

## Nru. 174

27. 1. 87

### 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-13 ta' Jannar, 1987.

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 13th January, 1987.

ATT biex jistabbilixxi skema ta' sigurtà soċjali u biex jikkonsolida ma' emendi li jeżistu d-dispożizzjonijiet dwar il-ħlas ta' beneficiċċji dwar sigurtà soċjali, pensjonijiet u allowances, assistenza soċjali u medika, pensjonijiet li ma tik-kontribwix għalihom u l-ħlas ta' kontribuzzjoni dwar sigurtà soċjali minn impjegati, minn min ihaddem, minn min jahdem għal rasu u mill-Istat.

AN ACT to establish a scheme of social security and to consolidate with amendments existing provisions concerning the payment of social insurance benefits, pensions and allowances, social and medical assistance, non-contributory pensions and the payment of social insurance contributions by employees, employers, self-employed and the State.

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It-Tielet Skeda	PARTI I PARTI II PARTI III	Rata ta' Benefiċċju ghal Mard, Benefiċċju ghal Disimpieg, Benefiċċju Speċjali ghal Disimpieg u Benefiċċju ghal Korriment Ammonti ta' Gratifikazzjoni ghall-Inkapacià L-oghla Rati ta' Pensjoni ghall-Inkapacià
Ir-Raba' Skeda		Mard jew Korriment tax-Xoghol
Il-Hames Skeda	PARTI I PARTI II	Mard u kondizzjonijiet li dwarhom tista' tithallas Ghajnuna ghal Mard Mard u kondizzjonijiet li dwarhom tista' tinghata Ghajnuna Medika Bla Hlas
Is-Sitt Skeda	PARTI I PARTI II PARTI III	Rata ta' Skala ta' Ghajnuna Soċjali Rata ta' Pensjoni ta' l-Età, Pensjoni ghall-Handikappati, Pensjoni ghall-Ghomja Kera tad-Dar
Is-Seba' Skeda		Rati ta' Skala tal-Mezzi li jirregolaw l-Ghajnuna ghal Mard
It-Tmien Skeda	PARTI I PARTI II	Rati ta' Skala tal-Mezzi li jirregolaw l-Ghajnuna Medika Bla Hlas meta l-kap ta' familja jkollu impieg assigurabbli jew ikun jaħdem ghalih innifsu Rati ta' Skala tal-Mezzi li jirregolaw l-Ghajnuna Medika Bla Hlas meta l-kap ta' familja ma jkollux impieg assigurabbli u anqas ma jkun jaħdem ghalih innifsu
Id-Disa' Skeda		Ammonti ta' Ghajnuna ghal Mard, Għoti ta' Halib, Ghajnuna dwar il-Lebbra u Ghajnuna dwar it-Tuberkulozi
L-Għaxar Skeda	PARTI I PARTI II	Kontribuzzjonijiet ta' l-Ewwel Klassi (Persuni Mpjegati) Kontribuzzjonijiet tat-Tieni Klassi (Persuni li jimpjegaw lilhom infushom)
Il-Hdax-il Skeda		Kondizzjonijiet ta' Kontribuzzjoni

It-Tnax-il Skeda

Rati ta' Diversi Tipi ta' Pensjonijiet

It-Tleltax-il Skeda

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Zieda fir-rata ta' Pensjoni Minima Nazzjonali taht l-artikolu 75 ta' dan l-Att

PARTI II

Zieda fir-rata ta' pensjoni lil armla taht l-artikolu 35 ta' dan l-Att

PARTI III

Iktar zieda fir-rata ta' pensjoni lil armla taht l-artikolu 36 ta' dan l-Att

PARTI IV

Iktar zieda fir-rata ta' pensjoni lil armla taht il-paragrafu (b) tal-proviso għall-artikolu 36 ta' dan l-Att

L-Erbatax-il Skeda

Kif Jinhadem id-Dhul Pensjonabbli

"benefiċċjarju" dwar xi benefiċċju pensjonijiet għajnunata jew al-  
lowances tisser il-persuna li jkollha dawk għal dak il-benefiċċju  
pensjonijiet għajnunata jew allowances.

"benefiċċju" tisser il-benefiċċju li jiffallax taht dan l-Att u  
tinkludi Bonus u Bonus għal Xwiġi.

"sena ta' benefiċċju" tisser il-perjodu li jibda li-ewwel l-oġġett  
ta' Lulju u jipprova li-sħar f'adab d'adab l-ewwel l-oġġett ta' Lulju  
tas-sena ta' wies.

"persuna għajnja" tisser persuna li l-vista tagħha tkun ċer-  
tikata minn ommologu li tan tkun ommologu li ma tkunx li dik  
il-persuna tagħmet xi xogħol li għajnja li-vista tagħha essenzjali.

"persuna għajnja" tisser persuna taht il-vista tagħha u taht id  
li-ewwel l-oġġett ta' Lulju u jipprova li-sħar f'adab d'adab l-ewwel l-oġġett  
ta' Lulju u jipprova li-sħar f'adab d'adab l-ewwel l-oġġett ta' Lulju  
tas-sena ta' wies.

ABBOZZ TA' LIĠI

### msejjah

**ATT** biex jistabbilixxi skema ta' sigurtà soċjali u biex jikkonsolida ma'  
emendi li jeżistu d-dispożizzjonijiet dwar il-hlas ta' benefiċċji dwar  
sigurtà soċjali, pensjonijiet u allowances, assistenza soċjali u  
medika, pensjonijiet li ma tikkontribwix għalihom u l-hlas ta'  
kontribuzzjoni dwar sigurtà soċjali minn impjegati, minn min ihad-  
dem, minn min jahdem għal rasu u mill-Istat.

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

## TAQSIMA I

### Preliminari

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1987 dwar is-Sigurtà  
Soċjali.

Titolu fil-qosor u  
bidu fis-sehh.

(2) Dan l-Att għandu jitqies li beda jsehħ fl-1 ta' Jannar,  
1987.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ  
xort'oħra —

Tifsir.

"allowance" tisser allowance imhallas taht dan l-Att;

"għajnunata" tisser għajnunata li tista' tinghata taht dan l-Att;

"paga fil-gimgha bażika" u "salarju bażiku" ifissru l-paga jew  
salarju totali li jthallsu lil persuna mpjegata minn jew għan-nom  
tal-Principal tagħha b'eskluzjoni ta' kull rimunerazzjoni għal *over-*  
*time*, xi forma ta' bonus, xi allowance żejda, xi rimunerazzjoni  
b'kumpens u kummissjonijiet.

“benefiċjarju” dwar xi benefiċċju, pensjoni, għajnuna jew *allowance* tfisser il-persuna li jkollha dritt għal dak il-benefiċċju, pensjoni, għajnuna jew *allowance*;

“benefiċċju” tfisser il-benefiċċju li jithallas taht dan l-Att u tinkludi *Bonus* u *Bonus* għal Zwieg;

“sena ta’ benefiċċju” tfisser il-perijodu li jibda fl-ewwel Tnejn ta’ Lulju u jispiċċa fl-aħħar Hadd qabel l-ewwel Tnejn ta’ Lulju tas-sena ta’ wara;

“persuna għamja” 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;

“iben jew bint” tfisser persuna taht is-sittax-il sena u tinkludi iben jew bint il-mara jew raġel minn żwieg ieħor, iben jew bint adottivi u iben jew bint adottivi u iben jew bint imweldin barra miż-żwieg;

“*allowance* tat-tfal” tfisser *allowance* imħallsa taht l-artikolu 83 ta’ dan l-Att;

“rikorrent” tfisser il-persuna li titlob xi benefiċċju, pensjoni, għajnuna jew *allowance* taht dan l-Att;

“kontribuzzjoni ta’ l-Ewwel Klassi” tfisser kontribuzzjoni li persuna assigurata thallas bhala persuna mpjegata;

“kontribuzzjoni tat-Tieni Klassi” tfisser kontribuzzjoni li persuna assigurata thallas bhala persuna li timpjega lilha nnifisha;

“Kumitat” tfisser il-Kumitat għal *Welfare* stabbilit taht l-artikolu 134 ta’ dan l-Att;

“Fond Konsolidat” tfisser il-Fond Konsolidat stabbilit bl-artikolu 105 tal-Kostituzzjoni;

“Kuntratt ta’ servizz” tfisser ftehim bejn żewġ persuni, sew bil-miktub, orali jew mifhum, fejn wahda mill-partijiet (hawnhekk imsejha “l-impjegat”) li dejjem ghandu jkun persuna fizika, jkunu dejjem taht obligazzjoni li jagħti lill-parti l-oħra (hawnhekk imsejha “prinċipal”) servizzi fuq bażi ta’ bejn sid u haddiem għal sigħat definiti b’paga; salarju, rimunerazzjoni jew xi benefiċċju jew privileġġ ieħor speċifikati sugġett għad-dritt ta’ min jimpjega, li jeżerċita kontroll, sorveljanza, direzzjoni, u kull forma ta’ azzjoni dixxiplinarja fuq l-impjegat skond il-metodu ta’ twettieq tadmirijiet tiegħu;

“kontribuzzjoni” tfisser kontribuzzjoni li tithallas taht dan l-Att jew li kienet tithallas taht id-dispożizzjonijiet ta’ l-Att ta’ 1-1956 dwar is-Sigurtà Nazzjonali qabel id-data tar-revoka tiegħu;

“sena ta’ kontribuzzjoni” tfisser il-perijodu li jibda fl-ewwel Tnejn ta’ Jannar u jispiċċa fl-aħħar Hadd qabel l-ewwel Tnejn ta’ Jannar tas-sena ta’ wara;

“kontribuzzjoni akkreditata” tfisser kontribuzzjoni li ma tithallasx minn persuna iżda hi xort’oħra akkreditata *ope legis* lilha għall-finijiet ta’ dan l-Att;

“Dipartiment” tfisser id-Dipartiment tas-Servizzi Soċjali;

“Direttur” tfisser id-Direttur tas-Servizzi Soċjali u tinkludi kull uffiċjal tad-Dipartiment appuntat mid-Direttur jew kull uffiċjal pubbliku appuntat mill-Ministru għal xi raġuni partikulari, jew kategorija ta’ raġunijiet;

“persuna mpjegata” tfisser persuna li ma tkunx għalqet l-età ta’ hamsa u sittin sena u li tkun impjegata f’impjeg assigurabbli;

“prinċipal” tinkludi korp ta’ persuni li jkunu soċjetà f’negozju, kumpannija, *fellowship* jew soċjetà ta’ persuni sew jekk korporati jew mhux korporati u sew jekk għandu personalità legali jew le, u korp ġenidiku stabbilit bil-liġi;

“missier” tinkludi ir-raġel ta’ l-omm bi żwieg iehor u missier adottiv;

“taħdem bi qliegħ” tfisser persuna impjegata f’impjeg assigurabbli jew taħdem għaliha nnifisha;

“gratifikazzjoni” tinkludi kull ammont ta’ flus, imsejha kif tkun, dovuta jew imħallsa, sew direttament jew indirettament u sew jekk taħt skema kontributorja sew jekk le, minn prinċipal lil persuna mpjegata minhabba jew bhala konsegwenza ta’ l-irtir ta’ dik il-persuna mill-impjeg tagħha, barra minn —

(a) il-parti kommutata ta’ pensjoni tas-servizz; jew

(b) ammont imħallas permezz ta’ benefiċċju ta’ l-aħħar li jidher għas-sodisfazzjon tad-Direttur li kien thallas minhabba waqfien ta’ impjeg qabel iż-żmien;

“kap ta’ familja” li tkun ta’ żewġ persuni jew iżjed tfisser;

(a) il-missier; jew

(b) l-omm, jekk il-missier ikun mejjet, imsiefer jew inkapaċitat; jew

(c) l-akbar mill-aħwa subien jew bniet, kif ikun il-każ, f’nuqqas tant tal-missier u ta’ l-omm; jew

(d) f’ċirkostanzi speċjali dik il-persuna li fil-fehma tad-Direttur tkun il-kap tal-familja;

“familja” tfisser persuna waħda li fl-opinjoni tad-Direttur tkun tabita wahedha jew żewġ persuni jew iżjed li fl-opinjoni tad-Direttur ikunu jabitaw flimkien bhala familja;

Iżda għall-finijiet ta’ ghajjnuna dwar mard mitluba dwar persuna li għandha l fuq minn 60 sena, flimkien ma’ martu jew żewġha, jekk ikun hemm, skond il-każ, u li hadd minnhom ma jkun f’impjeg assigurabbli, jew persuna li taħdem għaliha nnifisha, dawk il-persuni jew dawk il-koppji jitqiesu bhala li jiffurmaw familja għal rashom:

Iżda wkoll għall-finijiet ta’ Ghajjnuna Medika bla Hlas mogħtija taħt dan l-Att, id-Direttur jista’ jekk ihoss li ċ-ċirkostanzi tal-familja hekk jehtiegu, jeskludi mill-kompożizzjoni tal-familja kull persuna jew persuni li kieku kienu jiffurmaw parti minnha;

“impjeg assigurabbli” għandha t-tifsira mogħti lilha bl-artikolu 5 ta’ dan l-Att;

“persuna assigurata” tfisser persuna mpjegata jew persuna li timpjega lilha nnifisha skond it-TAQSIMA II ta’ dan l-Att;

“kura medika” tfisser kura medika, kirurgika jew rijabilitativa u tinkludi kull kors jew dieta jew reġim iehor, u kull ghajnuna kirurgika u farmaċewtika;

“sub-normalità mentali severa” tfisser li l-iżvilupp tal-mohh ikun wieqaf jew mhux komplut, li jirrizulta f’nuqqas ta’ intelligenza li minhabba f’hekk il-persuna milquta ma tkunx kapaci li tghix hajja indipendenti jew li tiproteġi lilha nnifisha kontra esploj-tazzjoni serja jew ma tithallix tkun hekk kapaci meta jkollha l-età taghha li tkun hekk;

“Ministru” tfisser il-Ministru li minn żmien ghal żmien ikun inkarigat mid-Dipartiment u tinkludi kull ufficjal mahtur mill-Ministru ghal ghan partikolari jew ghal serje ta’ ghanijiet;

“omm” tinkludi il-mara tar-raġel bi żwieġ iehor u omm adottiva;

“dhul nett” tfisser id-dhul kollu li minnu jitnaqqsu l-ispejjeż li jsiru direttament biex jinqala’ dak id-dhul;

“ġenitur” tinkludi ġenitur bi żwieġ iehor u ġenitur adottiv;

“pensjoni” tfisser pensjoni mhallsa taht dan l-Att;

“età tal-pensjoni” tfisser —

(a) fil-każ ta’ raġel, l-età ta’ wiehed u sittin sena; u

(b) fil-każ ta’ mara, l-età ta’ sittin sena;

“dhul pensjonabbli” tfisser il-medja fis-sena tal-paga jew salarju basiċi, maħduma skond l-Erbatax-il Skeda li tinsab ma’ dan l-Att.

“preskritt” tfisser preskritt b’regolamenti;

“regolamenti” tfisser regolamenti magħmula mill-Ministru taht dan l-Att u pubblikati fil-Gazzetta;

“diżgrazzja rilevanti” u “korriment rilevanti” ifissru rispettivamente, dwar benefiċċju ghal korriment jew dwar benefiċċju ghal inkapaċità, id-diżgrazzja jew il-korriment li ghalihom xi wiehed minn dawn il-benefiċċji huwa mitlub jew ghandu jithallas;

“telf ta’ fakultà rilevanti” tfisser it-telf ta’ fakultà li tirrizulta mill-korriment rilevanti;

“jirtira” tfisser min jilhaq l-età tal-pensjoni: Iżda dwar min ikollu l’fuq mill-età tal-pensjoni li jitqies bhala li ġie skwalifikat milli jirċievi pensjoni minhabba li jkun f’impieg assigurabbli jew persuna li timpjega lilha nnifisha, li wiehed jirtira tfisser id-data li fiha ma jibqax hekk skwalifikat jew meta jilhaq l-età ta’ 65 sena, skond liema tiġi l-ewwel:

Iżda iktar dwar persuna li f’xi żmien tkun jew kienet jew, li ma kienx minhabba d-dispożizzjonijiet ta’ l-artikolu 56 ta’ dan l-Att, kienet tirċievi pensjoni taht dan l-Att dovuta ma’ l-età tal-pensjoni jew wara li wiehed jirtira tfisser —

(i) id-data meħuġa bhala d-data ta' meta jirtira għall-finijiet sabiex tinghata pensjoni li tithallas wara l-età tal-pensjoni, jew

(ii) l-età tal-pensjoni fil-każ ta' kull persuna oħra;

“persuna li timpjega lilha nnifisha” tfisser persuna li ma tkunx għalqet l-età ta' 65 sena, li tkun ordinarjament tirisjedi f'Malta, u li ma tkunx persuna mpjegata;

“taħdem għalik innifsek” tfisser persuna li timpjega lilha nnifisha li tinsab okkupata f'xi attività li permezz tagħha jinqala' qliegh li jkun iżjed minn Lm390 fis-sena;

“pensjoni tas-servizz” tfisser pensjoni jew *allowance* oħra mogħtija lil persuna dwar servizzi li jkunu qabel inghataw f'Malta jew barra minn Malta u għandha f'kull każ singolu titqies fuq bażi mhux kommutata;

“persuna gravement handikappata” tfisser persuna li għad għandha tul ta' hajja raġonevoli u li ma tkunx tista' żżomm lilha nnifisha minhabba handikapp permanenti li jirrizulta —

(a) minhabba li tkun truxa u muta għal kollox; jew

(b) minn *achondroplasia*, *hypopituitarism*, *osteogenesis imperfecta* jew xi xort'oħra ta' nanuiżmu; jew

(ċ) minn waħda mill-mard li ġejjin, jiġifieri:

*Multiple Sclerosis*

*Muscular Dystrophy*

*Spina Bifida*

*Hydrocephalus*

*Huntington's Chorea*; jew

(d) minn paralisi totali permanenti jew malfunzjoni gravi totali permanenti jew marda totali permanenti, sew jekk inhi kawżata b'amputazzjoni jew mod ieħor, taż-żewġ idejn jew riglejn;

“Arbitru” tfisser l-Arbitru mahtur taħt l-artikolu 110 ta' dan l-Att u tinkludi d-Deputat Arbitru mahtur taħt dak l-artikolu;

(2) Għall-finijiet ta' dan l-Att —

(a) persuna titqies li jkollha iżjed jew anqas minn xi età jekk tkun jew ma tkunx laħqet dik l-età;

(b) persuna titqies li tkun bejn żewġ etajiet jekk tkun laħqet l-iċen iżda ma tkunx laħqet l-akbar minn dawk iż-żewġ etajiet;

(ċ) persuna titqies li ma tkunx laħqet xi età partikolari sal-bidu ta' l-anniversarju tad-data ta' eghluq sninha rilevanti għal dik l-età partikolari.

