

ABBOZZ TA' LIĠI msejjah

ATT li jkompli jemenda l-Att 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) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2006 li jemenda l-Att dwar is-Sigurtà Soċjali (Emenda Nru. 2), u dan l-Att għandu jinqara u jiftiehem haġa wahda ma' l-Att dwar is-Sigurtà Soċjali, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehh.

Kap. 318.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-politika soċjali jista', b'avviż fil-Gazzetta, jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal għanijiet u disposizzjonijiet differenti ta' dan l-Att.

TAQSIMA I

EMENDI FL-ATT PRINĊIPALI

- 2.** L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:
- (a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:
- (i) minflok it-tifsira "età tal-pensjoni" għandu jidhol dan li ġej:

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

“ “età tal-pensjoni” tfisser l-età ta’ hamsa u sittin sena:

Iżda:

(i) (a) salvi d-disposizzjonijiet tal-paragrafu (ii) ta’ din it-tifsira, fil-każ ta’ persuna mwiela fil-31 ta’ Diċembru 1951 jew qabel, l-età tal-pensjoni tkun wiehed u sittin sena;

(b) fil-każ ta’ persuna mwiela fis-snin kalendarji 1952 sa 1955, l-età tal-pensjoni tkun tnejn u sittin sena;

(c) fil-każ ta’ persuna mwiela fis-snin kalendarji 1956 sa 1958, l-età tal-pensjoni tkun tlieta u sittin sena;

(d) fil-każ ta’ persuna mwiela fis-snin kalendarji 1959 sa 1961, l-età tal-pensjoni tkun erbgħa u sittin sena;

(ii) fil-każ ta’ mara mwiela fil-31 ta’ Diċembru 1951 jew qabel, l-età tal-pensjoni tkun sittin sena;”;

(ii) fit-tifsira “Pensjoni tas-Servizz” minnufih wara l-proviso li hemm magħha, għandu jiżdied dan il-proviso ġdid li ġej:

“Iżda wkoll kull somma li tithallas bhala Pensjoni tas-Servizz m’għandhiex titqies bhala t-Tieni Pensjoni jew it-Tielet Pensjoni għall-finijiet ta’ dan l-Att;”;

(iii) minnufih wara t-tifsira “telf ta’ fakultà rilevanti” għandha tiżdied din it-tifsira ġdida li ġejja:

““It-Tielet Pensjoni” tfisser il-pjan ta’ pensjoni individwali volontarja msemmi fl-artikolu 65D ta’ dan l-Att;”;

(iv) minnufih wara t-tifsira ġdida “it-Tielet Pensjoni” għandha tiżdied din it-tifsira ġdida li ġejja:

““it-Tieni Pensjoni” tfisser l-iskema ta’ pensjoni okkupazzjonali mandatorja msemmija fl-artikolu 65C ta’ dan l-Att.” ;

(b) is-subartikolu (3) tiegħu għandu jiġi emendat kif ġej:

(i) minflok il-kliem “Għall-finijiet ta’ l-ghoti ta’ Pensjoni ta’ Superstiti, ta’ Pensjonijiet għal Min Jirtira jew

ta' Pensjonijiet ghal Invalidità, kif ikun il-każ, taht dan l-Att, persuna li, matul l-ahhar ghaxar snin li jintemmu fl-ahhar jum tas-sena kalendarja” ghandu jidhol dan li ġej:

“Ghall-finijiet li tinghata:

(i) Pensjoni ta' Superstiti u Pensjoni ghal Min Jirtira skond dan l-Att, kif ikun il-każ, persuna li, tkun imwiilda fil-31 ta' Dicembru 1961 jew qabel u li matul l-ahhar ghaxar snin li jintemmu fl-ahhar jum tas-sena kalendarja”;

(ii) minflok il-kliem “kienet ghaddiethom bhala persuna li tahdem ghaliha nnifisha, titqies bhala persuna li tahdem ghaliha nnifisha:” ghandhom jidhlu l-kliem “kienet ghaddiethom bhala persuna li tahdem ghaliha nnifisha, titqies bhala persuna li tahdem ghaliha nnifisha:” u minnufih wara dan ghandu jizdied dan il-paragrafu ġdid li ġej:

“(ii) Pensjoni ghal Invalidità taht dan l-Att, persuna li matul l-ahhar ghaxar snin li jintemmu fl-ahhar jum tas-sena kalendarja li tiġi minnufih qabel ma tirtira jew li tkun saret persuna invalida skond dan l-Att, kif ikun il-każ, kienet persuna assigurata, ghandha titqies jew bhala persuna impjegata, jew bhala persuna li timpjega lilha nnifisha jew bhala persuna li tahdem ghaliha nnifisha skond in-numru ta' snin, jew parti minnhom, li tkun ghamlet f'impjeg assigurabbli jew bhala persuna li timpjega lilha nnifisha, jew bhala persuna li tahdem ghaliha nnifisha, u meta n-numru kbir tas-snin, jew parti minnhom, ikunu nhadmu f'impieg assigurabbli, titqies bhala persuna impjegata; u meta n-numru l-kbir tas-snin, jew parti minnhom, kienet ghaddiethom bhala persuna li timpjega lilha nnifisha, titqies bhala persuna li timpjega lilha nnifisha; u fejn l-akbar numru ta' snin, jew parti minnhom, kienet ghaddiethom bhala persuna li tahdem ghaliha nnifisha, titqies bhala persuna li tahdem ghaliha nnifisha:”.

3. L-artikolu 16 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) is-subartikolu (2) tiegħu ghandu jiġi emendat kif ġej:

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

(i) fil-paragrafu (b) tieghu, minflok il-kliem “u ma jkunx għadu lahaq l-età tal-pensjoni; u” għandhom jidhlu l-kliem “u ma jkunx għadu lahaq l-età tal-pensjoni;” ;

(ii) fil-proviso li hemm mal-paragrafu (ċ) tieghu, minflok il-kliem “perijodi konsekuttivi li jibdw mis-6 ta’ Jannar, 1991 lura.” għandhom jidhlu l-kliem “perijodi konsekuttivi li jibdw mis-6 ta’ Jannar 1991 lura;” ; u

(iii) minnufih wara l-proviso li hemm mal-paragrafu (ċ) tieghu, għandu jżied dan il-paragrafu ġdid li ġej:

“(d) missier jew omm, imweldin fl-1 ta’ Jannar 1962 jew wara, li:

(i) jkollhom il-kura u l-kustodja legali ta’ iben jew bint li jkunu għadhom m’għalqux l-età ta’ sitt snin, jew l-età ta’ għaxar snin fil-każ ta’ iben jew bint li jkunu ġew ċertifikati minn konsulent pedjatra bħala li jbatu minn xi disabilità gravi; u

