull persuna oħra
	Lm c m	Lm c m
Min ikollu tmintax-il sena jew iżjed	6.10,0	4.50,0
Min ikollu taħt it-tmintax-il sena	3 65,0	2.05,0

Parti II

Ammonti ta' Gratifikazzjoni għal Inkapaċità

Grad ta' Inkapaċità	Ammont ta' Gratifikazzjoni
%	Lm c m
1	53.00,0
2	106.00,0
3	159.00,0
4	212.00,0
5	265.00,0
6	318.00,0
7	371.00,0
8	424.00,0
9	477.00,0
10	530.00,0
11	583.00,0
12	636.00,0
13	689.00,0
14	742.00,0
15	795.00,0
16	848.00,0
17	901.00,0
18	954.00,0
19	1,007.00,0

Parti III*L-Ogħla Rati ta' Pensjoni għall-Inkapacità*

Rati fil-Ġimgha	
Min ikollu 18-il sena jew iżjed	Min ikollu taħt it-18-il sena
Lm c m 14.60,0	Lm c m 7.30,0

”.

52. Fil-Parti I tal-Hames Skeda li tinsab ma' l-Att prinċipali, minnufih wara l-partita 6 għandha tidhol din il-partita ġdida 6A li ġejja:

“6A. Skizofrenja kronika.”.

Emenda tal- Hames Skeda li tinsab ma' l-Att prinċipali.

53. Minflok is-Sitt Skeda li tinsab ma' l-Att prinċipali għandu jidhol dan li ġejj:

Sostituzzjoni tas-Sitt Skeda li tinsab ma' l-Att prinċipali.

“IS-SITT SKEDA

Artikoli 27, 30, 77.

Parti I*Rata ta' Skala ta' Ghajjnuna Soċjali*

Numru ta' Membri fil-familja	Meta allowance tat-tfal ma tithallas dwar xi tifel jew tifla	Meta allowance tat-tfal tithallas dwar tifel wiehed jew tifla wahda	Meta allowance tat-tfal tithallas dwar żewġ itfal	Meta allowance tat-tfal tithallas dwar tliet itfal
	Lm c m	Lm c m	Lm c m	Lm c m
1	15.95,0	—	—	—
2	18.70,0	16,60,0	—	—
3	21.35,0	19.25,0	17.70,0	—
4	23.75,0	21.70,0	20.20,0	19.25,0
5	26.20,0	24.10,0	22.55,0	21.60,0

Meta n-numru ta' membri fil-familja jkun jeċċedi 5 ir-rati li hemm indikati għal familja ta' 5 għandhom jiżjedu b' Lm1.65 għal kull membru għar-rigward tas-sitt membru u l-membri l-oħra sussegwenti f'dik il-familja. Għall-finijiet ta' din il-Parti, “allowance tat-tfal” tfisser xi wahda jew kull allowance li jithallsu skond il-paragrafi (i), (ii) u (iii) tal-artikolu 83 ta' dan l-Att.

Parti II

Rati ta' Pensjoni ta' l-Età

A. Irgiel Mizżewġin

Kategorija	Rata ta' Pensjoni fil-ġimgha	
	Meta l-mara tkun tikkwalifika wkoll għal pensjoni skond l-artikoli 27 jew 77	Meta l-mara ma tkunx tikkwalifika wkoll għal pensjoni skond l-artikoli 27 jew 77
'Meta l-mezzi fis-sena tal-Koppja —	Lm c m	Lm c m
ma jaqbzux Lm125	25.10,0	12.55,0
jaqbzu Lm125 iżda mhux Lm225	21.45,0	10.75,0
jaqbzu Lm225 iżda mhux Lm325	17.60,0	8.80,0
jaqbzu Lm325 iżda mhux Lm425	13.40,0	6.70,0
jaqbzu Lm425 iżda mhux Lm525	8.90,0	4.45,0
jaqbzu Lm525 iżda mhux Lm625	4.05,0	2.05,0
jaqbzu Lm625	Ebda pensjoni	Ebda pensjoni

B. Nisa Mizżewġin li r-raġel tagħhom ma jkunx jikkwalifika għal pensjoji skond l-artikoli 27 jew 77

Kategorija	Rata ta' Pensjoni fil-Ġimgha
Meta l-mezzi fis-sena tal-Koppja —	Lm c m
ma jaqbzux Lm125	12.55,0
jaqbzu Lm125 iżda mhux Lm225 .	10.75,0
jaqbzu Lm225 iżda mhux Lm325 .	8.80,0
jaqbzu Lm325 iżda mhux Lm425 .	6.70,0
jaqbzu Lm425 iżda mhux Lm525 .	4.45,0
jaqbzu Lm525 iżda mhux Lm625 .	2.05,0
jaqbzu Lm625	Ebda pensjoni

C. Persuni Romol jew wehedhom

Kategorija	Rata ta' Pensjoni fil-Ġimgha
	Lm c m
Meta l-mezzi fis-sena tal-persuna — ma jaqbżux Lm75	15.95,0
jaqbżu Lm75 iżda mhux Lm125 .	13.80,0
jaqbżu Lm125 iżda mhux Lm175 .	11.60,0
jaqbżu Lm175 iżda mhux Lm225 .	9.20,0
jaqbżu Lm225 iżda mhux Lm275 .	6.45,0
jaqbżu Lm275 iżda mhux Lm325 .	3.25,0
jaqbżu Lm325	Ebda pensjoni

Parti IIA

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

A. Irġiel Miżżewġa

Kategorija	Rata ta' pensjoni fil-ġimgha
	Lm c m
Meta l-mara tkun tikkwalifika wkoll għal pensjoni skond l-artikoli 27 jew 77	25.10,0
Meta l-mara ma tkunx tikkwa- lifika wkoll għal pensjoni skond l-artikoli 27 jew 77	12.55,0

B. Persuni li m'humiex irġiel miżżewġa

Kategorija	Rata ta' pensjoni fil-ġimgha
	Lm c m
Nisa miżżewġa li l-irġiel tagh- hom ma jkunux jikkwalifikaw għal pensjoni skond l-artikoli 27 jew 77	12.55,0
Persuni romol jew waħedhom	15.95,0

Parti III

Kera tad-Dar

Ir-rati li jinsabu fil-Partijiet I, II u IIA ta' din l-Iskeda ghandhom jizdiedu b'50 centezmu fil-gimgha jekk il-familja tkun qeghda thallas kera ghall-fond normali taghha fejn tkun qeghda toqghod:

Izda, meta iktar minn familja wahda tkun qed tghix fl-istess fond, l-*allowance* tal-kera ghandha tithallas darba biss u ghandha tithallas lill-kap tal-familja li jkun responsabbli ghall-hlas ta' din il-kera lil terzi persuni.

Ic-cens li jithallas minn familja dwar fond miżmum b'cens ghal perijodu ta' mhux iktar minn hamsa u ghoxrin sena ghandu jitqies bhala kera tad-dar ghall-finijiet ta' dan il-paragrafu jekk dan il-fond ikun qieghed jintuza esklużivament mill-familja u biss bhala residenza taghha.”.

Emenda
tat-Tmien Skeda
li tinsab ma'
l-Att princġipali.

54. Fil-Parti I tat-Tmien Skeda li tinsab ma' l-Att princġipali, minflok il-figuri “22.25”, “25.00”, “27.80”, “30.55” u “33.35” rispettivament ghandhom jidhlu l-figuri “25.25”, “28.00”, “30.80”, “33.55” u “36.35”.

Sostituzzjoni
tad-Disa' Skeda
li tinsab ma'
l-Att princġipali.

