

## **Nru. 2**

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30. 10. 98

### MALTA

#### **KAMRA TAD-DEPUTATI**

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**ABBOZZ ta' Liġi mressaq mill-Onorevoli Lawrence Gonzi, M.P., Ministru għall-Politika Soċjali, u moqri għall-Ewwel darba fis-Seduta tat-28 ta' Ottubru, 1998.**

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

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**RICHARD J. CAUCHI**  
*Skrivan tal-Kamra tad-Deputati*

#### **HOUSE OF REPRESENTATIVES**

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**A BILL introduced by the Honourable Lawrence Gonzi, M.P., Minister for Social Policy, and read the First time at the Sitting of the 28th October, 1998.**

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

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**RICHARD J. CAUCHI**  
*Clerk of the House of Representatives*

## 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 ġej:-

1. (1) Dan l-Att għandu jissejjah l-Att ta' l-1998 li jemenda l-Att dwar is-Sigurtà Soċjali, u għandu jinqara u jiftiehem haġa wahda ma' l-Att dwar is-Sigurtà Soċjali, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu u bidu  
fis-sehh.

(2) Dan l-Att għandu jitqies li beda jsehh kif ġej:

(a) il-paragrafu (a) ta' l-artikolu 2, l-artikoli 4, 5, 15, 16 u 17 għandhom jidhlu fis-sehh f'dik id-data li l-Ministru responsabbli għall-Politika Soċjali jista' b'avviż fil-Gazzetta jistabbilixxi u dati differenti jistghu jigu hekk stabbilit għal dispożizzjonijiet differenti jew għal għanijiet differenti tas-subartikolu u artikoli msemmija;

(b) il-paragrafu (b), (ċ) u (d) ta' l-artikolu 2, l-artikoli 3, 7 sa 11 u 18 għandhom jitqiesu li bdew isehħu fit-3 ta' Jannar, 1998; u

(ċ) l-artikolu 6 għandu jitqies li beda jsehh fil-5 ta' Jannar, 1998.

## 2. L-artikolu 2 ta' l-Att prinċipali ghandu jigi emendat kif ġejja:-

(a) minflok it-tifsira ta' "Direttur" ghandha tidhol din it-tifsira li ġejja:-

“ “Direttur” f’dan l-Att jew dwar id-dispożizzjonijiet tiegħu, minbarra dawk ta’ l-artikoli 3 sa 11, iż-żewġ artikoli inklużi, l-artikoli 13, 14, 15 u 116, is-subartikolu (2) ta’ l-artikolu 117, l-artikolu 123 u s-subartikoli (1) u (2) ta’ l-artikolu 124, u sakemm ma jiġiex provdut xort’ ohra, tfisser id-Direttur (Sigurtà Soċjali) u tinkludi kull uffiċjal tad-Dipartiment appuntat minnu jew kull uffiċjali pubbliku appuntat mill-Ministru għal xi skop partikolari, jew kategorija ta’ skopijiet; u f’dan l-Att jew dwar id-dispożizzjonijiet tiegħu, u sakemm ma jiġix provdut xort’ ohra. Direttur tfisser il-Kummissarju tat-Taxxi Interni u tinkludi kull uffiċjal fid-dipartiment tiegħu appuntat minnu:

Izda fid-dispożizzjonijiet jew dwar id-dispożizzjonijiet tas-subartikolu (2) ta’ l-artikolu 114 u ta’ l-artikoli 119, 120, 121, 122, 125 u 133, il-kelma Direttur tfisser sew id-Direttur (Sigurtà Soċjali) sew il-Kummissarju tat-Taxxi Interni, jew kull wiehed minnhom, skond ma jkun jehtieg il-każ;”;

(b) it-tifsira ta’ “persuna għamja” ghandha tithassar u minflok ghandha tidhol din it-tifsira ġdida li ġejja:-

“ “persuna b’vista batuta” tfisser persuna li l-vista tagħha tkun ċertifikata minn oftalmologu li tant tkun baxxa li ma thallix li dik il-persuna tagħmel xi xogħol li għalih il-vista tkun essenzjali,”;

(ċ) fit-tifsira ta’ “persuna gravament handikappata”, fil-paragrafu (ċ) minnufih wara l-kliem “*Huntingtons Chorea*,” għandhom jiżdiedu l-kliem “*Cystic Fibrosis*,” u “*TC 11 Deficiency*,” u

(d) minnufih wara t-tifsira ta’ “Arbitru” ghandha tidhol din it-tifsira ġdida li ġejja:-

“ “armla” tfisser konjugi li jibqa’ jghix, sew armla sew armel, ta’ koppja miżżewġa li minnufih qabel ma jormol kellu jedd legali għall-manteniment mill-konjugi l-iehor u għar-rigward ta’ armla, kull fejn din tidher, raġel miżżewweġ tinkludi mara miżżewġa;”.

