ABBOZZ TA' LIĠI
msejjaħ

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 tal-istess, ħareġ b'liġi dan li ġej:-

1. It-titolu ta' dan l-Att huwa l-Att tal-2013 biex Jemenda l-Att dwar is-Sigurtà Soċjali, u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Att dwar is-Sigurtà Soċjali, hawn aktar 'il quddiem imsejjaħ "l-Att prinċipali". Titolu fil-qosor. Kap. 318.

2. Fl-artikolu 2 tal-Att prinċipali, it-tifsira "Pensjoni tas-Servizz" għandha tiġi emendata kif ġej: Emenda tal-artikolu 2 tal-Att prinċipali.

(a) il-paragrafu (ix) tagħha għandha tiġi enumerata mill-ġdid bħala l-paragrafu (x); u

(b) minnufih wara l-paragrafu (viii) tagħha, għandu jiżdied il-paragrafu ġdid li ġej:

"(ix) b'seħħ mil-5 ta' Jannar 2013, għall-finijiet tal-kalkolu tar-rata tal-pensjoni taħt dan l-Att, pensjoni tas-servizz nieqsa mitejn euro (€200) oħra; u".

3. L-artikolu 16 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 16 tal-Att prinċipali.

(a) il-paragrafu (ċ) tas-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(ċ) kull ċittadin ta' Malta li jsiefer bħala ħaddiem voluntier fuq proġetti fl-oqsma ta' assistenza u żvilupp soċjali u ta' tħaris tal-ambjent li jkunu hekk magħrufa bil-quddiem mill-Ministru, għal kull perjodu li jkun qed jagħmel dak ix-xogħol ta' voluntier u ma jkunx laħaq l-età tal-pensjoni; b'dan iżda li, għal dan l-għan, kull numru ta' kontribuzzjonijiet hekk akkreditati ma għandu f'ebda każ ikun iżjed minn total ta' 260 f'xi perjodu ta' 10 snin f'dak ix-xogħol ta' voluntier, iżda:

(i) meta dak ix-xogħol ta' voluntier imsemmi f'dan il-paragrafu jkun sar bejn il-5 ta' Jannar, 1981 u s-6 ta' Jannar, 1991, id-dispożizzjonijiet ta' qabel ta' dan il-paragrafu għandhom japplikaw ukoll jekk il-Ministru jkun sodisfatt li l-proġetti li fuqhom ikun sar dak ix-xogħol ta' voluntier kienu ristretti għall-oqsma msemmija qabel f'dan il-paragrafu; hekk iżda li kull kontribuzzjoni akkreditata li għandha tingħata skont id-dispożizzjonijiet ta' qabel ta' dan il-paragrafu għandha tkopri perjodi konsekuttivi li jibdew mis-6 ta' Jannar, 1991 lura;

(ii) meta dak ix-xogħol ta' voluntier iseħħ kemm barra minn Malta kif ukoll f'Malta mill-1 ta' Jannar, 2013 'il quddiem, minn żgħażugħ li jkun għadu ma laħaqx l-età ta' ħamsa u għoxrin sena, għandu jingħata sa' massimu ta' 260 ġimgħa ta' kontribuzzjonijiet akkreditati dejjem jekk ikun daħal lura fid-dinja tax-xogħol bħala persuna impjegata jew persuna li timpjega lilha nnifisha għal mhux inqas minn ħames snin.";

(b) il-paragrafu (d) tas-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(d) missier jew omm, li jkunu għalqu t-tmintax-il sena u li jkunu imweldin fl-1 ta' Jannar 1952 jew wara, li jkollhom il-kura u l-kustodja legali ta' iben jew bint li jkunu għadhom ma għalqux l-età ta' sitt snin, jew l-età ta' għaxar snin fil-każ ta' iben jew bint li jkunu ġew ċertifikati minn konsulent mediku li, għal dak il-perjodu li għalih qed jintalab il-kreditu, kienu jbatu minn xi diżabilità gravi:

Iżda s-somma totali ta' dawk il-kontribuzzjonijiet akkreditati li jistgħu jingħataw għar-rigward ta' kull iben jew bint, lill-ġenitur jew liż-żewġ ġenituri flimkien ma

għandhiex tkun iżjed minn 52 kontribuzzjoni f'xi perjodu ta' sena għal ġenitur li twieled bejn l-1 ta' Jannar 1952 u l-31 ta' Diċembru 1961, u mhux iżjed minn 104 kontribuzzjoni f'xi perjodu ta' sentejn għal ġenitur li twieled fl-1 ta' Jannar 1962 jew wara:

Iżda wkoll fil-kaz ta' xi ġenitur li, għas-sodisfazzjon tad-Direttur, jippreżenta ċertifikat minn konsulent mediku illi l-iben jew il-bint kienu jbatu minn xi disabilità gravi f'dak il-perjodu li għalih qed jintalab il-kreditu, is-somma totali ta' dawk il-kontribuzzjonijiet akkreditati li jistgħu jingħataw għar-rigward ta' kull tali iben jew bint ma għandhiex tkun iżjed minn 104 kontribuzzjoni f'xi perjodu ta' sentejn għal ġenitur li twieled bejn l-1 ta' Jannar 1952 u l-31 ta' Diċembru 1961, u mhux iżjed minn 208 kontribuzzjoni f'xi perjodu ta' erba' snin għal ġenitur li twieled fl-1 ta' Jannar 1962 jew wara:

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

(ċ) il-paragrafu (a) tas-subartikolu (3) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(a) għal kull ġimgħa kalendarja għal kull jum li fiha skont l-artikoli 18, 28 u 30 tkun intitolata għal Benefiċċju għal Mard, jew Benefiċċju għal Korriment, jew Benefiċċju għal Disimpieg, jew Benefiċċju Speċjali għal Disimpieg, jew għal kull ġimgħa kalendarja li matulha tkun intitolata għal Pensjoni għal Invalidità jew Pensjoni Miżjuda għal Invalidità, jew, qabel ma tilħaq l-età tal-pensjoni, Pensjoni Minima Nazzjonali taħt l-artikolu 26, jew għal kull ġimgħa kalendarja li matulha tkun intitolata għal Pensjoni għall-Wens taħt l-artikolu 68 u f'xi żmien qabel ma tkun saret intitolata għal Pensjoni għall-Wens kif intqal qabel f'dan il-paragrafu, kienet impjegata f'impieg assigurabbli jew kienet taħdem għaliha nnifisha u minnufih qabel ma saret hekk intitolata għal dik il-Pensjoni għall-Wens kienet -

(i) ħallset total ta' 156 kontribuzzjoni; u

(ii) ħallset jew kienet akkreditata b'medja ta' għall-anqas 20 kontribuzzjoni fis-sena, minn meta għalqet it-tmintax-il sena:

Hekk iżda li b'effett mill-5 ta' Jannar 2013, id-dispożizzjonijiet ta' dan is-subartikolu għandhom japplikaw ukoll f'każ ta' persuna li ma tkunx eliġibbli għal-Pensjoni tal-Wens minħabba li għalkemm tissodisfa d-dispożizzjonijiet tal-artikolu 106(a), ma tissodisfax il-kondizzjonijiet tat-Taqsima IV tat-Tieni Skeda, kif ukoll għal persuna li tkun intitolata għall-Għajnuna Soċjali taħt l-artikolu 30(8).".

Emenda tal-artikolu 40 tal-Att prinċipali.

4. L-artikolu 40 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "is-subartikolu (2)", għandhom jidħlu l-kliem "is-subartikolu (3)";

(b) is-subartikolu (2) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (3); u

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

"(2) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (1) b'seħħ mill-5 ta' Jannar 2013, armla li reġgħet iżżewġet qabel is-6 ta' Jannar 2007 li minħabba f'hekk kienet tilfet id-dritt għall-Pensjoni tar-Romol, terġa tirbaħ id-dritt għall-Pensjoni tar-Romol b'rata għal kull ġimgħa ekwivalenti għar-rata tal-Pensjoni tar-Romol speċifikata fit-Tnax-il Skeda jew, fil-każ fejn ir-rata hija stmata taħt l-artikolu 42A, dik ir-rata kif hi mqassma skont dak l-artikolu, kif kien ikun japplika fil-kaz tagħha, sad-data taż-żwieġ mill-ġdid skont l-artikoli 31 jew 33.".