55. Minflok id-Disa' Skeda li tinsab ma' l-Att princġipali ghandu jidhol dan li ġej:

“ID-DISA' SKEDA

Artikolu 25

Ammonti ta' Ghajnuna ghal Mard, Ghoti ta' Halib, Ghajnuna dwar il-Lebbra u Ghajnuna dwar it-Tuberkulozi

	Rata fil-gimgha Lm
1. Ghajnuna ghal Mard —	
(i) dwar l-ewwel membru tal-familja	3.95
(ii) dwar kull membru ieħor ta' l-istess familja	2.00
2. Ghotja ghal Halib	2.30
3. Ghajnuna dwar il-Lebbra —	
(i) dwar il-kap ta' familja li jkun lebbruż	8.00
(ii) dwar kull membru ieħor tal-familja li jkun lebbruż u li dan ma jkunx jahdem bi qliegh —	
(a) jekk taht is-16-il sena	2.40
(b) jekk ikollu 16-il sena jew iktar ..	8.00
(iii) dwar kull membru ieħor ta' familja li ma jkunx jahdem bi qliegh	2.40

4. Ghajjnuna dwar it-Tuberkulożi —

- (i) l-ammont bażiku ta' ghajjnuna dwar it-Tuberkulożi li jithallas dwar familja li membru tagħha huwa milqut bit-tuberkulożi 5.05
- (ii) *allowance* li tithallas dwar kull membru ta' familja ieħor li jkun milqut bit-tuberkulożi jew partikolarment suġġett għat-tuberkulożi 1.10.”.

56. Minflok l-Għaxar Skeda li tinsab ma' l-Att prinċipali għandu jidhol dan li ġej:

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

“L-GHAXAR SKEDA

Artikoli 7 u 10

Rata ta' Kontribuzzjonijiet

Parti I

*Kontribuzzjonijiet ta' l-Ewwel Klassi
(Persuni Mpjeġati)*

Kategorija	Xorta ta' persuna mpjeġata	Rata fil-ġimgha ta' kontribuzzjoni li għandha tithallas mill-persuna mpjeġata u mill-prinċipal tagħha
A.	Persuni taht it-18-il sena (li ma humiex dawk li jaqghu taht il-kategorija 'E' hawn isfel imsemmija)	Lm1.51
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 tagħhom fil-ġimgha jew l-ekwivalenti fil-ġimgha tas-salarju bażiku tagħhom fix-xahar ma jkunx jeċċedi Lm32.88,0	Lm2.74
Ċ.	Persuni li għalqu t-18-il sena (li ma humiex dawk li jaqghu taht il-kategorija 'F' hawn isfel imsemmija) li l-paga bażika tagħhom fil-ġimgha jew l-ekwivalenti fil-ġimgha tas-salarju bażiku tagħhom fix-xahar ikun jeċċedi Lm32.88,0 iżda ma jkunx jeċċedi Lm108.77,0	$\frac{1}{12}$, maħduma sa l-eqreb ċenteżmu, tal-paga bażika fil-ġimgha jew ta' l-ekwivalenti fil-ġimgha tas-salarju bażiku tagħhom fix-xahar.

Kategorija	Xorta ta' persuna mpjegata	Rata fil-gimgha ta' kontribuzzjoni li ghandha tithallas mill-persuna mpjegata u mill-principjal taghha
D.	Persuni li ghalqu t-18-il sena (li ma humiex dawk li jaqghux taht il-kategorija 'F' hawn isfel imsemmija) li l-paga bazika taghhom fil-gimgha jew l-ekwivalenti fil-gimgha tas-salarju baziku taghhom fix-xahar ikun jeccedi Lm108.77,0	Lm9.06
E.	Persuni taht 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 ohrajn simili (inkluż l- <i>Extended Skills Training Schemes</i> , izda eskluż l-Iskemi ta' Haddiem-Student) li jkunu jinvolu perijodi distinti ta' xoghol u studju li ghalihom ikunu qeghdin jircievu rimunerazzjoni	$\frac{1}{12}$, mahduma sa l-eqreb centezmu, tar-rimunerazzjoni bazika fil-gimgha jew ta' l-ekwivalenti fil-gimgha tar-rimunerazzjoni bazika fix-xahar sa rata massima ta' kontribuzzjoni ta' Lm1.51,0.
F.	Persuni li ghalqu t-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 ohrajn simili (inkluż l- <i>Extended Skills Training Schemes</i> , izda eskluż l-Iskemi ta' Haddiem-Student) li jkunu jinvolu perijodi distinti ta' xoghol u studju li ghalihom ikunu qeghdin jircievu rimunerazzjoni	$\frac{1}{12}$, mahduma sa l-eqreb centezmu, tar-rimunerazzjoni bazika fil-gimgha jew ta' l-ekwivalenti fil-gimgha tar-rimunerazzjoni bazika fix-xahar sa rata massima ta' kontribuzzjoni ta' Lm2.74,0.

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 taghhom fis-sena (b'eskluzjoni ta' benefiċċju ta' maternità, <i>allowance</i> tat-tfal u kull benefiċċju <i>ex gratia</i> imhallas 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	Lm 4.30
B.	jaqbeż Lm1,640 iżda mhux Lm2,170	Lm 5.60
C.	jaqbeż Lm2,170 iżda mhux Lm2,700	Lm 6.90
D.	jaqbeż Lm2,700 iżda mhux Lm3,230	Lm 8.20
E.	jaqbeż Lm3,230 iżda mhux Lm3,760	Lm 9.45
F.	jaqbeż Lm3,760 iżda mhux Lm4,500	Lm11.25
G.	jaqbeż Lm4,500	Lm13.60

”.

57. Fil-paragrafu 2 tal-Hdax-il Skeda li tinsab ma' l-Att prinċipali, minnufih wara l-kliem “jew pensjoni minima nazzjonali” kull fejn jinsabu ghandhom jidhlu l-kliem “jew pensjoni minima nazzjonali miżjuda”.

Emenda tal-Hdax-il Skeda li tinsab ma' l-Att prinċipali.

58. Minflok it-Tnax-il Skeda li tinsab ma' l-Att prinċipali, ghandu jidhol dan li ġejj:

Sostituzzjoni tat-Tnax-il Skeda li tinsab ma' l-Att prinċipali.

"IT-TNAX-IL SKEDA

Artikoli 26, 31, 37, 53, 60, 75, 78.

Rati ta' diversi tipi ta' Pensjonijiet

A. Pensjoni ghal Min Jirtira

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-gimgha ta' Pensjoni ghal Min Jirtira			
	Persuni li jkunu qeghdin ukoll jirċievu pensjoni tas-servizz li tithallas minn jew ghan-nom tal-Gvern tar-Renju Unit		Persuni li jkunu qeghdin ukoll jirċievu pensjoni tas-servizz li MA tithallas minn jew ghan-nom tal-Gvern tar-Renju Unit	
	Raġel Mizzewweg li jkun qiegħed imantni lil martu	Kull persuna ohra	Raġel Mizzewweg li jkun qiegħed imantni lil martu	Kull persuna ohra
	Lm c m	Lm c m	Lm c m	Lm c m
50 jew iktar (rata shiha)	21.55,0	13.20,0	13.30,0	8.15,0
40 – 49	19.20,0	11.75,0	11.85,0	7.25,0
30 – 39	14.85,0	9.10,0	9.20,0	5.60,0
20 – 29	10.55,0	6.45,0	6.50,0	4.00,0

B. Pensjoni Mizjuda ghal min Jirtira

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-gimgha ta' Pensjoni Mizjuda ghal min Jirtira	
	Raġel Mizewweg li jkun qiegħed imantni lil martu	Kull persuna ohra
	Lm c m	Lm c m
50 jew iżjed (rata shiha)	29.30,0	20.00,0
40 — 49	26.10,0	17.80,0
30 — 39	20.20,0	13.80,0
20 — 29	14.35,0	9.80,0