(3) Għall-finijiet tal-ġħoti ta' Pensjoni għal Min Jirtira jew ta' Pensjoni għall-Invalidità skond il-każ, taħt dan l-Att, persuna li, matul l-aħħar għaxar snin li jntemmu fl-aħħar jum tas-sena kalendarja li tiġi minnufih qabel ma tirtira jew li tkun saret persuna invalida skond dan l-Att, kif ikun il-każ, kieku persuna assigurata, għandha titqies jew bhala persuna mpjegata jew bhala persuna li timpjega lilha nnifisha skond l-umru ta' snin, jew parti minnhom, li tkun għamiet timpjeg assigurabbli jew oħra persuna li timpjega lilha nnifisha, u meta n-

numru l-kbir tas-snin, jew parti minnhom, ikunu nhadmu f'impieg assigurabbli, titqies bhala persuna mpjegata; u meta n-numru l-kbir tas-snin, jew parti minnhom, kienet għaddiethom bhala persuna li timpjega lilha nnifisha, titqies bhala persuna li timpjega lilha nnifisha:

Izda persuna li skond dan is-subartikolu għandha titqies bhala persuna li timpjega lilha nnifisha, għandha, jekk dan ikun ta' vantaġġ għaliha, titqies bhala persuna impjegata jekk minnufih qabel l-ghaxar sena qabel ma tirtira jew qabel l-invalidità tagħha, skond il-każ, kienet persuna mpjegata għal mhux inqas minn 20 sena u tkun hekk kompliet fl-impieg għal xi perijodu fi żmien l-imsemmija għaxar snin u ma tkunx bdiet wara dak il-perijodu taħdem għaliha nnifisha.

TAQSIMA II

Persuni Assigurati u Kontribuzzjonijiet

Klassijiet ta' persuni assicurati.

3. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, kull persuna li tkun għalqet l-età ta' 16-il sena, izda li ma laħqitx l-età li fiha wiehed jirtira, għandha tkun assicurata taht dan l-Att jew bhala persuna mpjegata jew bhala persuna li timpjega lilha nnifisha.

Estensjoni ta' kontribuzzjonijiet tat-Tieni Klassi.

4. Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, kontribuzzjoni mhallsa qabel it-3 ta' April 1978, minn persuna mhux impjegata taht id-dispożizzjonijiet ta' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali, fis-sehh sa dik id-data, għandha titqies, għall-finijiet ta' dan l-Att, li tkun kontribuzzjoni mhallsa minn persuna li timpjega lilha nnifisha li ma tkunx taħdem għaliha nnifisha.

Impieg assigurabbli.

5. Għall-finijiet ta' l-Att, kull impieg speċifikat fil-Part I ta' l-Ewwel Skeda li tinsab ma' dan l-Att, sakemm dan ma jkunx impieg eċċettwat taht il-Parti II ta' dik l-Iskeda, għandu jkun impieg assigurabbli.

Persuni li jitqiesu li ma jimpjegawx lilhom infushom.

6. (1) Għall-finijiet ta' dan l-Att, persuna li ma tkunx persuna mpjegata għandha wkoll ma titqiesx li hi persuna li timpjega lilha nnifisha jekk dik il-persuna tkun:—

(a) mara miżżewġa li r-raġel tagħha ma jkunx abbandunaha; jew

(b) qed tirċievi edukazzjoni jew taħriġ full-time f'istituzzjoni edukattiva magħrufa mill-Gvern skond l-Att ta' l-1974 dwar l-Edukazzjoni, u ma tkun qeghda tithallas lilha matul dak iż-żmien ebda forma ta' rimunerazzjoni jew allowance (barra minn xi allowance imħallsa taht dan l-Att); jew

(c) twieldet qabel l-ewwel ta' Jannar, 1927 u li, qabel l-ewwel ta' April, 1978, ma kinetx thallas kontribuzzjoni taht l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali, kif sehħ qabel id-data tal-bidw fis-sehh ta' dan l-Att, u li, f'xi żmien qabel l-imsemmija data ta' l-1 ta' April, 1978 ma kinetx taħdem għaliha nnifisha; jew

(d) tkun qeghda tirċievi pensjoni (barra minn pensjoni għal invalidità li titqies f'inqas minn 100%) li tithallas taht dan l-Att

Iżda armla li, minkejja l-fatt li hi tkun ghadha timpjega lilha nnifisha, izzomm id-dritt taghha ghal Pensjoni ta' Armla taht dan l-Att bis-sahha ta' l-artikolu 51 ta' dan l-Att, ghandha, b'danakollu, titqies bhala persuna li timpjega lilha nnifisha ghall-finijiet ta' dan l-Att; jew

(e) tkun qeghda tircievi Assistenza Soċjali li tithallas taht dan l-Att; jew

(f) persuna li, kieku ma kienx ghad-dispozzjonijiet tas-sub-artikolu (2) ta' l-artikolu 26 jew ta' l-artikolu 56 ta' dan l-Att, kienet tkun intitolata ghal pensjoni taht dan l-Att. (3)

(2) Ghall-finijiet ta' dan l-Att meta xi wahda mill-kategoriji ta' persuni msemmija fil-paragrafi (a) u (b) tas-subartikolu (1) ta' dan l-artikolu jkunu jahdmu ghalihom infushom, daww il-persuni ghandhom jitqiesu bhala persuni li jimpjegaw lilhom nfushom.

7. (1) Ghal kull persuna li tkun impjegata f'impieg assigurabbli, ghandhom jithallsu tliet kontribuzzjonijiet fil-gimgha, skond id-dispozzjonijiet ta' dan l-Att, wahda mill-persuna impjegata, wahda mill-principali taghha, u wahda mill-Fond Konsolidat:

Kontribuzzjonijiet ta' l-Ewwel Klassi u proporzjonijiet taghhom.

Iżda ghall-finijiet ta' dan l-Att, persuna li tkun impjegata f'izjed minn impieg assigurabbli wiehed titqies li tkun impjegata f'dak l-impieg assigurabbli li jkollu l-oghla paga jew salarju baziku jew dak li hu l-aktar ghali.

(2) Bla hsara ghad-dispozzjonijiet ta' dan l-Att, ir-rati fil-gimgha ta' kontribuzzjonijiet li jithallsu taht dan l-Att minn persuna mpjegata u mill-principali taghha rispettivament jkunu daww speċifikati fil-Parti I tal-Ghaxar Skeda li tinsab ma' dan l-Att; filwaqt li l-kontribuzzjonijiet li jithallsu taht dan l-Att mill-Fond Konsolidat ikunu 50% tal-kontribuzzjonijiet fil-gimgha f'daqqa mhallsa mill-impjegat u mill-principali tieghu.

(3) Ghall-finijiet tas-subartikolu (2) ta' dan l-artikolu, meta xi impieg assigurabbli jintemm minn ma' principali wiehed matul gimgha partikolari u jinbeda ma' principali iehor matul dik il-gimgha partikolari stess, il-kontribuzzjoni li tithallas dwar dik il-gimgha ghandha tithallas mill-principali ta' qabel.

(4) Is-somma li ghandha tinhareg mill-Fond Konsolidat taht dan l-artikolu u taht l-artikolu 10 ta' dan l-Att, tithallas b'dak il-mod li l-Ministru responsabbli ghall-Finanzi jista', minn zmien ghal zmien, jiddeciedi.

8. (1) Il-principali ghandu, fl-ewwel kaz, ikun dovut ihallas kemm il-kontribuzzjoni dovuta minnu kif ukoll, f'isem u b'eskluzjoni tal-persuna mpjegata, il-kontribuzzjoni dovuta minn dik il-persuna u, ghall-finijiet ta' dan l-Att, kontribuzzjonijiet imhallsa mill-principali f'isem l-impjegat ghandhom jitqiesu li jkunu kontribuzzjonijiet imhallsa mill-persuna mpjegata.

Kontribuzzjonijiet ta' persuni mpjegati u ta' principali.

(Kontribuzzjoniet tal-Ewwel Klassi).

(2) Minkejja kull kuntratt jew ftehim għall-kuntrarju, prinċipal ma għandux ikun intitolat li jnaqqas mill-pagi jew minn rimunerazzjoni oħra ta' persuna mpjegata minnu, jew xort'oħra li jikseb lura minghand dik il-persuna l-kontribuzzjoni li tithallas minnu dwar dik il-persuna; u kull prinċipal li jnaqqas jew jipprova jnaqqas il-kontribuzzjoni kollha jew xi parti minnha dovuta minnu dwar dik il-persuna mill-pagi jew minn rimunerazzjoni oħra ta' dik il-persuna, jkun hati ta' reat taħt dan l-Att u jeħel, meta jinstab hati dwar kull reat bħal dak, multa.

(3) Meta persuna mpjegata tirċievi xi pagi jew xi rimunerazzjoni pekunjarja oħra minghand il-prinċipal tagħha, l-ammont ta' kull kontribuzzjoni mħallsa mill-prinċipal f'isem il-persuna mpjegata għandu, minkejja d-dispożizzjonijiet ta' kull liġi jew kull kuntratt jew ftehim għall-kuntrarju, jingabar permezz ta' tnaqqis li jsir mill-pagi ta' dik il-persuna jew minn xi rimunerazzjoni oħra dovuta mill-prinċipal lil dik il-persuna u mhux xort'oħra.

Izda ebda tnaqqis bħal dak ma jista' jsir minn xi pagi jew rimunerazzjoni barra minn dawk li jithallsu f'kollox jew parti dwar il-gimgha tal-kontribuzzjoni jew parti mill-gimgha tal-kontribuzzjoni li għaliha tithallas il-kontribuzzjoni.

(4) Meta persuna mpjegata ma tirċevix xi pagi jew xi rimunerazzjoni pekunjarja oħra minghand il-prinċipal tagħha izda tirċievi dik ir-rimunerazzjoni minghand xi persuna oħra, l-ammont ta' kull kontribuzzjoni mħallsa mill-prinċipal f'isem il-persuna mpjegata għandu (bla preġudizzju għal kull xorta ta' ġbir iehor) jingabar mill-im-semmi prinċipal bħala dejn ċivili minghand il-persuna l-oħra li minghandha l-persuna mpjegata kienet qed tirċievi l-paga jew rimunerazzjoni pekunjarja oħra sakemm il-proċedimenti għal dan l-ghan jinbdew fi żmien tnax-il xahar mid-data li fiha kienet dovuta l-kontribuzzjoni.

9. Kull prinċipal li għandu jhallas xi kontribuzzjoni dwar persuna mpjegata għandu, kemm-il darba ma jkunx bl-approvazzjoni tad-Direttur għamel arrangamenti oħra, iħallas b'arretrati b'intervalli ta' xahar fid-Dipartiment tat-Taxxi Nterni, dawk il-kontribuzzjonijiet kollha li għandu jhallas taħt l-artikoli 7 u 8 ta' dan l-Att, f'dak iż-żmien u f'dik il-forma u b'dak il-mod kif jista' jiġi deċiż mid-Direttur f'konsultazzjoni mal-Kummissarju tat-Taxxi Nterni jew b'dak il-mod iehor li l-Ministru jista' jistabilixxi minn żmien għal żmien bi ftehim mal-Ministru responsabbli għall-finanzi.

(1) Kull persuna li timpjega lilha nnifisha kemm-il darba ma tkunx xort'oħra eżentata taħt id-dispożizzjonijiet ta' dan l-Att, għandha tħallas kontribuzzjoni skond id-dispożizzjonijiet ta' dan l-Att.

(2) Għal kull kontribuzzjoni li tithallas minn persuna li timpjega lilha nnifisha taħt dan l-Att, għandha tithallas kontribuzzjoni oħra mill-Fond Konsolidat.

(3) Ir-rati ta' kontribuzzjonijiet imħallsa taħt dan l-Att minn persuna li timpjega lilha nnifisha jkunu dawk speċifikati fil-Parti II

Hlas ta' kontribuzzjoni ta' l-Ewwel Klassi.

Kontribuzzjonijiet minn persuni li jimpjegaw lilhom infushom. (Kontribuzzjonijiet tat-Tieni Klassi).

Kontribuzzjonijiet ta' l-Ewwel Klassi.

tal-Ghaxar Skeda li tinsab ma' dan l-Att għall-erba' xhur li jagħlqu fl-aħħar jum ta' April, Awissu u Diċembru ta' kull sena:

(i) İzda jekk min jimpjega lilu nnifsu hekk jagħzel, huwa jista' jhallas rata oghla ta' kontribuzzjoni minn dik li kienet tithallas minnu mod iehor, iżda din ir-rata oghla ta' kontribuzzjoni ma għandha, f'ebda każ, tkun iktar mill-oghla rata li jmiss.

(4) Il-kontribuzzjoni li tithallas mill-Fond Konsolidat taht dan l-artikolu għandha tkun ekwivalenti għal 50% tal-kontribuzzjoni mhallsa mill-persuna konċernata li timpjega lilha nnifisha.

11. Kull persuna li timpjega lilha nnifisha li għandha thallas kontribuzzjoni tat-Tieni Klassi skond l-artikolu 10 ta' dan l-Att għandha, sakemm ma tkunx bl-approvazzjoni tad-Direttur għamlet arrangamenti oħra, thallas il-kontribuzzjonijiet tagħha b'arretrati f'intervalli ta' erba' xhur li jagħlqu fl-aħħar jum ta' April, Awissu u Diċembru ta' kull sena. Il-Hlas għandu jsir fid-Dipartiment tat-Taxxi Nterni b'dik il-forma u b'dak il-mod kif jista' jiġi deciż mid-Direttur b'konsultazzjoni mal-Kummissarju tat-Taxxi Nterni jew b'dak il-mod iehor li l-Ministru jista' jistabbilixxi minn żmien għal żmien bi ftehim mal-Ministru responsabbli għall-finanzi.

Hlas ta' Kontribuzzjonijiet tat-Tieni Klassi.

12. (1) Kull persuna li timpjega lilha nnifisha li tissodisfa lid-Direttur li ma tkunx qed taħdem għaliha nnifisha u li l-qliegħ fis-sena tagħha kalkolat skond id-dispożizzjonijiet ta' Parti I tat-Tieni Skeda li tinsab ma' dan l-Att, ma jkunx iżjed minn:—

Eżenzjoni mill-hlas ta' Kontribuzzjonijiet tat-Tieni Klassi.

(i) Lm630 fil-każ ta' raġel miżżewweġ li jkun imantni għal kollox lil martu u li ma tkunx hi nnifisha taħdem għaliha nnifisha jew tkun f'impieg assigurabbli; jew

(ii) Lm430 fil-każ ta' kull persuna oħra;

għandu jkollha jedd, fuq applikazzjoni lid-Direttur, li tirċievi ċertifikat ta' dhul baxx li jkun validu għal tnax-il xahar u filwaqt li jkollha dak iċ-ċertifikat, u sakemm ma jkunx hemm tibdil rilevanti fiċ-ċirkostanzi, din tkun eżentata mill-hlas tal-kontribuzzjonijiet tat-Tieni Klassi.

(2) Jekk persuna li dwarha japplika s-subartikolu (1) ta' dan l-artikolu tonqos li ggedded dak iċ-ċertifikat fi żmien tliet xhur mill-egħluq tiegħu, dik il-persuna tista', fid-diskrezzjoni tad-Direttur, tehel piena ta' mhux iżjed minn Lm5 li jithallsu f'dak iż-żmien li jista' jiġi stabbilit mid-Direttur.

13. (1) Kull persuna li —

(a) tkun impjegata taht kuntratt ta' servizz barra minn Malta b'dak il-mod li ma tkunx b'impieg assigurabbli, u

(b) iżzomm ir-residenza ordinarja f'Malta,

Hlas tal-Kontribuzzjonijiet ta' l-Ewwel Klassi minn persuni impjegati barra minn Malta.

tista', fuq talba tagħha u b'effett minn dik id-data, li ma tkunx iktar tard mid-data ta' dik it-talba, kif id-Direttur jista' jiddeciedi, minflok li thallas kontribuzzjoni tat-Tieni Klassi, thallas kontribuzzjoni ta' l-Ewwel Klassi li jkun fiha kemm is-sehem tagħha u dak tal-prinċipal li jkun fuq il-valur ta' dik il-kontribuzzjoni ta' l-Ewwel Klassi.

(2) Il-kontribuzzjoni mhallsa taht is-subartikolu (1) ta' dan l-artikolu għandha tithallas b'dik il-forma u b'dak il-mod u f'dawk

l-istess intervalli bhal kontribuzzjonijiet imhallsa minn persuni li jimpjegaw lilhom infushom skond l-artikolu 11 ta' dan l-Att; u dawk il-kontribuzzjonijiet jibqghu jithallsu dwar kull perijodu li matulu jibqghu japplikaw il-kondizzjonijiet specifkati fil-paragrafi (a) u (b) tas-subartikolu (1) ta' dan l-artikolu.

Hlas ta' kontribuzzjonijiet tat-Tieni Klassi minflok Kontribuzzjonijiet ta' l-Ewwel Klassi.