(ii) jġibu prova għas-sodisfazzjon tad-Direttur li t-tnejn li huma jew il-ġenitur singlu, kif ikun il-każ, kienu impjegati jew jahdmu għalihom innifishom minnufih qabel il-perijodu li matulu jintalbu l-kredit; u

(iii) jġibu prova għas-sodisfazzjoni tad-Direttur li hu jew hi kienu prekluz mill-iqbqghu jagħmlu xi xogħol bi qligħ għall-perijodu li matulu hu jew hi jkunu qegħdin jiehdu hsieb dak l-iben jew dik il-bint:

Iżda s-somma totali ta’ dawk il-kontribuzzjonijiet akkreditati li jistgħu jingħataw liż-żewġ ġenituri flimkien m’għandhiex tkun iżjed minn 104 kontribuzzjoni f’xi perijodu ta’ sentejn u għar-rigward ta’ kull iben jew bint; b’dan illi fil-każ ta’ iben jew bint li jkunu qegħdin ibatu minn xi disabilità kif hawn qabel imsemmi, l-ammont totali ta’ dawk il-kontribuzzjonijiet akkreditati m’għandux ikun iżjed minn 208 kontribuzzjoni f’xi perijodu ta’ erba’ snin u għar-rigward ta’ kull iben bħal dak jew bint bħal dik:

Iżda wkoll dawk il-kreditu m'għandhomx jingħataw kemm-il darba, qabel l-età tal-pensjoni, dak il-missier jew dik l-omm, kif ikun il-każ, ikomplu jagħmlu xi xogħol bi qligħ għal perijodu minimu li jkun ekwivalenti għal dak il-perijodu li għalih ikun ingħata dak in-numru ta' kreditu; b'dan illi, fil-każ li tigri l-mewt ta' xi tali ġenitur, dawk il-kreditu għandhom jibqgħu jingħataw minkejja li ma jkunx ġie sodisfatt il-perijodu minimu meħtieġ skond dan il-proviso sabiex ikunu jistgħu jingħataw dawk il-kreditu.”;

(b) fis-subartikolu (4) tiegħu, minflok il-paragrafu (b) għandu jidhol dan li ġej :

“(b) kontribuzzjoni ta' l-Ewwel Klassi jew tat-Tieni Klassi jekk tingħata skond il-paragrafu (d) tas-subartikolu (2) ta' dan l-artikolu, kif ikun il-każ;

(c) kontribuzzjoni ta' l-Ewwel Klassi f'kull każ iehor:

Iżda kreditu mogħti skond il-paragrafu (d) tas-subartikolu (2) ta' dan l-artikolu ikun biss validu għall-finijiet li tingħata pensjoni skond it-Taqsima IV u t-Taqsima V ta' dan l-Att.” .

4. 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 (iv) tas-subartikolu (2) tiegħu, għandu jidhol dan li ġej :

“(iv) jekk il-Pensjoni tas-Servizz tagħha flimkien mar-rata tal-Pensjoni għal Invalidità jew tal-Pensjoni Miżjuda għal Invalidità applikabbli fil-każ tagħha tkun inqas mir-rata tal-Pensjoni Minima Nazzjonali skond l-artikolu 50 ta' dan l-Att jew tal-Pensjoni Minima Nazzjonali Garantita skond l-artikolu 50A ta' dan l-Att applikabbli fil-każ tagħha, għalhekk minkejja d-disposizzjonijiet tal-paragrafi ta' qabel ta' dan is-subartikolu, dik il-persuna jkollha d-dritt għall-Pensjoni Minima Nazzjonali jew il-Pensjoni Minima Nazzjonali Garantita, kif ikun il-każ, imnaqqs bil-Pensjoni tas-Servizz tagħha.” ;

(b) fis-subartikolu (6) tiegħu, minflok il-kliem “Persuna li ma tkunx intitolata għal Pensjoni tas-Servizz” għandhom jidhlu l-kliem “Persuna mwielda fil-31 ta’ Diċembru 1961 jew qabel li ma tkunx intitolata għal Pensjoni tas-Servizz” ;

(ċ) minnufih wara s-subartikolu (6) tiegħu, għandu jżied dan is-subartikolu (7) ġdid li ġej:

“(7) Persuna mwielda fl-1 ta’ Jannar 1962 jew wara, li ssir invalida skond dan l-Att fl-1 ta’ Jannar 2007 jew wara, u li ma tkunx intitolata għal Pensjoni tas-Servizz tkun intitolata għal Pensjoni Minima Nazzjonali Garantita skond l-artikolu 50A ta’ dan l-Att.” ;

(d) is-subartikoli (7) u (8) tiegħu għandhom jiġu enumerati mill-ġdid bhala s-subartikoli (8) u (9).

Emenda ta’
l-artikolu 45
ta’ l-Att prinċipali.

5. Minflok l-artikolu 45 ta’ l-Att prinċipali għandu jidhol dan li ġej :

“(1) Persuna taht l-età ta’ hamsa u sittin sena mwielda fil-31 ta’ Diċembru 1951 jew qabel għandha tkun skwalifikata milli tirċievi pensjoni taht din it-Taqsima matul kull perijodu li fih tkun qeghda taħdem bi qligh jekk hija tonqos li ġġib prova għas-sodisfazzjon tad-Direttur li l-qligh tagħha minn dak ix-xogħol bi qligh ma jkunx iżjed minn medja fil-ġimgha li tkun daqs il-Paga Minima Nazzjonali kif din tapplika għal persuni ta’ l-età ta’ tmintax-il sena jew iżjed stabbilita b’Ordni ta’ *Standard* Nazzjonali mahruġ taht l-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, u l-Korporazzjoni tax-Xogħol u Tahriġ tkun ġiet avżata kif imiss li tkun qeghda hekk taħdem bi qligh.

(2) Persuna taht l-età ta’ hamsa u sittin sena mwielda fl-1 ta’ Jannar 1952 jew wara għandha tkun skwalifikata milli tirċievi pensjoni taht din it-Taqsima matul kull perijodu li fih tkun qeghda taħdem bi qligh.

(3) Għall-finijiet tas-subartikoli (1) u (2) ta’ dan l-artikolu, minkejja s-sena tat-twelid ta’ persuna m’għandu jitqies ebda qligh li jinkiseb minn shubija f’xi bord, kumitat, kummissjoni, jew kunsill stabbiliti b’xi liġi jew taħtha jew ebda kategorija ta’ qligh skond ma l-Ministru jista’ jiddikjara b’ordni pubblikat fil-Gazzetta.” .

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

6. Fl-artikolu 50 ta’ l-Att prinċipali minflok il-kliem “persuna li ma jkollhiex dritt għal Pensjoni tas-Servizz” għandhom jidhlu l-kliem

“persuna mwiela fil-31 ta’ Diċembru 1961 jew qabel li ma jkollhiex dritt għal Pensjoni tas-Servizz” .