Sostituzzjoni tal-artikolu 61A tal-Att prinċipali.

5. L-artikolu 61A tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"61A. Id-dħul pensjonabbli ta' persuna li tkun twieldet qabel l-1 ta' Jannar, 1962 li ssir intitolata għal pensjoni għal min jirtira jew għall-invalidità skont dan l-Att u li tkun aċċettat li tibbenefika minn skema ta' rtirar kmieni wara l-1 ta' Jannar, 2008 f'antiċipazzjoni tal-privatizzazzjoni jew bħala parti mill-proċess ta' ristrutturar ta' entità li, fiż-żmien meta dik il-persuna aċċettat l-irtirar kmieni, l-Gvern kien is-sid tagħha jew kellu

fiha l-maġġoranza tal-ishma, għandu jkun dak speċifikat fit-Tlettax-il Skeda, jew dak id-dħul pensjonabbli li kieku kien jirriżulta mod ieħor skont id-dispożizzjonijiet ta' dan l-Att, li kieku l-aħħar ġurnata ta' impjieg ta' dik il-persuna wara li tkun aċċettat l-arranġament tal-irtirar kmieni kienet id-data ta' meta irtirat jew id-data ta' invalidità, skont liema dħul pensjonabbli jkun l-ogħla.".

6. Is-subartikolu (4) tal-artikolu 93 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 93 tal-Att prinċipali.

"(4) Minkejja d-dispożizzjonijiet ta' dan l-artikolu, meta resident ta' Servizz Residenzjali Finanzjat mill-Istat li jkun *hostel*, li s-sid tiegħu ikun l-istat, għall-kura u l-benesseri ta' persuni li jkollhom diżabilità kif hemm fl-artikolu 131A, ikun persuna miżżewġa li l-konjuġi tagħha ma jkunx residenti tali, u ma jkunx qiegħed jirċievi xi benefiċċju, pensjoni, bonus, għajnuna jew *allowance* li għandha titħallas taħt dan l-Att bi dritt lill-konjuġi nnifsu, 60% mir-rata ta' benefiċċju, pensjoni, bonus, għajnuna jew *allowance* li kienet kieku xort'oħra titħallas lil dak ir-residenti għandha titħallas lill-konjuġi li ma jkunx residenti:

Iżda, b'seħħ mill-5 ta' Jannar 2013, 70% mir-rata ta' benefiċċju, pensjoni, bonus jew *allowance* li kienet kieku xort'oħra titħallas lil dak ir-residenti, jew ir-rata ta' Pensjoni tal-Età għall-persuna waħedha skont is-Sitt Skeda, għandha titħallas lill-konjuġi li ma jkunx residenti, liema tkun l-aktar vantaġġjuża.".

7. Fil-paragrafu 4 tat-Taqsima V tat-Tieni Skeda li tinsab mal-Att prinċipali, minflok il-kliem "tkun iżżewġet wara s-6 ta' Jannar, 2007." għandhom jidħlu l-kliem "tkun iżżewġet wara s-6 ta' Jannar, 2007:", u minnufih wara għandu jiżdied is-subparagrafu ġdid li ġej:

Emenda tat-Tieni Skeda li tinsab mal-Att prinċipali.