3. Fis-subartikolu (2) ta' l-artikolu 7 ta' l-Att prinċipali, minnufih wara l-kliem "mhallas mill-impjegat u mill-prinċipal tiegħu." għandhom jiżiedu dawn il-kliem li ġejjin, "B'dan illi, meta prinċipal jintrabat, mal-Korporazzjoni ta' Xogħol u Tahriġ taht l-Att dwar is-Servizzi ta' Impieg u Tahriġ, li jimpjega miegħu persuna li jkollha iktar minn erbghin sena u li tkun ilha tirreġistra għal iktar minn sena taht l-Ewwel Taqsima tar-Registru miżmum skond il-dispożizzjonijiet ta' l-Att dwar is-Servizzi ta' Impieg u Tahriġ, dak il-prinċipal ikollu jedd li jikseb lura minghand dik il-korporazzjoni somma ekwivalenti għal hamsa u għoxrin fil-mija mir-rata ta' kontribuzzjoni mhallsa mill-prinċipal, bhala s-sehem tiegħu għar-rigward ta' dak l-impjegat, skond ma hemm fit-Taqsima I ta' l-Għaxar Skeda li tinsab ma' dan l-Att."

Emenda ta' l-artikolu 7 ta' l-Att prinċipali.

Kap. 343.

4. Fl-artikolu 9 ta' l-Att prinċipali, minflok il-kliem "b'dak il-mod kif jista' jiġi deċiż mid-Direttur f'konsultazzjoni mal-Kummissarju tat-Taxxi Interni jew b'dak il-mod iehor li l-Ministru jista' jistabbilixxi minn żmien għal żmien bi ftehim mal-Ministru responsabbli għall-finanzi" għandhom jidhlu l-kliem "b'dak il-mod kif jista' minn żmien għal żmien jiġi deċiż mid-Direttur".

Emenda ta' l-artikolu 9 ta' l-Att prinċipali.

5. Fl-artikolu 11 ta' l-Att prinċipali, minflok il-kliem "b'dak il-mod kif jista' jiġi deċiż mid-Direttur b'konsultazzjoni mal-Kummissarju tat-Taxxi Interni jew b'dak il-mod iehor li l-Ministru jista' jistabbilixxi minn żmien għal żmien bi ftehim mal-Ministru responsabbli għall-finanzi", għandhom jidhlu l-kliem "b'dak il-mod kif jista' minn żmien għal żmien jiġi deċiż mid-Direttur".

Emenda ta' l-artikolu 11 ta' l-Att prinċipali.

6. Fl-artikolu 15 ta' l-Att prinċipali, minnflok wara s-subartikolu (3) għandu jiżied dan is-subartikolu (4) ġdid li ġejj:-

Emenda ta' l-artikolu 15 ta' l-Att prinċipali.

"(4) B'seħh mill-5 ta' Jannar, 1998, persuna li timpjega lilha nnifisha li tkun tagħmilha ta' assistent soċjali każwali mad-Dipartiment għall-Kura ta' l-Anzjani, ikollha jedd li tiġbor lura minghand id-Direttur għall-Kura ta' l-Anzjani daqs kemm tkun tiswa ż-żieda fir-rata tal-kontribuzzjoni tas-Sigurtà Soċjali li tithallas minn dik il-persuna b'riżultat taż-żieda għall-gholi tal-hajja mogħtija mill-Gvern bir-rata tal-Paga Minima Nazzjonali li tithallas lil persuni li jkollhom jew li jkunu għalqu t-tmintax il-sena taht id-dispożizzjonijiet ta' l-Att li Jirregola l-Kondizzjonijiet ta' l-Impieg."

Kap. 135.

7. Fis-subartikolu (2) ta' l-artikolu 27 ta' l-Att prinċipali:-

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

(a) minflok il-kliem "persuna għamja" għandhom jidhlu l-kliem "persuna b'vista batuta";

(b) minflok il-kliem “li hi ghamja” ghandhom jidhlu l-kliem “li ghandha vista batuta”; u

(ċ) minflok il-kliem “Pensjoni għall-Ghomja” ghandhom jidhlu l-kliem “Pensjoni għal Persuni b’Vista Batuta”.

Emenda ta’ l-artikolu 28 ta’ l-Att prinċipali.

8. Fis-subartikolu (1) ta’ l-artikolu 28 ta’ l-Att prinċipali, minflok il-kliem minn “Izda aktar - ” sal-kliem “ (b) meta persuna -” ghandhom jidhlu l-kliem “Izda aktar meta persuna:-”.