C. Pensjoni għal Invalidità

Medja fis-sena ta' kontribuzzjonijiet imħallsa jew akkreditati	Rata fil-ġimgħa ta' Pensjoni Miżjuda għal Invalidità	
	Raġel Miżzewweg li jkun qieghed imantni lil martu	Kull persuna ohra
50 jew iżjed (rata shiha)	Lm c m 13.30,0	Lm c m 8.15,0
40 — 49	11.85,0	7.25,0
30 — 39	9.20,0	5.60,0
20 — 29	6.50,0	4.00,0

D. Pensjoni Miżjuda għal Invalidità

Medja fis-sena ta' kontribuzzjonijiet imħallsa jew akkreditati	Rata fil-ġimgħa ta' Pensjoni Miżjuda għal Invalidità	
	Raġel Miżzewweg li jkun qieghed imantni lil martu	Kull persuna ohra
50 jew iżjed (rata shiha)	Lm c m 25.90,0	Lm c m 16.60,0
40 — 49	23.05,0	14.75,0
30 — 39	17.85,0	11.45,0
20 — 29	12.70,0	8.15,0

E. Pensjoni ta' Armla

Medja fis-sena ta' kontribuzzjonijiet imħallsa jew akkreditati	Rata fil-ġimgħa ta' Pensjoni ta' Armla	
	Meta l-armla tkun intitolata għal pensjoni mingħand prinċipal tal-mejjet żewġha	Méta l-armla MA TKUNX intitolata għal pensjoni mingħand prinċipal tal-mejjet żewġha
50 jew iżjed (rata shiha)	Lm c m 14.60,0	Lm c m 15.95,0
40 — 49	13.00,0	14.20,0
30 — 39	10.10,0	11.00,0
20 — 29	7.15,0	7.80,0

F. Benefiċċju ta' Armla

Rata fil-ġimgha ta' Benefiċċju ta' Armla	
Lm c m	
16.85,0	

G. Pensjoni Minima Nazzjonali

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-ġimgha ta' Pensjoni Minima Nazzjonali	
	Raġel Miżzewweġ li jkun qieghed imantni lil martu	Kull persuna oħra
	Lm c m	Lm c m
50 jew iżjed (rata shiħa)	26.30,0	21.92,0
40 — 49	23.40,0	19.50,0
30 — 39	18.15,0	15.10,0
20 — 29	12.90,0	10.75,0

H. Pensjoni Minima Nazzjonali Miżjuda

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-ġimgha ta' Pensjoni Minima Nazzjonali Miżjuda li tithallas lil raġel miżzewweġ li jkun qieghed imantni lil martu	
	Meta dak ir-raġel jiġi trattat bħala persuna impjegata	Meta dak ir-raġel jiġi trattat bħala persuna li timpjega lilha nnifisha
	Lm c m	Lm c m
50 jew iżjed (rata shiħa)	30.50,0	27.20,0
40 — 49	27.15,0	24.20,0
30 — 39	21.05,0	18.75,0
20 — 29	14.95,0	13.35,0

I. Pensjoni ta' Ġenitur

Rata fil-ġimgha ta' Pensjoni ta' Ġenitur	
Raġel miżżewweġ li jkun qiegħed imantni lil martu	Kull persuna oħra
Lm c m 26.30,0	Lm c m 21.92.0

59. It-Tleltax-il Skeda li tinsab ma' l-Att prinċipali għandha tithassar.

Thassir
tat-Tleltax-il
Skeda li tinsab
ma' l-Att
prinċipali.

60. Id-dispożizzjonijiet ta' l-artikolu 46 ta' dan l-Att għandhom japplikaw għal kull talba ta' hlas ta' kontribuzzjonijiet li dwarha proċeduri kriminali setgħu, qabel ma ġie fis-seħħ dak l-artikolu, inbdew skond l-artikolu 119 ta' l-Att prinċipali kif fis-seħħ dak in-nhar, meta dawk il-proċeduri ma jkunux ġew deċiżi b'mod finali. Mal-bidu fis-seħħ ta' l-imsemmi artikolu 46 ta' dan l-Att kull proċedura li nbdiet kif imsemmi qabel u li ma tkunx ġiet deċiża b'mod finali, għandha titqies li hi rtirata mingħajr preġudizzju għal kull azzjoni li jista' jiehu d-Direttur tas-Sigurtà Soċjali biex jinforza t-talba għal hlas ta' kontribuzzjonijiet li dwarha kienu nbdew dawk il-proċeduri.

Dispożizzjoni
transitorja.

Għanijiet u Raġunijiet

L-Għan ewlieni ta' l-Abbozz huwa sabiex iġib fis-seħħ iż-żidiet fil-benefiċċji li johorġu mill-Att prinċipali kif imhabbrin fid-Diskors tal-*Budget* għas-sena 1990. L-Abbozz jagħmel ukoll emendi oħra fl-Att prinċipali li jipprovdu għal miżuri amministrattivi imtejbin, fosthom il-miżuri maħsubin għall-ġbir ta' kontribuzzjonijiet li jithallsu bis-saħħa ta' l-Att prinċipali.

**A BILL
entitled**

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:—

Short title and
commencement.
Act X of 1987.

1. (1) This Act shall be cited as the Social Security (Amendment) Act, 1990, and shall be read and construed as one with the Social Security Act, 1987, hereinafter referred to as "the principal Act".

(2) The provisions of this Act shall come into force as follows:

(a) this section, sections 5, 40 and 41, sections 45 to 49 and section 60 shall come into force upon the publication of this Act in the Gazette;

(b) sections 4, 6 and 56 shall be deemed to have come into force on the 1st January, 1990;

(c) paragraph (a) of section 9 and section 25 shall be deemed to have come into force on 1st January, 1987;

(d) section 36 shall be deemed to have come into force on the 2nd January, 1988;

(e) section 38 shall be deemed to have come into force on the 1st July, 1989;

(f) section 42 shall be deemed to have come into force on the 1st August, 1989;

(g) paragraph (a) of section 50 shall be deemed to have come into force on the 7th August, 1989; and

(h) all the other sections shall be deemed to have come into force on the 6th January, 1990.

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

Amendment to the Arrangement of Sections in the principal Act.

(a) the items "33. Widows to receive single rate of National Minimum Pension", "35. Increase in Widow's Pension", "36. Further increase in Widow's Pension", "40. Abatement of Survivor's Pension", "41. Conversion of Gratuity into a national pension", "43. Conversion of Gratuity payable to widow", "58. Computation of Gratuity", "68. Abatement of the Two-Thirds Pension due to gratuity", shall be deleted;

(b) for the item "75. Increase in pension" there shall be substituted the words "75. Increased National Minimum Pension";

(c) immediately after the words "102. Payments" there shall be inserted the item "102A. Non-payment of arrears of any benefits, pensions, assistance or allowances to persons with dual citizenship"; and

(d) the item "128. Penalties imposed by the Director" and the item beginning with the words "Thirteenth Schedule" and ending with the words "paragraph (c) of section 36 of this Act" shall be deleted.

3. Section 2 of the principal Act shall be amended as follows:

Amendment of Section 2 of the principal Act.

(a) the definition of "gratuity" in subsection (1) thereof shall be deleted;

(b) for the first proviso to the definition of "household" in subsection (1) thereof there shall be substituted the following:

"Provided that —

(a) for the purpose of sickness assistance claimed in respect of a person who is over the age of 60 years, together with his wife or husband, if any, as the case may be, and none of whom is in insurable employment or self-occupied; and

(b) for the purposes of sickness assistance in respect of chronic schizophrenia in respect of any member of the household who is not the head of the household or his wife, if any,

such persons or such couples shall, if it is to their advantage, be considered as forming a household of their own:”; and

(c) in the definition of “retirement” in subsection (1) thereof —

(i) for the words “provided further that in respect of a person who” there shall be substituted the words “Provided further that —

(a) in respect of a person who”; and

(ii) immediately after the words “in the case of any other person;” there shall be added the following new paragraph (b):

“(b) in the case of a man who dies before reaching pension age and his wife becomes entitled to a Survivor’s Pension in terms of the proviso to section 38 of this Act, retirement means the date on which such death occurs or, if such death occurs at a time when he was in receipt of a pension in respect of invalidity under this Act, retirement means the day on which he became such an invalid;”; and

(d) in subsection (3) thereof immediately after the words “for the purpose of awarding” there shall be inserted the words “a Survivor’s Pension,”.

