

ABBOZZ TA' LIĠI msejjah

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

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

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

Titolu fil-qosor u bidu is-sehh.

Kap. 318.

(2) Dan l-Att għandu jitqies li daħal fis-sehh kif ġejj:

(a) id-disposizzjonijiet ta' l-artikoli 2 u 7 b'seħh mill-1 ta' Jannar, 2006; u

(b) id-disposizzjonijiet li jifdal mid-data li l-Ministru jista' jistabbilixxi b'avviż fil-Gazzetta.

2. Fis-subartikolu (1) ta' l-artikolu 2 ta' l-Att prinċipali, minflok id-definizzjoni "Direttur" għandha tidhol din li ġejja:

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

“ “Direttur” fid-disposizzjonijiet jew fir-rigward tad-disposizzjonijiet ta' dan l-Att, minbarra f'dawk ta' l-artikoli 3 sa 11, it-tnejn inklużi, l-artikoli 13, 14 u 15, is-subartikolu (1) ta' l-artikolu 93, l-artikoli 112 u 113, is-subartikolu (2) ta' l-artikolu

117, l-artikolu 123 u s-subartikoli (1) u (2) ta' l-artikolu 124, u salv kif provdut mod iehor, tfisser id-Direttur (Sigurtà Soċjali) u tinkludi kull uffiċjal pubbliku tad-Dipartiment minnu msemmi jew kull uffiċjal pubbliku msemmi mill-Ministru ghal skop partikolari jew ghal klassi ta' skopijiet partikolari; u fid-disposizzjonijiet jew fir-rigward tad-disposizzjonijiet ta' l-artikoli 3 sa 11, it-tnejn inklużi, l-artikoli 13, 14 u 15, is-subartikolu (2) ta' l-artikolu 117, l-artikolu 123 u s-subartikoli (1) u (2) ta' l-artikolu 124 u, salv kif provdut mod iehor, Direttur tfisser il-Kummissarju tat-Taxxi Interni u tinkludi lil kull uffiċjal pubbliku fid-Dipartiment tiegħu minnu msemmi; u fid-disposizzjonijiet jew fir-rigward tad-disposizzjonijiet tas-subartikolu (1) ta' l-artikolu 93, u salv kif provdut mod iehor, Direttur tfisser id-Direttur responsabbli għad-Dipartiment ta' l-Anzjani u Servizzi fil-Komunità, u tinkludi lil kull uffiċjal pubbliku fid-dipartiment tiegħu minnu msemmi; u fid-disposizzjonijiet jew fir-rigward tad-disposizzjonijiet ta' l-artikoli 112 u 113 u, salv kif provdut mod iehor, Direttur tfisser id-Direttur responsabbli mid-Direttorat għall-Frodi u Investigazzjoni dwar Benefiċċji u tinkludi kull uffiċjal pubbliku fid-Direttorat tiegħu minnu msemmi:

Iżda fid-disposizzjonijiet jew fir-rigward tad-disposizzjonijiet tas-subartikolu (2) ta' l-artikolu 114 u ta' l-artikoli 116, 119, 120, 121, 122 u 125, il-kelma Direttur tfisser id-Direttur (Sigurtà Soċjali) jew il-Kummissarju tat-Taxxi Interni, jew kull wiehed minnhom skond kif jitlob il-każ; u fid-disposizzjonijiet jew fir-rigward tad-disposizzjonijiet ta' l-artikolu 133, il-kelma Direttur tfisser id-Direttur (Sigurtà Soċjali) jew il-Kummissarju tat-Taxxi Interni, jew id-Direttur responsabbli mid-Direttorat għall-Frodi u Investigazzjoni dwar Benefiċċji jew id-Direttur responsabbli għad-Dipartiment ta' l-Anzjani u Servizzi fil-Komunità, jew għal kull wiehed minnhom, skond kif jitlob il-każ;”.

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

3. Fis-subartikolu (1) ta' l-artikolu 18 ta' l-Att prinċipali, minflok it-tieni proviso tiegħu għandu jidhhol dan li ġej:

“Iżda wkoll meta persuna assicurata ssir intitolata għal benefiċċju kif imsemmi qabel f'dan is-subartikolu, jekk il-perijodu ta' l-inkapaċità tagħha għax-xogħol jaqbeż f'sena ta' benefiċċju ġdida li tkun relatata, skond il-Hdax-il Skeda li tinsab ma' dan l-Att, għal sentejn konsekuttivi ta' kontribuzzjonijiet li matulhom ikunu thallsu jew ġew akkreditati dwarha anqas minn għoxrin kontribuzzjoni, dik il-persuna għandha, b'danakollu, iżda salv kif provdut fis-subartikoli (5) u (6), tibqa' intitolata għal Benefiċċju għal Mard kif issemma qabel f'dan is-subartikolu sa l-ahhar jum ta' dak il-perijodu għal inkapaċità għax-xogħol.”.