Emenda ta’ l-artikolu 33A ta’ l-Att prinċipali.

9. L-artikolu 33A ta’ l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “minn żewġ terzi tad-dhul pensjonabbli tar-raġel.” ghandhom jidhlu l-kliem “mill-Pensjoni ta’ Żewġ Terzi li kienet tithalla jew li kieku kienet tithallas lir-raġel mejjet skond it-Taqsima V ta’ dan l-Att.”; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “ta’ żewġ terzi tad-dhul pensjonabbli ta’ żewġha.” ghandhom jidhlu l-kliem “tal-Pensjoni ta’ Żewġ Terzi li kienet tithalla jew li kieku kienet tithallas lir-raġel mejjet skond it-Taqsima V ta’ dan l-Att.”.

Emenda ta’ l-artikolu 43 ta’ l-Att prinċipali.

10. Fl-artikolu 43 ta’ l-Att prinċipali, minflok il-kliem “Id-dispożizzjonijiet ta’ qabel ta’ din it-Taqsima,” sal-kliem “li jkunu parti mill-familja tiegħu.” ghandhom jidhlu l-kliem “id-dispożizzjonijiet ta’ qabel ta’ din it-Taqsima ghandhom, *mutatis mutandis*, japplikaw ukoll fil-każ ta’ armel.”.

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

11. Is-subartikolu (1) ta’ l-artikolu 53 ta’ l-Att prinċipali ghandu jiġi emendat kif ġej:-

(a) fil-paragrafu (ii) tiegħu, minflok il-kliem “għal dak in-numru ta’ snin inqas minn tletin sena,” ghandhom jidhlu l-kliem “għal dak l-għadd ta’ snin anqas, jew”; u

(b) minnufih wara l-paragrafu (ii) tiegħu, ghandu jiżdied dan il-paragrafu ġdid li ġej:-

“(iii) fl-ghoti ta’ Pensjoni ta’ Superstiti skond il-proviso li hemm mal-artikolu 34 ta’ dan l-Att, għal dak l-għadd ieħor ta’ snin anqas li jista’ jkun jikkorrispondi għall-għadd ta’ snin li jgħaddu minn meta l-konjugi mejjet kellu tmintax il-sena sad-data ta’ mewtu.”.

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

12. Fl-artikolu 77 ta’ l-Att prinċipali, minflok il-kliem “jew persuna ghamja skond id-dispożizzjonijiet ta’ dan l-Att.” ghandhom

jidhlu l-kliem “jew persuna b’vista batuta skond id-dispożizzjonijiet ta’ dan l-Att.” u, fil-proviso li hemm mieghu, minflok il-kliem “tifel ghami” ghandhom jidhlu l-kliem “tifel b’vista batuta” u, fit-tieni proviso li hemm mieghu, minflok il-kliem “fil-każ ta’ tifel ghami” ghandhom jidhlu l-kliem “fil-każ ta’ tifel b’vista batuta”.

13. L-artikolu 84 ta’ l-Att prinċipali ghandu jiġi emendat kif ġej:- Emenda ta’ l-artikolu 84 ta’ l-Att prinċipali.

(a) id-dispożizzjoni preżenti ghandha tiġi emendata mill-ġdid bhala s-subartikolu (1) ta’ l-artikolu; u

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid ghandu jiddied dan is-subartikolu ġdid li ġej:-

“(2) Għall-ghanijiet tas-subartikolu (1) ta’ dan l-artikolu, il-Ministru jista’ b’dawk ir-regolamenti jemenda jew jissostitwixxi kull skeda li tinsab ma’ dan l-Att jew indici relattiv.”.

14. Minnufih wara l-artikolu 84 ta’ l-Att prinċipali ghandu jiddied dan l-artikolu ġdid li ġej:- Żieda ta’ l-artikolu 84A ġdid ma’ l-Att prinċipali.

“Sussidji għal Day Care Centres.

**84A.** Il-Ministru jista’ minn żmien għal żmien b’regolamenti taht dan l-artikolu, jistabilixxi skemi, li bihom jistgħu jithallsu sussidji mid-Direttur, dwar tfal li jkunu qeghdin jattendu f’*Child Day Care Centres* immexxija mill-Gvern jew f’kull istituzzjoni ohra hekk kif tista’ tiġi speċifikata fir-regolamenti, u jista’ b’dawk ir-regolamenti jippreskrivi l-ammont ta’ sussidju, il-persuna li lilha ghandhu jithallas dak is-sussidju, u l-mod kif dik il-persuna ghandu jitqies il-jedd li jkollha. Dak is-sussidju ghandu f’kull każ jithallas direttament lill-istituzzjoni li tkun qed tmexxi dak iċ-ċentru u m’għandux jitqies meta jkun qed jiġi kalkolat id-dhul tal-kap tal-familja li tagħha jkun jagħmel sehem it-tifel għall-ghanijiet ta’ din il-ligi jew ta’ kull ligi ohra.”.