7. Minnufih wara l-artikolu 50 ta’ l-Att prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:

Żjieda ta’
l-artikolu 50A
ma’ l-Att prinċipali.

“Pensjoni
Minima
Nazżjonali
Garantita.

50A. Bla ħsara għad-disposizzjonijiet ta’ dan l-Att, persuna mwiela fl-1 ta’ Jannar 1962 jew wara li ma jkollhiex dritt għal Pensjoni tas-Servizz tkun intitolata għal Pensjoni Minima Nazżjonali Garantita li għandha tithallas b’dik ir-rata li ma tkunx anqas minn sittin fil-mija tal-Qliġ Medju Nazżjonali skond ma l-Ministru jista’ , bi ftehim mal-Ministru responsabbli għall-finanzi, b’ordni taht dan l-artikolu jistabbilixxi minn żmien għal żmien u f’kull każ, dik il-Pensjoni Minima Nazżjonali Garantita m’għandhiex tkun inqas minn dik stabbilita għas-sena ta’ qabel.” .

8. Fl-artikolu 51 ta’ l-Att prinċipali minflok il-kliem “inqas mir-rata tal-Pensjoni Minima Nazżjonali applikabbli fil-każ tagħha, dik il-persuna għandu jkollha dritt għall-Pensjoni Minima Nazżjonali kif imnaqqa bil-Pensjoni tas-Servizz tagħha.” għandhom jidhlu l-kliem “inqas mir-rata tal-Pensjoni Minima Nazżjonali skond l-artikolu 50 ta’ dan l-Att jew il-Pensjoni Minima Nazżjonali Garantita skond l-artikolu 50A ta’ dan l-Att skond ma japplika fil-każ tagħha, dik il-persuna għandu jkollha dritt għall-Pensjoni Minima Nazżjonali jew għall-Pensjoni Minima Nazżjonali Garantita skond ma japplika, kif imnaqqa bil-Pensjoni tas-Servizz tagħha.” .

Emenda ta’
l-artikolu 51
ta’ l-Att prinċipali.

9. L-artikolu 53 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

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

(a) fis-subartikolu (1) tiegħu, minflok il-paragrafu (i) għandu jidhol dan li ġej :

“(i) ta’ tletin sena fil-każ ta’ persuna mwiela fil-31 ta’ Diċembru 1951 jew qabel; jew

(ii) ta’ hamsa u tletin sena fil-każ ta’ persuna mwiela fis-snin kalendarji 1952 sa 1961; jew

(iii) ta’ erbgħin sena fil-każ ta’ persuna mwiela fl-1 ta’ Jannar 1962 jew wara; jew” ;

(b) fis-subartikolu (1) tiegħu, il-paragrafi (ii) u (iii) għandhom jiġu enumerati mill-ġdid bhala l-paragrafi (iv) u (v);

(ċ) fil-paragrafu (a) ta' l-ewwel proviso li hemm mas-subartikolu (1) tieghu, minflok il-kliem "il-perijodu ta' snin li ghandu jitqies skond dan l-artikolu" ghandhom jidhlu l-kliem "fil-każ ta' persuna mwiela fil-31 ta' Diċembru 1961 jew qabel il-perijodu ta' snin li ghandu jitqies skond dan l-artikolu";

(d) fis-subartikolu (3) tieghu, minflok il-kliem "Ghall-finijiet ta' dan l-artikolu, u b'seħħ mit-22 ta' Jannar, 1979," ghandhom jidhlu l-kliem "Ghall-finijiet ta' dan l-artikolu, fil-każ ta' persuna mwiela fil-31 ta' Diċembru 1961 jew qabel u b'seħħ mit-22 ta' Jannar 1979,";

(e) minnufih wara s-subartikolu (3) tieghu, ghandu jizdied dan is-subartikolu (4) ġdid li ġej:

"(4) Ghall-finijiet ta' dan l-artikolu, fil-każ ta' persuna mwiela fl-1 ta' Jannar 1962 jew wara, bil-ghan li tiġi kalkolata medja fis-sena ta' kontribuzzjonijiet skond is-subartikolu (1) ta' dan l-artikolu, il-medja fis-sena ta' kontribuzzjonijiet meħtieġa taht dan l-Att ghall-finijiet li tinghata Pensjoni ta' Żewġ Terzi ghandha tiġi stmata fuq perijodu, ikun li jkun, ta' erbgħin sena bejn l-ewwel ġurnata tas-sena ta' kontribuzzjoni li fiha hija tagħlaq l-età ta' tmintax-il sena u l-aħhar ġurnata ta' l-aħhar sena ta' kontribuzzjoni tagħha mitmuma qabel il-bidu tas-sena ta' benefiċċju tagħha li tinkludi l-ġurnata meta jkunu meħtieġa li jiġu sodisfatti l-kundizzjonijiet."

Emenda ta'
l-artikolu 54
ta' l-Att prinċipali.

10. Fl-artikolu 54 ta' l-Att prinċipali, minflok il-paragrafu (a) ghandu jidhol dan li ġej :

"(a) inqas mir-rata shiha tal-Pensjoni Minima Nazzjonali; inkluża l-*allowance* addizzjonali, li tithallas skond jekk dik il-persuna tkunx miżżewġa jew le, skond ma hemm speċifikat fit-Tnax-il Skeda li tinsab ma' dan l-Att; jew il-Pensjoni Minima Nazzjonali Garantita li tithallas skond l-artikolu 50A ta' dan l-Att, kif ikun il-każ; jew"

Emenda ta'
l-artikolu 59
ta' l-Att prinċipali.

11. L-artikolu 59 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tieghu, ghandu jidhol dan li ġej:

“(1) Ghar-rigward ta’ persuni mwiela fil-31 ta’ Dicembru 1961 jew qabel, kull pensjoni li tinhareg taht din it-Taqsima ghandha terga’ tigi stmata mill-gdid ta’ kull sena b’senh mill-ewwel Sibta ta’ Jannar tas-sena meta terga’ tigi stmata mill-gdid kif provdut fis-subartikoli (2) sa (6) ta’ dan l-artikolu.”;

(b) minnufih wara s-subartikolu (6) ghandu jizdied dan is-subartikolu gdid li gegj:

“(7) Ghar-rigward ta’ persuni mwiela fl-1 ta’ Jannar 1962 jew wara, pensjonijiet taht din it-Taqsima ghandhom jizdiedu ta’ kull sena b’dak l-ammont li jkun jikkorrispondi ghal sebhghin fil-mija miż-zjieda percentwali fil-paga medja nazzjonali kif pubblikata mill-Ufficcju Nazzjonali ta’ l-Istatistika mwaqqaf bis-sahha ta’ l-artikolu 9 ta’ l-Att dwar l-Awtorità ta’ l-Istatistika ta’ Malta ghas-sena kalendarja ta’ qabel miżjuda bi tletin fil-mija tar-rata ta’ l-inflazzjoni kif pubblikata mill-imsemmi Ufficcju Nazzjonali ta’ l-Istatistika ghas-sena kalendarja ta’ qabel; u d-disposizzjonijiet ta’ l-artikolu 90A ta’ dan l-Att m’ghandhomx ikunu japplikaw ghal dawk il-pensjonijiet.”.

