

## **Nru 26**

15. 11. 2022

### **MALTA**

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

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Liġi mressaq mill-Onorevoli Andy Ellul, M.P., Segretarju Parlamentari għad-Djalogu Soċjali, f'isem il-Ministru għall-Politika Soċjali u d-Drittijiet tat-Tfal, u moqri għall-Ewwel darba fis-Seduta tal-25 ta' Ottubru 2022.

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A BILL introduced by the Honourable Andy Ellul, M.P., Parliamentary Secretary for Social Dialogue, on behalf of the Minister for Social Policy and Children's Rights, and read the First time at the Sitting of the 25th October 2022.

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

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

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



**ABBOZZ TA' LIĠI**  
**msejjah**

*ATT sabiex 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, hareġ b'liġi dan li ġej:-

**1.** It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2022 li jemenda l-Att dwar is-Sigurtà Soċjali u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar is-Sigurtà Soċjali, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.  
Kap. 318.

**2.** Minnufih wara s-subartikolu (5) tal-artikolu 8 tal-Att prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

Emenda tal-artikolu 8 tal-Att prinċipali.

Kap. 16. "(6) Meta l-Qorti tkun qiegħda taġixxi skont is-setgħat mogħtija lilha bl-artikoli 54(5) u 59 tal-Kodiċi Ċivili, hija tista' tordna jew tagħti s-setgħa li parti mill-kontribuzzjonijiet imħallsa minn persuna assicurata jiġu trasferiti lill-persuna indikata mill-istess Qorti, u tali kontribuzzjonijiet għandhom, għall-finijiet ta' dan l-Att, jiġu kkunsidrati li tħallsu bħala persuna impjegata mill-persuna li lilha jiġu trasferiti."

**3.** Minnufih wara s-subartikolu (4) tal-artikolu 10 tal-Att

Emenda tal-artikolu 10 tal-Att prinċipali.

prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

Kap. 16. "(5) Meta l-Qorti tkun qiegħda tagixxi skont is-setgħat mogħtija lilha bl-artikoli 54(5) u 59 tal-Kodiċi Ċivili, hija tista' tordna jew tagħti s-setgħa li parti mill-kontribuzzjonijiet imħallsa minn persuna li taħdem għaliha nnifisha jew persuna li timpjega lilha nnifisha jiġu trasferiti lill-persuna indikata mill-istess Qorti, u tali kontribuzzjonijiet għandhom, għall-finijiet ta' dan l-Att, jiġu kkunsidrati li jkunu tħallsu bħala persuna li taħdem għaliha nnifisha jew li timpjega lilha nnifisha mill-persuna li lilha jiġu trasferiti."

Emenda tal-artikolu 16 tal-Att prinċipali.

**4.** Minnufih wara s-subartikolu (6) tal-artikolu 16 tal-Att prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

Kap. 16. "(7) Parti mill-kontribuzzjonijiet akkreditati lil kwalunkwe persuna taħt dan l-artikolu, jistgħu jiġu trasferiti lil persuna oħra b'ordni, digriet jew sentenza tal-Qorti meta din tkun qiegħda tagixxi skont is-setgħat mogħtija lilha bl-artikoli 54(5) u 59 tal-Kodiċi Ċivili, u tali kontribuzzjonijiet għandhom, għall-finijiet ta' dan l-Att, jiġu kkunsidrati bħala li jkunu ġew akkreditati lill-persuna li lilha jiġu trasferiti."

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### Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdi għat-trasferiment ta' kontribuzzjonijiet bejn il-miżewġin skont digriet tal-Qorti f'każijiet ta' separazzjoni.

**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. The short title of this Act is the Social Security (Amendment) Act, 2022 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. Immediately after sub-article (5) of article 8 of the principal Act there shall be added the following new sub-article:
 

Amendment of  
article 8 of the  
principal Act.

"6) When the Court is acting in accordance with its powers conferred to it by articles 54(5) and 59 of the Civil Code, it may order or empower that part of the contributions paid by an insured person be transferred to the person indicated by the said Court, and such contributions are to be considered, for the purposes of this Act, as having been paid as an employed person by the person to whom they are transferred."
3. Immediately after sub-article (4) of article 10 of the principal Act
 

Amendment of  
article 10 of the  
principal Act.

Cap. 16.

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Act there shall be added the following new sub-article:

Cap. 16. "(5) When the Court is acting in accordance with its powers conferred to it by articles 54(5) and 59 of the Civil Code, it may order or empower that part of the contributions paid by a self-occupied person or a self-employed person be transferred to the person indicated by the said Court, and such contributions are to be considered, for the purposes of this Act, as having been paid as a self-occupied or a self-employed person by the person to whom they are transferred."

Amendment of article 16 of the principal Act.

**4.** Immediately after sub-article (6) of article 16 of the principal Act there shall be added the following new sub-article:

Cap. 16. "(7) Part of the contributions credited to any person under this article, may be transferred to another person by order, decree or sentence of the Court when it is acting in accordance with its powers conferred to it by articles 54(5) and 59 of the Civil Code, and such contributions are to be considered, for the purposes of this Act, as credited to the person to whom they are transferred."

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### Objects and Reasons

The objects and reasons of this Bill are to allow for the transfer of contributions between spouses in accordance with a Court decree in cases of separation.