15. Fil-paragrafu (ii) tat-tieni proviso li hemm mas-subartikolu (2) ta’ l-artikolu 97 ta’ l-Att prinċipali, minflok il-kliem “riċevuta fl-hin jekk dak id-dewmien ma jkunx iżjed minn perijodu ta’ erba’ gimghat.” ghandhom jidhlu l-kliem “riċevuta fl-hin, jew Emenda ta’ l-artikolu 97 ta’ l-Att prinċipali.

(a) jekk dak id-dewmien ma jkunx iżjed minn perijodu ta’ mija u erba’ gimghat, jew

(b) fil-każ ta’ *Allowance* Għal Tifel B’Diżabilità jekk id-dewmien kien minhabba fiż-żmien mehud biex tiġi proċessata l-prova medika konkluziva ta’ dik id-diżabilità, jew

(ċ) fil-każ ta' *Allowance* tat-Tfal, jekk dik l-*allowance* kienet qed tithallas qabel l-ewwel Sibt ta' Lulju, 1996 u d-Direttur ikun sodisfatt li l-benefiċjarju ma kienx intalab jaghmel dikjarazzjoni skond id-dispożizzjonijiet tat-Taqsima VII tat-Tieni Skeda li tinsab ma' dan l-Att.”.

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

**16.** Minnufih wara s-subartikolu (3) ta' l-artikolu 102 ta' l-Att prinċipali, ghandu jiżdied dan is-subartikolu (4) ġdid li ġej:—

“(4) Meta persuna li tkun tirċievi xi benefiċċju, pensjoni, *allowance* jew ghajnuna li tithallas taht dan l-Att tkun irċeviet xi ammont bhala benefiċċju, pensjoni, *allowance* jew ghajnuna taht dan l-Att, u sussegwentement ikollha jedd ghal xi ammont f'daqqa bhala arretrati ta' xi benefiċċju, pensjoni, *allowance* jew ghajnuna li tithallas taht dan l-Att bhala riżultat ta' xi revizjoni, stima mill-ġdid jew jedd ghal xi benefiċċju, pensjoni jew *allowance* ġodda taht dan l-Att, ghaldaqshekk kull ammont li jkun ghadu dovut biex jithallas lura skond is-subartikolu (1) ta' an l-artikolu ghandu, daqskemm dak l-ammont jista' jiġi hekk imnaqqas, jiġi mnaqqas minn kull arretrati li hija tista' sussegwentement ikollha jedd ghalihom kif imsemmi qabel.”.

Emenda ta' l-  
artikolu 125 ta' l-  
Att prinċipali.

**17.** Fis-subartikolu (1) ta' l-artikolu 125 ta' l-Att prinċipali, il-kliem “jew lill-Kummissarju tat-Taxxi Interni f'isem id-Direttur,” ghandhom jithassru.

Sostituzzjoni ta' l-  
artikolu 132 ta' l-  
Att prinċipali.

**18.** Minflok l-artikolu 132 ta' l-Att prinċipali ghandu jidhol dan li ġej:

“132. (1) L-amministrazzjoni ta' dan l-Att qiegħed fid-Direttur (Sigurtà Soċjali) jew, skond il-htieġa tal-każ, fil-Kummissarju tat-Taxxi Interni.

(2) B'żieda ma' kull funzjoni oħra jew dmir iehor li jmissu lilu b'xi liġi oħra, jew bis-saħħa ta' xi liġi oħra, id-Direttur (Sigurtà Soċjali) ghandu, bla ħsara għad-direzzjoni u l-kontroll tal-Ministeru, jaghmel dawk il-funzjonijiet u dmirijiet li minn żmien għal żmien il-Gvern jista' jordnalu.”.

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

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

(a) fil-paragrafu (a) tiegħu, minflok il-kliem “tad-Dipartiment” ghandhom jidhlu l-kliem “tad-Dipartiment tiegħu”; u

(b) fit-tieni proviso li hemm mal-paragrafu (b) tiegħu, wara l-kliem “tad-Dipartiment” ghandha tiżdied il-kelma “involut”.