14. Kull persuna li ghandha thallas Kontribuzzjoni ta' l-Ewwel Klassi taht l-artikoli 7, 8 u 9 ta' dan l-Att u li tahdem ghalha nnifisha wkoll tista', fuq talba taghha stess u bl-approvazzjoni tad-Direttur, thallas kontribuzzjoni tat-Tieni Klassi minflok kontribuzzjoni ta' l-Ewwel Klassi; u wara dik il-persuna ma tistax terga' ssir kontributor ta' l-Ewwel Klassi hlief jekk u sakemm din tieqaf milli tahdem ghalha nnifisha u tinforma lid-Direttur b'dik il-bidla:

Izda d-Direttur ma ghandux jaghti l-approvazzjoni tieghu hlief jekk ir-rata applikabbli ghal kontribuzzjonijiet tat-Tieni Klassi kif imhallsa minn persuna li timpjega lilha nnifisha stess tkun izjed mir-rata applikabbli totali ta' kontribuzzjonijiet ta' l-Ewwel Klassi mhallsa mill-principali u mill-persuna mpjegata; u hu ghandu jhassar dik l-approvazzjoni b'effett minn dik id-data li jstabbilixxi li hi d-data li fiha l-imsemmija kondizzjoni ma tibqax tigi sodisfatta.

Kontribuzzjonijiet minn *outworkers*, gwidi tat-Turisti u xufiera ta' vetturi *impressed* mal-Gvern.

15. (1) Kull persuna li timpjega lilha nnifisha li ghandha thallas kontribuzzjoni tat-Tieni Klassi taht id-dispozizzjonijiet ta' dan l-Att, barra minn dawk ta' l-artikolu 14, u li tkun imqabnda minn persuna ohra biex taghmel servizzi ta' *outworker* jew bhala gwida tat-turisti jew bhala xufier ta' vettura *impressed* mal-Gvern tkun intitolata li tircievi minghand dik il-persuna jew minghand il-gvern, kif ikun il-każ, b'zieda mar-rimunerazzjoni dovuta lilha taht il-kondizzjonijiet ta' l-ingagg taghha, ammont li jkun daqs 1/16 tar-rimunerazzjoni mhallsa ghal dawk is-servizzi, li jmorru ghall-hlas ta' kontribuzzjonijiet tat-Tieni Klassi mhallsa taht dan l-Att minn dik il-persuna li timpjega lilha nnifisha.

(2) Ghall-finijiet ta' dan l-artikolu, "*outworker*" tfisser persuna ngaggata biex twettaq servizzi fil-manifattura fizika ta' xi oggett fil-hin taghha u f'post li mhux provdut mill-persuna li maghha tkun hekk ingaggata, u li tithallas b'rati bl-imqjeta, u "vettura *impressed* mal-Gvern" tfisser kull vettura li tkun *impressed* mal-Gvern skond kull procedura li tkun saret mill-Gvern ghal dan il-ghan.

Kreditu ta' kontribuzzjonijiet.

16. (1) Meta persuna thallas l-ewwel kontribuzzjoni taghha taht dan l-Att hi tkun intitolata ghal kontribuzzjoni akkreditata ghal kull gimgha kalendarja li tigi bejn l-ewwel jum tas-sena ta' kontribuzzjoni minnufih qabel dik li fiha hallset l-ewwel kontribuzzjoni taghha u l-ahhar jum tal-gimgha kalendarja minnufih qabel il-gimgha li dwarha kienet hallset l-ewwel kontribuzzjoni taghha; u, ghal dan il-ghan, jekk l-ewwel kontribuzzjoni kienet thallset taht id-dispozizzjoni ta' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali, kif beda jsehħ fis-seħħ qabel dan l-Att, dik il-kontribuzzjoni titqies li kienet thallset taht id-dispozizzjonijiet ta' dan l-Att.

(2) Jigu akkreditati kontribuzzjonijiet lil —

(a) armla, meta din l-armla ma tkunx tahdem bi qliegh, u sew jekk tkun intitolata ghal pensjoni ta' l-armla sew jekk le, ghal

(2) Kontribuzzjoni li dappri 1-3 ta' April 1978 kienet ark-  
kull perijodu li matulu ma tkunx reggħet iżżewġet u sakemm  
żewġha mejjet kien hallas 156 kontribuzzjoni qabel mewtu; u

(b) wiehed li kien membru tal-Korp tal-Pulizija ta' Malta,  
jew tal-Forzi Armati ta' Malta, li jirtira jew irtira mis-servizz  
b'pensjoni shiha mill-Gvern bhala l-principal tiegħu hekk kif jis-  
picća mis-servizz qabel ma jkun qiegħed jahdem bi qliegh u ma  
jkunx għadu lahaq l-età tal-pensjoni.

(3) Kontribuzzjoni għandha tigi wkoll akkreditata lil xi per-  
suna assigurata —

(a) għal kull ġimgħa kalendarja għal kull jum li fiha skond  
l-artikoli 18, 28 u 30 ta' dan l-Att tkun intitolata għal beneficiċċju  
għal mard, jew beneficiċċju għal korriment, jew beneficiċċju għal  
disimpieg, jew beneficiċċju speċjali għal disimpieg, jew għal kull  
ġimgħa kalendarja li matulha tkun intitolata għal pensjoni miżjuda  
għal invalidità, jew pensjoni għal inkapaċità meta l-grad ta' in-  
kapaċità tkun stmata bil-100%, jew, qabel ma tilhaq l-età meta  
wiehed jirtira, pensjoni minima nazzjonali;

(b) jekk normalment tkun impjegata f'impieg assigurabbli  
jew taħdem għaliha nnifisha u normalment toqgħod fuq dak l-im-  
pieg jew dak ix-xogħol li tagħmel għaliha, sabiex tgħix, għal kull  
ġimgħa kalendarja li fiha kull ġurnata tagħha tkun għalih ġurnata  
ta' inkapaċità għax-xogħol jew, biss fil-każ ta' kontributori ta'  
l-Ewwel Klassi, ġurnata ta' disimpieg;

Iżda d-dispożizzjonijiet ta' dan il-paragrafu ma jkunux  
japplikaw meta, li kellha l-persuna konċernata ma tkunx taħdem  
għaliha nnifisha minnufih qabel din l-inkapaċità tagħha għax-  
xogħol, ma kinetx tkun intitolata għal ċertifikat ta' qliegh baxx  
taħt u skond id-dispożizzjoni ta' l-artikolu 12 ta' dan l-Att;

(c) għal kull ġimgħa kalendarja li matulha tkun intitolata,  
jew kienet tkun intitolata, hlief għad-dispożizzjoni tal-paragrafu  
(i) tas-subartikolu (2) ta' l-artikolu 26 ta' dan l-Att, għal pensjoni  
għal invalidità:

Iżda mhux iżjed minn kontribuzzjoni wahda ma għandha tkun  
akkreditata lil persuna għal ġimgħa kalendarja wahda, u ebda  
kontribuzzjoni ma għandha tkun akkreditata għal xi ġimgħa kalen-  
darja wahda li għaliha kontribuzzjoni ta' l-Ewwel Klassi jew tat-  
Tieni Klassi għandha tithallas minnha jew dwaraha taħt dan l-Att.

(4) Kontribuzzjoni akkreditata taħt dan l-artikolu għal xi  
ġimgħa kalendarja għandha tkun —

(a) kontribuzzjoni tat-Tieni Klassi jekk tkun akkreditata  
minhabba li dik il-persuna —

(i) tkun armla li għaliha japplika il-paragrafu (a) tas-  
subartikolu (2) ta' dan l-artikolu; jew

(ii) ikollha d-dritt għal beneficiċċju għal mard u tkun per-  
suna li timpjega lilha nnifisha jew ikollha d-dritt għal pensjoni  
għal invalidità, jew għal pensjoni miżjuda għal invalidità jew,  
qabel ma tilhaq l-età tal-pensjoni, għal pensjoni minima  
nazzjonali, u minnufih qabel ma tkun saret invalida kienet  
persuna li timpjega lilha nnifisha;

(b) kontribuzzjoni ta' l-Ewwel Klassi f'kull każ iehor.

(5) Kontribuzzjoni li qabel it-3 ta' April, 1978 kienet akkreditata bhala kontribuzzjoni tat-Tielet Klassi taht id-dispożizzjonijiet ta' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali kif fis-sehh sa dik id-data ghandha titqies li tkun kontribuzzjoni tat-Tieni Klassi akkreditata dwar persuna li ma kinetx taħdem ghalha nnifisha.

Il-kontribuzzjonijiet dwar titolu ghal certi benefiċċji u pensjonijiet.

17. (1) Il-kondizzjonijiet dwar il-kontribuzzjonijiet għall-hlas ta' benefiċċju għal mard, benefiċċju għal disimpieg u benefiċċju għal disimpieg speċjali skond l-artikoli 18 u 30 ta' dan l-Att ikunu kif murija fil-Ħdax-il Skeda li tinsab ma' dan l-Att.

(2) Il-kundizzjonijiet dwar il-kontribuzzjonijiet għall-hlas ta' pensjoni taht l-artikolu 26, Taqsima IV (barra minn Pensjoni ta' Superstiti) u Taqsima V (barra minn Pensjoni ta' Żewġ Terzi) ta' dan l-Att ghandhom ikunu kif imsemmija fil-Ħdax-il Skeda li tinsab ma' dan l-Att.

(3) Għall-finijiet sabiex jiġi stabbilit jekk persuna tkunx intitolata għal xi wiehed mill-benefiċċji msemmija fis-subartikolu (1) ta' dan l-artikolu, safejn ikollhom x'jaqsmu l-kontribuzzjonijiet —

(a) Kontribuzzjonijiet ta' l-Ewwel Klassi mhallsin f'kull żmien dwar impieg fittizju u kull kontribuzzjoni ta' l-Ewwel Klassi akkreditati skond il-paragrafu (b) tas-subartikolu (4) ta' l-artikolu 16 bis-sahha tal-paragrafu (b) tas-subartikolu (2) ta' l-artikolu 16 imsemmi ma ghandhomx jitqiesu;

(b) Kontribuzzjonijiet tat-Tieni Klassi, sew jekk imhallsin jew akkreditati, ma ghandhomx jitqiesu dwar —

(i) kull talba għal benefiċċju speċjali għal disimpjeg; u

(ii) kull talba għal benefiċċju għal mard hlief jekk id-Direttur ikun sodisfatt li dawk il-kontribuzzjonijiet kienu thallsu dwar perijodi li matulhom il-persuna konċernata kienet taħdem ghalha nnifisha; u

(e) kull kontribuzzjoni mhallsa minn mara qabel id-data taż-żwieġ tagħha ma ghandiex titqies meħta ssir xi talba għal dawk il-benefiċċji wara dik id-data.

(4) Għall-finijiet sabiex jiġi stabbilit jekk persuna tkunx intitolata għal xi waħda mill-pensjonijiet imsemmija fis-subartikolu (2) ta' dan l-artikolu, safejn ikollhom x'jaqsmu l-kontribuzzjonijiet —

(a) Kontribuzzjonijiet tat-Tieni Klassi li jitqiesu li jkunu hekk bis-sahha ta' l-artikolu 4 u tas-subartikolu (5) ta' l-artikolu 16, kontribuzzjonijiet tat-Tieni Klassi li ma jkunux thallsu minn xogħol bi qliegh, kontribuzzjonijiet ta' l-Ewwel Klassi akkreditati skond il-paragrafu (b) tas-subartikolu (4) ta' l-artikolu 16 bis-sahha tal-paragrafu (b) tas-subartikolu (2) ta' l-artikolu 16 imsemmi u kontribuzzjonijiet tat-Tieni Klassi akkreditati skond is-sub-paragrafu (i) tal-paragrafu (a) tas-subartikolu (4) ta' l-artikolu 16 ma ghandhomx jingħaddu dwar xi talba għal pensjoni taht l-artikolu 26;

(b) Kontribuzzjonijiet ta' l-Ewwel Klassi mhallsa f'xi żmien dwar impieg fittizju ma ghandhomx jingħaddu dwar kull talba għal

pensjoni (barra minn pensjoni li tithallas taht it-Taqsima IV ta' dan l-Att) imsemmija fis-subartikolu (2) ta' dan l-artikolu hliet kif provdut fl-artikolu 66 ta' dan l-Att.

(5) Meta persuna kienet tkun intitolata ghal benefiċċju jew pensjoni mhallsa taht l-artikoli msemmija fis-subartikoli (1) u (2) ta' dan l-artikolu hliet għall-fatt li l-kondizzjonijiet tal-kontribuzzjoni rilevanti ma jkunux ġew sodisfatti dwar in-numru ta' kontribuzzjonijiet imhallsa jew akkreditati fl-aħħar sena ta' kontribuzzjoni jew dwar il-medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati, dik il-persuna tkun xort'ohra ntitolata, jekk l-imsemmi numru jew medja fis-sena ma jkunux inqas minn għoxrin, għal benefiċċju jew pensjoni ta' dik ix-xorta bir-rata mnaqqsa speċifikata għal pensjoni ta' dik ix-xorta fit-Tnax-il Skeda li tinsab ma' dan l-Att.

### TAQSIMA III

#### Benefiċċji, 'Allowances' u Pensjonijiet Partikolari

18. (1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, persuna assigurata li jkollha tmintax-il sena jew iżjed iżda li ma tkunx laħqet l-età li fiha tirtira u li tkun tissodisfa il-kondizzjonijiet dwar il-kontribuzzjonijiet rilevanti tkun intitolata għal Benefiċċju għal Mard skond il-Parti I tat-Tielet Skeda li tinsab ma' dan l-Att għal kull ġurnata ta' inkapaċità għax-xogħol, barra minn kull ġurnata li fiha, sew għax inkapaċitata sew jekk le, dik il-persuna ma kinetx tinhtieg li tattendi għax-xogħol fil-kors normali ta' dmirijietha:

Benefiċċju għal mard.

Izda f'kull perijodu ta' inkapaċità għax-xogħol mhux interrott, l-ikbar numru ta' granet konsekuttivi li dwarhom il-benefiċċju għal mard jista' jithallas ma għandux, f'ebda każ, jaqbeż is-sitt ijiem.

(2) Dak il-Benefiċċju għal Mard ma għandhux jithallas għall-ewwel tliet ijiem ta' kull darba li dik il-persuna tkun inkapaċi għax-xogħol.

(3) Persuna li timpjega lilha nnifisha ma tkunx intitolata għal Benefiċċju għal Mard kemm-il darba d-Direttur ma jkunx sodisfatt li l-persuna li tagħmel it-talba għal dak il-benefiċċju tkun normalment taħdem għaliha nnifisha u kienet tkun taħdem għaliha nnifisha li kieku ma kienx minhabba f'dik l-inkapaċità, u li d-dhul tagħha nett waħdu minn dak ix-xogħol li taħdem għaliha nnifisha, kalkolat fuq bażi ta' kuljum, ikun jaqbeż ir-rata ta' Benefiċċju għal Mard applikabbli għaliha skond il-Parti I tat-Tielet Skeda li tinsab ma' dan l-Att, u li d-dhul nett tagħha minn dak ix-xogħol li taħdem għaliha nnifisha ma kienx iżjed minn Lm1,640 matul is-sena kalendarja minnufih qabel id-data tat-talba għal dak il-benefiċċju.

(4) Għall-finijiet ta' dan l-artikolu ġurnata ma għandhiex titqies bħala ġurnata ta' inkapaċità għax-xogħol kemm-il darba l-persuna konċernata ma tippruvax għas-sodisfazzjon tad-Direttur li hi ma

hijjex kapaci ghax-xoghol f'dik il-gurnata minhabba xi marda specifika jew minhabba f'invalidita fizika jew mentali jew li hi qieghda taht kura jew osservazzjoni ghal marda jew ghal invalidita kif fuq imsemmi.

(5) Il-Beneficċju ghal Mard jithallas ghal kull gurnata ta' inkapacita ghax-xoghol izda ma jkunx jaqbez b'kollox massimu ta' 156 gurnata f'kull sena kalendarja; b'tali mod illi, it-total shih ta' granet ta' beneficċju li jinkisbu minn dan il-beneficċju jew Beneficċju ghad-Disimpieg jew Beneficċju ghad-Disimpieg speċjali ma ghandux, f'ebda każ, ikun jaqbez f'xi zmien in-numru totali shih ta' kontribuzzjonijiet li jistghu jigu kalkolati, mhallsin mill-persuna koncernata:

Izda jekk persuna assicurata tkun skwalifikata milli tircievi Beneficċju ghal Mard skond is-subartikolu (6) ta' dan l-artikolu, dik il-persuna jkollha l-jedd taghha ghal Beneficċju ghal Mard ghal dik is-sena kalendarja li matulha tigi mposta l-iskwalifika, mnaqqas bin-numru ta' granet ta' dik l-iskwalifika.

(6) Persuna tkun skwalifikata milli tircievi Beneficċju ghal Mard ghal kull perijodu kif jista' jigi deciz mid-Direttur —

(a) jekk tkun, minghajr raguni tajba, irrifjutat jew naqset li tattendi ghal jew li taghmel ezami jew kura medika kif jista' kien mehtieg mid-Direttur; jew

(b) jekk tkun agixxiet b'mod li x'aktarx jirritardja il-fejqan taghha; jew

(c) jekk tkun assenti minghajr raguni tajba mill-post ta' residenza taghha.

Ghamliet ta'  
Ghajjnuna Medika.

19. L-Ghajjnuna Medika ghandha tkun ta' dawn l-ghamliet:

(a) Ghajjnuna ghal Mard;

(b) Ghajjnuna dwar il-Lebbra;

(c) Ghajjnuna dwar it-Tuberkolozi;

(d) Ghajjnuna Medika bla Hlas;

(e) Ghoti ta' Halib.

Ghajjnuna ghal  
Mard.

20. (1) Bla hsara ghad-dispozizzjonijiet ta' dan l-Att, persuna li tkun kap ta' familja jkollha jedd ghal Ghajjnuna ghal Mard taht dan l-artikolu jekk tipprova ghas-sodisfazzjon tad-Direttur illi —

(a) hija, jew membru tal-familja taghha, qed isofru minn marda, jew huma f'kondizzjoni, imsemmija fil-Parti I tal-Hames Skeda li tinsab ma' dan l-Att, li tista' tittaffa jew tigi kurata b'dieta jew sistema ta' kura speċjali li tehtieg spiza li normalment ma tintefaqx mill-familja, u l-persuna li dwarha qed tintalab dik l-ghajjnuna la tkun pazjent f'istituzzjoni jew sptar tal-Gvern u lanqas persuna mpjegata jew persuna li tahdem ghaliha nnifisha; u

(b) id-dhul kollu fil-gimgha tal-membri tal-familja taghha jkollha kalkulat skond id-dispozizzjonijiet tal-Parti II tat-Tieni Skeda li tinsab ma' dan l-Att ma jkunx izjed mir-rata ta' l-iskala

ghal dik il-familja kif stabbilit bis-Seba' Skeda li tinsab ma' dan l-Att.