4. L-artikolu 26 ta' l-Att prinċipali għandu jkun emendat kif ġej: Emenda ta' l-artikolu 26 ta' l-Att prinċipali.
- (a) minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:

(1) “Bla hsara għad-disposizzjonijiet ta’ dan l-Att, persuna għandha tkun intitolata għal Pensjoni għal Invalidità jew għal Pensjoni Miżjuda għal Invalidità jew għal Pensjoni Minima Nazzjonali b’wahda mir-rati speċifikati fit-Tnax-il Skeda li tinsab ma’ dan l-Att jekk:

(a) dik il-persuna tkun inkapaċi, skond dan l-Att, għal impjieg *full-time* jew impjieg *part-time* regolari jew li taħdem għaliha nnifisha minhabba marda serja jew hsara fiżika jew mentali (minbarra marda mentali hafifa jew xi disturb) għal mhux inqas minn sitt xhur li jiġu minnufih qabel it-talba tagħha jew meta dik il-persuna m’hix intitolata għal benefiċċju li jithallas skond l-artikolu 18 ta’ dan l-Att, għal dak il-perjodu iqsar li jiġi minnufih qabel dik it-talba skond ma d-Direttur jista’ jistabbilixxi; u

(b) l-inkapaċità tagħha kif imsemmi hawn qabel titqies mid-Direttur, li jaġixxi fuq il-parir ta’ persuna wahda jew aktar li jkollhom *warrant* li jeżerċitaw il-professjoni medika u li jkunu mahturin mill-Ministru għall-fini li jagħtu parir fuq każijiet bħal dawk skond l-artikolu 106 ta’ dan l-Att, li tkun ta’ natura permanenti, jew, jekk il-permanenza tagħha ma tistax tiġi stabbilita definittivament, titqies mid-Direttur wara konsultazzjoni kif provdut fl-artikolu 106 ta’ dan l-Att, li tipprojbixxi lil dik il-persuna milli jkollha impjieg *full-time* jew impjieg *part-time* regolari jew li taħdem għaliha nnifisha għal mhux inqas minn sena mid-data tat-talba għal dik il-pensjoni u dik il-persuna tkun intitolata biss li tirċievi pensjoni taht dan l-artikolu għal dak l-għadd ta’ snin skond ma d-Direttur jista’ jistabbilixxi; u

(ċ) qabel ma sehhet l-inkapaċità tagħha kif imsemmi hawn qabel, hija kienet impjegata *full-time* jew impjegata *part-time* b’mod regolari jew taħdem għaliha nnifisha għal perijodu ta’ mhux inqas minn tnax-il xahar, jew kienet sussegwentement reġistata fl-Ewwel Parti tar-Reġistru miżmum skond id-disposizzjonijiet ta’ l-Att Kap. 343. dwar is-Servizzi ta’ Impieg u Tahriġ, dik il-persuna

kienet hekk registrata ghal perijodu ta' mhux inqas minn tmax-il xahar; u

(d) fil-ġurnata li tiġi minnufih qabel it-talba tagħha ghal pensjoni fir-rigward ta' invalidità, dik il-persuna tkun tissodisfa l-kondizzjonijiet ta' kontribuzzjoni rilevanti kif imsemmija fl-artikolu 17 ta' dan l-Att.”; u

(b) minnufih wara s-subartikolu (8) tiegħu, għandu jizdied dan is-subartikolu ġdid li ġej:

“(9) Salv kif provdut fl-artikolu 110 ta' dan l-Att, pensjoni li tithallas taht dan l-artikolu għandha tiġi riveduta mill-aspett mediku kull tliet snin jew qabel skond ma d-Direttur jista' jistabbilixxi.”.

Emenda ta' l-artikolu 84 ta' l-Att prinċipali.

5. Fis-subartikolu (1) ta' l-artikolu 84 ta' l-Att prinċipali, minflok il-kliem “jew dik il-persuna:” fil-paragrafu (g) għandhom jidhlu l-kliem “jew dik il-persuna,” u minnufih wara għandu jizdied dan il-paragrafu ġdid li ġej:

“(h) sabiex jippreskrivi linji gwida kif jiġu stabbiliti l-aspetti mediċi għall-eliġibilità jew xort' ohra ta' applikant li jagħmel talba fir-rigward ta' beneficiċċju, *allowance* jew pensjoni taht dan l-Att:”.

