

Nru. 154

28. 7. 86

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Freddie Micallef, M.P., Ministru tax-Xogħol u Servizzi Soċjali u moqri għall-Ewwel darba fis-Seduta tat-28 ta' Lulju, 1986.

A BILL introduced by the Honourable Freddie Micallef, M.P., Minister of Labour and Social Services and read the First time at the Sitting of the 28th July, 1986.

ATT biex ikompli jemenda l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali.

AN ACT further to amend the National Insurance Act, 1956.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

C. MIFSUD

Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali.

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 jista' jissejjaħ l-Att ta' l-1986 li jemenda l-Att dwar is-Sigurtà Nazzjonali (Emenda Nru. 2), u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehh.
Att VI ta' l-1956

(2) L-artikoli 2, 3, 4, 6, 7, 8, 10, 11 u 12 ta' dan l-Att għandhom jitqiesu li bdew fis-sehh fl-4 ta' Jannar, 1986, filwaqt li l-artikoli 5 u 9 għandhom jibdew isehħu fit-2 ta' Awissu, 1986.

2. L-artikolu 10 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 10 ta' l-Att prinċipali.

(i) minflok il-paragrafu (l) tas-subartikolu (1) tiegħu għandu jidhol dan li ġej:

“(l) *Allowance* għal iltiema;” u

(ii) fil-paragrafu (a) tas-subartikolu (2) tiegħu, il-kliem “*allowance* ta' tutur,” u “*allowance* ta' tutur u” rispettivament, għandhom jiħassru.

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

(i) fil-paragrafu (b) tas-subartikolu (6) tiegħu, minnufih wara l-kliem “ma għandhiex tkun iżjed minn żewġ terzi” għandhom jiżdiedu l-kliem “, kalkulati sa l-eqreb hames ċenteżmu,” u

(ii) minnufih fl-aħħar tas-subartikolu (7) tiegħu għandu jiżdied dan il-proviso:

“Izda :

(a) armla li għandha dritt għall-Pensjoni Minima Naz- zjonali skond id-dispożizzjonijiet ta’ dan l-artikolu, iżda li dwarha ma japplikax il-paragrafu (b) tas-subartikolu (6) ta’ dan l-artikolu, għandha tirċievi żieda ekwivalenti għal darbtejn l-imsemmija żieda f’dan is-subartikolu minflok l-imsemmija żieda; u

(b) armla li dwarha japplika l-paragrafu (b) tas-sub- artikolu (6) ta’ dan l-artikolu għandha tirċievi żieda oħra kif inhu indikat fil-Parti IV tad-Disa’ Skeda li tinsab ma’ dan l-Att, li tingħadd maż-żieda li għandha titħallas taħt il-Parti III ta’ l-Iskeda msemmija li tinsab ma’ dan l-Att, kalkulata fuq il-medja fis-sena tal-kontribuzzjonijiet kif imsemmi qabel f’dan is-subartikolu.”.

Sostituzzjoni ta’ l-artikolu 18 ta’ l-Att prinċipali.

4. Minflok l-artikolu 18 ta’ l-Att prinċipali għandu jidhol dan li ġej:

“*Allowance* għal litiema.

18. Bla ħsara għad-dispożizzjonijiet ta’ dan l-Att, kull min għandu f’idejh il-kura tat-tifel jew tifla ta’ xi hadd ieħor għandu, jekk iż-żewġ ġenituri tat-tifel jew tifla jkunu mejtin u mill-inqas wieħed mill-ġenituri kien, meta miet, persuna assi- gurata, ikollu dritt għal *Allowance* għal litiema dwar kull wieħed minn dawn it-tfal.”.

Żieda ta’ l-artikolu 24A ma’ l-Att prinċipali.

5. Minnufih wara l-artikolu 24 ta’ l-Att prinċipali għandu jżieded dan l-artikolu 24A gdid li ġej:

“*Estensjoni* tal-Benefiċ- ċju għal korriment u tal- Benefiċċju għal inkapaċità għal ċerti persuni li jimpjegaw lilhom infushom.