Amendment of Section 6 of the principal Act.

4. Subsection (1) of section 6 of the principal Act shall be amended as follows:

(a) in the proviso to paragraph (d) thereof, for the words “section 51 of this Act,” there shall be substituted the words “subsection (2) of section 32 and section 51 of this Act.”;

(b) in paragraph (e) thereof for the words “under this Act; or” there shall be substituted the words “under this Act.”; and

(c) paragraph (f) shall be deleted.

Amendment of Section 8 of the principal Act.

5. In section 8 of the principal Act there shall be added the following new subsection:

“(5) Notwithstanding the foregoing provisions of this section, where an employer has failed or neglected to pay any Class One contributions which he is liable to pay under this Act, upon the lapse of the 10 days referred to in paragraph (a) of subsection (2) of section 119 of this Act, and if the employer concerned is still failing or neglecting to pay any current contributions due under this Act, the Director may, by notice served on the employer and on any person employed by such employer, direct that the contributions payable by such employed person shall not, from such date as may be indicated in the notice, be withheld and paid by the employer

and that thereupon such contributions due after that date shall be payable directly by such employed person to the Director in such manner and at such times as the Director may determine.”.

6. Section 16 of the principal Act shall be amended as follows: Amendment of
Section 16
of the
principal Act.

(a) subsection (3) thereof shall be amended as follows:

(i) for paragraph (c) thereof there shall be substituted the following:

“(c) for any calendar week falling between 1st April 1978 and 5th January 1990 during which he would have been entitled to an Invalidity Pension were it not for the fact that such pension had been fully abated in accordance with the provisions of this Act as in force up to the 5th January 1990:”; and

(ii) the proviso thereto shall be repealed;

(b) in paragraph (a) of subsection (4) thereof —

(i) for the words “a self-employed person;” in sub-paragraph (ii) thereof, there shall be substituted the words “a self-employed person; or”; and

(ii) immediately after sub-paragraph (ii) thereof there shall be added the following new sub-paragraph (iii):

“(iii) is entitled to such a credited contribution in virtue of paragraph (c) of subsection (3) of this section and immediately prior to his becoming an invalid was a self-occupied person;”; and

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

“(4A) Where a contribution is credited under this section only one contribution shall be credited to a person for any one calendar week, and no contribution shall be credited for any one calendar week for which a Class One or a Class Two contribution is payable by or in respect of him under this Act.”.

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

(a) in paragraph (a) of subsection (1) thereof, immediately after the words “nor a self-occupied person;” there shall be inserted the words “sohowever that, in the case of a person who on the date of claim for such assistance is suffering from chronic schizophrenia, whether or not this condition could be alleviated or cured by a special diet or regimen, entitlement to sickness assistance would still accrue if the person who is suffering from such a condition

proves to the satisfaction of the Director that he has a history of regular treatment which includes a period of stay as an inmate of a state-owned hospital for mental diseases for an aggregate period of at least 9 months during the last 3 consecutive years;"; and

(b) in subsection (3) thereof, immediately after the words "the right for such assistance in his respect" there shall be added the words ", excluding any such assistance payable in connection with chronic schizophrenia,".

Amendment of
Section 26
of the
principal Act.

8. Section 26 of the principal Act shall be amended as follows:

(a) for paragraph (i) of subsection (2) thereof there shall be substituted the following:

"(i) with effect from the first Saturday of January, 1990, if his service pension and the rate of Invalidity Pension applicable in his case together exceed two-thirds of his pensionable income, such a person shall be entitled to an Invalidity Pension; so however that, where the rate of such Invalidity Pension and his service pension together exceed the current basic weekly wage or basic salary of the post on which his service pension was awarded, such person shall be entitled to receive by way of an Invalidity Pension such part as shall ensure that his service pension and his Invalidity Pension together do not exceed the aforesaid current basic weekly wage or basic salary of the post on which his service pension was awarded; or" and

(b) in subsection (6) thereof, for the words "shall be entitled to a National Minimum Pension." there shall be substituted the words "shall be entitled under this section to a National Minimum Pension, the highest rate of which shall be equivalent to four-fifths of Lm32.88 in the case of a married man who is maintaining his wife and two-thirds of Lm32.88 in the case of any other person".

Amendment of
Section 27
of the
principal Act.

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

(a) in the Maltese text of paragraph (b) of subsection (1) thereof for the words "handikappata severament" there shall be substituted the words "gravement handikappata"; and

(b) in subsection (4) thereof, for the words "Lm2" there shall be substituted the words "Lm2.20".

Amendment of
Section 30
of the
principal Act.

10. Immediately after subsection (8) of section 30 of the principal Act there shall be inserted the following new subsection (8A):

"(8A) A head of household who is admitted into a therapeutic community centre for the rehabilitation of drug addicts in Malta as may from time to time be recognised by the Minister for the purpose of this subsection, and who, were it not for such

admittance, would have been entitled to assistance under this section, shall be entitled to receive an allowance of Lm2.20 per week for as long as he is a resident of a centre as aforesaid and provided no change of circumstances takes place in his respect or with respect to the rest of his household that would otherwise have disqualified him from receiving social assistance had he been living with his household and not at such centre.”.

11. Section 32 of the principal Act shall be amended as follows: Amendment of
Section 32
of the
principal Act.

(a) the current provisions thereof shall be renumbered as subsection (1) thereof; and

(b) immediately after the aforesaid subsection (1) thereof as renumbered, there shall be added the following new subsection:—

“(2) Notwithstanding the provisions of subsection (1) of this section and the provisions of section 96 of this Act, a widow under the age of 60 years who is taking care of her child shall be entitled to a pension payable under this Part whilst she is gainfully occupied and her earnings from such gainful occupation do not exceed an average of Lm32.88 per week:

Provided that, where such earnings exceed Lm32.88 per week her rate of such pension, together with any Supplementary Pension payable under this Part, shall be abated by an amount equivalent to the difference between her average weekly earnings and Lm32.88.”.

12. Section 33 of the principal Act shall be repealed. Repeal of
Section 33
of the
principal Act.

13. Section 34 of the principal Act shall be amended as follows: Amendment of
Section 34
of the
principal Act.

(a) immediately after the words “the rate of the National Minimum Pension” there shall be inserted the words “, the highest rate of which shall be equivalent to two-thirds of Lm32.88,”;

(b) for the words “Without prejudice to the provisions of section 33, if such widow” there shall be substituted the words “If such widow”; and

(c) for the words “that of the National Minimum Pension” there shall be substituted the words “that of the aforesaid National Minimum Pension”.

14. Sections 35 and 36 of the principal Act shall be repealed. Repeal
of Sections
35 and 36
of the principal
Act.

15. In section 38 of the principal Act for the words “in lieu of a Widow’s Pension,” there shall be substituted the words “in lieu of any other pension payable under the foregoing provisions of this Part: Amendment of
Section 38
of the
principal Act.

Provided that with effect from 6th January, 1990, the foregoing provisions of this section shall also apply in the case of a widow whose husband had not yet reached his retirement at the time of his death but who before such death had been an employed person or a self-employed person for not less than ten years in the aggregate and had paid the proper rate of contributions under this Act at any time after the 21st day of January 1979; and, for the purposes of this proviso, the provisions of section 46 of this Act shall not apply.”.

Amendment of Section 39 of the principal Act.

16. In section 39 of the principal Act, for the words “the deceased pensioner”, wherever they occur, there shall, in each and every case, be substituted the words “the deceased husband”.