Emenda ta' l-artikolu 106 ta' l-Att prinċipali.

6. L-ewwel proviso ta' l-artikolu 106 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) tiegħu, il-kliem “Pensjoni għal Invalidità” għandhom jithassru;

(b) fil-paragrafu (ċ) tiegħu, minflok il-kliem “mill-Ministru għal dan il-ghan; u” għandhom jidhlu l-kliem “mill-Ministru għal dan il-ghan;”;

(ċ) fil-paragrafu (d) tiegħu, minflok il-kliem “tkun temporanjament toqgħod matul il-perijodu ta' dik l-inkapaċità tagħha li taħdem:” għandhom jidhlu l-kliem “tkun temporanjament toqgħod matul il-perijodu ta' dik l-inkapaċità tagħha li taħdem; u”;

(d) minnufih wara l-paragrafu (d) tiegħu għandu jizdied dan il-paragrafu ġdid (e) li ġej:

“(e) jekk it-talba hija ghal pensjoni fir-rigward ta’ invalidità, id-Direttur ghandu, qabel ma jaghti d-deċiżjoni tiegħu u sakemm dik it-talba ma tkunx taqa’ taht kondizzjonijiet statutorji oħrajn, jikkonsulta dwar l-aspetti mediċi tat-talba lil xi persuna waħda jew aktar li jkollhom *warrant* biex jeżerċitaw il-professjoni medika u li jkunu mahturin mill-Ministru għall-fini li jagħtu parir dwar każijiet bħal dawk:”.

7. L-artikolu 132 ta’ l-Att prinċipali ghandu jkun emendat kif ġej:

Emenda ta’
l-artikolu 132 ta’
l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “jew fid-Direttur tad-Dipartiment għall-Anzjani u Servizzi fil-Komunità.” ghandhom jidhlu l-kliem, “jew fid-Direttur (Anzjani u Servizzi fil-Komunità), jew fid-Direttur (Frodi u Investigazzjoni dwar Benefiċċji).”; u

(b) fis-subartikolu (2) tiegħu, minnufih wara l-kliem “Direttur (Sigurtà Soċjali)” ghandhom jidhlu l-kliem “u d-Direttur responsabbli mid-Direttorat għall-Frodi u Investigazzjoni dwar Benefiċċji”.

Għanijiet u Raġunijiet

L-għan ta’ dan l-Abbozz hu li jemenda d-disposizzjonijiet ta’ l-Att dwar is-Sigurtà Soċjali, Kap. 318, dwar il-pensjoni ta’ l-invalidità u sabiex jistabilixxi u jagħti l-poteri neċessarji lid-Direttorat għall-Frodi u Investigazzjoni dwar Benefiċċji.

**A BILL
entitled**

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

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

Short title and commencement.

Cap. 318.

1. (1) The short title of this Act is the Social Security (Amendment) Act, 2006, and this Act shall be read and construed as one with the Social Security Act, hereinafter referred to as “the principal Act”.

(2) This Act shall be deemed to have come into force as follows:

(a) the provisions of articles 2 and 7 with effect from the 1st January 2006; and

(b) the remaining provisions from such a date as the Minister may appoint by notice in the Gazette.

Amendment of article 2 of the principal Act.

2. In sub-article (1) of article 2 of the principal Act, for the definition “Director” there shall be substituted the following:

“ “Director” in or in respect of the provisions of this Act, other than those of articles 3 to 11, both inclusive, articles 13, 14 and 15, sub-article (1) of article 93, articles 112 and 113, sub-

article (2) of article 117, article 123 and sub-articles (1) and (2) of article 124, and save as otherwise provided, means the Director (Social Security) and includes any public officer of the Department designated by him or any public officer designated by the Minister for a particular purpose or class of purposes; and in or in respect of the provisions of articles 3 to 11 both inclusive, articles 13, 14 and 15, sub-article (2) of article 117, article 123 and sub-articles (1) and (2) of article 124 and save as otherwise provided, Director means the Commissioner of Inland Revenue and includes any public officer in his Department designated by him; and in or in respect of the provisions of sub-article (1) of article 93, and save as otherwise provided, Director means the Director responsible for the Department of the Elderly and Community Services, and includes any public officer in his department designated by him; and in or in respect of the provisions of articles 112 and 113 and save as otherwise provided, Director means the Director responsible for the Benefit Fraud and Investigation Directorate and includes any public officer in his Directorate designated by him:

Provided that in or in respect of the provisions of sub-article (2) of article 114 and articles 116, 119, 120, 121, 122 and 125, the word Director means the Director (Social Security) or the Commissioner of Inland Revenue, or each of them as the case may require; and in or in respect of the provisions of article 133, the word Director means the Director (Social Security), or the Commissioner of Inland Revenue, or the Director responsible for the Benefit Fraud and Investigation Directorate or the Director responsible for the Department of the Elderly and Community Services, or each of them, as the case may require;”.