24A. Id-dispożizzjonijiet ta’ l-artikoli 19 sa 24 u 28 ta’ dan l-Att għandhom japplikaw għal kull persuna li timpjega lilha nnifisha u li tagħmel xogħol ta’ qliegħ u li jipprova għas- sodisfazzjon tad-Direttur illi huwa ma dahħal xejn mix-xogħol ta’ qliegħ tiegħu fiż-żmien ta’ l-inkapaċità tiegħu li jaħdem jew illi x-xorta ta’ negozju jew affari jew attività li dwarhom kien idahħal qliegħ jew waqfu għal xi żmien, iżda għal kollox, jew li hadd ma kien qiegħed imexxi dan in-negozju jew affari minflok fiż-żmien ta’ l-inkapaċità tiegħu li jaħdem.”.

Emenda ta’ l-artikolu 25 ta’ l-Att prinċipali.

6. L-artikolu 25 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(i) il-paragrafu (d) tas-subartikolu (1) tiegħu għandu jit- ħassar; u

(ii) il-paragrafu (e) tas-subartikolu (2) tiegħu għandu jit- ħassar.

Emenda ta’ l-artikolu 31 ta’ l-Att prinċipali.

7. Fil-paragrafu (a) tal-proviso għall-artikolu 31 ta’ l-Att prinċipali l-kliem “, *allowances* ta’ tuturi” għandhom jithassru.

Emenda ta’ l-artikolu 32 ta’ l-Att prinċipali.

8. Fis-subartikolu (1) ta’ l-artikolu 32 il-kliem “*allowance* ta’ tutur jew” għandhom jithassru minn kull fejn jinstabu.

9. Minnufih fl-aħħar tal-paragrafu (a) ta' l-artikolu 33 ta' l-Att prinċipali għandu jidhrol dan li ġej:

Emenda ta' l-artikolu 33 ta' l-Att prinċipali.

"Iżda, meta din il-persuna tkun raġel miżżewweġ li qabel ma ġara dak imsemmi kien qiegħed għal kollox imantni lil martu, martu jkollha dritt tirċievi nofs il-pensjoni li setgħet tithallas lil żewġha li kieku hu ma kienx skwalifikat kif imsemmi, dejjem sakemm hija ma jkollhiex xi dritt ieħor għal pensjoni għaliha nnifisha taħt dan l-Att, jew ikollha mpieg assigurabbli, jew li tagħmel xogħol ta' qliegħ bħala persuna li timpjega lilha nnifisha."

10. Minnufih wara l-artikolu 87 ta' l-Att prinċipali għandu jidhrol dan l-artikolu ġdid li ġej:

Żieda ta' l-artikolu 87A ma' l-Att prinċipali.

"Dritt għal allowance tat-tfal meta l-armla jew l-armel jergħu jżżewwġu.

87A. (1) Meta armla jew armel jerga' jżżewwġew jew reġa' żżewwġew qabel l-4 ta' Jannar, 1986, b'effett mill-4 ta' Jannar, 1986, għandha tithallas allowance tat-tfal dwar l-ewwel tliet itfal li jitwiellu b'riżultat ta' dak iż-żwieġ ġdid bir-rati speċifikati fil-paragrafi (i), (ii) u (iii) tal-paragrafu (a) ta' l-artikolu 76 ta' dan l-Att, kif ikun il-każ, minkejja l-fatt illi —

(i) dawn it-tfal setgħu twieldu wara l-ewwel ta' Novembru, 1974, u

(ii) illi dik l-armla jew dak l-armel seta' kellu jew għad għandu tfal oħra miż-żwieġ jew żwiġijiet tagħha jew tiegħu ta' qabel li kienu jew għadhom eligibbli għal allowance tat-tfal.