"Hekk iżda li, b'effett mill-5 ta' Jannar 2013, id-dispożizzjonijiet ta' dan il-paragrafu m'għandhomx japplikaw ukoll meta persuna b'diżabilità tkun iżżewġet qabel is-6 ta' Jannar 2007.".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta’ dan l-Abbozz ta’ Liġi huma sabiex jintroduċu emendi, fl-Att dwar is-Sigurtà Soċjali, dear kif tiġi kalkolata l-Pensjoni tas-Servizz, il-kreditu ta’ kontribuzzjonijiet li jingħata, fost oħrajn, għal xogħol voluntarju jew għall-kura u l-kustodja ta’ iben jew bint li jbatu minn xi diżabilità serja, id-dħul pensjonabbli ta’ persuni li jkunu aċċettaw li jibbenefikaw minn skema ta’ rtirar kmieni, u r-rata ta’ pensjoni li titħallas fil-każ ta’ resident ta’ Servizz Residenzjali finanzjat mill-Istat f’ċerti ċirkostanzi.

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:-

1. The short title of this Act is the Social Security (Amendment) Act, 2013, and this Act shall be read and construed as one with the Social Security Act hereinafter referred to as the "principal Act". Short title. Cap. 318.

2. In article 2 of the principal Act, the definition "Service Pension" shall be amended as follows: Amendment of article 2 of the principal Act.

(a) paragraph (ix) thereof shall be renumbered as paragraph (x); and

(b) immediately after paragraph (viii) thereof, there shall be added the following new paragraph:

"(ix) with effect from the 5th January 2013, for the purpose of calculating the rate of a pension under this Act, a service pension net of another two hundred euro (€200); and".

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

(a) paragraph (c) of sub-article (2) thereof shall be substituted by the following:

(c) any citizen of Malta who goes abroad as a volunteer worker on projects in the areas of human welfare and development and environmental protection which are recognized as such by the Minister in advance, for any period during which he is performing such volunteer work and has not yet reached pension age; sohowever that, for this purpose, any such number of credited contributions shall in no case exceed an aggregate of 260 in any period of 10 years in such volunteer work, provided that:

(i) where any such volunteer work as aforesaid in this paragraph was performed between the 5th January, 1981 and the 6th January, 1991 the foregoing provisions of this paragraph shall also apply if the Minister is satisfied that the projects on which such volunteer work was performed were restricted to the areas aforesaid in this paragraph; sohowever that any credited contributions that have to be awarded in accordance with the foregoing provisions of this paragraph shall cover consecutive periods starting from the 6th January, 1991 backwards;

(ii) where any such volunteer work is carried out in Malta or abroad, by young persons who have not yet reached 25 years of age, the maximum number of weeks in credited contributions shall be awarded for a maximum period of 260 weeks in so far as the young person returned in insurable employment or self-occupation for a period of not less than five years.";

(b) paragraph (d) of sub-article (2) thereof shall be substituted by the following:

"(d) the father or the mother, who have attained the age of eighteen years and born on or after the 1st January 1952, 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 medical consultant as suffering, during the period for which the credit is being requested, from a serious disability:

Provided that the sum total of such credited contributions which may be given with regard of each child to a parent or to both parents together shall not

exceed 52 contributions in any period of one year where the parent was born between 1st January 1952 and 31st December 1961, and shall not exceed 104 contributions in any period of two years where the parent was born on or after 1st January 1962:

Provided further that in the case of a parent who, to the satisfaction of the Director, presents a certificate from a medical consultant of a child suffering from a serious disability during such period for which credits are requested, the sum total of such credited contributions that may be awarded in respect of each and every such child shall not exceed 104 contributions in any period of two years where the parent was born between 1st January 1952 and 31st December 1961, and shall not exceed 208 contributions in any period of four years where the parent was born on or after 1st January 1962:

Provided also that such credits shall only be awarded insofar as, prior to the 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; sohowever that, in the event of the death of any such parent, such credits shall still be awarded notwithstanding that minimum period."; and

(c) paragraph (a) of sub-article (3) thereof shall be substituted by the following:

"(a) for any calendar week for each day of which in terms of articles 18, 28 and 30 he is entitled to Sickness Benefit, or Injury Benefit, or Unemployment Benefit, or Special Unemployment Benefit, or for any calendar week during which he is entitled to Invalidity Pension, Increased Invalidity Pension or, prior to reaching pension age, a National Minimum Pension under article 26, or for any calendar week during which he is entitled to a Carer's Pension under article 68 and at any time prior to his becoming entitled to a Carer's Pension as aforesaid in this paragraph was employed in insurable employment or was self-occupied and immediately prior to his becoming entitled to such Carer's Pension had -

(i) paid a total of 156 contributions; and

(ii) paid or been credited with an average of at least 20 contributions per annum; since attaining his 18th birthday:

Sohowever that, with effect from the 5th January 2013, the provisions of this sub-article shall also apply to persons who are not entitled to a Carers' Pension who fail to satisfy the conditions of Part IV of the Second Schedule of this Act but fulfil the criteria stipulated by the provisions of article 106(a), and to persons who are entitled to Social Assistance under article 30(8);".

Amendment of article 40 of the principal Act.

4. Article 40 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words "sub-article (2)", there shall be substituted the words "sub-article (3)";

(b) sub-article (2) thereof shall be renumbered as sub-article (3); and

(c) immediately after sub-article (1) thereof, there shall be added the following new sub-article:

"(2) Subject to the provisions of sub-article (1), with effect from the 5th January 2013, a widow who remarried before 6th January 2007 and lost her right to a widows' pension, will be entitled to a widows' pension at a weekly rate equivalent to the rate of Widows Pension specified in the Twelfth Schedule, or, in the case were the rate is assessed under article 42A, such rate as is apportioned under such article, as was applicable in her case until the date of her remarriage in terms of articles 31 or 33.".

Substitution of article 61A of the principal Act.

5. Article 61A of the principal Act shall be substituted by the following:

"61A. The pensionable income of a person born before the 1st January, 1962 who becomes entitled to a pension in respect of retirement or invalidity in accordance with this Act and who had accepted to partake of an early retirement scheme after 1st January 2008 in anticipation of the privatization or as a part of the process of restructuring of an entity in which the Government, at the time when such person accepted to take up early retirement, was the owner or the majority shareholder, shall be that specified in the Thirteenth Schedule, or the pensionable income which would have otherwise resulted in

accordance with the provisions of this Act, had that person's last day of employment following the acceptance of the early retirement arrangement been the date of retirement or invalidity, whichever pensionable income is the higher.".

6. Sub-article (4) of article 93 of the principal Act shall be substituted by the following:

Amendment of article 93 of the principal Act.

"(4) Notwithstanding the provisions of this article, where a resident of a State Financed Residential Service that is a state-owned hostel for the care and welfare of persons with disability referred to in article 131A is a married person whose spouse is not such a resident, and is not in receipt of a benefit, pension, bonus, assistance or allowance payable under this Act in the spouse's own right, 60% of the rate of benefit, pension, bonus, assistance or allowance which would have otherwise been payable to such resident shall be payable to the spouse who is not a resident:

Provided that, with effect from the 5th January 2013, 70% of the rate of benefit, pension, bonus, assistance or allowance which would have otherwise been payable to such resident. or the rate of Age Pension for a single person in accordance with the Sixth Schedule, shall be payable to the spouse who is not a resident, whichever is the most beneficial.".

7. In paragraph 4 of Part V of the Second Schedule to the principal Act, for the words "where the marriage was entered into after the 6th January 2007." there shall be substituted the words "where the marriage was entered into after the 6th January 2007:", and immediately thereafter there shall be added the following new sub-paragraph:

Amendment of the Second Schedule to the principal Act.

"Sohowever that, with effect from the 5th January, 2013, the provisions of this paragraph shall not apply where the marriage was entered into before the 6th January 2007.".

Objects and Reasons

The objects and reasons of this Bill are to introduce amendments, in the Social Security Act, relating to the calculation of a Service Pension, the crediting of contributions for, *inter alia*, volunteer work or for having the care and custody of a child who suffers from a serious disability, the pensionable income of persons who have partaken of an early retirement scheme, and the rate of pension payable in the case of a resident of a State Financed Residential Service in certain circumstances.