Kap. 422.

12. Minnufih wara l-artikolu 65 ta’ l-Att principali ghandhom jizdiedu dawn l-artikoli 65A sa 65D godda li gegjin:

Zjieda ta’ l-artikoli 65A sa 65D godda ma’ l-Att principali.

“Min jirtira qabel l-età tal-pensjoni.

65A. Minkejja d-disposizzjonijiet ta’ din it-Taqsima, persuna li tkun lahqet l-età ta’ wiehed u sittin sena imma li ma tkunx lahqet l-età tal-pensjoni, tista’ wara li taghlaq l-età ta’ wiehed u sittin sena titlob li tinghata pensjoni li tithallas taht din it-Taqsima qabel ma tilhaq l-età tal-pensjoni jekk dik il-persuna ma tkunx ghadha qeghda taghmel xoghol bi qligh u jkollha sa minn meta tkun ghalqet it-tmintax-il sena total ta’:

(i) 2080 kontribuzzjonijiet mhallsa jew akkreditati fil-każ ta’ persuna mwiela fl-1 ta’ Jannar 1962 jew wara; jew

(ii) 1820 kontribuzzjonijiet mhallsa jew akkreditati fil-każ ta’ persuna mwiela fis-snin kalendarji 1952 sa 1961.

Revizjoni ta’ kull hames snin.

65B. (1) Il-Ministru ghandu f’intervalli li ma jaqbzux il-perijodu ta’ hames snin iqieghed fuq il-Mejda tal-Kamra

rapport fuq kif tkun giet imhaddma t-Taqsima V ta' dan l-Att matul il-ħames snin ta' qabel flimkien ma' kull rakkomandazzjoni li tista' ssir, jekk ikun il-każ, bil-għan li jintlahqu l-miri ta' aktar adegwatezza, sostenibilità u solidarjetà soċjali:

Iżda l-ewwel rapport m'għandux jiġi pprezentat aktar tard mill-31 ta' Diċembru 2010.

(2) Ir-rapport imsemmi fis-subartikolu (1) ta' dan l-artikolu għandu jiġi diskuss mill-Kumitat għall-Affarijiet Soċjali tal-Kamra jew minn kull kumitat iehor li jidhol minflok.

It-Tieni
Pensjoni li
tkun
wahda
mandatorja.

65C. (1) Il-Ministru jista', bi ftehim mal-Ministru responsabbli għall-finanzi u minn żmien għal żmien, jagħmel u meta jkun għamel, ivarja regolamenti taht dan l-artikolu li jkunu jehtieġu lil persuni li ma jkunux laħqu l-età tal-pensjoni u lill-impjegati tagħhom kif ikun il-każ, jagħmlu kontribuzzjonijiet għal fondi tat-Tieni Pensjoni li jkunu jipprovdu għall-ħlas ta' qligħ regolari jew benefiċċji ohra lil dawk il-persuni u, jew lid-dipendenti tagħhom wara jew meta jilħqu l-età tal-pensjoni u jista' partikolarment b'dawk ir-regolamenti jipprovdi dwar ir-rata ta' kontribuzzjonijiet li tithallas kif ukoll il-metodu u ż-żmien meta jkunu jistgħu jsiru dawk il-ħlasijiet.

(2) Kull somma jew benefiċċju iehor li jithallas minn fondi tat-Tieni Pensjoni li dawk ir-regolamenti jistgħu jkunu jirreferu għalihom m'għandhiex titqies bhala xi Pensjoni tas-Servizz għall-finijiet ta' dan l-Att.

Kap. 450.

(3) Fondi tat-Tieni Pensjoni jkunu fondi regolati mill-Att li jirregola Fondi Speċjali.

(4) Ebda regolament, jew emenda jew sostituzzjoni jew revoka ta' dak ir-regolament, li jsiru taht dan l-artikolu m'għandhom jibdew isehhu kemm-il darba ma tkunx inġatit l-approvazzjoni minn qabel tal-Kamra permezz ta' risoluzzjoni.

It-Tielet
Pensjoni li
tkun
wahda
volontarja.

65D. (1) Il-Ministru jista', bi ftehim mal-Ministru responsabbli għall-finanzi, jipprovdi dwar eżenzjonijiet mit-taxxa fuq l-*income* għar-rigward ta' kontribuzzjonijiet li jsiru minn persuna fil-fondi tat-Tielet Pensjoni li jipprovdu għall-

hlas ta' dhul regolari jew benefiċċji ohra lil dawk il-persuni u, jew lid-dipendenti tagħhom wara jew meta jilhqu l-età tal-pensjoni.

(2) Kull somma jew benefiċċju iehor li jithallsu mill-fondi tat-Tielet Pensjoni msemija f'dan l-artikolu m'għandhomx jitqiesu bhala xi Pensjoni tas-Servizz għall-finijiet ta' dan l-Att.

(3) Fondi tat-Tielet Pensjoni jkunu fondi regolati mill-Att li jirregola Fondi Speċjali jew Att dwar il-Kummerċ ta' l-Assigurazzjoni, skond ma jkun japplika.” .

Kap. 403.

Kap. 450.

13. Fl-artikolu 116 ta' l-Att prinċipali, fil-paragrafu (ii) tas-subartikolu (5) tiegħu minflok il-kliem “miż-żmien li r-rata xierqa ta' kontribuzzjoni kienet dovuta, liema tiġi qabel.” għandhom jidhlu l-kliem “miż-żmien li r-rata xierqa ta' kontribuzzjoni kienet dovuta, liema tiġi qabel:” u minnufih wara għandu jżied dan il-proviso ġdid li ġej:

Emenda ta' l-artikolu 116 ta' l-Att prinċipali.

“Izda fil-każ ta' persuna mwielda fl-1 ta' Jannar 1962 jew wara, kontribuzzjoni li tithallas skond dan l-artikolu għandha tithallas bir-rata li biha l-kontribuzzjoni suppost li tithallas meta attwalment tithallas.” .