(2) Għall-finijiet tas-subartikolu (1) ta' dan l-artikolu għandhom japplikaw id-dispożizzjonijiet tal-proviso għall-artikolu 72 u l-artikoli 75, 77 u 80 sa 87 ta' dan l-Att; u għall-finijiet l-oħra kollha ta' dan l-Att kull allowance tat-tfal li tithallas skond dan l-artikolu għandha titqies daqslikieku tħallset taħt id-dispożizzjonijiet ta' l-artikolu 72 ta' dan l-Att."

11. It-Tielet Skeda li tinsab ma' l-Att prinċipali għandha tigi emendata kif ġej:

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

(i) fil-Parti I tagħha l-kliem "‘Allowance’ ta' tutur" għandhom jithassru; u

(ii) minflok il-Parti VII tagħha għandu jidhrol dan li ġej:

"PARTI VII

Rata ta' Allowance għal Iltiema, għal kull iltim, kull ġimgħa

Meta allowance tat-tfal tkun qegħda tithallas taħt il-Parti VIII ta' dan l-Att Lm3.00,0

Meta ebda allowance tat-tfal ma tkun qegħda tithallas taħt il-Parti VIII ta' dan l-Att Lm4.90,0".

Emenda tad-
Disa' Skeda li
tinsab ma'
l-Att principali.

12. Minnufih wara l-Parti III tad-Disa' Skeda li tinsab ma' l-Att principali għandha tiżdied din il-Parti IV għida:

"PARTI IV

**Żieda ohra fir-rata tal-pensjoni li tingħata lil armla taħt il-paragrafu
(b) tal-proviso għas-subartikolu (7) ta' l-artikolu 16 ta' l-Att**

Medja fis-sena ta' kontribuzzjonijiet li thallsu jew ġew akkreditati	L-Akbar Rata ta' Żieda fil-Ġimgħa
	Lm c m
50 jew iżjed (ammont shiħ)	0.30,0
40 — 49	0.25,0
30 — 39	0.20,0
20 — 29	0.15,0".

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li jdahhal fis-seħh il-miżuri mħabbin fid-Diskors tal-Budget għall-1986 kif ukoll emendi ohra meħtieġa li għandhom isiru b'konsegwenza ta' dan.

A BILL
entitled

AN ACT further to amend the National Insurance Act, 1956.

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 National Insurance (Amendment) (No. 2) Act, 1986, and shall be read and construed as one with the National Insurance Act, 1956, hereinafter referred to as "the principal Act".

Short title and
Commencement.
Act VI of 1956

(2) Sections 2, 3, 4, 6, 7, 8, 10, 11 and 12 of this Act shall be deemed to have come into force on the 4th January, 1986, whilst sections 5 and 9 shall come into force on the 2nd August, 1986.

2. Section 10 of the principal Act shall be amended as follows:

Amendment of
section 10 of
the principal
Act.

(i) for paragraph (l) of subsection (1) thereof there shall be substituted the following:

"(l) Orphan's Allowance;" and

(ii) in paragraph (a) of subsection (2) thereof, the words "guardian's allowance," and "a guardian's allowance and" respectively, shall be deleted.

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

Amendment of
section 16 of
the principal
Act.

(i) in paragraph (b) of subsection (6) thereof, immediately after the words "shall not exceed two-thirds" there shall be inserted the words " , calculated to the nearest fifth cent, "; and

(ii) immediately at the end of subsection (7) thereof there shall be added the following proviso:

“Provided that:

(a) a widow who is entitled to receive the National Minimum Pension under the provisions of this section, but in whose respect paragraph (b) of subsection (6) of this section does not apply, shall receive an increase equivalent to twice the increase as aforesaid in this subsection in lieu of such aforesaid increase; and

(b) a widow in respect of whom paragraph (b) of subsection (6) of this section is applicable shall receive a further increase as shown under Part IV of the Ninth Schedule to this Act in addition to the increase payable under Part III of the said Schedule to this Act, calculated on the yearly average of contributions as aforesaid in this subsection.”.

Substitution of section 18 of the principal Act.