20. It-Tieni Skeda li tinsab ma' l-Att prinċipali ghandha tiġi emendata kif ġej:—

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

(a) minflok is-sub-paragrafu (b) tal-paragrafu 4 tat-Taqsima II tagħha, għandu jidhol dan li ġej:—

“(b) xi Ghajnuna Soċjali, Ghajnuna dwar il-Lebbra, Ghajnuna dwar it-Tuberkulozi, Ghotja għal Halib u Ghajnuna għal Mard li jithallsu taht dan l-Att u xi pensjoni jew pensjonijiet (sew jekk imhallsin taht dan l-Att sew jekk le) sa ammont massimu totali ekwivalenti għall-għadd kollu ta' l-oghla rata tal-Pensjoni Minima Nazzjonali, inkluża l-*Allowance* Addizzjonali li tithallas skond l-istat ċivili ta' min ikun qed jagħmel it-talba kif imsemmi fit-Tnax-il Skeda li tinsab ma' dan l-Att;”;

(b) fis-sub-paragrafu (d) tal-paragrafu 4 tat-Taqsima II, fis-sub-paragrafu (d) tal-paragrafu 4 tat-Taqsima III, u fis-sub-paragrafu (d) tal-paragrafu 2 tat-Taqsima VIII rispettivament tagħha, minflok il-kliem “76.8%” għandhom jidhlu l-kliem “78.3%” kull fejn dawn jinsabu;

(ċ) minflok is-sub-paragrafu (b) tal-paragrafu 4 tat-Taqsima III tagħha, għandu jidhol dan li ġej:—

“(b) xi Ghajnuna Soċjali, Ghajnuna dwar il-Lebbra, Ghajnuna dwar it-Tuberkulozi, Ghotja għal Halib u Ghajnuna għal Mard li jithallsu taht dan l-Att u xi pensjoni jew pensjonijiet (sew jekk imhallsin taht dan l-Att sew jekk le) sa ammont massimu totali ekwivalenti għall-għadd kollu ta' l-oghla rata tal-Pensjoni Minima Nazzjonali, inkluża l-*Allowance* Addizzjonali li tithallas skond l-istat ċivili ta' min ikun qed jagħmel it-talba kif imsemmi fit-Tnax-il Skeda li tinsab ma' dan l-Att;”;

(d) fil-paragrafu 4 tat-Taqsima V tagħha, minflok il-kliem “Pensjoni għall-Ghomja” għandhom jidhlu l-kliem “Pensjoni għal Persuni b'Vista Batuta”;

(e) fis-sub-paragrafu (a) tal-paragrafu 1 tat-Taqsima VII tagħha, minflok il-kliem “u kull dhul jew privileġġ li jiġi riċevut jew li jitgawda mill-kap tal-familja u martu.” għandhom jidhlu l-kliem “u kull dhul jew privileġġ, li jiġi jew li jista' jiġi riċevut mill-kap tal-familja u martu. U għal dan l-ghan dak il-privileġġ għandu jkun jinkludi kull profit miżmum li jkollha xi kumpanija jew impriza kummerċjali oħra li tagħha l-kap tal-familja jew martu

jkunu azzjonisti jew sidien, kemm-il darba d-Direttur ikun sodisfatt li dawk il-profitti miżmumin ma jistghux raġonevolment isiru disponibbli jew jiġu gawduti mill-kap tal-familja jew minn martu.”;

(f) fis-sub-paragrafu (b) tal-paragrafu 1 tat-Taqsima VII tagħha, minflok il-kliem “u kull dhul jew privileġġ li jiġi riċevut jew li jitgawda mill-kap tal-familja jew martu, liema minnhom ikun l-akbar dhul.” ghandhom jidhlu l-kliem “u kull dhul jew privileġġ, li jiġi jew li jista’ jiġi riċevut mill-kap tal-familja jew martu, liema minnhom ikun l-akbar dhul. U għal dan l-għan dak il-privileġġ għandu jkun jinkludi kull profitt miżmum li jkollha xi kumpanija jew impriża kummerċjali ohra li tagħha l-kap tal-familja jew martu jkunu azzjonisti jew sidien, kemm-il darba d-Direttur ikun sodisfatt li dawk il-profitti miżmumin ma jistghux raġonevolment isiru disponibbli jew jiġu gawduti mill-kap tal-familja jew minn martu.”;

(g) minnufih wara s-sub-paragrafu (b) tal-paragrafu 1 tat-Taqsima VII tagħha għandha tiżdied din il-proviso ġdida li ġejja:

“Iżda kull dhul bhal dak li għandu jitqies għall-għanijiet ta’ din it-Taqsima skond id-dispożizzjonijiet ta’ qabel ta’ dan il-paragrafu, għandu jkun jinkludi kull dhul jew privileġġ li l-kap tal-familja u, jew martu, skond il-każ, u kif imsemmi qabel f’ din it-Taqsima, kien jew kienu, direttament jew indirettament, ċaħad lilu nnifsu jew ċaħdu lilhom infushom sabiex ikun jew isir, jew ikunu jew isiru, hekk intitolati b’rata iktar vantaġġuza.”; u

(h) is-sub-paragrafu (e) tal-paragrafu 2 tat-Taqsima VII tagħha għandu jithassar, u s-sub-paragrafi (f) u (g) tiegħu għandhom jiġu enumerati mill-ġdid bhala (e) u (f) rispettivament.