(2) Kap ta' familja li jkun qed jirċievi l-Assistenza Soċjali taht dan l-Att, jitqies li ma jkollux il-mezzi li jkunu iżjed mir-rata ta' l-iskala ghal dik il-familja kif imsemmi qabel.

21. (1) Bla hsara ghad-dispożizzjonijiet ta' dan l-Att, persuna li tkun kap ta' familja jkollha l-jedd ghal Ghajnuna dwar il-Lebbra jekk turi ghas-sodisfazzjon tad-Direttur li hi jew xi membru tal-familja taghha jkunu qeghdin taht kura ghal-lebbra.

Ghajnuna dwar il-Lebbra.

(2) Meta dak il-kap ta' familja jkun ilu jirċievi kontinwament Ghajnuna dwar il-Lebbra mill-14 ta' April, 1975 bir-rata applikabbli f'dik id-data, huwa jibqa' jirċievi dik l-ghajnuna b'dik ir-rata, kemm-il darba ma jkunx intitolat ghal rata oghla ta' Ghajnuna dwar il-Lebbra skond id-dispożizzjonijiet ta' dan l-Att.

(3) Is-subartikolu (2) ta' dan l-artikolu ma japplikax fejn kien hemm tibdil ta' ċirkostanzi fil-familja.

22. Bla hsara ghad-dispożizzjonijiet ta' dan l-Att, persuna li tkun il-kap ta' familja jkollha l-jedd ghal Ghajnuna dwar it-Tuberkolozi jekk turi ghas-sodisfazzjon tad-Direttur li hi jew xi membru tal-familja taghha jkunu qed ibatu jew matul l-ahhar hames snin kienu batew minn tuberkolozi.

Ghajnuna dwar it-Tuberkolozi.

23. (1) Bla hsara ghad-dispożizzjonijiet ta' dan l-Att, persuna li tkun il-kap ta' familja jkollha dritt ghal dik l-Ghajnuna Medika bla hlas skond kif speċifikat hawn taht, jigifieri l-ghoti ta' dawk il-medicini, nuċċalijiet, dentaturi, jew ghajnuniet prostetiċi ohra li fil-fehma ta' l-Uffiċjal Mediku Principali tal-Gvern ikunu indikati fil-każ taghha u jkunu disponibbli, jekk turi ghas-sodisfazzjon tad-Direttur li —

Ghajnuna Medika bla Hlas.

(a) minhabba fl-inkapaċità jew kull mard, li ma jkunx jehtieġ kura fi sptar, din il-persuna jew xi membru tal-familja taghha jkunu jehtieġu ghajnuna medika, kirurgika jew farmaċewtika; u

(b) id-dhul kollu fil-gimgha tal-membri kollha tal-familja taghha kalkolat skond id-dispożizzjonijiet tal-Parti II tat-Tieni Skeda li tinsab ma' dan l-Att ma jkunx iżjed mir-rata ta' l-iskala ta' dik il-familja, kif stabbilit bit-Tmien Skeda li tinsab ma' dan l-Att:

Izda l-Uffiċjal Mediku Principali tal-Gvern ghandu jikkonsulta, qabel ma jiddeċiedi, lil wiehed jew iktar mill-konsulenti mediċi magħzula minn grupp ta' nies mahtura mill-Ministru.

(2) Meta persuna li jkollha bżonn ta' dik l-ghajnuna ma tkunx il-kap tal-familja jew il-mara tieghu, il-kap ta' dik il-familja ma jkollux dritt ghal Ghajnuna Medika bla hlas jekk id-dhul fil-gimgha tal-persuna li dwarha tkun mehtieġa dik l-ghajnuna, kalkolat daqslikieku jiffirma familja wahdu, ikun iżjed mir-rata ta' l-iskeda ghal persuna wahda kif stabbilit bl-imsemmija Tmien Skeda.

(3) Il-kondizzjoni mniżża fil-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu ma tapplikax meta persuna li dwarha tenhtieg l-Ghajnuna Medika bla Hlas tkun qed issofri minn Tuberkolozi, Lebbra jew Poliomyelitis jew li tkun qed tbatu minn Diabete Mellitus jew minn l-effetti ta' wara ta' xi mard jew kondizzjonijiet bhal dawk imsemmijin fil-Parti II tal-Hames Skeda li tinsab ma' dan l-Att.

Ghoti ta' Halib.

24. Bla hsara ghad-dispożizzjonijiet ta' dan l-Att, kap ta' familja li jkun qed jirċievi Ghajnuna Soċjali jew ghal Tuberkolozi taht dan l-Att, ghandu jkun intitolat ghal Ghoti ta' Halib jekk juri ghas-sodisfazzjon tad-Direttur li hu jew xi membru tal-familja tieghu ghandhom il-kura jew kustodja ta' tarbija taht l-erbghin gimgha li tkun tenhtieg tinfatam jew tinghata ikel komplementari jew li ma tkunx tista' tinghata halib ommha ghal raġunijiet ta' sahha, u dak l-Ghoti ghandu jibqa' jithallas sakemm dik it-tarbija taghlaq l-erbghin gimgha.

Ammonti mhallsa bhala ghajnuna.

25. (1) L-ammonti fil-gimgha mhallsa taht id-dispożizzjonijiet ta' dan l-Att bhala Ghajnuna ghal Mard, Ghajnuna dwar il-Lebbra, Ghajnuna dwar it-Tuberkolozi u Ghoti ta' Halib ghandhom ikunu dawk murija fid-Disa' Skeda li tinsab ma' dan l-Att.

(2) L-Ghajnuna dwar it-Tuberkolozi ghandha tibqa' tithallas sa perijodu ta' hames snin minn meta titnehha ghal kollox l-origini ta' l-infezzjoni fil-familja, izda dan il-perijodu jista' jiggedded mid-Direttur waqt li l-familja tkun qed tirċievi Ghajnuna Soċjali mhallsa taht dan l-Att.

Pensjonijiet ghal Invalidità.

26. (1) Bla hsara ghad-dispożizzjonijiet ta' dan l-Att, persuna tkun intitolata ghal Pensjoni ghal Invalidità jew ghal Pensjoni Mizjuda ghal Invalidità jew ghal Pensjoni Minima Nazzjonali b'wahda mir-rati speċifikati fit-Tnax-il Skeda li tinsab ma' dan l-Att jekk —

(a) kienet inkapaċi ghal impieg xieraq li jinhadem *full-time* jew b'mod regolari *part-time* jew ghal xoghol li tahtem ghaliha nnifisha, minhabba marda serja jew inkapaċità korporali jew mentali (barra minn xi disturb jew marda mentali hafifa) ghal dak in-numru ta' xhur jew parti minnhom minnufih qabel it-talba taghha kif jista' jistabilixxi d-Direttur fiċ-ċirkostanzi proprji tal-każ; u

(b) l-inkapaċità taghha kif fuq imsemmi titqies mid-Direttur li tkun wahda ta' natura permanenti, jew jekk il-permanenza taghha ma tkunx tista' tiġi definitivament stabbilita, titqies mid-Direttur bhala wahda li tipprojbixxi lil dik il-persuna milli twettaq impieg xieraq *full-time* jew fuq bażi regolari *part-time* jew li jahdem ghaliha nnifisha ghal mhux anqas minn tliet snin mid-data tat-talba taghha ghal dik il-pensjoni; f'liema każ dik il-persuna ghandha tkun intitolata biss li tirċievi pensjoni taht dan l-artikolu ghal dak in-numru ta' snin li d-Direttur jista' jistabilixxi; u

(c) fil-gurnata li tiġi minnufih qabel it-talba taghha ghal dik il-pensjoni kienet tissodisfa l-kondizzjonijiet ta' kontribuzzjoni rilevanti imsemmija fl-artikolu 17 ta' dan l-Att.

(2) Meta persuna tkun intitolata ghal pensjoni tas-servizz —

(i) jekk il-pensjoni tas-servizz u r-rata ta' Pensjoni ghal Invalidità applikabbli fil-każ tagħha flimkien ikunu iżjed minn żewġ terzi tad-dhul pensjonabbli tagħha, dik il-persuna jkollha dritt ghal Pensjoni ghal Invalidità, hekk iżda li fil-każ ta' persuna li l-aħħar ġurnata tagħha f'impieg assigurabbli taħbat wara l-31 ta' Marzu, 1978, il-Pensjoni ghal Invalidità tagħha għandha titnaqqas b'ammont li jkun daqs dik il-parti tal-pensjoni tas-servizz tagħha li tkun relattiva ghal żieda jew għaż-żidiet fil-paga jew fis-salarju tagħha li jkunu bdew isehhu wara l-31 ta' Marzu, 1978; jew

(ii) jekk il-pensjoni tas-servizz tagħha u r-rata ta' Pensjoni ghal Invalidità applikabbli fil-każ tagħha flimkien ma jkunux iżjed minn żewġ terzi tad-dhul pensjonabbli tagħha, dik il-persuna jkollha dritt ghal Pensjoni Miżjuda ghal Invalidità jew ghal dik il-parti minnha li b'hekk jiġi żgurat li l-imsemmija żewġ terzi ma jinqabżux; jew

(iii) jekk id-data ta' l-ewwel dhul f'impieg assigurabbli ta' dik il-persuna taħbat fl-1 jew wara l-1 ta' April, 1978, dik il-persuna ma jkollhiex dritt ghal Pensjoni ghal Invalidità iżda ghal Pensjoni Miżjuda ghal Invalidità jew ghal dik il-parti minnha li b'hekk jiġi żgurat li l-Pensjoni Miżjuda ghal Invalidità u l-pensjoni tas-servizz tagħha flimkien ma jkunux iżjed minn żewġ terzi tad-dhul pensjonabbli tagħha; jew

(iv) jekk il-pensjoni tas-servizz tagħha flimkien mar-rata tal-Pensjoni ghal Invalidità applikabbli fil-każ tagħha tkun inqas mir-rata tal-Pensjoni Minima Nazzjonali applikabbli fil-każ tagħha, għalhekk minkejja d-dispożizzjonijiet tal-paragrafu ta' qabel ta' dan is-subartikolu, dik il-persuna jkollha d-dritt għall-Pensjoni Minima Nazzjonali mnaqqsa bil-pensjoni tas-servizz tagħha.

(3) Għall-finijiet tas-subartikolu (2) ta' dan l-artikolu, meta persuna tkun ilha f'impieg għal anqas minn tletin sena b'kollox qabel ma tkun saret invalida, ir-riferenzi għall-proporzjon ta' żewġ terzi għandhom jiġu sostitwiti b'riferenzi għall-proporzjon li n-numru ta' xhur kompleti ta' servizz għandu ma' 540. Iżda meta l-proporzjon li l-pensjoni tas-servizz ta' persuna jkollu mal-paga jew salarju u emolumenti pensjonabbli oħra tagħha minnufih qabel ma tkun saret invalida jkun oghla mill-proporzjon maħdum kif intqal qabel, ir-riferenzi għall-proporzjon ta' żewġ terzi għandhom jiġu sostitwiti b'riferenzi għal dak il-proporzjon oghla, iżda dawn m'għandhom f'ebda każ ikunu sostitwiti bi proporzjon oghla minn żewġ terzi.

(4) Meta xi wieħed mill-postijiet li fuqhom għandu jinhadem id-dhul pensjonabbli ta' persuna ma jkunx għadu jeżisti, dan għandu jiġi sostitwit b'dak il-post analogu fis-servizz tal-Gvern jew f'xi organizzazzjoni parastatali li kellu paga jew salarju li l-iktar kien jikkorrispondi qrib ma' dak tal-post in kwistjoni fiż-żmien meta kien l-aħħar okkupat mill-pensjonant.

(5) Id-dhul pensjonabbli msemmi fil-paragrafi (i), (ii) u (iii) tas-subartikolu (2) ta' dan l-artikolu ma għandux ikun iżjed mill-ammont

stabbilit fil-paragrafu (3) ta' l-Erbatax-il Skeda li tinsab ma' dan l-Att.

(6) Persuna li ma tkunx intitolata għal pensjoni tas-servizz tkun intitolata għal Pensjoni Minima Nazzjonali.

(7) Kull pensjoni maħduma skond id-dispożizzjonijiet ta' dan l-artikolu, għandha, meta l-pensjonant konċernat jew il-mara tiegħu, kif ikun il-każ, ikun pazjent fi sptar jew istituzzjoni tal-Gvern skond l-artikolu 99 ta' dan l-Att, tkun proporzjonata f'dik il-forma u b'dak il-mod kif provdut fl-imsemmi artikolu 99.

Pensjonijiet għal Handikappati u għall-Ghomja.

27. (1) Bla ħsara għad-dispożizzjonijiet ta' l-artikolu 100 ta' dan l-Att u bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, persuna li —

(a) ikollha l-età ta' sittax-il sena; u

(b) tkun ċertifikata li qed issofri minn sub-normalità mentali severa jew li tkun persuna handikappata severament skond id-dispożizzjonijiet ta' dan l-Att, jew li qed issofri minn *palsy* ċelebrali; u

(ċ) turi għas-sodisfazzjon tad-Direttur li —

(i) tkun ċittadin ta' Malta u qed tirisjedi f'Malta; u

(ii) l-mezzi tagħha fis-sena, kalkolati skond id-dispożizzjonijiet tal-Parti III tat-Tieni Skeda li tinsab ma' dan l-Att, ma jkunux iżjed minn Lm425 fil-każ ta' raġel miżżewweġ jew mara miżżewġa jew Lm225 fil-każ ta' persuna wahedha jew ta' armla jew armla;

tkun intitolata għal Pensjoni għal Handikappati taht dan l-Att skond id-dispożizzjonijiet tas-subartikolu (3) ta' dan l-artikolu.

(2) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, persuna għamja li —

(a) jkollha l-età ta' erbatax-il sena; u

(b) tipproduċi dawk iċ-ċertifikati li juru li hi għamja, kif id-Direttur jista', f'każijiet partikolari, jehtieg; u

(ċ) turi għas-sodisfazzjon tad-Direttur li —

(i) tkun ċittadin ta' Malta u qed tirisjedi f'Malta; u

(ii) l-mezzi fis-sena tagħha kalkolati skond id-dispożizzjonijiet tal-Parti III tat-Tieni Skeda li tinsab ma' dan l-Att, ma jkunux iżjed minn Lm425 fil-każ ta' raġel miżżewweġ jew mara miżżewġa jew Lm225 fil-każ ta' persuna wahedha jew ta' armel jew armla;

tkun intitolata għal Pensjoni għall-Ghomja taht dan l-Att skond id-dispożizzjonijiet tas-subartikolu (3) ta' dan l-artikolu.

(3) Persuna li ssir intitolata għal pensjoni taht is-subartikolu (1) jew (2) ta' dan l-artikolu għandha tircievi l-pensjoni tagħha skond il-Parti II tas-Sitt Skeda li tinsab ma' dan l-Att; iżda b'dak il-mod illi, bla ħsara għad-dispożizzjonijiet ta' l-artikolu 100 ta' dan l-Att u tat-tieni proviso li hemm mal-paragrafu 3 tal-Parti III tat-Tieni Skeda li tinsab ma' dan l-Att, meta raġel miżżewweġ u l-mara tiegħu jkunu t-tnejn jikkwalifikaw għal pensjoni taht id-dispożizzjonijiet ta' dan l-artikolu jew ta' l-artikolu 77 ta' dan l-Att, dik il-pensjoni li tithallas lill-mara ma tibqax tingħatalha.

(4) Persuna li tkun intitolata għal pensjoni taht dan l-artikolu u li tkun ukoll pazjenta fi sptar jew istituzzjoni tal-Gvern tkun intitolata biss li tircievi, permezz ta' dik il-pensjoni taht dan l-artikolu, 125c fil-gimgha u, meta applikabbli, il-kera tad-dar kif provdut fil-Parti III tas-Sitt Skeda li tinsab ma' dan l-Att.

28. (1) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, meta persuna assigurata li ma tkunx għalqet l-età meta wiehed jirtira issofri korriment personali minhabba f'incident li jgħri minhabba jew fil-kors ta' impieg tagħha jew xogħol li tagħmel għaliha nnifisha, jew ikollha xi wahda mill-mardiet speċifikati fl-ewwel kolonna tar-Raba' Skeda li tinsab ma' dan l-Att (li tkun marda dovuta minhabba x-xorta tax-xogħol tagħha), għalhekk il-Benefiċċju għal Korriment jithallas lilha skond il-Parti I tat-Tielet Skeda li tinsab ma' dan l-Att jekk f'perijodu ta' tmax-il xahar mid-data ta' l-incident jew minn meta bdiet il-marda, tkun, minhabba fil-korriment jew fil-marda, inkapaċi għax-xogħol:

Benefiċċju għal korriment.

Izda minkejja l-fatt li xi marda bħal dik tista' ma tkunx speċifikata fl-imsemmija Raba' Skeda li tinsab ma' dan l-Att, jista' madankollu jithallas benefiċċju għal korriment jekk id-Direttur ikun sodisfatt li l-marda tkun żviluppata minhabba fix-xogħol li tkun tagħmel.

Izda iktar —

(a) persuna li tkun taħdem għaliha nnifisha ma għandhiex tkun intitolata li tircievi benefiċċju bħal dan sakemm ma tipprovax b'sodisfazzjon tad-Direttur li ma kellhiex dħul mix-xogħol li tagħmel għaliha nnifisha filwaqt ta' l-inkapaċità tagħha għax-xogħol, jew li l-kummerċ partikolari jew dik l-impriza jew attività li għandha x'taqsam max-xogħol li dik il-persuna tkun qed tagħmel għaliha nnifisha giet għal xi żmien jew għal kollox sospiza, jew li hadd ma jkun qieghed jigggestixxi n-negozju, jew attività tagħha għaliha fil-waqt ta' l-inkapaċità tagħha għax-xogħol;

(b) meta persuna —

(i) tkun skawlifkata milli tircievi Benefiċċju għal Korriment skond is-subartikolu (6) ta' dan l-artikolu, għandu jkollha t-titolu tagħha għal dak il-benefiċċju mnaqqas bin-numru tal-granet ta' skwalifika;

(ii) tinsab li qed issofri minn pneumoconiosis, flimkien ma' tuberkulozi pulmonari, l-effetti tat-tuberkulozi jitqiesu, għall-fini tal-mardiet speċifikati fir-Raba' Skeda li tinsab ma' dan l-Att, daqslikieku kienu l-effetti tal-pneumoconiosis.