Repeal of Sections 40, 41 and 43 of the principal Act.

17. Sections 40, 41 and 43 of the principal Act shall be repealed.

Amendment of Section 50 of the principal Act.

18. Subsection (2) of section 50 of the principal Act shall be amended as follows:

(a) for the words “to his employment;” there shall be substituted the words “to his employment.”;

(b) the words from “and where the widow” up to and including the words “of the said gratuity.” shall be deleted; and

(c) the second proviso thereto shall be deleted.

Amendment of Section 53 of the principal Act.

19. In section 53 of the principal Act, immediately after the words “National Minimum Pension” there shall be inserted the words “or Increased National Minimum Pension”.

Amendment of Section 55 of the principal Act.

20. Section 55 of the principal Act shall be amended as follows:

(a) for the words “for a Retirement Pension” there shall be substituted the words “for a pension under this Part”; and

(b) for the words “for a Widow’s Pension” there shall be substituted the words “for a pension”.

Amendment of Section 57 of the principal Act.

21. In section 57 of the principal Act, immediately after the words “a National Minimum Pension” there shall be inserted the words “or to an Increased National Minimum Pension”.

Repeal of Section 58 of the principal Act.

22. Section 58 of the principal Act shall be repealed.

Amendment of Section 60 of the principal Act.

23. In section 60 of the principal Act for the words “shall be entitled to a National Minimum Pension”, there shall be substituted the words “shall be entitled under this Part to a National Minimum Pension, the highest rate of which shall be equivalent to four-fifths of Lm32.88 in the case of a married man who is maintaining his wife and two thirds of Lm32.88 in the case of any other person.”.

24. In section 62 of the principal Act, immediately after the words "National Minimum Pension" there shall be inserted the words "or Increased National Minimum Pension".

Amendment of Section 62 of the principal Act.

25. In the Maltese text of section 64 of the principal Act, for the words "tal-perjodu" there shall be substituted the words "tul perjodu".

Amendment of Section 64 of the principal Act.

26. In Section 65 of the principal Act, for the words "Lm34.20", "Lm29.88" and "Lm105.77", there shall be substituted the words "Lm39.45", "Lm32.88" and "Lm108.77", respectively.

Amendment of Section 65 of the principal Act.

27. For section 67 of the principal Act there shall be substituted the following:

Substitution of Section 67 of the principal Act.

67. Where a person is entitled to a service pension, any pension arrived at in accordance with the provisions of section 69 and 70 of this Part shall be abated by the amount of such service pension."

"Abatement of the Two-Thirds Pension due to Service Pension.

28. Section 68 of the principal Act shall be repealed.

Repeal of Section 68 of the principal Act.

29. Subsection (3) of section 71 of the principal Act shall be amended as follows:

Amendment of Section 71 of the principal Act.

(a) in paragraph (i) thereof, for the words "the said post" there shall be substituted the words "the last post on which his pensionable income had been computed"; and

(b) in the second proviso thereto, immediately after the words "Provided further that for the purposes of this section" there shall be inserted the words", but save as provided for in paragraph (b) of section 65 of this Act,".

30. Section 75 of the principal Act shall be amended as follows:

Amendment of Section 75 of the principal Act.

(a) for the marginal note thereto there shall be substituted the following: "Increased National Minimum Pension"; and

(b) for subsections (1) and (2) thereof there shall be substituted the following:

"(1) A married man who is maintaining his wife and who is entitled to a National Minimum Pension in virtue of the provisions of sections 60 and 61 of this Act shall, in its stead but subject to and in accordance with the following provisions, be entitled to an Increased National Minimum Pension or to such part thereof, if any, as shall ensure that his rate of such pension does not exceed two-thirds of his pensionable income.

(2) For the purpose of subsection (1) of this section —

(i) the pensionable income mentioned therein shall, in each and every case, be substituted with effect

from the first Saturday of the year in respect of which any payment under this section falls due in the manner provided for by subsection (3) of section 71 of this Act, irrespective of the date of retirement, and

(ii) the proportion of two-thirds mentioned therein shall, where the yearly average of contributions ascertained in connection with the claim for a pension under this Part is less than fifty, be multiplied by the proportion that such yearly average bears to fifty, and the result of such multiplication shall substitute the said proportion of two-thirds.”.

Amendment of Section 77 of the principal Act.

31. In subsection (3) of section 77 of the principal Act for the words “Lm2” there shall be substituted the words “Lm2.20”.

Amendment of Section 79 of the principal Act.

32. Subsection (1) of section 79 of the principal Act shall be amended as follows:

(a) in paragraph (a) therein for the words “Lm3.00,0” there shall be substituted the words “Lm3.30,0”; and

(b) in paragraph (b) therein for the words “Lm4.90,0” there shall be substituted the words “Lm5.40,0”.

Amendment of Section 80 of the principal Act.

33. In Section 80 of the principal Act, for the words “Lm55” there shall be substituted the words “Lm60.50”.

Amendment of Section 82 of the principal Act.

34. In subsection (1) of section 82 of the principal Act, for the words “Lm5.50” wherever they occur there shall be substituted the words “Lm6.05”.

Amendment of Section 82A of the principal Act.

35. In paragraph (iii) of subsection (1) of section 82A of the principal Act, for the words from “is unlikely” up to and including the words “is made or is paid,” there shall be substituted the words “does not exceed Lm2,600 during the calendar year immediately preceding the calendar year within which a claim for a Paternal Allowance under this section is made or is paid, as the case may be,”.

Amendment of Section 83A of the principal Act.

36. The Maltese text of section 83A of the principal Act shall be amended as follows:

(a) for the words “paralizi” there shall be substituted the word “*palsy*”; and

(b) for the word “severament” wherever it occurs there shall be substituted the word “*gravement*”.

Amendment of Section 91 of the principal Act.

37. In section 91 of the principal Act immediately after the words “or Social Assistance” there shall be inserted the words “(other than that payable by way of an allowance under the provisions of subsection (8A) of section 30 of this Act)”.

38. Section 95 of the principal Act shall be amended as follows: Amendment of
Section 95
of the
principal Act.

(a) for the words from "a Blindness Pension" up to and including the words "of this Act respectively," there shall be substituted the words "Social Assistance and an Age Pension payable under this Act,";

(b) in paragraph (b) of the proviso thereof for the words "at 90% or more." there shall be substituted the words "at 90% or more;" and

(c) immediately after paragraph (b) of the proviso thereof there shall be added the following new paragraph (c):

"(c) with effect from the 1st July, 1989, a person over the age of 60 years who is or could be barred from receiving an Age Pension under this Act because of the provisions of subparagraph (ii) of paragraph (b) of section 77 of this Act shall not be deemed to qualify for a Handicapped Pension or a Blindness Pension in terms of section 27 of this Act unless such person can prove to the satisfaction of the Director that he had been suffering from a mental severe subnormality or that he had been a severely handicapped person or that he had been a blind person in terms of this Act prior to reaching his 60th birthday."

39. Section 96 of the principal Act shall be amended as follows: Amendment of
Section 96
of the
principal Act.

(a) in subsection (1) thereof for the words "consequences to the licensee:" there shall be substituted the words "consequences to the licensee.", and the proviso thereto shall be deleted; and

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

"(3) for the purposes of the foregoing provisions of this section, where it is the spouse of such person who is or was in possession of such a licence, such person shall still be entitled to receive his or her pension, as the case may be, if the concern to which such licence relates was never run by such person nor was the trading licence itself ever issued in the name of such person, or where the community of acquests between the spouses was dissolved as a result of their legal separation or where, prior to their separation, the community of acquests had been excluded."