14. It-Tleltax-il Skeda li tinsab ma' l-Att prinċipali għandha tiġi emendata kif ġej:

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

(a) fil-paragrafu (1) tiegħu, minflok il-kliem “Fil-każ ta' persuna li għandha titqies bhala persuna mpjegata,” għandhom jidhlu l-kliem “Fil-każ ta' persuna mwielda fil-31 ta' Diċembru 1961 jew qabel li għandha titqies bhala persuna impjegata,” ;

(b) fil-paragrafu (2) tiegħu, minflok il-kliem “Fil-każ ta' persuna li għandha titqies bhala persuna li timpjega lilha nnifisha,” għandhom jidhlu l-kliem “Fil-każ ta' persuna mwielda fil-31 ta' Diċembru 1961 jew qabel li għandha titqies bhala persuna li timpjega lilha nnifisha,”;

(c) fil-paragrafu (3) tiegħu, minflok il-kliem “Fil-każ ta' persuna li għandha titqies bhala persuna li tahdem għaliha nnifisha,” għandhom jidhlu l-kliem “Fil-każ ta' persuna mwielda fil-31 ta' Diċembru 1961 jew qabel li għandha titqies bhala persuna li tahdem għaliha nnifisha,”;

(d) paragrafu (4) tieghu ghandu jithassar u minnufih wara l-paragrafu (3) ghandhom jizdiedu dawn il-paragrafi (4) u (5) godda li ġejjin:

“(4) Fil-każ ta’ persuna mwiolda fl-1 ta’ Jannar 1962 jew wara l-medja fis-sena tal-paga bażika jew tas-salarju bażiku, jew dhul nett jew il-qligh nett, kif ikun il-każ, matul l-aħjar għaxar snin kalendarji fl-aħhar erbghin sena kalendarji li jiġu minnufih qabel ma tirtira jew issir persuna invalida skond dan l-Att, kif ikun il-każ, li dwarhom tkun thallset jew titqies li tkun thallset il-kontribuzzjoni dovuta skond dan l-Att jew jekk hija kienet impjegata jew timpjega lilha nnifisha jew kienet taħdem għaliha nnifisha għal inqas minn għaxar snin kalendarji matul l-aħhar erbghin sena kalendarja, matul dak in-numru ta’ xhur kalendarji bhal ma jistgħu jkunu l-aħjar fil-każ tagħha fl-aħhar erbghin sena kalendarja msemmija, skond ma jistgħu jizdiedu biż-żjidiet fil-paga applikabbli li jkunu mehtieġa bil-liġi li jinghataw lil kulhadd għar-rigward ta’ kull sena sussegwenti ta’ kull wahda mill-aħhar erbghin sena kalendarja msemmija:

Iżda għall-finijiet ta’ dan il-paragrafu, fil-każ ta’ persuna li taħdem għaliha nnifisha li qabel l-1 ta’ Jannar 1996, kienet taħdem bi qligh bhala persuna li timpjega lilha nnifisha, id-dhul nett fis-sena għal kull sena kalendarja qabel id-data hawn fuq imsemmija jitqies bhala l-qligh nett ta’ dik il-persuna.

(5) (a) Għall-finijiet ta’ dan l-Att, fil-każ ta’ persuna mwiolda fil-31 ta’ Diċembru 1961 jew qabel, li tirtira fl-1 ta’ Jannar 2007 jew wara, il-paga bażika jew is-salarju bażiku jew id-dhul nett jew il-qligh nett kif ikun il-każ, u d-dhul pensjonabbli li jirriżulta jew kull ammont li jiġi sostitwit għalih taht id-disposizzjonijiet ta’ dan l-Att m’għandhomx ikunu iżjed minn Lm 6958 li magħhom tiżdied dik is-somma li l-Gvern jista’ jagħti bhala żjieda għall-gholi tal-hajja, fir-rata tal-Paga Minima Nazzjonali li tithallas lil persuni li jkunu għalqu l-età ta’ tmintax-il sena jew li jkunu ta’ età akbar taht id-disposizzjonijiet ta’ l-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali ; hawn iżjed ’il quddiem f’ dan il-paragrafu msejjha bhala ż-“żjieda għall-gholi tal-hajja” mid-data effettiva ta’ żjieda bhal dik:

Kap. 452.

Iżda fil-każ ta’ persuna mwiolda fil-31 ta’ Diċembru 1951 jew qabel, id-dhul pensjonabbli li jirriżulta inkluza kull żjieda

ghall-gholi tal-hajja bhal dik m'għandhiex tkun iżjed mill-ammont ta' Lm 7500:

Iżda wkoll fil-każ ta' persuna mwiela fis-snin kalendarji 1952 sa 1961, id-dhul pensjonabbli li jirriżulta inkluża kull żjieda għall-gholi tal-hajja bhal dik m' għandux ikun iżjed mill-ammont ta' Lm 9000.

(b) Għall-finijiet ta' dan l-Att, fil-każ ta' persuna mwiela fl-1 ta' Jannar 1962 jew wara, li tirtira fl-1 ta' Jannar 2007 jew wara, il-paga bażika jew is-salarju bażiku jew id-dhul nett jew il-qligh nett kif ikun il-każ, u d-dhul pensjonabbli li jirriżulta jew kull ammont sostitwit għalihom taht d-disposizzjonijiet ta' dan l-Att m'għandhomx ikunu iżjed:

(i) minn Lm 6958 miżjuda b' dik is-somma li l-Gvern jagħti bhala żjieda għall-gholi tal-hajja, għarrigward tas-snin bejn l-2007 u l-2010 mid-dati effettivi ta' dawk iż-żjidiet;

(ii) mill-ammont imsemmi fil-paragrafu (i) miżjud fl-1 ta' Jannar ta' kull sena, bejn l-2011 u l-2013 b'terz tad-differenza bejn l-ammont imsemmi fil-paragrafu (i) u Lm 9000;

(iii) b' sehh mill-1 ta' Jannar 2014, minn Lm 9000 miżjuda ta' kull sena b' dak l-ammont li jikkorrispondi għal sebghin fil-mija miż-żjieda percentwali fil-paga medja nazzjonali għas-sena kalendarja ta' qabel kif pubblikata mill-Uffiċċju Nazzjonali ta' l-Istatistika stabbilit bis-sahha ta' l-artikolu 9 ta' l-Att dwar l-Awtorità ta' l-Istatistika ta' Malta, u iktar flimkien ma' tletin fil-mija tar-rata ta' l-inflazzjoni kif pubblikata minn dak l-Uffiċċju Nazzjonali ta' l-Istatistika għas-sena kalendarja ta' qabel.” .

Kap. 422.

TAQSIMA II

EMENDI KONSEGWENZJALI

15. Fis-subartikolu (14) ta' l-artikolu 36 ta' l-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, minflok it-tieni proviso li hemm miegħu għandu jidhol dan li ġej :

Emenda Att dwar l-Impiegi u r-Relazzjonijiet Industrijali.
Kap. 452.