(2) Bla hsara għad-dispożizzjonijiet ta' l-artikolu 98 ta' dan l-Att, il-Benefiċċju għal Korriment ma jithallasx dwar incident li jgħri lil persuna meta din tkun barra minn Malta, kemm-il darba l-incident jgħri minhabba jew waqt l-impieg tagħha jew xogħol li tkun qed tagħmel għaliha nnifisha kif speċifikat fl-artikolu 13 ta' dan l-Att jew fil-proviso li hemm għall-paragrafu 1 tal-Parti I ta' l-Ewwel Skeda li tinsab ma' dan l-Att jew fil-paragrafu 2 ta' l-imsemmija Parti I ta' l-Ewwel Skeda.

(3) Incident li jgħri lil persuna waqt li din tkun — il

(a) qiegħda tivvjagġa bhala passigġier lejn jew mill-post tax-xogħol tagħha f'xi vettura (inkluż vapur, bastiment jew ajruplan) li jkun b'xi mod provdut jew imhallas direttament mill-prinċipal tagħha; jew

(b) tinsab x'imkien fil-vicinanza tal-post jew bini li hi normalment tkun impjegata fih jew tagħmel xogħol għaliha nnifisha, u l-kawża ta' l-incident ikollha x'taqsam direttament max-xogħol li jkun qed isir f'dak il-post jew f'dak il-bini; jitqies li jsir minhabba jew fil-kors ta' l-impieg tagħha jew xogħol li tagħmel għaliha nnifisha.

(4) Incident li jiġri lil persuna fi jew madwar xi post tax-xogħol li fih tkun għal dak iż-żmien impjegata għall-finijiet tas-sengħa jew negozju tal-prinċipal tagħha jew li tkun taħdem għaliha nnifisha jitqies li jkun ġara minhabba jew fil-kors ta' l-impieg tagħha jew xogħol li tagħmel għaliha nnifisha jekk dan jiġri waqt li tkun qed tiehu passi f'emergenza attwali jew finta f'dak il-post tax-xogħol sabiex teħles, tgħin jew tipproteġi persuni li huma, jew li huma maħsuba li huma jew li possibilment huma, korruti jew f'periklu, jew sabiex tneħħi jew tnaqqas ħsara gravi lil proprjetà.

(5) Il-Benefiċċju għal Korriment imhallas taħt dan l-artikolu għandu jithallas dwar kull ġurnata (barra minn kull ġurnata li fiha, sew jekk inkapaċitat sew jekk le, dik il-persuna ma kinetx tinhtieg li tmur għax-xogħol fil-kors normali ta' dmirijietha) u li matulha, bhala riżultat tal-korriment rilevanti, il-persuna konċernata ma tkunx tista' taħdem matul il-perijodu msemmi fis-subartikolu (1) ta' dan l-artikolu:

Iżda ma għandu jithallas ebda Benefiċċju għal Korriment għall-ewwel tlett ijiem ta' kull perijodu ta' kull inkapaċità għal xogħol:

Iżda iktar f'kull perijodu ta' inkapaċità għax-xogħol mhux interrott, l-ikbar numru ta' ġranet konsekuttivi li dwarhom il-benefiċċju għal mard jista' jithallas ma għandux, f'ebda każ, jaqbeż is-sitt ijiem.

(6) Persuna tkun skwalifikata milli tirċievi Benefiċċju għal Korriment għal kull perijodu kif jista' jitqies xieraq mid-Direttur fiċ-ċirkostanzi tal-każ għall-istess raġunijiet kif imsemmija fil-paragrafi (a), (b) u (ċ) tas-subartikolu (6) ta' l-artikolu 18 ta' dan l-Att.

(7) Għall-finijiet tas-subartikoli minn (2) sa (6) ta' dan l-artikolu —

(i) "korriment minhabba incident" tinkludi l-iżvilupp ta' xi wahda mill-mardiet imsemmija kif indikat qabel f'dan l-artikolu; u

(ii) "korriment minhabba jew fil-kors tax-xogħol tagħha" tinkludi l-bidu ta' kull marda bħal dik li tinqala' minhabba x-xorta ta' l-impieg ta' xi persuna jew tax-xogħol li tagħmel għaliha nnifisha.

29. (1) Meta l-incident jew il-marda industrijali, kif imsemmija fl-artikolu 28 ta' dan l-Att, tirriżulta mit-telfien permanenti ta' fakultà fiżika jew mentali, il-persuna konċernata għandha tkun intitolata għal Benefiċċju għall-Inkapaċità skond is-subartikoli li ġejjin ta' dan l-artikolu:

Benefiċċju għall-Inkapaċità.

Iżda persuna ma tkunx intitolata li tirċievi Benefiċċju għal Inkapaċità taht dan l-artikolu u Benefiċċju għal Korrimment taht l-artikolu 28 ta' dan l-Att fl-istess hin:

Iżda wkoll għall-finijiet ta' dan l-artikolu jitqies li ma jkunx hemm ebda telfien ta' fakultà f'kull żmien meta l-grad ta' l-inkapaċità li tirriżulta jiġi kalkolat, skond id-dispożizzjonijiet li ġejjin ta' dan l-artikolu, li hu inqas minn 1%

(2) Biex jiġi kalkolat il-grad ta' inkapaċità, il-panel mediku jew l-uffiċjal mediku mahtur mill-Ministru għal dan il-ghan, minn żmien għal żmien, għandhom jiehdu in konsiderazzjoni l-inkapaċitajiet kollha (sew jekk dawn jinvolvu telfien ta' setgħa li jaqla' l-flus jew li jagħmel spejjeż addizzjonali) li min ikun qed jagħmel it-talba jista' jinhtieg li jkun sugġett għalihom kif paragunat ma' persuna ta' l-istess età li l-kondizzjoni fiżika u mentali tagħha jkunu normali, iżda jeskludu kull ċirkostanza partikolari ohra dwar il-mezzi jew riżorsi finanzjarji tagħha.

(3) L-istima li ssir għandha turi l-grad ta' inkapaċità fil-forma ta' perċentwali li għandha tiġi stabbilita mill-panel mediku jew mill-uffiċjal mediku imsemmijin qabel, u meta l-grad ta' l-inkapaċità jiġi stmat f'inqas minn 20%, il-benefiċċju għall-inkapaċità għandu jiehu l-forma ta' hlas ta' somma f'daqqa (f'dan l-artikolu imsemmi bhala "gratifikazzjoni għall-inkapaċità") skond il-Parti II tat-Tielet Skeda li tinsab ma' dan l-Att, u li meta l-grad ta' inkapaċità jiġi stmat f'20% jew iżjed, iżda li ma jkunx iżjed minn 99%, il-benefiċċju għall-inkapaċità għandu jiehu l-forma ta' pensjoni fil-ġimgha (f'dan l-artikolu msemmija bhala "pensjoni għall-inkapaċità"), l-oghla rata tagħha tkun imħallsa skond il-Parti III tat-Tielet Skeda li tinsab ma' dan l-Att; hekk iżda illi, għal kull grad ta' inkapaċità bejn l-20% u d-99% ir-rata ta' pensjoni mħallsa għandha tiġi kalkolata b'mod proporzjonali, sa l-eqreb ċen-teżmu shih, daqskemm il-grad ta' inkapaċità jkollu għal 99%.

(4) Meta l-grad ta' inkapaċità kif imsemmi fis-subartikolu (3) ta' dan l-artikolu jiġi stmat għal 100% l-persuna konċernata ma għandha tkun ntitolata la għal gratifikazzjoni għall-inkapaċità u l-anqas għal pensjoni għall-inkapaċità iżda għar-rata shiha ta' Pensjoni għall-Invalidità taht l-artikolu 26 ta' dan l-Att minghajr ma jittiehed in konsiderazzjoni n-numru ta' snin mghoddija fl-impieg qabel id-data ta' l-incident jew il-bidu tal-marda industrijali.

(5) Persuna għandha tiġi skwalifikata milli tirċievi xi pensjoni taht dan l-artikolu għal xi perijodu kif jista' jitqies xieraq fiċ-ċirkostanzi tal-każ mid-Direttur għall-istess raġuni murija fil-paragrafi (a) u (b) tas-subartikolu (6) ta' l-artikolu 18 ta' dan l-Att.

30. (1) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, persuna li tkun tissodisfa l-kundizzjonijiet dwar il-kontribuzzjonijiet rilevanti u li ma tkunx lahqet l-età ta' pensjoni, għandha tkun intitolata għal Benefiċċju għal Disimpieg skond il-parti I tat-Tielet Skeda li tinsab

Benefiċċju għal Disimpieg, Benefiċċju Speċjali għal Disimpieg, u Għajnuna Soċjali.

ma' dan l-Att għal kull jum ta' disimpieg, barra mill-Ħdud, kemm-il darba din tkun reġistrata taht il-Parti I tar-Registru ta' l-Impieg miżmum skond id-dispożizzjonijiet ta' l-Att ta' l-1955 dwar is-Servizz ta' l-Impieg; iżda b'dan illi meta l-persuna assigurata tkun il-kap ta' familja li l-mezzi fil-ġimgha totali tagħha (wara li jittiehed kont tal-membri kollha tal-familja) kalkolati skond il-Parti IV tat-Tieni Skeda li tinsab ma' dan l-Att ma jkunx iżjed mir-rata ta' skala għal dik il-familja, kif stabbilit bil-kolonna rilevanti tal-Parti I tas-Sitt Skeda li tinsab ma' dan l-Att, dik il-persuna assigurata għandha tkun intitolata għal Benefiċċju Speċjali għal Disimpieg skond il-Parti I tat-Tielet Skeda li tinsab ma' dan l-Att minflok il-Benefiċċju għal Disimpieg; u sew jekk dak il-kap tal-familja jkunx f'impieg assigurabbli jew le, huwa jkun xorta waħda ntitolat għal Assistenza Soċjali skond id-dispożizzjonijiet ta' dan l-artikolu.

(2) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, persuna li dwarha japplika s-subartikolu (1) ta' dan l-artikolu tkun intitolata biss li tircievi Benefiċċju għal Disimpieg jew Benefiċċju Speċjali għal Disimpieg taht dan l-artikolu sa massimu ta' 156 ġranet ta' benefiċċju; hekk iżda li, t-total kollu ta' ġranet ta' benefiċċju għal dan il-benefiċċju jew Benefiċċju għal Mard, ma għandu, f'ebda każ, jaqbez f'xi żmien in-numru totali kollu ta' kontribuzzjonijiet li jistgħu jitqiesu mhallsin mill-persuna konċernata:

Iżda —

(i) meta t-titolu tagħha għal dak il-benefiċċju jkun intemm ma tkunx tista' terġa' tikkwalifika għal dak il-benefiċċju qabel ma jgħaddi perijodu li b'kollox ikun fih tlettax-il ġimgha kalendarja f'impieg assigurabbli mill-aħhar jum li fih tkun irċeviet dak il-benefiċċju; u

(ii) meta t-titolu tagħha għal dak il-benefiċċju ma jkunx intemm iżda jkun inqas minn 156 ġurnata u ma kienetx f'impieg assigurabbli wara dan għal mill-inqas perijodu li b'kollox ikun fih tlettax-il ġimgha kalendarja, hija tkun intitolata biss li tircievi d-differenza li tohrog bejn it-titolu oriġinali tagħha u n-numru ta' ġranet ta' benefiċċju li tkun diġa' irċeviet permezz ta' dak il-benefiċċju.

(3) Għall-finijiet ta' dan l-artikolu persuna ma titqiesx li tkun bla xogħol jekk f'xi ġurnata (anke jekk tkun, f'xi ġurnata bħal dik, reġistrata taht il-Parti I tar-Registru ta' l-Impieg miżmum skond id-dispożizzjonijiet ta' l-Att ta' l-1955 dwar is-Servizz ta' l-Impieg) —

(a) tkun qed tagħmel xi xogħol bi qliegh f'dik il-ġurnata jew tkun għamlet xogħol li għalih normalment tithallas rimunerazzjoni, sew jekk xi rimunerazzjoni tkun fil-fatt giet riċevuta sew jekk le:

(b) tkun bil-vaganzi;

(c) minkejja li l-impieg tagħha intemm jew gie interrott, hi rċeviet, dwar dik il-ġurnata, paga jew xi hlas b'kumpens għat-telf tar-rimunerazzjoni li kienet tircievi għal dik il-ġurnata kieku l-impieg ma ntemmx jew ma gie interrott;

(d) jekk ma tkunx taħdem normalment f'kull ġurnata tal-ġimgha (barra mill-Ħdud u Btajjel Pubbliċi) u kienet, fil-ġimgha li fiha taħbat l-imsemmija ġurnata, impjegata jew taħdem għaliha nnifisha sakemm hu normali fil-każ tagħha.

## (4) Persuna li tkun il-kap tal-familja u li tkun —

(a) inkapaċi għax-xogħol minhabba marda serja jew disabilità fiżika jew mentali u kienet tkun, li kieku ma kienx għal din id-dizabilità, okkupata bi qliegh jew reġistrata bhala li ma għandhiex xogħol taht il-Parti I tar-Reġistru ta' l-Impiegi miżmum skond id-dispożizzjonijiet ta' l-Att ta' l-1955 dwar is-Servizz ta' l-Impiegi; jew

(b) li tkun għalqet l-età tal-pensjoni,

tkun intitolata wkoll li tirċievi Għajjuna Soċjali taht u skond id-dispożizzjonijiet ta' dan l-artikolu minkejja l-fatt li ma tkunx reġistrata bhala persuna li ma għandhiex xogħol kif imsemmi fis-subartikolu (1) ta' dan l-artikolu.

(5) Kap ta' familja li jkun reġistrat taht il-Parti II tar-Reġistru ta' l-Impiegi miżmum skond id-dispożizzjonijiet ta' l-Att ta' l-1955 dwar is-Servizz ta' l-Impiegi, u li, kieku kien reġistrat taht il-Parti I ta' l-imsemmi reġistru kien ikun intitolat, ~~skond dan l-artikolu, għal Għajjuna Soċjali, għandu, minkejja dan, ikun intitolat biex japplika għal Għajjuna Soċjali u jkollu l-applikazzjoni tiegħu mghoddija mid-Direttur lill-Bord stabbilit taht l-artikolu 132 ta' dan l-Att, u jekk il-Bord jiddeċiedi li għajjuna soċjali hi dovuta lil xi persuna f'isem dik il-familja kif provdut fil-artikolu 133 ta' dan l-Att, allura l-persuna hekk mahtura mill-Bord tkun intitolata għal Għajjuna Soċjali b'dik ir-rata li l-Bord jista' jiddeċiedi, skond id-dispożizzjonijiet ta' l-imsemmi artikolu 133.~~

(6) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, l-Għajjuna Soċjali li għaliha kap ta' familja jkun intitolat għandha tkun dak l-ammont fil-gimgha li twassal l-mezzi fil-gimgha totali tal-membri kollha tal-familja tiegħu, kalkolati skond il-Parti IV tat-Tieni Skeda li tinsab ma' dan l-Att, sar-rata ta' l-iskala ta' dik il-familja, kif stabbilit bil-Parti I tas-Sitt Skeda li tinsab ma' dan l-Att:

Iżda —

(i) jekk ikun hemm ċirkostanzi speċjali f'xi familja l-ammont fil-gimgha ta' Għajjuna Soċjali jista' jiżjed mid-Direttur kif jista' jkun xieraq sabiex jintlaqgħu daww iċ-ċirkostanzi; u

(ii) meta l-familja tikkonsisti f'persuna waħda li tkun toqgħod waħedha u dik il-persuna tkun pazjent fi sptar jew istituzzjoni tal-Gvern u li kienet tkun intitolata għal Għajjuna Soċjali taht dan l-Att hliet minhabba l-fatt li tkun pazjenta f'dak l-isptar jew istituzzjoni, tkun intitolata biss li tirċievi, bhala Għajjuna Soċjali, il-kera tad-dar kif provdut fil-Parti III tas-Sitt Skeda li tinsab ma' dan l-Att.

(7) Meta l-kap tal-familja tkun mara li ma tkunx tista' taħdem bi qliegh għax tkun trid tiegħu hsieb it-tarbija tagħha stess, hija tkun intitolata għal Għajjuna Soċjali skond id-dispożizzjonijiet ta' dan l-artikolu ukoll jekk din ma tkunx reġistrata bhala persuna li ma għandhiex xogħol kif imsemmi qabel fis-subartikolu (1) ta' dan l-artikolu.

(8) Meta f'xi familja jkun hemm mara li tkun mhux miżżewġa jew armla, u li tkun ukoll tinsab mingħajr xogħol, li tipprova għas-sodisfazzjon tad-Direttur li hi qed tiegħu hsieb, għal kollox waħedha, fuq

bażi *full-time* u regolament, tal-ġenitur tagħha jew huha, oħtha, innannu jew in-nanna, iz-ziju, iz-zija, missier jew omm-ir raġel, jew hu jew oħt-ir raġel, li jkunu qed joqogħdu fl-istess familja bħal dik ta' dik il-mara u li jkunu qed issofru minn marda fiżika jew mentali severa, kif ċertifikat minn tabib li jispeċjalizza fil-qasam tal-marda msemmija, jew li jkollhom sittin sena jew iktar u li ma jkunux jistgħu fiżikament jew mentalment jieħdu hsieb tagħhom infushom u tal-bżonnijiet ta' kuljum tagħhom, imbagħad sew jekk dik il-mara tkun jew ma tkunx registrata bħala persuna li ma għandhiex xogħol kif imsemmi qabel fis-subartikolu (1) f'dan l-artikolu, hi tkun xorta waħda intitolata għall-Għajnuna Soċjali bħala familja għaliha skond id-dispożizzjonijiet ta' dan l-artikolu iżda dik l-għajnuna ma għandhiex tkun iżjed minn 75% tar-rata shiha applikabbli għal familja li tikkonsisti f'persuna waħda:

Izda dan is-subartikolu ma għandux japplika meta l-persuna li hi tkun qed tiehu hsiebha ikollha l-ġenitur jew ir-raġel jew il-mara qegħdin jgħixu flimkien miegħu jew magħha fl-istess familja u dak il-ġenitur jew ir-raġel jew il-mara jkunu mentalment u fiżikament kapaċi li jieħdu hsieb ta' dik il-persuna huma nnifishom.