40. Section 101 of the principal Act shall be amended as follows: Amendment of
Section 101
of the
principal Act.

(a) in paragraph (a) of subsection (1) thereof, for the words "within the prescribed time, if any," there shall be substituted the words "within the respective time limits laid down in subsection (2) of this section,";

(b) for subsection (2) thereof there shall be substituted the following:

“(2) The time limits referred to in paragraph (a) of subsection (1) of this section shall be as follows:

(a) in the case of Sickness Benefit and Injury Benefit 10 days starting from the first day of incapacity for work;

(b) in the case of Unemployment Benefit or Special Unemployment Benefit, Social Assistance, Medical Assistance, an Age Pension, a Handicap Pension, a Blindness Pension, a pension in respect of invalidity or a Parental Allowance 5 days starting from the day in respect of which the claim is made;

(c) in the case of a Marriage Grant, a Maternity Benefit, a Children’s Allowance, a Special Allowance, a Handicapped Child Allowance or a pension in respect of retirement or widowhood 6 months starting from —

(i) the day on which the child is born in respect of a Maternity Benefit, a Children’s Allowance and a Handicapped Child Allowance;

(ii) the day on which the person in respect of whom the claim is made reaches his 16th birthday in the case of a Special Allowance;

(iii) the day on which the person concerned reaches his retirement in the case of a pension in respect of retirement; and

(iv) the day on which the female concerned becomes a widow in the case of a pension in respect of widowhood; and

(v) the day of marriage in the case of a Marriage Grant:

Provided that if no claim is made for any of the aforesaid benefits, pensions, allowances or assistance within the aforesaid time limits, entitlement to such benefits, pensions, allowances and assistance shall only accrue as from the date on which the relevant claim is received by the Director; so however that in the case of a Marriage Grant no entitlement to such benefit shall accrue after the lapse of the period referred to in paragraph (c) of this subsection.”; and

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

“(3) Where at any time prior to the 23rd February, 1990, any person submitted to the Director a claim for Children’s Allowance or Special Allowance under this Act and, for whatever reason, such allowance remained unpaid or suspended by the date aforesaid in this subsection, such person may notwithstanding that such person had failed to appeal to the Umpire appointed under this Act or to take any other action competent to him at law, submit a fresh claim to the Director for such allowance by not later than the 30th April, 1990. The provisions of subsection (4) of section 102 of this Act shall apply to the claim which has given rise to such fresh claim, and if no such fresh claim is so submitted as aforesaid, such allowance shall not be payable under this Act in relation to any period prior to the 23rd February, 1990.”.

41. Immediately after subsection (3) of section 102 of the principal Act there shall be added the following new subsection: Amendment of Section 102 of the principal Act.

“(4) Notwithstanding any of the provisions of this Act, any claim for the payment of any benefit, pension, assistance or allowance under this Act shall not be paid in arrears for a period exceeding 6 months, as the Director may determine, if the assessment on such a claim was held back as a result of the non-observance of the provisions of paragraph (b) of subsection (1) of section 101 of this Act on the part of the claimant”.

42. Immediately after section 102 of the principal Act there shall be inserted the following new section 102A: Addition of new Section 102A.

“Non-payment of arrears of any benefits, pensions, assistance or allowances to persons with dual citizenship. 102A. Where any benefit, pension, assistance or allowance payable under this Act requires either specifically or by implication or inference that the claimant or the person in respect of whom such benefit, pension, assistance or allowance is payable should be a citizen of Malta, claims for such benefits, pensions, assistance or allowances by persons holding dual citizenship in virtue of section 27 of the Constitution of Malta shall be allowed for periods prior to the 1st August, 1989.”.

43. For section 105 of the principal Act there shall be substituted the following: Substitution of Section 105 of the principal Act.

“Repayment of benefit, pension, allowance or assistance improperly received. 105. Save as provided for in subsection (3) of section 102 of this Act, any person who has received any sum by way of benefit, pension, allowance or assistance under this Act to which he was not entitled in terms of the provisions of this Act shall be liable to pay to the Director the sum so received by him, and the Director shall, without prejudice to any other right competent to him at law, recover such sum by means of deductions from any benefit, pension, allowance or assistance to which he thereafter becomes entitled:

Provided that —

(i) where such overpayment occurs as a result of the non-disclosure or misrepresentation of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent) the rate of recovery by means of deductions from any benefit, pension, allowance or assistance to which he thereafter becomes entitled shall be determined by the Director but shall in no case be less than the equivalent of 30% of the rate of benefit, pension, allowance or assistance to which he thereafter becomes entitled; and

(ii) where such overpayment occurs as a result of any eventuality other than those mentioned in paragraph (i) of this proviso, the rate of recovery by means of deductions from any benefit, pension, allowance or assistance to which he thereafter becomes entitled shall also be determined by the Director but shall in no case exceed the equivalent of 10% of the rate of benefit, pension, allowance or assistance to which he thereafter becomes entitled unless the beneficiary or pensioner concerned, as the case may be, requests that a higher rate of such deduction be effected; so however that, in any case the Director shall have no right to effect any such deductions as are referred to in this paragraph in respect of periods of overpayment which do not fall within the period of 2 consecutive years going back from the date when the Director becomes aware of such overpayment.”.

Amendment of
Section 109 of the
principal Act.

44. The proviso to paragraph (c) in section 109 of the principal Act shall be amended as follows:

(a) in paragraph (a) thereof, the words “Injury Benefit” shall be deleted; and

(b) immediately after paragraph (a) thereof there shall be added the following new paragraph (aa):

“(aa) if the claim is for Injury Benefit and the resultant period of incapacity for work exceeds 10 benefit days the provisions of paragraph (a) of this proviso shall apply and where the resultant period of incapacity of work does not exceed 10 benefit days the provisions of paragraph (b) of this proviso shall apply;”.

Amendment of
Section 117 of the
principal Act.

45. In subsection (2) of section 117 of the principal Act for the words “sections 116, 119, 120, 122, 128” there shall be substituted the words “sections 116, 120, 122”.

Substitution of
Section 119 of the
principal Act.

46. For section 119 of the principal Act there shall be substituted the following:

119. (1) If any employer or a self-employed person or a person in respect of whom the provisions of section 13 of this Act apply fails or neglects to pay within the prescribed time any Class One or Class Two Contributions, as the case may be, which he is liable under this Act to pay, a further contribution equivalent to —

"Failure by employer or self-employed person to pay contributions.

(a) 10% of the total value of such unpaid contributions, in respect of contributions due under this Act at any time prior to the 3rd July 1989; and

(b) 5% of the total value of such unpaid contributions, in respect of contributions due under this Act at any time after the 2nd July 1989;

shall be due and payable to the Director:

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 further contributions as aforesaid as may be paid by him to 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 days 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.

Provided further that, in the case of a self-employed person, or a person in respect of whom the provisions of section 13 of this Act apply, who proves to the satisfaction of the Director that at the time when such contributions were due he was abroad or hospitalised, the aforesaid prescribed time shall be extended to the 31st day of his return to Malta or discharge from hospital, as the case may be.

(2) (a) Where any such employer or person as is referred to in subsection (1) of this section fails to settle his contribution dues together with the aforesaid further contribution within three months of the aforesaid prescribed time the Director may without prejudice to any other right competent to him, by means of a judicial letter, served on the person by whom such contributions or further contributions are due, claim such payment, and upon the service of such a judicial letter, the claim of the Director contained in such judicial letter shall after the lapse of ten days from such service constitute an executive title for the purpose of Title VII of Part I of Book Second of the Code of Organisation and

Civil Procedure, unless the person against whom it is served shall within the said period of 10 days or such further period, being not more than 30 days, as the competent civil court may on just cause being shown determine, by means of an application against the Director before the competent civil court, challenge such claim.

(b) The application shall, under pain of nullity, state clearly and concisely the nature of the complaint, the facts out of which the complaint arises, and the reasons why such complaint should be upheld.

(c) The applicant shall attach to the application all such documents in support of his claim as it may be in his power to produce and shall indicate in his application the names of all the witnesses he intends to produce stating, in respect of each, the proof which he intends to make.