“Izda ukoll:

(a) salvi d-disposizzjonijiet tal-paragrafu (b) ta’ dan il-proviso, il-prinċipal jista’ jtemm l-impjieg ta’ impjegat meta l-impjegat jilhaq l-età tal-pensjoni kif imfisser fl-Att dwar is-Sigurtà Soċjali;

(b) minkejja d-disposizzjonijiet tal-paragrafu (a) ta’ dan il-proviso, prinċipal ma jistax jitttermina l-impjieg ta’ impjegata mara mwielha fil-31 ta’ Diċembru 1951 jew qabel, qabel ma hija tilhaq l-età ta’ wiehed u sittin sena.” .

Għanijiet u Raġunijiet

L-għan ta’ dan l-Abbozz hu biex jemenda d-disposizzjonijiet ta’ l-Att dwar is-Sigurtà Soċjali, Kap. 318, f’dak li għandu x’jaqsam mal-pensjoni marbuta ma’ meta persuna tirtira u biex jagħmel emendi konsegwenzjali għal dak l-Att.

**A BILL
entitled**

AN ACT to further amend the Social Security Act.

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

1. (1) The short title of this Act is the Social Security (Amendment) (No. 2) Act, 2006 and this Act shall be read and construed as one with the Social Security Act, hereinafter referred to as “the principal Act”.

Short title
and
commencement.

Cap. 318.

(2) This Act shall come into force on such date as the Minister responsible for social policy may, by notice in the Gazette, appoint and different dates may be so appointed for different purposes and provisions of this Act.

**PART I
AMENDMENTS TO THE PRINCIPAL ACT**

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

Amendment
to article 2
of the principal
Act.

(a) sub-article (1) thereto shall be amended as follows:

(i) for the definition “pension age” there shall be substituted the following:

“ “pension age” means sixty five years of age:

Provided that:

(i) (a) saving the provisions of paragraph (ii) hereof, in the case of a person born on or before the 31st December 1951, pension age shall be sixty one years;

(b) in the case of a person born during the calendar years 1952 to 1955, pension age shall be sixty two years;

(c) in the case of a person born during the calendar years 1956 to 1958, pension age shall be sixty three years;

(d) in the case of a person born during the calendar years 1959 to 1961, pension age shall be sixty four years;

(ii) in the case of a woman born on or before the 31st December 1951, pension age shall be sixty years;”;

(ii) immediately after the definition “retirement” there shall be inserted the following new definition:

“ “Second Pension” means the mandatory occupational pension scheme referred to in article 65C of this Act;”;

(iii) in the definition “Service Pension” immediately after the proviso thereto, there shall be inserted the following new proviso:

“Provided further that any sum payable as a Service Pension shall not be considered as a Second Pension or a Third Pension for the purposes of this Act;”;

(iv) immediately after the definition “single parent” there shall be inserted the following new definition:

“ “Third Pension” means the voluntary individual pension plan referred to in article 65D of this Act;”;

(b) sub-article (3) thereto shall be amended as follows:

(i) for the words “For the purposes of awarding a Survivor’s Pension, a pension in respect of retirement or invalidity as the case may be, under this Act, a person who, during the last ten years ending on the last day of the calendar year” there shall be substituted the following:

“For the purposes of awarding:

(i) a Survivor’s Pension and a pension in respect of retirement in terms of this Act, as the case may be, a person who, is born on or before the 31st December 1961 and who during the last ten years ending on the last day of the calendar year”;

(ii) for the words “were spent as a self occupied person, he shall be treated as a self occupied person:” there shall be substituted the words “were spent as a self occupied person, he shall be treated as a self occupied person;” and immediately thereafter there shall be inserted the following new paragraph:

“(ii) an invalidity pension under this Act, a person who during the last ten years ending on the last day of the calendar year immediately preceding his retirement or his becoming invalid in terms of this Act, as the case may be, was an insured person, shall be treated as an employed person, or as a self employed person or as a self occupied person according to the number of years, or part thereof, he spent in insurable employment or as a self employed person, or as a self occupied person and where the greater number of years, or part thereof, were spent in insurable employment, he shall be treated as an employed person; and where the greater number of years, or part thereof, were spent as a self employed person, he shall be treated as a self employed person; and where the greater number of years, or part thereof, were spent as a self occupied person, he shall be treated as a self occupied person:”.

3. Article 16 of the principal Act shall be amended as follows:

Amendment
to article 16
of the principal
Act.

(a) sub-article (2) thereto shall be amended as follows:

(i) in paragraph (b) thereto, for the words “and has not yet reached pension age; and” there shall be substituted the words “and has not yet reached pension age;”;

(ii) in the proviso to paragraph (c) thereto, for the words “consecutive periods starting from the 6th January, 1991 backwards.” there shall be substituted the words “consecutive periods starting from the 6th January 1991 backwards;”;

(iii) immediately after the proviso to paragraph (c) thereto, there shall be inserted the following new paragraph:

“(d) the father or the mother, born on or after the 1st January 1962, who:

(i) has the legal care and custody of a child who has not attained the age of six years, or the age of ten years in the case of a child who has been certified by a consultant pediatrician to be suffering from a serious disability; and

(ii) proves to the satisfaction of the Director that both parents or the single parent, as the case may be, were employed or self occupied immediately prior to the period for which credits are claimed; and

(iii) proves to the satisfaction of the Director that he or she was precluded from remaining in a gainful occupation for the period during which he or she is caring for such child:

Provided that the sum total of such credited contributions that may be awarded to both parents together shall not exceed 104 contributions in any period of two years and in respect of each and every child; so however that in the case of a child suffering from a disability as aforesaid, the sum total of such credited contributions shall not exceed 208 contributions in any period of four years and in respect of each and every such child:

Provided further that such credits shall not be awarded unless, prior to pension age, such father or mother, as the case may be, resumes gainful occupation for a minimum period equivalent to that period for which such number of credits would have been awarded; so however that, in the event of the death of any such parent, such credits shall still be awarded notwithstanding that the minimum period required in terms of this proviso for the award of such credits has not been satisfied.”;

(b) in sub-article (4) thereto, for paragraph (b) there shall be substituted the following:

“(b) a Class One or a Class Two contribution if awarded in terms of paragraph (d) of sub-article (2) of this article, as the case may be;

(c) a Class One contribution in any other case:

Provided that a credit awarded in terms of paragraph (d) of sub-article (2) of this article shall only be valid for the purposes of awarding a pension in terms of Part IV and Part V of this Act.”.