4. For section 18 of the principal Act there shall be substituted the following:

“Orphan’s Allowance. 18. Subject to the provisions of this Act, any person who has the care of a child of another person shall, if both parents of the child are dead and at least one of the parents was, at the time of death, an insured person, be entitled to an Orphan’s Allowance for each such child.”.

Addition of section 24A of the principal Act.

5. Immediately after section 24 of the principal Act there shall be added the following new section 24A:

“Extension of injury benefit and disablement benefit to certain self-employed persons. 24A. The provisions of sections 19 to 24 and 28 of this Act shall be applicable to any self-employed person who is gainfully occupied and who proves to the satisfaction of the Director that he has had no income from his gainful occupation during his incapacity for work or the line of business or similar concern or activity to which his gainful occupation relates has either been temporarily, but completely, suspended or that nobody is running the said business or similar concern on his behalf during his incapacity for work.”.

Amendment of section 25 of the principal Act.

6. Section 25 of the principal Act shall be amended as follows:

- (i) paragraph (d) of subsection (1) thereof shall be deleted;
- and
- (ii) paragraph (c) of subsection (2) thereof shall be deleted.

Amendment of section 31 of the principal Act.

7. In paragraph (a) of the proviso to section 31 of the principal Act the words “, guardian’s allowance” shall be deleted.

Amendment of section 32 of the principal Act.

8. In subsection (1) of section 32, the words “a guardian’s allowance or” wherever they occur, shall be deleted,

9. Immediately at the end of paragraph (a) of section 33 of the principal Act there shall be added the following:

Amendment of section 33 of the principal Act.

“Provided that, where such person is a married man who prior to such an event as aforesaid was wholly maintaining his wife, his wife shall be entitled to receive half the pension which would have been payable to her husband had he not been disqualified as aforesaid, provided she is not already entitled to a pension under this Act in her own right, or is in insurable employment, or is gainfully occupied as a self-employed person.”.

10. Immediately after section 87 of the principal Act there shall be added the following new section:

Addition of section 87A to the principal Act.

“Entitlement of child allowance where widow or widowers re-marry.

87A. (1) Where a widow or a widower re-marries or had re-married before the 4th day of January, 1986, with effect from the 4th day of January, 1986, a child allowance shall be payable in respect of the first three children born as a result of such re-marriage at the rates specified in sub-paragraphs (i), (ii) and (iii) of paragraph (a) of section 76 of this Act, as the case may be, notwithstanding the fact that —

(i) such children may have been born after the first day of November, 1974, and

(ii) that such widow or widower may have had or still have other children from her or his previous marriage or marriages who had been or still are eligible for a child allowance.

(2) For the purposes of subsection (1) of this section the provisions of the proviso to section 72 and sections 75, 77 and 80 to 87 of this Act shall apply; and for all other purposes of this Act any child allowance payable in accordance with this section shall be considered as if payable under the provisions of section 72 of this Act.”.

11. The Third Schedule to the principal Act shall be amended as follows:

Amendment of the Third Schedule to the principal Act.

(i) in Part I thereof the words “, *Guardian’s Allowance*” shall be deleted; and

(ii) for Part VII thereof there shall be substituted the following:

“PART VII

Weekly Rate of Orphan’s Allowance per Child

Where a child allowance is being paid under Part VIII of this Act Lm3.00,0

Where no child allowance is being paid under Part VIII of this Act Lm4.90,0”.

Amendment of
the Ninth
Schedule to
the principal
Act.

12. Immediately after Part III of the Ninth Schedule to the principal Act there shall be added the following new Part IV:

“PART IV

Further increase in the rate of pension to a widow under paragraph (b) of the proviso to subsection (7) of section 16 of the Act

Yearly average of contributions paid or credited	Maximum Weekly Rate of Increase
	Lm c m
50 or more (full rate)	0.30,0
40 — 49	0.25,0
30 — 39	0.20,0
20 — 29	0.15,0”.

Objects and Reasons

The Object of this Bill is to give effect to the measures announced in the Budget Speech for 1986 and other necessary consequential amendments.