(d) The court shall, without delay, set down the application for hearing at an early date, which date shall in no case be later than thirty days from the date of the filing of the application.

(e) The application, and the notice of the date fixed for hearing, shall be served on the Director without delay, and the said Director shall file his reply thereto within fifteen days after the date of the service of the application.

(f) The Director shall, in his reply, state clearly and concisely whether he agrees to the facts set out in the application, and the reasons why he objects to the claim; he shall moreover state in his reply the names of the witnesses in support of his reasons and shall attach thereto all the documents in support thereof.

(g) On the day fixed for the hearing of the application, the court shall consider the issues of fact and of law as are ascertainable only from the application, reply or documents filed, by either of the parties, or from the evidence indicated by either of the parties in the application or reply, as the case may be, or from the oral pleading of either of the parties.

(h) The court shall hear the application to a conclusion within five working days from the date fixed for the original hearing of the application, and no adjournment shall be granted except either with the consent of both parties or for an exceptional reason to be recorded by the court, and such adjourned date shall not be later than that justified by any such reason.

(i) Saving the preceeding provisions of this subsection, the provisions of the Code of Organisation and

Civil Procedure relating to proceedings before the First Hall of the Civil Court shall apply in relation to any such application.”.

47. In section 123 of the principal Act, for the words “sections 119 to 121” there shall be substituted the words “section 120 and 121”. Amendment of Section 123 of the principal Act.
48. Section 128 of the principal Act shall be repealed. Repeal of Section 128 of the principal Act.
49. Immediately after section 130 of the principal Act there shall be added the following new proviso: Amendment of Section 130 of the principal Act.
- “Provided that where an employed person fails to pay any contributions in accordance with subsection (5) of section 8 of this Act, such non-payment shall, where such employed person has received the wages due to him, always be deemed to be due to the fault on the part of the employed person.”.
50. The Second Schedule to the principal Act shall be amended as follows: Amendment of the Second Schedule to the principal Act.
- (a) in sub-paragraph (d) of paragraph 3 of Part I thereof, immediately after the words “any other pension” there shall be inserted the words “(other than a pension payable in virtue of section 16A of the Malta Dockyard Act)”; and Cap. 207.
- (b) in sub-paragraph (d) of paragraph 5 of Part II thereof, for the words “two-thirds” there shall be substituted the figures “69.7%”.
51. For the Third Schedule to the principal Act there shall be substituted the following: Substitution of the Third Schedule to the principal Act.

"THIRD SCHEDULE

Sections 18, 28, 29, 30.

*Rate of Sickness, Unemployment, Special Unemployment,
Injury and Disablement Benefits***Part 1***A. Sickness Benefit and Special Unemployment Benefit*

Number of Contributions paid or credited in the relevant contribution year	Daily Rate of Sickness or Special Unemployment Benefit	
	Married man who is maintaining his wife	Any other person
	Lm c m	Lm c m
50 or more (full rate) .	3.90,0	2.40,0
40 — 49	3.45,0	2.15,0
30 — 39	2.70,0	1.65,0
20 — 29	1.95,0	1.20,0

B. Unemployment Benefit

Number of Contributions paid or credited in the relevant contribution year	Daily Rate of Unemployment Benefit	
	Married man who is maintaining his wife	Any other person
	Lm c m	Lm c m
50 or more (full rate) .	2.25,0	1.35,0
40 — 49	2.00,0	1.20,0
30 — 39	1.55,0	0.95,0
20 — 29	1.10,0	0.70,0

C. Injury Benefit

Type of Beneficiary	Daily Rate of Injury Benefit	
	Married man who is maintaining his wife	Any other person
Persons aged 18 years or over	Lm c m 6.10,0	Lm c m 4.50,0
Persons aged under 18 years	3.65,0	2.05,0

Part II*Amounts of Disablement Gratuity*

Degree of Disablement	Amount of Gratuity
%	Lm c m
1	53.00,0
2	106.00,0
3	159.00,0
4	212.00,0
5	265.00,0
6	318.00,0
7	371.00,0
8	424.00,0
9	477.00,0
10	530.00,0
11	583.00,0
12	636.00,0
13	689.00,0
14	742.00,0
15	795.00,0
16	848.00,0
17	901.00,0
18	954.00,0
19	1,007.00,0

Part III*Highest Rates of Disablement Pension*

Weekly Rates	
Persons aged 18 years or over	Persons aged under 18 years
Lm c m	Lm c m
14.60,0	7.30,0

Amendment of
the Fifth
Schedule to the
principal Act.

52. In Part I of the Fifth Schedule to principal Act, immediately after item 6 there shall be inserted the following new item 6A:

“6A Chronic Schrizophrenia.”.

Substituion of
the Sixth Schedule
to the
principal Act.

53. For the Sixth Schedule to the principal Act there shall be substituted the following:

“SIXTH SCHEDULE

Sections 27, 30, 77.

Part 1*Scale Rate of Social Assistance*

Number of members in household	Where a child allowance is not payable in respect of any child	Where a child allowance is payable in respect of one child	Where a child allowance is payable in respect of two children	Where a child allowance is payable in respect of three children
	Lm c m	Lm c m	Lm c m	Lm c m
1	15.95,0	—	—	—
2	18.70,0	16.60,0	—	—
3	21.35,0	19.25,0	17.70,0	—
4	23.75,0	21.70,0	20.20,0	19.25,0
5	26.20,0	24.10,0	22.55,0	21.60,0

Where the number of members in the household exceeds 5 the rates indicated against a household of 5 shall be increased by Lm1.65 for every member in respect of the 6th and susequent members in that household. For the purposes of this part, “Child Allowance” means any or all of the allowances payable under paragraphs (i), (ii) and (iii) of section 83 of this Act.

Part II
Rate of Age Pension
 A. Married Men

Category	Rate of Pension per week	
	Where the wife also qualifies for a pension under sections 27 or 77	Where the wife does not qualify for a pension under sections 27 or 77
	Lm c m	Lm c m
where the yearly means of of the couple —		
do not exceed Lm125	25.10,0	12.55,0
exceed Lm125 but do not exceed Lm225	21.45,0	10.75,0
exceed Lm225 but do not exceed Lm325	17.60,0	8.80,0
exceed Lm325 but do not exceed Lm425	13.40,0	6.70,0
exceed Lm425 but do not exceed Lm525	8.90,0	4.45,0
exceed Lm525 but do not exceed Lm625	4.05,0	2.05,0
exceed Lm625	No pension	No pension

B. Married woman whose husband does not qualify for a pension in his own right under sections 27 and 77

Category	Rate of Pension per week
where the yearly means of the couple —	Lm c m
do not exceed Lm125	12.55,0
exceed Lm125 but do not exceed Lm225	10.75,0
exceed Lm225 but do not exceed Lm325	8.80,0
exceed Lm325 but do not exceed Lm425	6.70,0
exceed Lm425 but do not exceed Lm525	4.45,0
exceed Lm525 but do not exceed Lm625	2.05,0
exceed Lm625	No pension

C. Widowed or Single Persons

Category	Rate of Pension per week
where the yearly means of the person—	Lm c m
do not exceed Lm75	15.95,0
exceed Lm75 but do not exceed Lm125	13.80,0
exceed Lm125 but do not exceed Lm175	11.60,0
exceed Lm175 but do not exceed Lm225	9.20,0
exceed Lm225 but do not exceed Lm275	6.45,0
exceed Lm275 but do not exceed Lm325	3.25,0
exceed Lm325	No pension

Part IIA

Rate of Handicapped Pension and Blindness Pension

A. Married men

Category	Rate of Pension per week
	Lm c m
where the wife also qualifies for a pension under sections 27 or 77	25.10,0
where the wife does not qualify for a pension under sections 27 or 77	12.55,0

B. Persons not being married men

Category	Rate of Pension per week
	Lm c m
married women whose husband does not qualify for a pension under sections 27 or 77	12.55,0
widowed or single persons ..	15.95,0

Part III
House Rent

The rates of pay in Parts I, II and IIA of this schedule shall be increased by 50c per week if the household is paying rent for its normal place of habitation:

Provided that, where more than one household live within the same premises, the rent allowance shall be paid only once and shall be paid to the head of household responsible for the payment of such rent to third parties.