4. Article 26 of the principal Act shall be amended as follows: Amendment to article 26 of the principal Act.
- (a) for paragraph (iv) of sub-article (2) thereto, there shall be substituted the following:

“(iv) if his Service Pension together with the rate of Invalidity Pension or Increased Invalidity Pension applicable in his case is less than the rate of the National Minimum Pension in terms of article 50 of this Act or the Guaranteed National Minimum Pension in terms of article 50A of this Act as is applicable in his case, then notwithstanding the provisions of the foregoing paragraphs of this sub-article, such person shall be entitled to the National Minimum Pension or the Guaranteed National Minimum Pension, as the case may be, abated by his Service Pension.”;

(b) in sub-article (6) thereto, for the words “A person who is not entitled to a Service Pension” there shall be substituted the words “A person born on or before the 31st December 1961 who is not entitled to a Service Pension”;

(c) immediately after sub-article (6) thereto, there shall be inserted the following new sub-article (7):

“(7) A person born on or after the 1st January 1962 who becomes invalid in terms of this Act, on or after the 1st January 2007 and who is not entitled to a Service Pension shall be entitled to a Guaranteed National Minimum Pension in terms of article 50A of this Act.”;

(d) sub-articles (7) and (8) thereto shall be renumbered as sub-articles (8) and (9).

5. For article 45 of the principal Act there shall be substituted the following: Amendment to article 45 of the principal Act.

“(1) A person under the age of sixty-five years born on or before the 31st December 1951 shall be disqualified from receiving a pension under this Part during any period in which he is gainfully occupied if he fails to prove to the satisfaction of the Director that his earnings from such gainful occupation do not exceed a weekly average equivalent to the National Minimum Wage as is applicable to persons of 18 years of age or over established by a National Standard Order issued under the Employment and Industrial Relations Act, and the Employment and Training Corporation had been duly informed of such gainful occupation.

(2) A person under the age of sixty-five years born on or after the 1st January 1952 shall be disqualified from receiving a pension under this Part during any period in which he is gainfully occupied.

(3) For the purposes of sub-articles (1) and (2) of this article, notwithstanding the year of birth no account shall be taken of the earnings derived from membership of any board, committee, commission, or council established by or under any law or such classes of earnings as the Minister may declare by order published in the Gazette.”.

Amendment to article 50 of the principal Act.

6. In article 50 of the principal Act for the words “a person who is not entitled to a Service Pension” there shall be substituted the words “a person born on or before the 31st December 1961 who is not entitled to a Service Pension”.

Addition of new article 50A to the principal Act.

7. Immediately after article 50 of the principal Act there shall be inserted the following new article:

“Guaranteed National Minimum Pension.

50A. Subject to the provisions of this Act, a person born on or after the 1st January 1962 who is not entitled to a Service Pension shall be entitled to a Guaranteed National Minimum Pension which shall be payable at such rate being not less than sixty percent of the National Median Income as the Minister may, with the concurrence of the Minister responsible for finance, by order under this article from time to time establish and in any case, such Guaranteed National Minimum Pension shall not be less than that established for the preceding year.”.

Amendment to article 51 of the principal Act.

8. In article 51 of the principal Act for the words “less than the rate of National Minimum Pension applicable in his case, such a person shall be entitled to the National Minimum Pension abated by his Service Pension.” there shall be substituted the words “less than the rate of the National Minimum Pension in terms of article 50 of this Act or the

Guaranteed National Minimum Pension in terms of article 50A of this Act as is applicable in his case, such person shall be entitled to the National Minimum Pension or the Guaranteed National Minimum Pension as applicable, abated by his Service Pension.”.

9. Article 53 of the principal Act shall be amended as follows: Amendment to article 53 of the principal Act.

(a) in sub-article (1) thereto, for paragraph (i) there shall be substituted the following:

“(i) of thirty years in the case of a person born on or before the 31st December 1951; or

(ii) of thirty five years in the case of a person born during calendar years 1952 to 1961; or

(iii) of forty years in the case of a person born on or after the 1st January 1962; or”;

(b) in sub-article (1) thereto, paragraphs (ii) and (iii) shall be renumbered as paragraphs (iv) and (v);

(c) in paragraph (a) of the first proviso to sub-article (1) thereto, for the words “the period of years to be taken into account in accordance with this article” there shall be substituted the words “in the case of a person born on or before the 31st December 1961 the period of years to be taken into account in accordance with this article”;

(d) in sub-article (3) thereto, for the words “For the purposes of this article, and with effect from the 22nd January 1979,” there shall be substituted the words “For the purposes of this article, in the case of a person born on or before the 31st December 1961 and with effect from the 22nd January 1979,”;

(e) immediately after sub-article (3) thereto, there shall be inserted the following new sub-article (4):

“(4) For the purposes of this article, in the case of a person born on or after the 1st January 1962, in arriving at the yearly average of contributions in terms of sub-article (1) of this article, the yearly average of contributions required under this Act for the purposes of awarding a Two Thirds Pension shall be assessed on any period of forty years between the first day of his contribution year in which he reaches the age of eighteen and the last day of his last complete

contribution year before the beginning of his benefit year which includes the day on which the conditions are required to be satisfied.”.

Amendment to article 54 of the principal Act.

10. In article 54 of the principal Act, for paragraph (a) there shall be substituted the following:

“(a) less than the full rate of the National Minimum Pension, inclusive of the additional allowance, payable according to such person’s marital status, as is specified in the Twelfth Schedule to this Act; or the Guaranteed National Minimum Pension payable in terms of article 50A of this Act, as the case may be; or”.

Amendment to article 59 of the principal Act.

11. Article 59 of the principal Act shall be amended as follows:

(a) for sub-article (1) thereto, there shall be substituted the following:

“(1) In respect of persons born on or before the 31st December 1961, any pension issued under this Part shall be reassessed annually with effect from the first Saturday in January of the year of the reassessment as provided for in sub-articles (2) to (6) of this article.”;

(b) immediately after sub-article (6) there shall be inserted the following new sub-article:

“(7) In respect of persons born on or after the 1st January 1962, pensions under this Part shall be increased annually by such sum as corresponds to seventy percent of the percentage increase in the national average wage as published by the National Statistics Office established by virtue of article 9 of the Malta Statistics Authority Act, for the previous calendar year plus thirty percent of the inflation rate as published by the said National Statistics Office for the previous calendar year; and the provisions of article 90A of this Act shall not apply to such pensions.”.

Addition of new articles 65A to 65D in the principal Act.

12. Immediately after article 65 of the principal Act there shall be inserted the following new articles 65A to 65D:

“Retirement before pension age.

65A. Notwithstanding the provisions of this Part, a person who has attained the age of sixty one years but has not yet attained pension age, may after attaining sixty one years of age claim a pension payable under this Part before attaining pension age if such person is no longer gainfully occupied and has since reaching his eighteenth birthday had a total of:

(i) 2080 paid or credited contributions in the case of a person born on or after the 1st January 1962; or

(ii) 1820 paid or credited contributions in the case of a person born during calendar years 1952 to 1961.