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### Għanijiet u Raġunijiet

L-għan ewlieni ta’ l-Abbozz hu sabiex iġib fis-sehh dawk il-miżuri mhabbra fid-Diskors tal-Estimu għas-sena 1998, sabiex jittrasferixxi s-setgħat u d-dmirijiet li għandhom x’jaqsmu mal-ġbir ta’ kontribuzzjonijiet, u l-eżekuzzjoni tagħhom, lill-Kummissarju tat-Taxxi Interni, u sabiex jipprovdi għal proċeduri amministrattivi ohra żgħar.

**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:-

1. (1) This Act may be cited as the Social Security (Amendment) Act, 1998, and shall be read and construed as one with the Social Security Act, hereinafter referred to as “the principal Act”. Short title and commencement.

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

(a) paragraph (a) of section 2, sections 4, 5, 15, 16, 17 and 18 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 provisions or different purposes of the said sub-section and sections;

(b) paragraphs (b), (c) and (d) of section 2, sections 3, 7 to 11 and 18 shall be deemed to have come into force with effect from the 3rd January, 1998; and

(c) section 6 shall be deemed to have come into force with effect from the 5th January, 1998.

2. Sub-section (1) of section 2 of the principal Act shall be amended as follows:-

(a) for the definition of "Director" there shall be substituted the following definition:-

“ ‘Director’ in or in respect of the provisions of this Act, other than those of sections 3 to 11, both inclusive, sections 13, 14, 15 and 116, sub-section (2) of section 117, section 123 and sub-sections (1) and (2) of section 124, and save as otherwise provided, means the Director (Social Security) and includes any 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 this Act excepted as aforesaid, and save as otherwise provided, Director means the Commissioner of Inland Revenue and includes any public officer in his department designated by him:

Provided that in or in respect of the provisions of sub-section (2) of section 114 and of sections 119, 120, 121, 122, 125 and 133, the word Director means either the Director (Social Security) or the Commissioner of Inland Revenue, or each of them, as the case may require;” ;

(b) the definition of “blind person” shall be deleted;

(c) in the definition of “severely disabled person”, in paragraph (c) immediately after the words “Huntington’s Chorea;” there shall be added the words, “ Cystic Fibrosis;” and “T C 11 Deficiency ;”;

(d) immediately after the definition of “Umpire”, there shall be added the following new definitions :-

“ “visually impaired person” means a person whose visual acuity has been certified by an ophthalmologist to be so low as to render such person unable to perform any work for which eyesight is essential;

“ widow” means the surviving spouse, whether a widow or a widower, of a married couple who immediately prior to widowhood had a legal right to be maintained by the other spouse and in relation to widow, wherever it appears, husband shall include wife.”

3. In subsection (2) of section 7 of the principal Act, immediately after the words "paid by the employee and his employer." there shall be added the following words, "So however that, where an employer binds himself, with the Employment and Training Corporation established under the Employment and Training Services Act, to employ a person who is over the age of forty years and who has been registering for more than one year under Part One of the Register kept in accordance with the provisions of the Employment and Training Services Act, such employer shall be entitled to retrieve from the said corporation a sum equivalent to twenty five per cent of the rate of contribution paid by the employer, as his share in respect of such employee, in accordance with Part I of the Tenth Schedule to this Act."

Amendment of section 7 of the principal Act.

Cap. 343.

4. In section 9 of the principal Act, for the words "as may be determined by the Director in consultation with the Commissioner of Inland Revenue or in such other manner as the Minister may from time to time determine with the concurrence of the Minister responsible for finance" there shall be substituted the words "as may from time to time be determined by the Director".

Amendment of section 9 of the principal Act.

5. In section 11 of the principal Act, for the words "as may be determined by the Director in consultation with the Commissioner of Inland Revenue or in such other manner as the Minister may from time to time determine with the concurrence of the Minister responsible for finance", there shall be substituted the words "as may from time to time be determined by the Director".

Amendment of section 11 of the principal Act.

6. In section 15 of the principal Act, immediately after sub-section (3) there shall be added the following new sub-section (4):-

Amendment of section 15 of the principal Act.