(9) Meta id-Direttur jidhirlu li xi persuna li dwarha tintalab jew tiġi riċevuta Għajnuna Soċjali taħt dan l-artikolu (barra minn taħt is-subartikolu (8) tiegħu), ikollha min jiġi minnha, li jkunu r-raġel jew il-mara, il-missier, l-omm, it-tfal subien jew bniet, li jkunu jistgħu u legalment responsabbli li jmantnuha, id-Direttur jista', jekk ikun hekk jidhirlu xieraq fiċ-ċirkostanzi tal-każ, jagħmel proċedimenti kontra dawk li jiġu minnha quddiem il-Qorti Ċivili kompetenti sabiex iġegħlhom jirrifondu kull għajnuna bħal dik imhallsa lil jew f'isem dik il-persuna.

#### TAQSIMA IV

##### Pensjonijiet lir-Romol

Pensjonijiet dwar ir-romol.

31. Armla li r-raġel tagħha jkun jissodisfa l-kondizzjonijiet tal-kontribuzzjoni relattivi, meta dawn ikunu japplikaw, kif provdut taħt l-artikolu 17 ta' dan l-Att fid-data tal-mewt tiegħu, tkun intitolata għal Pensjoni tar-Romol jew għal Benefiċċju tar-Romol skond ir-rata relattiva murija fit-Tnax-il Skeda li tinsab ma' dan l-Att jew għal Pensjoni ta' superstiti; u meta l-armla jkollha l-kura u l-kustodja ta' iben jew bint ta' żewġha mejjet, ir-rata ta' pensjoni jew benefiċċju tagħha taħt dan l-artikolu għandu jiżdied dwar kull tifel jew tifla minn dawn, bi —

(a) 85 ċenteżmu fil-ġimgha meta tkun qegħda tithallas *allowance* taħt il-paragrafu (i), (ii) jew (iii) ta' l-artikolu 83 ta' dan l-Att dwar dak l-iben jew bint; u

(b) 155 ċenteżmu fil-ġimgha meta tkun qegħda tithallas *allowance* taħt il-paragrafu (iv) ta' l-imsemmi artikolu 83 dwar dak l-iben jew bint.

32. Minkejja d-dispożizzjonijiet ta' l-artikolu 31 ta' dan l-Att, armla li tkun qed taħdem bi qliegh, ma jkollhiex jedd għal xi pensjoni msemmija f'dak l-artikolu kemm-il darba —

Non-eligibilità  
għal pensjoni tar-  
romol.

(i) ma tipprovax għas-sodisfazzjon tad-Direttur li d-dhul tagħha minn xi xogħol bi qliegh ma jkunx iżjed minn Lm30 f'xi perijodu ta' erba' gimghat jew Lm97.50 f'xi perijodu ta' tlettax-il gimgha:

Izda ma jitqiesx l-qliegh akkwistat minn xi assoċjazzjoni f'xi bord, kumitat, kummissjoni jew kunsill imwaqqaf minn jew taħt xi liġi jew ta' dawk il-kategoriji ta' qliegh li l-Ministru jista' jistabbilixxi, b'ordni li tiġi pubblikata fil-Gazzetta; jew

(ii) ma tkunx għalqet l-età ta' hamsa u sittin sena.

33. Bla hsara għad-dispożizzjonijiet ta' l-artikolu 31 ta' dan l-Att u bla hsara għal dritt ta' armla għal rata oghla ta' pensjoni taħt id-dispożizzjonijiet ta' dan l-Att, armla li żewġha f'dak iż-żmien tal-mewt tiegħu kien qed jirċievi Pensjoni Minima Nazzjonali għandha tirċievi r-rata ta' dik il-pensjoni li kien ikun dovut lill-mejjet li kellu jkun persuna wahedha fiż-żmien tal-mewt tiegħu.

Armla għandha  
tirċievi rata  
wahedha ta'  
Pensjoni Minima  
Nazzjonali.

34. Pensjoni tar-Romol li hi dovuta lil persuna li jkollha 'il fuq minn sittin sena għandha tkun bir-rata tal-Pensjoni Minima Nazzjonali kalkolata fuq il-baži tal-medja ta' kontribuzzjonijiet fis-sena kif aċċertati dwar it-talba tagħha għal Pensjoni tar-Romol. Bla hsara għad-dispożizzjonijiet ta' l-artikolu 33, jekk dik l-armla jkollha dritt ukoll għal pensjoni minghand prinċipal tal-pensjonant il-mejjet li jkollha b'xi mod tiegħu, għalhekk id-differenza bejn ir-rata tal-Pensjoni tar-Romol u dik tal-Pensjoni Minima Nazzjonali għandha titnaqqas bl-ammont tal-pensjoni li tkun intitolata għaliha minghand dak il-prinċipal.

Pensjoni lil romol  
li jkollhom 'il fuq  
minn sittin sena.

35. Armla li jkollha dritt għal Pensjoni tar-Romol skond id-dispożizzjonijiet ta' dan l-Att u li r-raġel tagħha hawnhekk iżjed 'il quddiem imsejjaħ "il-pensjonant il-mejjet" miet wara t-22 ta' Jannar, 1979, u kellu, fid-data tal-mewt tiegħu, dritt għal pensjoni taħt it-Taqsima V ta' dan l-Att, jew kien ikollu dak id-dritt hliief għad-dispożizzjonijiet tal-paragrafu (i) ta' l-artikolu 56 tiegħu, u li ma jkollhiex hi stess dritt għal Pensjoni ta' superstiti jew għal Pensjoni tar-Romol Supplimentari dovuta taħt dan l-Att, jew li ma tkunx qed tirċievi pensjoni minghand prinċipal tal-pensjonant il-mejjet li jkollha b'xi mod x'taqsam ma' l-impieg tal-pensjonant il-mejjet, jkollha dritt għal żieda fir-rata tal-pensjoni tagħha suġġetta għal u skond id-dispożizzjonijiet li ġejjin:

Żieda fil-Pensjoni  
tar-Romol.

(a) meta l-pensjonant il-mejjet kien meqjus bhala persuna mpjegata, ir-rata ta' pensjoni dovuta lil dik l-armla għandha tiżdied bl-ammont applikabbli muri taħt il-Parti II tat-Tlettax-il Skeda li tinsab ma' dan l-Att jew b'dik il-parti minnha li tiżgura li r-rata ta' pensjoni tagħha miżjuda kif intqal qabel ma tkunx iżjed minn erbgħa minn kull disgha ta' —

(i) il-paga jew is-salarju kurrenti tax-xogħol li kien jagħmel il-pensjonant il-mejjet minnufih qabel ma rtira jew tax-xogħol li fuqu kienet inghatat il-pensjoni tas-servizzi tiegħu, jekk kellu, liema tkun l-oghla, meta d-data li fiha rtira

l-pensjonant il-mejjet kienet qabel it-22 ta' Jannar, 1979, u ghal dan il-ghan "il-paga jew salarju kurrenti" ghandhom jit-qiesu li huma daww kurrenti fl-ewwel Sibt tas-sena li dwarha jkollu jsir xi hlas taht dan l-artikolu li jkun dovut; jew

(ii) d-dhul pensjonabbli tal-pensjonant il-mejjet meta dan kien irtira wara l-21 ta' Jannar, 1979, u ghal dan il-ghan, b'effett mill-ewwel Sibt tas-sena li dwarha ikollu jsir xi hlas taht dan l-artikolu li jkun dovut, l-ammont ta' dhul pensjonabbli ghandu jinbidel b'ammont iehor kif provdut fil-paragrafu (i) u l-proviso li hemm mieghu tas-subartikolu (3) ta' l-artikolu 71 ta' dan l-Att;

(b) meta l-pensjonant il-mejjet jitqies bhala persuna li timpjega lilha nnifisha, ir-rata ta' pensjoni dovuta lil dik l-armla tizdied bl-ammont applikabbli muri taht il-Parti II tat-Tlettax-il Skeda li tinsab ma' dan l-Att, hekk izda li r-rata ta' pensjoni taghha mizjuda kif intqal qabel ma tkunx izjed minn zewg terzi, kif mahduma sal-egreb hames centezmi, tar-rata ta' pensjoni ta' tnejn mizzewgin li ghalha kien ikollu dritt il-pensjonant il-mejjet li kieku ma kienx miet; u

(c) ghall-finijiet tal-paragrafu (a) ta' dan l-artikolu, il-proporzjon ta' erbgha minn kull disgha msemija hemmhekk ghandha, meta l-medja ta' kontribuzzjonijiet fis-sena kif acertati in konnessjoni mat-talba ta' l-armla ghal Pensjoni tar-Romol tkun inqas minn hamsin, tigi multiplikata bil-proporzjon li dik il-medja fis-sena jkollha ghal hamsin u r-rizultat ta' dik il-multiplikazzjoni ghandu jissostitwixxi l-imsemmi proporzjon ta' erbgha minn kull disgha.

Ziediet ohra fil-Pensjoni tar-Romol.

36. Pensjoni tar-Romol li tithallas skond id-dispozizzjonijiet ta' qabel din f'din il-Parti lil armla li —

(i) tkun ghalqet is-sittin sena jew iktar; u

(ii) ma tkunx qed tircievi pensjoni minghand principal tal-mejjet zewgha li tkun b'xi mod relatata ma' l-impieg tal-mejjet zewgha, jew, jekk tkun qed tircievi dik il-pensjoni, meta dik il-pensjoni tkun tant baxxa li dik l-armla kienet tibqa tikkwalifika ghal pensjoni skond l-artikolu 34 ta' dan l-Att, ghandha tizdied bl-ammont applikabbli muri taht il-Parti III tat-Tlettax-il Skeda li tinsab ma' dan l-Att kalkolat fuq il-bazi tal-medja ta' kontribuzzjonijiet fis-sena acertati in konnessjoni mat-talba taghha ghal Pensjoni tar-Romol:

Izda— (a) armla li tkun intitolata li tircievi l-Pensjoni Minima Nozzjonali taht id-dispozizzjonijiet ta' l-artikoli 33 u 34 ta' dan l-Att, izda li dwarha ma jkunx japplika il-paragrafu (b) ta' l-artikolu 35 ta' dan l-Att, ghandha tircievi zieda li tkun ekwivalenti ghal darbtejn daqs iz-zieda kif qabel imsemmija f'dan l-artikolu minflok dik iz-zieda qabel imsemmija; u

(b) armla li dwarha jkun japplika il-paragrafu (b) ta' l-artikolu 35 ta' dan l-Att ghandha tircievi zieda ohra kif murija taht

il-Parti IV tat-Tleltax-il Skeda li tinsab ma' dan l-Att iktar miż-  
zieda mhalsa taht il-Parti III tal-imsemmija Skeda li tinsab ma'  
dan l-Att, mahduma fuq il-medja ta' kontribuzzjonijiet fis-sena kif  
qabel imsemmi f'dan l-artikolu.

37. Armla li r-raġel taghha jkun miet minhabba korriment per-  
sonali kawżat b'accident li jinjala' minhabba jew fil-kors ta' l-impieg  
tieghu jew xoghol li jagħmel għalih innifsu, jew jitqies li jkun hekk  
skond id-dispożizzjonijiet ta' l-artikolu 28 ta' dan l-Att, jew bhala riżul-  
tat ta' marda industrijali kif imsemmi fl-istess artikolu 28 ta' dan l-Att,  
għandu jkollha dritt għal Benefiċċju ghar-Romol minflok Pensjoni tar-  
Romol matul kull perijodu li matulu tissodisfa d-dispożizzjonijiet ta'  
l-artikolu 32 ta' dan l-Att.

Benefiċċju ghar-  
Romol.

38. Bla hsara għad-dispożizzjonijiet ta' din it-Taqsima, armla li  
r-raġel taghha fid-data tal-mewt tieghu kellu jew, li ma kienx għad-dis-  
pożizzjonijiet ta' l-artikoli 54 u 63 ta' dan l-Att, kien ikollu d-dritt għal  
Pensjoni taż-Żewġ Terzi taht dan l-Att, jkollha, jekk dan ikun ta' van-  
taġġ għaliha, dritt għal Pensjoni ta' Min Jibqa' Haj minflok il-Pensjoni  
tar-Romol.

Pensjoni ta'  
superstiti.

39. Ir-rata shiha ta' Pensjoni ta' superstiti tkun ta' hamsa minn  
kull sitta tal-Pensjoni taż-Żewġ Terzi li kienet jew li kienet tkun dovuta  
lill-pensjonant il-mejjet skond it-Taqsima V ta' dan l-Att:

Rata shiha ta'  
Pensjoni ta'  
superstiti.

Iżda, għall-finijiet sabiex tiġi kalkolata Pensjoni ta' Superstiti  
taht id-dispożizzjonijiet ta' din it-Taqsima, id-Direttur għandu jin-  
jora kull zieda f'xi paga, salarju jew dhul li tinjala' kwistjoni fuqhom  
għall-fini ta' stima tad-dhul pensjonabbli tar-raġel taghha mejjet li  
jidhirlu li ma jkunux *bona fide*.

40. Meta il-pensjonant il-mejjet kellu dritt għal pensjoni tas-servizz  
li tkun giet kommutata kollha jew f'parti minnha, kull pensjoni li  
tasal għaliha skond id-dispożizzjonijiet ta' l-artikolu 39 ta' dan l-Att  
għandha titnaqqas b'hamsa minn kull tnax tad-differenza, li jista' jkun  
hemm, li tirriżulta mit-tnaqqis ta' l-ammont tal-parti li tkun giet kom-  
mutata mill-pensjoni tas-servizz, mill-ammont li jkollu l-istess prop-  
orzjon għad-dhul pensjonabbli tal-pensjonant il-mejjet, jew meta l-  
pensjoni tieghu tkun giet stmata mill-ġdid skond l-artikolu 71 ta' dan  
l-Att, għall-ammont sostitwit għal dak id-dhul pensjonabbli fid-data  
ta' dik l-aħħar stima mill-ġdid, daqs il-parti li tkun giet kommutata  
tal-pensjoni tas-servizz tieghu jkollha għall-emolumenti li fuqu tkun  
ingħatat dik il-pensjoni tas-servizz.

Tnaqqis tal-  
Pensjoni ta'  
superstiti.

41. Meta l-pensjonant il-mejjet ikun ingħata gratifikazzjoni dik  
il-gratifikazzjoni tinbidel f'pensjoni minima nozzjonali li tkun daqs  
hamsa fil-mija ta' l-imsemmija gratifikazzjoni u l-artikolu 40 ta' dan  
l-Att japplika kif ġej:

Tibdil ta'  
Gratifikazzjoni  
f'Pensjoni ta'  
superstiti.

(a) meta il-pensjonant il-mejjet ma kienx intitolat għal  
pensjoni tas-servizz, l-imsemmija pensjoni nozzjonali għandha tit-  
qies bhala pensjoni tas-servizz li kienet kommutata kollha kemm  
hi;

(b) meta l-pensjonant il-mejjet kellu d-dritt ghal pensjoni tas-servizz li ebda parti minnha ma giet kommutata, l-imsemmija pensjoni nozzjonali ghandha tigi sostitwita ghal dik il-parti kommutata tal-pensjoni tas-servizz;

(c) meta l-pensjonant il-mejjet kellu d-dritt ghal pensjoni tas-servizz li kienet giet kommutata kollha jew f'parti minnha, il-parti kommutata ta' dik il-pensjoni tas-servizz ghandha tizdied bil-pensjoni nozzjonali;

(d) meta l-pensjonant il-mejjet kellu d-dritt ghal pensjoni tas-servizz dovuta minghand principal wiehed u ghal gratifikazzjoni dovuta minghand principal iehor, il-gratifikazzjoni ghandha titqies separatament u relatata ma' l-emolumenti, fiz-żmien meta nghatat, tal-kariga okkupata f'dak iż-żmien.

Il-Pensjoni ta' superstiti flimkien mal-pensjoni mill-principal tar-ragel mejjet ma tkunx iżjed minn zewg terzi tad-Dhul Pensjonabbli.

42. Meta l-armla tkun qed tircievi pensjoni minghand principal ta' qabel tal-pensjonant il-mejjet li jkollha b'xi mod x'taqsam ma' l-impieg tal-pensjonant il-mejjet qabel il-mewt tieghu, jekk dik il-pensjoni u rata tal-Pensjoni ta' superstiti applikabbli ghaliha flimkien jkunu jgibu iżjed minn zewg terzi (jew dik il-frazzjoni l-ohra li setghet giet sostitwita minflokha skond l-artikolu 66 ta' dan l-Att) tad-dhul pensjonabbli tal-pensjonant il-mejjet jew, meta l-pensjoni ta' dan ta' l-ahhar kienet giet stmata mill-gdid skond id-dispożizzjonijiet ta' l-artikolu 71 ta' dan l-Att, ta' l-ammont sostitwit ghal dak id-dhul pensjonabbli fiz-żmien ta' dik l-ahhar stima mill-gdid, ir-rata tal-Pensjoni ta' superstiti ghandha titnaqqas b'dak l-ammont li jizgura li l-imsemmija zewg terzi ma jinqabzux.

Tibdil ta' Gratifikazzjoni dovuta lill-armla.

43. Meta l-armla tircievi gratifikazzjoni minghand principal ta' qabel tal-pensjonant il-mejjet li tkun relatata ma' l-impieg tal-pensjonant il-mejjet qabel il-mewt tieghu, dik il-gratifikazzjoni ghandha tinhadem bil-hamsa fil-mija u l-figura li hekk tinkiseb ghandha titqies bhala pensjoni fis-sena ricevuta mill-armla minghand principal ta' qabel tal-pensjonant il-mejjet ghall-finijiet ta' l-artikolu 42 ta' dan l-Att.

Stima mill-gdid ta' Pensjoni ta' superstiti.