Five
yearly
review.

65B. (1) The Minister shall within intervals not exceeding the period of five years lay on the Table of the House a report reviewing the workings of Part V of this Act within the previous five years together with recommendations, if any, with a view of achieving further adequacy, sustainability and social solidarity:

Provided that the first report shall not be submitted later than the 31st December 2010.

(2) The report mentioned in sub-article (1) of this article shall be discussed by the Social Affairs Committee of the House or any other committee substituting the same.

Mandatory
Second
Pension.

65C. (1) It shall be lawful for the Minister, in concurrence with the Minister responsible for finance, from time to time, to make and when made vary any regulations under this article requiring persons who have not reached pension age and their employers as the case may be, to make contributions into Second Pension funds which provide for the payment of a regular income or other benefits to such persons and, or their dependants after or upon reaching pension age and may in particular by such regulations provide for the rate of contributions payable as well as the method and times when such payments are to be made.

(2) Any sum or other benefit payable by Second Pension funds to which such regulations may refer shall not be considered as Service Pensions for the purposes of this Act.

Cap. 450.

(3) Second Pension funds shall be funds governed by the Special Funds (Regulation) Act.

(4) No regulation, or any amendment thereto or any substitution or revocation thereof, made under this article shall have effect unless it has received the prior approval of the House signified by resolution.

Voluntary
Third
Pension.

65D. (1) The Minister may, with the concurrence of the Minister responsible for finance, provide for exemptions from income tax in respect of contributions made by any person to Third Pension funds which provide for the payment of a regular income or other benefits to such persons and, or their dependants after or upon reaching pension age.

(2) Any sum or other benefit payable by Third Pension funds referred to in this article shall not be considered as Service Pensions for the purposes of this Act.

Cap. 450.
Cap. 403. (3) Third Pension funds shall be funds governed by the Special Funds (Regulation) Act, or the Insurance Business Act, as applicable.”.

Amendment
to article 116
of the principal
Act.

13. In article 116 of the principal Act, in paragraph (ii) of sub-article (5) thereto for the words “from the time when the proper rate of contribution was due, whichever is the earlier.” there shall be substituted the words “from the time when the proper rate of contribution was due, whichever is the earlier:” and immediately after there shall be inserted the following new proviso:

“Provided that in the case of a person born on or after the 1st January 1962, any contribution payable in terms of this article shall be payable at the rate at which the contribution will be payable at the time of payment.”.

Amendment to
the Thirteenth
Schedule of
the principal
Act.

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

(a) in paragraph (1) thereto, for the words “In the case of a person who is to be treated as an employed person,” there shall be substituted the words “In the case of a person born on or before the 31st December 1961 who is to be treated as an employed person,”;

(b) in paragraph (2) thereto, for the words “In the case of a person who is to be treated as a self employed person,” there shall be substituted the words “In the case of a person born on or before the 31st December 1961 who is to be treated as a self employed person,”;

(c) in paragraph (3) thereto, for the words “In the case of a person who is to be treated as a self occupied person,” there shall be substituted the words “In the case of a person born on or before

the 31st December 1961 who is to be treated as a self occupied person,”;

(d) paragraph (4) thereto shall be deleted and immediately after paragraph (3) there shall be inserted the following new paragraphs (4) and (5):

“(4) In the case of a person born on or after the 1st January 1962 the yearly average of the basic wage or salary, or the net income or the net earnings, as the case may be, during the best ten calendar years within the last forty calendar years immediately preceding his retirement or invalidity in terms of this Act, as the case may be, on which the required contribution has been paid or deemed to have been paid in terms of this Act or if he has been in employment or self employment or has been self occupied for less than ten calendar years within the last forty calendar years, during any such number of calendar months as may be the best in his case within the said last forty calendar years, as may be increased by the applicable wage increases required by law to be awarded generally in respect of each subsequent year of each of the said last forty calendar years:

Provided that for the purposes of this paragraph, in the case of a self occupied person who prior to the 1st January 1996, was a gainfully occupied self employed person, his annual net income for each calendar year prior to the aforementioned date shall be deemed to be as if it were his net earnings.

(5) (a) For the purposes of this Act, in the case of a person born on or before the 31st December 1961 whose retirement occurs on or after the 1st January 2007, the basic wage or salary or the net income or the net earnings as the case may be, and the resultant pensionable income or any amount substituted therefor under the provisions of this Act shall not exceed Lm 6958 increased by such sum that the Government may award as a cost of living increase, in the rate of the national minimum wage as is payable to persons of eighteen years of age or over under the provisions of the Employment and Industrial Relations Act; hereinafter in this paragraph referred to as the “cost of living increase” as from the effective date of such increase:

Cap. 452.

Provided that in the case of a person born on or before the 31st December 1951, the resultant pensionable income

including any such cost of living increase shall not exceed the sum of Lm 7500:

Provided further that in the case of a person born during calendar years 1952 to 1961, the resultant pensionable income including any such cost of living increase shall not exceed the sum of Lm 9000.

(b) For the purposes of this Act, in the case of a person born on or after the 1st January 1962 whose retirement occurs on or after the 1st January 2007, the basic wage or salary or the net income or the net earnings as the case may be, and the resultant pensionable income or any amount substituted therefor under the provisions of this Act shall not exceed:

(i) Lm 6958 increased by such sum that the Government awards as a cost of living increase, in respect of the years 2007 to 2010 as from the effective dates of such increases;

(ii) the sum referred to in (i) increased as on the 1st January of each year, between 2011 and 2013 by one third of the difference between the sum referred to in (i) and Lm 9000;

(iii) with effect from the 1st January 2014, Lm 9000 increased annually by such sum as corresponds to seventy percent of the percentage increase in the national average wage for the previous calendar year as published by the National Statistics Office established by virtue of article 9 of the Malta Statistics Authority Act, plus thirty percent of the inflation rate as published by the said National Statistics Office for the previous calendar year.”.

Cap. 422.

PART II CONSEQUENTIAL AMENDMENTS

Amendment
to the
Employment
and Industrial
Relations Act.

15. In sub-article (14) of article 36 of the Employment and Industrial Relations Act, for the second proviso thereto there shall be substituted the following:

“Provided further that:

Cap. 452. (a) saving the provisions of paragraph (b) hereof, the employer can terminate the employment of an employee when the employee reaches pension age as defined in the Social Security Act;

(b) notwithstanding the provisions of paragraph (a) hereof, an employer may not terminate the employment of a female employee born on or before the 31st December 1951 before she reaches the age of sixty one years.”.

Objects and Reasons

The object of this Bill is to amend the provisions of the Social Security Act, Cap. 318, relating to the pension in respect of retirement and to make consequential amendments.