The ground rent payable by the household in respect of premises which are held in emphyteusis for a period not exceeding twenty-five years shall be deemed to be the house rent for the purposes of this paragraph if such premises are used exclusively by the household and solely as residence.”.

54. In Part I of the Eighth Schedule to the principal Act, for the figures “22.25”, “25.00”, “27.80”, “30.55” and “33.35”, respectively, there shall be substituted the figures “25.25”, “28.00”, “30.80”, “33.55” and “36.35”. Amendment of the Eighth Schedule to the principal Act.

55. For the Ninth Schedule to the principal Act there shall be substituted the following: Substitution of the Ninth Schedule to the principal Act.

“NINTH SCHEDULE

Section 25

Amounts of Sickness Assistance, Milk Grant, Leprosy Assistance and Tuberculosis Assistance

	Weekly Rate Lm
1. Sickness Assistance —	
(i) in respect of the first member of the household	3.95
(ii) in respect of any other member of the same household	2.00
2. Milk Grant	2.30
3. Leprosy Assistance —	
(i) in respect of the head of household who is a leper	8.00

- (ii) in respect of any other member of the household who is a leper and not gainfully occupied —
- (a) if under 16 years of age 2.40
- (b) if 16 years of age or over 8.00
- (iii) in respect of any other member of the household who is gainfully occupied . 2.40

4. Tuberculosis Assistance —

- (i) basic amount of tuberculosis assistance payable in respect of a household one member of which is affected by tuberculosis 5.05
- (ii) allowance payable in respect of each additional member of the household affected by or particularly vulnerable to tuberculosis 1.10".

Substitution
of the
Tenth Schedule
to the
principal Act.

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

Sections 7 and 10
"TENTH SCHEDULE
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)	Lm1.51
B.	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 does not exceed Lm32.88,0	Lm2.74

Category	Type of Employed Persons	Weekly Rate of Contribution payable by the employed person and his employer
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 Lm32.88,0 but does not exceed Lm108.77,0	$\frac{1}{12}$, 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 Lm108.77,0	Lm9.06
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 Lm1.51,0
F.	Persons over 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 Lm2.74,0.

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 ex-gratia 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 4.30
B	exceeds Lm1,640 but does not exceed Lm2,170	Lm 5.60
C	exceeds Lm2,170 but does not exceed Lm2,700	Lm 6.90
D	exceeds Lm2,700 but does not exceed Lm3,230	Lm 8.20
E	exceeds Lm3,230 but does not exceed Lm3,760	Lm 9.45
F	exceeds Lm3,760 but does not exceed Lm4,500	Lm11.25
G	exceeds Lm4,500	Lm13.60

Amendment of the Eleventh Schedule to the principal Act.

57. In paragraph 2 of the Eleventh Schedule to the principal Act, immediately after the words "or a national minimum pension" wherever they occur there shall be inserted the words "or an increased national minimum pension".

Substitution of the Twelfth Schedule to the principal Act.

58. For the Twelfth Schedule to the principal Act there shall be substituted the following:

"TWELFTH SCHEDULE

Sections 26, 31, 37, 53, 60, 75, 78.

Rates of several kinds of pension

A. Retirement Pension

Yearly average of contributions paid or credited	Weekly rate of Retirement Pension			
	Persons who are also in receipt of a service pension that is payable by or on behalf of the United Kingdom Government		Persons who are also in receipt of a service pension that is NOT payable by or on behalf of the United Kingdom Government	
	Married man who is maintaining his wife	Any other person	Married man who is maintaining his wife	Any other person
	Lm c m	Lm c m	Lm c m	Lm c m
50 or more (Full rate)	21.55,0	13.20,0	13.30,0	8.15,0
40 - 49	19.20,0	13.20,0	13.30,0	7.25,0
30 - 39	14.85,0	9.10,0	9.20,0	5.60,0
20 - 29	10.55,0	6.45,0	6.50,0	4.00,0

B. Increased Retirement Pension

Yearly average of contributions paid or credited	Weekly Rate of Increased Retirement Pension	
	Married man who is maintaining his wife	Any other person
	Lm c m	Lm c m
50 or more (full rate) ..	29.30,0	20.00,0
40 - 49	26.10,0	17.80,0
30 - 39	20.20,0	13.80,0
20 - 29	14.35,0	9.80,0

C. *Invalidity Pension*

Yearly average of contributions paid or credited	Weekly Rate of Invalidity Pension	
	Married man who is maintaining his wife	Any other person
50 or more (full rate) ..	Lm c m 13.30,0	Lm c m 8.15,0
40—49	11.85,0	7.25,0
30—39	9.20,0	5.60,0
20—29	6.50,0	4.00,0

D. *Increased Invalidity Pension*

Yearly average of contributions paid or credited	Weekly Rate of Increased Invalidity Pension	
	Married man who is maintaining his wife	Any other person
50 or more (full rate) ..	Lm c m 25.90,0	Lm c m 16.60,0
40—49	23.05,0	14.75,0
30—39	17.85,0	11.45,0
20—29	12.70,0	8.15,0

E. *Widows Pension*

Yearly average of contributions paid or credited	Weekly Rate of Widow's Pension	
	where the widow is entitled to a pension from an employer of her late husband	where the widow is NOT entitled to a pension from an employer of her late husband
50 or more (full rate) ..	Lm c m 14.60,0	Lm c m 15.95,0
40—49	13.00,0	14.20,0
30—39	10.10,0	11.00,0
20—29	7.15,0	7.80,0

F. Widow's Benefit

Weekly rate of Widow's Benefit	
	Lm c m 16.85,0

G. National Minimum Pension

Yearly average of contributions paid or credited	Weekly Rate of National Minimum Pension	
	Married man who is maintaining his wife	Any other person
	Lm c m	Lm c m
50 or more (full rate) ..	26.30,0	21.92,0
40 — 49	23.40,0	19.50,0
30 — 39	18.15,0	15.10,0
20 — 29	12.90,0	10.75,0

H. Increased National Minimum Pension

Yearly average of contributions paid or credited	Weekly Rate of Increased National Minimum Pension payable to a married man who is maintaining his wife	
	where such man is treated as an employed person	where such man is treated as a self-employed person
	Lm c m	Lm c m
50 or more (full rate) ..	30.50,0	27.20,0
40 — 49	27.15,0	24.20,0
30 — 39	21.05,0	18.75,0
20 — 29	14.95,0	13.35,0

I. Parent's Pension

Weekly rate of Parent's Pension	
Married man who is maintaining his wife	Any other person
Lm c m 26.30,0	Lm c m 21.92,0

Deletion of the Thirteenth Schedule to the principal Act.

59. The Thirteenth Schedule to the principal Act shall be deleted.

Transitory provision.

60. The provisions of section 46 of this Act shall apply to any claim in connection with which criminal proceedings may have, prior to the coming into force of that section, been commenced in accordance with section 119 of the principal Act as then in force, where such proceedings have not been finally determined. On the coming into force of the said section 46 of this Act any proceedings commenced as aforesaid and not finally determined shall be deemed to be withdrawn without prejudice to any action competent to the Director of Social Security to enforce the claim for the payment of the contributions in connection with which such proceedings have been commenced.

Objects and Reasons

The main Object of the Bill is to bring into effect increases in benefits under the principal Act as announced in the budget speech for the year 1990. The bill also makes other amendments to the principal Act providing for improved administrative measures, among them measures intended for the recovery of contributions payable under the principal Act.