"(4) With effect from the 5th January, 1998 a self-occupied person who is engaged as a casual social assistant by the Department for the Care of the Elderly, shall be entitled to retrieve from the Director Care of the Elderly the equivalent of the increase in the rate of the Social Security contribution payable by such person as a result of the cost-of-living increase awarded by Government 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 Conditions of Employment (Regulation) Act."

Cap. 315.

7. In sub-section (2) of section 27 of the principal Act:-

Amendment of section 27 of the principal Act.

(a) for the words "a blind person" there shall be substituted the words "a visually impaired person"; (b) for the words "his blindness" there shall be substituted the words "his visual impairment"; and, (c) for the words "shall be entitled to a Blindness Pension" there shall be substituted the words "shall be entitled to a Pension for the Visually Impaired".

Amendment of section 28 of the principal Act.

8. In sub-section (1) of section 28 of the principal Act, for the words from "Provided further that-" up to the words "(b) where a person-" there shall be substituted the words, " Provided further that where a person:-".

Amendment of section 33A of the principal Act.

9. Section 33A of the principal Act, shall be amended as follows:—

(a) in sub-section (1) thereof, for the words "two-thirds of her husband's pensionable income." there shall be substituted the words "the Two-Thirds Pension that was or would have been payable to the deceased husband in accordance with Part V of this Act."; and

(b) in sub-section (2) thereof, for the words "two-thirds of her husband's pensionable income." ther shall be substituted the words "the Two-Thirds Pension that was or would have been payable to the deceased husband in accordance with Part V of this Act.".

Amendment of section 43 of the principal Act.

10. In section 43 of the principal Act, from the words " The foregoing provisions of this Part," up to the words "that form part of his household." there shall be substituted the words "The foregoing provisions of this Part shall also apply, mutatis mutandi, in the case of a widower."

Amendment of section 53 of the principal Act.

11. Sub-section (1) of section 53 of the principal Act shall be amended as follows:-

(a) in paragraph (ii) thereof, for the words "smaller number of years less than thirty years," there shall be substituted the words "smaller number of years, or"; and

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

"(iii) in awarding a Survivor's pension in accordance with the proviso to section 34 of this Act, for such other smaller number of years as may correspond to the number of years since the eighteenth birthday of the deceased spouse and the date of his death,".

Amendment of section 77 of the principal Act.

12. In section 77 of the principal Act, for the words " or a blind person in accordance with the provisions of this Act." there shall be substituted the words " or a visually impaired person in accordance

with the provisions of this Act.” and, in the proviso thereto for the words “a blind child” there shall be substituted the words “a visually impaired child” and, in the further proviso thereto for the words “in the case of a blind child” there shall be substituted the words “in the case of a visually impaired child” .

**13.** Section 84 of the principal Act shall be amended as follows:-

Amendment of section 84 of the principal Act.

(a) the present provision shall be renumbered as sub-section (1) thereof, and (b) immediately after sub-section (1) as renumbered there shall be added the following sub-section “ (2) For the purposes of sub-section (1) of this section the Minister may by such regulations amend or substitute any of the schedules to this Act or index thereto.”.

**14.** Immediately after section 84 of the principal Act there shall be added the following new section:-

Addition of new section 84A to the principal Act.

Subsidies to Day care centres

**84A** The Minister may from time to time by regulations under this section, establish schemes, whereby subsidies may be paid by the Director, in respect of children attending Child Day Care Centres run by Government or any other institution as may be specified in the regulations, and may by such regulations prescribe the amount of subsidy, the person in respect of whom such subsidy is to be paid, and the manner in which the entitlement of such person is assessed. Such subsidy shall in each case be paid directly to the institution running the centre and shall not be taken into account in calculating the income of the head of household of which the child forms part for the purposes of this or any other law.”.

**15.** In paragraph (ii) of the further proviso to sub-section (2) of section 97 of the principal Act, for the words “ received in good time if such a delay does not exceed a period of four weeks.” there shall be substituted the words “ received in good time, either (a) if such a delay does not exceed a period of one hundred and four weeks, or (b) in the case of a Disabled Child Allowance if the delay was due in the time taken to process conclusive medical evidence of such disability, or (c) in the case of a Children’s Allowance, if such allowance was in payment prior to the first Saturday of July, 1996 and the Director is satisfied that the beneficiary had not been requested to submit a declaration in accordance with the provisions of Part VII of the Second Schedule to this Act.”.

Amendment of section 97 of the principal Act.

Amendment of section 102 of the principal Act.

**16.** Immediately after sub-section (3) of section 102 of the principal Act, there shall be added the following new sub-section (4):—

“(4) Where any person who is in receipt of any benefit, pension, allowance or assistance payable under this Act 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, and subsequently becomes entitled to a lump sum by way of any arrears of benefit, pension, allowance or assistance payable under this Act as a result of any revision, re-assessment or entitlement to new benefit, pension or allowance under this Act, then any sum still due to be refunded in terms of subsection (1) of this section shall, to the extent that such sum can be so deducted, be deducted from any arrears to which he may subsequently become entitled as aforesaid.”.