44. Pensjoni ta' superstiti dovuta taht l-artikoli ta' qabel dan jigu stmati mill-gdid kull sena skond id-dispożizzjonijiet ta' l-artikolu 70 ta' dan l-Att; u ghall-fini ta' dik l-istima mill-gdid l-pensjoni li kienet tkun dovuta lill-pensjonant il-mejjet skond l-artikolu 64 ta' dan l-Att tigi kalkolata kif provdut fl-artikolu 71 ta' dan l-Att.

Rata minima ta' Pensjoni ta' superstiti.

45. Pensjoni ta' superstiti dovuta taht dan l-Att ma ghandhiex tkun inqas mir-rata tal-Pensjoni Minima Nazzjonali applikabbli ghal persuna wahedha kalkolata fuq il-bazi tal-kontribuzzjonijiet mhallsa minn jew akkreditati lill-pensjonant il-mejjet.

Skwalifika minn Pensjoni ta' superstiti.

46. Armla taht l-età ta' 65 sena, li zewgha f'waqt mewtu ma kienx jircievi Pensjoni ta' Zewg Terzi mhallsa taht dan l-Att minhabba fid-dispożizzjonijiet ta' l-artikolu 63 ta' dan l-Att, ghandha tkun skwalifikata milli tircievi Pensjoni ta' superstiti ghal kull perijodu sa l-età ta' hamsa u sittin sena li matulu tkun qed tircievi dhul nett (barra minn dhul minn hdim bi qliegh u kull pensjoni tas-servizz) b'rata li tkun 'il fuq minn Lm630 fis-sena. \*

47. Armla li tkun qed tirċievi Pensjoni ta' superstiti ma tistax tirċievi xi benefiċċju għall-mard, għal disimpieg, għal disimpieg speċjali, għal korriment jew disabilità taht dan l-Att.

Skwalifika minn ċerti benefiċċji.

48. Armla li jkollha dritt għal Pensjoni ta' superstiti kif ukoll għal xi pensjoni oħra taht din it-Taqsima, jkollha dritt biss għal dik il-pensjoni li tkun l-aktar għolja.

Jedd għal pensjoni oghla.

49. Armla li terga' tizzewweg titef id-dritt għal pensjoni taht din it-Taqsima iżda jkollha dritt għal għajnuna li tkun daqs tnejn u hamsin darba tar-rata fil-gimgha tal-pensjoni li għaliha kellha dritt minnufih qabel ma din reġghet iżzewget:

Għajnuna għal min jerga' jizzewweg.

Izda din l-għajnuna ma tithallasx fil-każ ta' Pensjoni ta' superstiti jew ta' Pensjoni tar-Romol Supplimentari.

50. (1) Bla hsara għad-dispożizzjonijiet ta' l-artikolu 51 ta' dan l-Att armla jkollha dritt għal Pensjoni Supplimentari bir-rata ta' Lm7.63,0 fil-gimgha sakemm hija taghlaq l-età ta' sittin sena, b'zieda mal-Pensjoni tar-Romol jew mal-Benefiċċju tar-Romol dovuta lilha taht dan l-Att.

Pensjoni Supplimentari u t-tnaqqis taghha.

(2) Dik il-Pensjoni Supplimentari għandha titnaqqas bl-ammont ta' kull pensjoni riċevuta mill-armla minghand il-prinċipal ta' qabel tal-mejjet żewġha li jkollha b'xi mod x'taqsam ma' l-impieg tiegħu; u meta l-armla tinghata gratifikazzjoni minghand prinċipal ta' qabel tal-mejjet żewġha li jkollha b'xi mod x'taqsam ma' l-impieg tiegħu, dik il-gratifikazzjoni għandha titqies, għall-finijiet ta' dan is-sub-artikolu, li tkun pensjoni fis-sena li tammonta għal hamsa fil-mija ta' l-imsemmija gratifikazzjoni.

51. Minkejja kull dispożizzjoni oħra ta' dan l-Att, armla li fl-1 ta' Gunju, 1979, kienet qed tirċievi Pensjoni tar-Romol jew benefiċċju għar-Romol jew Allowance Speċjali tar-Romol jew Allowance tar-Romol skond id-dispożizzjonijiet ta' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali, kif fis-sehh f'dik id-data, jibqa' jkollha dritt taht dan l-Att għal dik il-pensjoni, għal dak il-benefiċċju jew għal dawk l-allowances, skond il-każ, għal dak iż-żmien li kienet tibqa' jkollha dritt li kellhom dawk id-dispożizzjonijiet jibqgħu fis-sehh wara d-data msemmija qabel iżda ma jkollhiex dritt għall-Pensjoni Supplimentari mhallsa taht id-dispożizzjonijiet ta' l-artikolu 50 ta' dan l-Att.

Hlasijiet ta' ċerti benefiċċji taht l-Att VI ta' l-1956.

52. Armla li tkun qed tirċievi xi pensjoni jew benefiċċju taht din it-Taqsima ta' dan l-Att u li tkun pazjenta fi sptar jew istituzzjoni ta' l-Istat kif provdut taht l-artikolu 99 ta' dan l-Att ikollha dik il-pensjoni jew dak il-benefiċċju proporzjonati bil-mod provdut taht dak l-artikolu.

Armla fi sptar jew istituzzjoni ta' l-istat.

## TAQSIMA V

## Pensjonijiet ghal Min Jirtira

Dritt ta' Pensjoni ghal min Jirtira.

53. Bla hsara ghad-dispozizzjonijiet l-ohrajn ta' dan l-Att persuna jkollha d-dritt ghal Pensjoni ghal Min Jirtira, jew Pensjoni ghal Min Jirtira Mizjuda jew Pensjoni Minima Nazzjonali b'wahda mir-rati speċifikati fit-Tnax-il Skeda li tinsab ma' dan l-Att jew ghal Pensjoni ta' Żewġ Terzi b'dik ir-rata kif hi stabbilita skond id-dispozizzjonijiet ta' l-artikoli minn 64 sa 69 ta' dan l-Att b'seħħ mid-data ta' meta tirtira jekk —

(a) fid-data ta' meta tirtira tkun tissodisfa l-kondizzjonijiet ta' kontribuzzjonijiet rilevanti; u

(b) taghmel talba ghal hekk fi żmien sitt xhur minn dik id-data. Meta ma taghmilx talba fi żmien sitt xhur minn meta tirtira l-pensjoni tithallas b'effett mid-data li fiha ssir it-talba.

Skwalifika minn Pensjoni ghal min Jirtira.

54. Persuna taht l-età ta' 65 sena għandha tkun skwalifikata milli tirċievi pensjoni taht din it-Taqsima matul kull perijodu li fih tkun qed tahdem bi qliegh jekk tonqos li tipprova għas-sodisfazzjon tad-Direttur li l-qliegh tagħha minn dak ix-xogħol bi qliegh ma jkunx iżjed minn Lm30 f'xi perijodu ta' erba' ġimgħat jew Lm97.50,0 f'xi perijodu ta' tlettax-il ġimgħa:

Izda ma jiġi kalkolat ebda qliegh li jinkiseb minn persuna bhala membru ta' xi bord, kumitat, kummissjoni, jew kunsill imwaqqaf minn jew taht xi liġi jew dawk il-klassijiet ta' qliegh li l-Ministru jista' jiddikjara b'ordni li tiġi pubblikata fil-Gazzetta.

Għażla ta' armla li taghmel talba ghal Pensjoni ghal min Jirtira.

55. Meta persuna li tapplika ghal Pensjoni ghal Min Jirtira, tkun armla din ikollha dritt biex tagħzel li, meta jiġu kalkolati l-medja fis-sena tal-kontribuzzjonijiet imħallsa jew akkreditati lilha, għandhom jit-qiesu li hekk thallsu jew ġew akkreditati jew —

(a) ghal kull waħda mis-snin ta' kontribuzzjoni tagħha li jaqgħu kollha kemm huma jew parti minnhom qabel il-mewt ta' żewġha, jew

(b) ghal kull waħda mis-snin ta' kontribuzzjoni tagħha li jaqgħu kollha kemm huma jew parti minnhom qabel il-mewt ta' żewġha, numru ta' kontribuzzjonijiet li jkunu daqs il-medja fis-sena tal-kontribuzzjonijiet imħallsa jew akkreditati lil żewġha (li tkun il-medja fis-sena li kienet żgurata dwar it-talba tagħha ghal Pensjoni tar-Romol taht it-Taqsima IV ta' dan l-Att, jew kienet tkun hekk żgurata kieku għamlet dik it-talba) minflok in-numru ta' kontribuzzjonijiet li attwalment ġew imħallsa minn jew ġew akkreditati lilha ghal dik is-sena.

Tnaqqis ta' Pensjoni ghal Min Jirtira u jedd ghal Pensjoni Mizjuda ghal Min Jirtira.

56. (1) Bla hsara ghad-dispozizzjonijiet ta' dan l-Att, meta persuna jkollha jedd ghal pensjoni tas-servizz:—

(i) b'seħħ mill-ewwel Sibta ta' Jannar, 1988, jekk il-pensjoni tas-servizz tiegħu u r-rata tal-Pensjoni ghal Min Jirtira li tkun tapplika fil-każ tiegħu ikunu flimkien jaqbz u żewġ terzi tad-dhul pensjonabbli tiegħu, dik il-persuna tkun intitolata ghal Pensjoni ghal Min Jirtira, izda b'dak il-mod illi, meta r-rata ta' dik il-Pensjoni ghal Min Jirtira u l-pensjoni tas-servizz tiegħu flimkien ikunu jaqbz il-paga fil-ġimgħa bażika korrenti jew is-salarju

baziku tal-post li fuqu tkun inghatat il-pensjoni tas-servizz tieghu, dik il-persuna ghandha tkun intitolata li tircevi bhala Pensjoni ghal Min Jirtira dik il-parti li tkun tiżgura li l-pensjoni tas-servizz tieghu u l-Pensjoni ghal Min Jirtira flimkien ma jkunux jaqbzu il-paga fil-gimgha bazika korrenti jew is-salarju baziku imsemmija qabel tal-post li fuqu tkun inghatat il-pensjoni tas-servizz tieghu:

Iżda b'seħħ mill-ewwel Sibt ta' Jannar, 1987, (a) persuna li tkun ga qeghda tircievi Pensjoni ghal Min Jirtira fil-jum tal-Gimgha minnufih qabel l-ewwel Sibt ta' Jannar, 1987, kif imhallsa taht id-dispożizzjonijiet tal-Att tal-1956 dwar is-Sigurtà Nazzjonali, ghandha, b'żieda mar-rata ta' Pensjoni ghal Min Jirtira kif tithallas lilha fil-jum tal-Gimgha imsemmi qabel, tkun intitolata ghal nofs id-differenza bejn dik ir-rata ta' Pensjoni ghal Min Jirtira li tkun tghodd fil-każ taghha taht dan l-Att skond it-Tnax-il Skeda li tinsab ma' dan l-Att u r-rata ta' Pensjoni ghal Min Jirtira kif tithallas lilha fil-jum tal-Gimgha imsemmi qabel; u

(b) Persuna li tkun intitolata ghal Pensjoni ghal Min Jirtira għall-ewwel darba f'xi jum bejn l-ewwel Sibt ta' Jannar 1987 u l-jum tal-Gimgha li jahbat minnufih qabel l-ewwel Sibt ta' Jannar 1988, ghandha, b'żieda mar-rata ta' Pensjoni ghal Min Jirtira li kienet tithallas lilha taht id-dispożizzjonijiet ta' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali kif fis-seħħ qabel id-dhul fis-seħħ ta' dan l-Att, tkun intitolata ghal nofs id-differenza bejn dik ir-rata ta' Pensjoni ghal Min Jirtira kif tkun tghodd fil-każ taghha taht dan l-Att skond it-Tnax-il Skeda li tinsab ma' dan l-Att u r-rata ta' Pensjoni ghal Min Jirtira li kienet xort'ohra tithallas lilha taht id-dispożizzjonijiet imsemmija qabel ta' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali; jew

(ii) jekk il-pensjoni tas-servizz taghha u r-rata tal-Pensjoni ghal Min jirtira li jkun japplikaw fil-każ taghha skond id-dispożizzjonijiet imsemmija qabel ta' dan is-subartikolu ma jkunux flimkien jaqbzu ż-żewġ-terzi tad-dhul pensjonabbli taghha, dik il-persuna ghandha tkun intitolata ghal Pensjoni ghal Min Jirtira Miżjuda jew ghal dik il-parti minnha li tkun tiżgura li ż-żewġ-terzi msemija qabel tad-dhul pensjonabbli taghha ma jinqabzux.

(2) Għall-ghanijiet ta' dan l-artikolu "il-paga fil-gimgha bazika korrenti jew is-salarju baziku" għandhom jittiehdu li jkun dawk korrenti nhar l-ewwel Sibt tas-sena li dwarha jkun dovut xi hlas taht dan l-artikolu.

57. Jekk id-data meta persuna l-ewwel tigi assicurata tkun tahtat fis-16 ta' Jannar, 1979, jew wara, dik il-persuna ma ghandhiex tkun intitolata ghal Pensjoni ghal Min Jirtira jew ghal Pensjoni ghal Min Jirtira Miżjuda jew ghal Pensjoni Minima Nazzjonali taht din it-Taqsima, iżda jkollu dritt għall-pensjoni msemija fl-artikolu 62 ta' dan l-Att taht il-kondizzjonijiet hemm imsemmija.

Ma hemm ebda dritt ghal pensjonijiet partikulari wara s-16 ta' Jannar, 1979.

58. Meta persuna li tkun irtirat fil-gurnata tat-22 ta' Jannar, 1979, jew wara, jkollha dritt ghal gratifikazzjoni, dik il-gratifikazzjoni ghandha tigi konvertita f'pensjoni nozzjonali fis-sena li tkun ekwivalenti ghal hamsa fil-mija tal-imsemmija gratifikazzjoni u l-figura li hekk tir-

Kif tinhadem il-gratifikazzjoni.

riżulta ghandha, b'effett mill-5 ta' Jannar, 1980, tigi stmata bhala pensjoni tas-servizz ghall-finijiet li jigi stabbilit, skond l-artikolu 56 ta' dan l-Att, jekk il-pensjoni tas-servizz tieghu u r-rata tal-Pensjoni ghal Min Jirtira applikabbli fil-każ tieghu ikunux jaqbzu jew ma jaqbzux iż-żewġ-terzi tad-dhul pensjonabbli tieghu.

Proporzjon ta' xhur mitmuma fis-servizz.

**59.** Ghall-finijiet ta' l-artikolu 56 ta' dan l-Att, meta persuna kienet impjegata ghal inqas minn tletin sena b'kollox qabel ma tkun irtirat, ir-riferenzi ghall-proporzjon ta' żewġ-terzi ghandhom jiġu sostitwiti bir-riferenzi ghall-proporzjon li n-numru ta' xhur mitmuma ta' servizz ghandu ghal 540:

Iżda meta l-proporzjon li l-pensjoni tas-servizz ta' persuna ghandha ghall-paga jew ghas-salarju taghha u emolumenti pensjonabbli ohra li fuqhom kienet tigi bbażata l-pensjoni tas-servizz imsemmija tkun oghla mill-proporzjon maħdum kif imsemmi qabel, ir-riferenzi ghall-proporzjon ta' żewġ-terzi ghandhom jiġu sostitwiti minn riferenzi ghal dak il-proporzjon oghla, iżda r-riferenzi ghall-proporzjon ta' żewġ-terzi ma ghandu f'ebda każ ikun sostitwit minn proporzjon li jkun oghla minn żewġ-terzi.

Pensjoni Minima Nazzjonali.

**60.** Bla hsara ghad-dispożizzjonijiet ta' dan l-Att, persuna li ma jkollhiex dritt ghal pensjoni tas-servizz ghandu jkollha dritt ghal Pensjoni Minima Nazzjonali.

Pensjoni Minima Nazzjonali mnaqqa.

**61.** Minkejja d-dispożizzjonijiet ta' l-artikoli 56 u 59 ta' dan l-Att, meta persuna jkollha dritt ghal pensjoni tas-servizz u l-pensjoni tas-servizz taghha flimkien mar-rata ta' Pensjoni ghal Min Jirtira jew Pensjoni ghal Min Jirtira Miżjuda applikabbli fil-każ tieghu ikunu inqas mir-rata tal-Pensjoni Minima Nazzjonali applikabbli fil-każ tieghu, dik il-persuna ghandu jkollha dritt ghall-Pensjoni Minima nazzjonali kif imnaqqa bil-pensjoni tas-servizz taghha.

Kundizzjoni sabieħ wieħed jikkwalifika ghal Pensjoni ta' Żewġ-Terzi.

**62.** Persuna —

(a) illi kienet ilha impjegata jew timpjega lilha nnifisha ghal mhux inqas minn għaxar snin b'kollox qabel ma tirtira; u

(b) illi tkun irtirat fis-16 ta' Jannar, 1979, jew wara; u

(c) illi tkun hallset ir-rata proprja ta' kontribuzzjoni taht dan l-Att f'kull żmien wara l-21 ta' Jannar, 1979; u

(d) illi ma tkunx skwalifikata taht l-artikolu 54 ta' dan l-Att;

ghandha tkun intitolata ghal Pensjoni ta' Żewġ-Terzi taht u skond id-dispożizzjonijiet ta' din it-Taqsima minflok Pensjoni ghal Min Jirtira, jew Pensjoni ghal Min Jirtira Miżjuda jew Pensjoni Minima Nazzjonali, jekk ir-rata ta' dik il-Pensjoni ta' Żewġ-terzi tkun ta' iktar vantaġġ ghall-pensjonant.

Skwalifika minn Pensjoni ta' Żewġ-Terzi.

**63.** Persuna li tkun tant l-età ta' 65 sena li ghandha tigi kalkulata meta tirtira bhala persuna li timpjega lilha nnifisha ghandha tigi skwalifikata milli tircievi Pensjoni ta' Żewġ-terzi matul kull perjodu li fih tkun qeghda tikseb dhul nett (b'eskluzzjoni ta' dhul minn xogħol bi qliegh u minn xi pensjoni tas-servizz) b'rata li tkun taqbeż Lm630 fis-sena.