- 3.** In sub-article (1) of article 18 of the principal Act, for the second proviso thereof there shall be substituted the following: Amendment of article 18 of the principal Act.

“Provided further that where an insured person becomes entitled to benefit as aforesaid in this sub-article, if his spell of incapacity for work extends into a new benefit year which is related, in terms of the Eleventh Schedule to this Act, to two consecutive contribution years during which less than twenty contributions had been paid or credited in his respect, such person shall, nonetheless, but save as provided for in sub-articles (5) and (6), remain entitled to Sickness Benefit as aforesaid in this sub-article till the last day of such spell of incapacity for work.”.

- 4.** Article 26 of the principal Act shall be amended as follows: Amendment of article 26 of the principal Act.

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

“(1) Subject to the provisions of this Act, a person shall be entitled to an Invalidity Pension or Increased Invalidity Pension or National Minimum Pension at one of the rates specified in the Twelfth Schedule to this Act if:

(a) such person has been incapable, in accordance with this Act, for suitable full-time or regular part-time employment or self-occupation by reason of a serious disease or bodily or mental impairment (other than mild mental disorder or disturbance) for not less than six months immediately before his claim or where such person is not entitled to a benefit payable in terms of article 18 of this Act, for such shorter period immediately before such claim as the Director may determine; and

(b) his incapacity as aforesaid is considered by the Director, acting upon the advice of one or more persons holding the warrant to practise the medical profession appointed by the Minister for the purpose of advising on such cases in accordance with article 106 of this Act, to be of a permanent nature or, if its permanency cannot be conclusively established, is considered by the Director after consultation as provided for in article 106 of this Act, as prohibiting such person from suitable full-time or regular part-time employment or self-occupation for not less than one year from the date of claim for such pension and such person shall only be entitled to receive a pension under this article for such number of years as the Director may determine; and

(c) before his incapacity as aforesaid, he has been continuously in full-time or regular part-time employment or self-occupation for a period of not less than twelve months, or he was subsequently registered under Part One of the Register kept in accordance with the provisions of the Employment and Training Services Act, such person was so registered for a period of not less than twelve months; and

(d) on the day immediately preceding his claim for a pension in respect of invalidity, such person satisfies the relevant contribution conditions as specified in article 17 of this Act.”; and

(b) immediately after sub-article (8) thereof, there shall be inserted the following new sub-article:

“(9) Save as provided for in article 110 of this Act, a pension payable under this article shall be reviewed on the medical aspect every three years or earlier as the Director may determine.”.

5. In sub-article (1) of article 84 of the principal Act, for the words “or such person:” in paragraph (g) there shall be substituted the words “or such person;” and immediately thereafter there shall be added the following new paragraph:

Amendment of article 84 of the principal Act.

“(h) prescribing guidelines for the determination of the medical aspects for the eligibility or otherwise of an applicant for a claim in respect of a benefit, allowance or pension under this Act:”.

6. The first proviso of article 106 of the principal Act shall be amended as follows:

Amendment of article 106 of the principal Act.

(a) in paragraph (a) thereof, the words “a Pension for Invalidity,” shall be deleted;

(b) in paragraph (c) thereof, for the words “by the Minister for this purpose; and” there shall be substituted the words “by the Minister for this purpose;”;

(c) in paragraph (d) thereof, for the words “temporarily living during the period of such incapacity for work:” there shall be substituted the words “temporarily living during the period of such incapacity for work; and”;

(d) immediately after paragraph (d) thereof, there shall be inserted the following new paragraph (e):

“(e) if the claim is for a pension in respect of invalidity, the Director shall, before giving his decision and unless the claim falls under other statutory conditions, consult on the medical aspects of the claim, one or more persons holding the warrant to practise the medical profession appointed by the Minister for the purpose of advising on such cases:”.

7. Article 132 of the principal Act shall be amended as follows:

Amendment of article 132 of the principal Act.

(a) in sub-article (1) thereof, for the words, “or in the Director of the Department for the Elderly and Community Services.” there shall be substituted the words “or in the Director (Elderly and Community Services), or in the Director (Benefit Fraud and Investigation).”; and

(b) in sub-article (2) thereof, immediately after the words “Director (Social Security)” there shall be inserted the words “and the Director responsible for the Benefit Fraud and Investigation Directorate”.

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 invalidity and to establish and grant the necessary powers to the Benefit Fraud and Investigation Directorate.