Amendment of section 125 of the principal Act.

**17.** In section 125 of the principal Act the words “or to the Commissioner of Inland Revenue on behalf of the Director” shall be deleted.

Substitution of section 132 of the principal Act.

**18.** For section 132 of the principal Act there shall be substituted the following:-

“132 (1) The Administration of this Act is vested in the Director (Social Security) or, as the case may require, in the Commissioner of Inland Revenue.

(2) In addition to any other functions or duties assigned to him by or under any other law, the Director (Social Security) shall, subject to the supervision and control of the Minister, carry out such functions and duties as may from time to time, be assigned to him by the Government.”.

Amendment of section 133 of the principal Act.

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

(a) in paragraph (a) thereof, for the words “the Department” there shall be substituted the words “his Department”; and

(b) in the second proviso to paragraph (b) thereof, after the words “the Department” there shall be added the word “concerned”.

Amendment of Schedule II of the principal Act

**20.** The Second Schedule to the principal Act shall be amended as follows:-

(a) for sub-paragraph (b) of paragraph 4 of Part II thereof, there shall be substituted the following:-

“(b) any Social Assistance, Leprosy Assistance, Tuberculosis Assistance, Milk Grant and Sickness Assistance payable under this Act and any pension or pensions (whether paid under this Act or not) up to a maximum aggregate amount equivalent to the aggregate of the highest rate of the National Minimum Pension, inclusive of the Additional Allowance payable according to the claimant’s marital status as is specified in the Twelfth Schedule to this Act;”

(b) in sub-paragraph (d) of paragraph 4 of Part II, in sub-paragraph (d) of paragraph 4 of Part III, and in sub-paragraph (d) of paragraph 2 of Part VIII respectively thereof for the words “76.8%” there shall be substituted the words “78.3%” wherever they appear;

(c) for sub-paragraph (b) of paragraph 4 of Part III thereof, there shall be substituted the following:-

“(b) any Social Assistance, Leprosy Assistance, Tuberculosis Assistance, Milk Grant and Sickness Assistance payable under this Act and any pension or pensions (whether paid under this Act or not) up to a maximum aggregate amount equivalent to the aggregate of the highest rate of the National Minimum Pension, inclusive of the Additional Allowance payable, according to the claimant’s marital status as is specified in the Twelfth Schedule to this Act;”;

(d) In paragraph 4 of Part V thereof for the words “Blindness Pension” there shall be substituted the words “ Pension for the visually Impaired”;

(e) In sub-paragraph (a) of paragraph 1 of Part VII thereof for the words “ and any income or privilege which is received or enjoyed by the head of household and his wife.” there shall be substituted the words “ and any income or privilege, which is or could be received or enjoyed by the head of household and his wife. And for this purpose such privilege shall include any retained profits held by any company or other commercial enterprise of which the head of household or his wife are shareholders or owners, unless the Director is satisfied that such retained profits could not reasonably be made available or enjoyed by the head of the household or his wife.”;

(f) in sub-paragraph (b) of paragraph 1 of Part VII thereof, for the words “and any income or privilege which is received or enjoyed by the head of household or his wife, whichever is the greater income.” there shall be substituted the words “ and

any income or privilege, which is or could be received or enjoyed by the head of household or his wife, whichever is the greater income. And for this purpose such privilege shall include any retained profits held by any company or other commercial enterprise of which the head of household or his wife are shareholders or owners, unless the Director is satisfied that such retained profits could not reasonably be made available or enjoyed by the head of household or his wife.”;

(g) immediately after sub-paragraph (b) of paragraph 1 of Part VII thereof, there shall be added the following new proviso: “ Provided that any such income that has to be taken into account for the purposes of this Part in accordance with the foregoing provisions of this paragraph , shall include any income or privilege which the head of household and, or his wife, as the case may be, and as aforesaid in this Part, had directly or indirectly deprived himself in order to become entitled to an allowance or to become so entitled at a more advantageous rate.”; and

(h) sub-paragraph (e) of paragraph 2 of the said Part VII thereof shall be deleted. And, sub-paragraphs (f) and (g) thereof shall be re-numbered as (e) and (f) respectively.

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### **Objects and Reasons**

The main purpose of this Bill is to put into effect those measures as announced in the Budget Speech for 1998, to transfer the powers and duties relating to the collection of contributions, and the enforcement thereof, to the Commissioner of Inland Revenue and to provide for other minor administrative procedures.