64. Ir-rata shiha tal-Pensjoni ta' Żewġ-Terzi imsemmija taht l-artikolu 62 ta' dan l-Att ghandha tkun ta' żewġ-terzi tad-dhul pensjonabbli tal-persuna assicurata li tkun hallset jew giet akkreditata b'medja fis-sena ta' hamsin kontribuzzjoni tal-perjodu ta' tletin sena jew dak in-numru inqas ta' snin li jkun jikkorrispondi ghan-numru ta' min mill-ewwel ta' Jannar, 1956, jew jekk il-persuna hekk tagħzel, mill-ewwel ta' Jannar, 1965, sa tmiem is-sena ta' kontribuzzjoni li tigi minnufih qabel ma tirtira:

Rata shiha tal-pensjoni ta' Żewġ-Terzi.

Izda —

(a) il-perjodu ta' snin li ghandu jitqies skond dan l-artikolu ghandu jinkludi l-aħħar għaxar snin konsekuttivi li jintemmu fl-aħħar gurnata tas-sena ta' kontribuzzjoni minnufih qabel ma tirtira; u

(b) ma ghandhomx jitqiesu dawk il-kontribuzzjonijiet akkreditati taht l-artikolu 16 ta' dan l-Att filwaqt li l-persuna kellha dritt ghal pensjoni taht l-artikolu 26 ta' dan l-Att; u

(c) fil-każ ta' persuna li timpjega lilha nnifisha li tkun hallset inqas minn 156 kontribuzzjoni wara l-21 ta' Jannar 1979 meta d-Direttur ikun sodisfatt li dak in-nuqqas ta' kontribuzzjonijiet kien dovut minhabba f'ċirkostanzi li l-persuna li timpjega lilha nnifisha konċernata ma kellhiex kontroll fuqhom, il-proporzjon imsemmi ta' żewġ-terzi ghandu jkun sostitwit minn dak il-proporzjon l-iehor kif in-numru ta' kontribuzzjonijiet imhallsin wara l-21 ta' Jannar, 1979, ghandu għal 234; inkella, dik il-persuna li timpjega lilha nnifisha ma jkollhiex dritt ghal Pensjoni ta' Żewġ-Terzi taht dan l-artikolu iżda minflok ikollha dritt ghal pensjoni bħalma tithallas taht u skond id-dispożizzjonijiet l-oħra ta' din it-Taqsima.

65. Meta persuna tikkwalifika ghar-rata shiha ta' Pensjoni ta' Żewġ-Terzi taht l-artikolu 64 ta' dan l-Att, hekk, minkejja d-dispożizzjonijiet ta' dak l-artikolu, dik il-persuna ma ghandha f'ebda każ tircievi —

Rati minimi u massimi tal-Pensjoni ta' Żewġ-Terzi.

(a) inqas minn żewġ-terzi ta' —

(i) Lm34.20,0 fil-gimgha jekk il-persuna tkun raġel miżżewweġ li jkun qieghed imantni lil martu, jew

(ii) Lm29.88,0 fil-gimgha jekk il-persuna tkun wahedha, mara miżżewġa jew raġel miżżewweġ li ma jkunx qieghed imantni lil martu;

(b) iktar minn żewġ-terzi ta' Lm105.77,0 fil-gimgha:

Izda fil-każijiet imsemmijin taht is-subparagrafu (ii) tal-paragrafu (a) u taht il-paragrafu (b) ta' dan l-artikolu id-dispożizzjonijiet tal-proviso (c) ta' l-imsemmi artikolu 64 ghandu minkejja kollox japplika.

66. Meta persuna jkollha dritt ghar-rata shiha ta' Pensjoni ta' Żewġ-Terzi hliet għall-fatt li l-medja fis-sena ta' hamsin kontribuzzjoni mehtiega mill-artikolu 64 ta' dan l-Att ma tkunx giet sodisfatta, dik il-persuna ghandha minkejja kollox tkun intitolata, jekk l-imsemmija medja ma tkunx ta' inqas minn hmistax, ghal Pensjoni ta' Żewġ-Terzi

Rati mnaqqsin tal-Pensjoni ta' Żewġ-Terzi.

mnaqqsa; u għall-għan li tiġi stabbilita dik il-pensjoni mnaqqsa l-proporzjon ta' żewġ-terzi imsemmi fl-artikoli 64 u 65 jew kull proporzjon ieħor sostitwit għalih skond il-proviso (ċ) ta' l-imsemmi artikolu 64 ta' dan l-Att għandu jiġi multiplikat bil-proporzjon li l-medaja fis-sena ta' kontribuzzjonijiet imhallsin jew akkreditati (hliet daww akkreditati taħt l-artikolu 16 ta' dan l-Att waqt li l-persuna assigurata kellha dritt għal pensjoni taħt l-artikolu 26 ta' dan l-Att) għandha għal 50, u r-riżultat ta' dik il-multiplikazzjoni għandu jissostitwixxi l-proporzjon imsemmi ta' żewġ-terzi.

Tnaqqis tal-Pensjoni taż-Zewġ-Terzi minhabba fil-pensjoni tas-servizz.

67. (1) Meta persuna jkollha dritt għal pensjoni tas-servizz li ebda parti minnha ma tkun giet kommutata, kull pensjoni li wiehed jasal għaliha skond id-dispożizzjonijiet ta' l-artikoli minn 68 sa 70 ta' din it-Taqsima għandha titnaqqas bl-ammont ta' dik il-pensjoni tas-servizz.

(2) Meta persuna jkollha dritt għal pensjoni tas-servizz li tkun giet kommutata kollha kemm hi jew f'parti minnha, kull pensjoni li wiehed jasal għaliha skond id-dispożizzjonijiet ta' l-artikoli minn 64 sa 66 ta' dan l-Att għandha titnaqqas bit-total tal-pensjoni tas-servizz, u nofs id-differenza, jekk ikun hemm, li tirriżulta mit-tnaqqis ta' l-ammont tal-parti kommutata tal-pensjoni tas-servizz, mill-ammont li għandu l-istess proporzjon għad-dhul pensjonabbli kif il-parti kommutata tal-pensjoni tas-servizz għandha għall-emolumenti li fuqha tkun inghatat dik il-pensjoni tas-servizz.

Tnaqqis tal-Pensjoni ta' Żewġ-Terzi minhabba fi gratifikazzjoni.

68. Meta persuna tkun inghatat gratifikazzjoni, dik il-gratifikazzjoni għandha tiġi konvertita f'pensjoni fis-sena nozjonali li tkun ekwivalenti għal hamsa fil-mija tal-gratifikazzjoni msemmija u s-subartikolu (2) ta' l-artikolu 67 ta' dan l-Att għandu japplika kif ġej:—

(a) meta l-persuna ma jkollhiex dritt għal pensjoni tas-servizz, il-pensjoni nozjonali msemmija għandha tiġi stmata b'hala pensjoni tas-servizz li tkun giet kommutata kollha kemm hi;

(b) meta l-persuna jkollha dritt għal pensjoni tas-servizz li ebda parti minnha ma tkun giet kommutata, il-pensjoni nozjonali msemmija għandha tkun —

(i) miżjuda mal-pensjoni tas-servizz, u

(ii) sostitwita għall-parti kommutata tal-pensjoni tas-servizz:

(ċ) meta l-persuna jkollha dritt għal pensjoni tas-servizz li tkun giet kommutata kollha kemm hi jew f'parti minnha, il-pensjoni tas-servizz u l-parti kommutata ta' dik il-pensjoni tas-servizz għandhom kull waħda jiżiedu bil-pensjoni nozjonali;

(d) meta l-persuna jkollha dritt għal pensjoni tas-servizz li tithallas minn prinċipal wiehed u għal gratifikazzjoni li tithallas minn prinċipal ieħor, il-gratifikazzjoni għandha tiġi stmata b'mod separat u relatata ma' l-emolumenti, fiż-żmien meta din tkun inghatat, tal-kariga miżmuma f'dak iż-żmien:

Iżda meta l-persuna tagħzel li thallas u fi żmien sena minn meta tkun irtirat thallas lid-Direttur l-ammont kollu tal-gratifikazzjoni, id-dispożizzjonijiet ta' dan l-artikolu ma għandhomx jibqgħu japplikaw b'sheff mid-data ta' dak il-hlas.

69. Meta persuna tikkwalifika ghal pensjoni taht l-artikolu 26 u taht it-Taqsima IV ta' dan l-Att u ghal Pensjoni taht din it-Taqsima, hija ghandu jkollha d-dritt li tircievi l-pensjoni li tkun l-ahjar ghaliha, izda dik il-pensjoni biss; izda meta skond din it-Taqsima Pensjoni ta' Zewg-Terzi tithallas lilha, hija ghandha tibqa' tircievi biss dik il-pensjoni.

Dritt ghal pensjoni ahjar.

70. Ghall-finijiet ta' din it-Taqsima, meta jkun qiegħed jahdem id-dhul pensjonabbli d-Direttur ma ghandux jagħti każ ta' xi żieda f'xi paga, salarju jew dhul meqjusin għall-ghan li jiġi stmat jew stmat mill-ġdid id-dhul pensjonabbli li ma jkunx jidhirlu li hu *bona fide*.

Zidiet li ma jitqisux li huma *bona fide*.

71. (1) Kull pensjoni li tinhareġ taht din it-Taqsima għandha terġa' tiġi stmata mill-ġdid ta' kull sena b'seħħ mill-ewwel Sibb ta' Jannar tas-sena ta' meta terġa' tiġi stmata mill-ġdid kif provdut fis-sub-artikoli li ġejjin ta' dan l-artikolu.

Stima ġdida tal-pensjonijiet li ssir ta' kull sena.

(2) Fil-każ ta' persuna li tkun irtirat qabel it-22 ta' Jannar, 1979 —

(i) jekk meta rtirat kienet persuna impjegata, din l-istima mill-ġdid għandha ssir billi minflok id-dhul pensjonabbli tiġi sostitwita l-paga jew is-salarju korrenti, hekk kif ikunu fid-data tas-seħħ ta' l-istima mill-ġdid, tal-kariga li kellha minnufih qabel ma rtirat jew tal-kariga li dwaraha tkun inġhatat il-pensjoni tas-servizz, liema tkun l-ogħla wahda;

(ii) jekk meta rtirat kienet persuna li timpjega lilha nnifisha, din l-istima mill-ġdid għandha ssir billi minflok id-dhul pensjonabbli tiġi sostitwita l-paga jew is-salarju korrenti, hekk kif ikunu fid-data tas-seħħ ta' l-istima mill-ġdid, tal-kariga li dwaraha tkun inġhatat il-pensjoni tas-servizz;

(3) Fil-każ ta' persuna li tirtira fit 22 ta' Jannar, 1979, jew wara, din l-istima mill-ġdid għandha ssir billi minflok id-dhul pensjonabbli jiġi sostitwit it-total ta' dak id-dhul pensjonabbli u —

(i) jekk tkun ser tiġi kkunsidrata bhala persuna impjegata, l-ammont li bih il-paga jew salarju korrenti ta' l-ogħla kariga okkupata matul l-ahjar perijodu konsekuttiv li dwaru d-dhul pensjonabbli tagħha biex inhadem ikun jaqbeż, fid-data tas-seħħ ta' l-istima mill-ġdid, il-paga jew is-salarju ta' l-imsemmija kariga fid-data ta' meta jirtira; u meta dik il-paga jew salarju jkun jirrappreżenta punt fi skala, iż-żieda li għandha tiġi applikata għandha tkun skond is-sistema ta' punti li tkun tikkorrispondi hekk kif din tiġi applikata mill-Gvern;

Izda meta l-ahjar perijodu konsekuttiv imsemmi jintemm fl-ahhar jum tas-sena minnufih qabel ma wieħed jirtira jew isir invalidu skond dan l-Att, kif ikun il-każ, ir-riferenza għall-“ogħla kariga” f'dan is-subparagrafu għandha tinkludi kull kariga okkupata mill-pensjonant sad-data ta' meta jirtira jew ta' meta jsir invalidu kif imsemmi qabel;

(ii) jekk ikun ser tiġi kkunsidrata bhala persuna li timpjega lilha nnifisha, iż-żidiet kollha tal-paga meħtiġin bil-liġi li jinġhataw b'mod generali dwar il-perjodu li jgħaddi bejn id-data ta' meta wieħed jirtira u d-data tas-seħħ ta' l-istima mill-ġdid:

Iżda meta xi waħda mill-karigi msemmijin fis-subartikolu ta' qabel dan ta' dan l-artikolu ma jkunx jeżisti aktar, minflok u għandha tiġi sostitwita dik il-kariga analoga fis-servizz tal-Gvern jew f'xi organizzazzjoni parastatali li kellha paga jew salarju li l-aktar kienu jikkorrispondu għal dawk ta' l-ewwel kariga fiż-żmien meta kienet l-aħħar miżmuma mill-pensjonant:

Iżda iktar għall-finijiet ta' dan l-artikolu l-ammont li għandu jiġi sostitwit minflok id-dhul pensjonabbli għandu jkun ikbar mill-ammont sostitwit minflok id-dhul pensjonabbli fil-każ ta' stima mill-ġdid li tkun saret qabel b'somma li ma tkunx inqas miż-żidiet kollha fil-paga meħtigin bil-liġi li jingħataw ġeneralment dwar il-perijodu li jiġi wara l-aħħar stima mill-ġdid imsemmija; u meta ssir stima mill-ġdid għall-ewwel darba, l-ammont li għandu jiġi sostitwit minflok id-dhul pensjonabbli ta' persuna għandu jkun ikbar mid-dhul pensjonabbli tagħha b'mhux inqas miż-żidiet kollha fil-paga kif qabel imsemmijin dwar il-perijodu li jiġi wara d-data ta' meta tirtira.

Pensjoni bbażata fuq kontribuzzjonijiet akkreditati.

72. Persuna li matul l-aħħar għaxar snin kalendarji li jiġu min-nufih qabel ma tirtira ma kellhiex tħallas kontribuzzjoni taht dan l-Att ma għandhiex titwaqqaf milli tirċievi Pensjoni ta' Żewġ-Terzi jekk, dwar kull gimgha ta' kontribuzzjoni matul l-għaxar snin imsemmija, kienet intitolata għal kontribuzzjoni akkreditata skond l-artikolu 16 ta' dan l-Att; u għall-ghan li jiġi stmat id-dhul pensjonabbli tagħha, id-data ta' meta tirtira għandha titqies li tkun l-aħħar gurnata ta' l-impieg tagħha jew ta' xogħol li tagħmel għaliha nnifisha, kif ikun il-każ.

Persuni li jirċievu pensjoni dwar l-invalidità.

73. Id-dhul pensjonabbli ta' persuna li ssir intitolata għal Pensjoni ta' Żewġ-Terzi taht din it-Taqsima u li immedjatament qabel ma ssir hekk intitolata kienet qed tirċievi pensjoni taht l-artikolu 26 ta' dan l-Att, għandu jkun dak imsemmi fl-Erbatax-il Skeda li tinsab ma' dan l-Att jew, meta l-persuna konċernata tkun intitolata għal pensjoni tas-servizzi, il-paga jew is-salarju korrenti tal-kariga li fuqu ġie bbażat l-ghoti tal-pensjoni tas-servizz tiegħu, liema jkun l-oghla; u għal dan il-ghan "il-paga jew is-salarju korrenti" għandhom jittiehdu li jkunu dawk korrenti fl-ewwel Sibb tas-sena li dwarha jkun dovut xi flus taht dan l-artikolu.

Il-pensjoni tithallas bir-rata ta' persuna waħedha lil raġel mizzewweg.

74. Meta raġel mizzewweg isir invalidu jew diżabilitat jew jilhaq l-età tal-pensjoni fl-ewwel ta' April, 1978, jew wara dik id-data, u jiġi li jkollu dritt li jirċievi pensjoni li tithallas taht l-artikoli 26 u 29 jew taht it-Taqsima V (b'eskluzjoni tal-Pensjoni ta' Żewġ-Terzi ta' dan l-att, għalhekk, jekk martu tkun qeghda bid-dritt tagħha stess tirċievi xi pensjoni li tithallas taht l-artikoli msemmijin qabel jew pensjoni ta' żewġ terzi skond id-dispożizzjonijiet ta' din it-Taqsima, il-pensjoni mhallsa għandha tithallas bir-rata li tkun tapplika għal persuna waħedha:

Iżda jekk il-mara, li tkun diġa' qeghda tirċievi pensjoni mhallsa taht l-artikoli jew Taqsima imsemmija, tirrinunzja għad-dritt qabel im-semmi, għalhekk il-pensjoni li tithallas lil żewġha għandha tithallas bir-rata li tkun tapplika għal raġel mizzewweg.

Zieda fil-pensjoni.

75. (1) Persuna li jkollha dritt għal Pensjoni Minima Nazzjonali skond id-dispożizzjonijiet ta' din it-Taqsima għandu jkollha dritt għal zieda fir-rata tal-pensjoni tagħha kif soġġetta u skond dawn id-dispożizzjonijiet li ġejjin:—

(a) meta dik il-persuna titqies li hi persuna impjegata, ir-rata ta' pensjoni taghha ghandha tiżdied —

(i) fil-każ ta' raġel miżżewweġ, bl-ammont li jkun japplika skond it-Taqsima I tat-TleTTax-il Skeda li tinsab ma' dan l-Att, jew b'dik il-parti minnu li tkun tiżgura li r-rata ta' pensjoni taghha miżjuda kif imsemmi qabel ma tkunx taqbeż iż-żewġ-terzi tad-dhul pensjonabbli tiegħu;

(ii) fil-każ ta' xi persuna oħra, bl-ammont li jkun japplika skond il-Parti I tat-TleTTax-il Skeda imsemmija qabel; u

(b) meta dik il-persuna titqies li hi persuna li timpjega lilha nnifisha, u sakemm dik il-persuna ma tkunx raġel miżżewweġ, ir-rata ta' pensjoni taghha ghandha tiżdied bl-ammont li jkun japplika skond il-Parti I tat-TleTTax-il Skeda li tinsab ma' dan l-Att imsemmija qabel.

(2) Għall-finijiet tas-sub-paragrafu (i) tal-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu:

(i) id-dhul pensjonabbli hemm imsemmi għandu jiġi sostitwit b'seħħ mill-ewwel Sibb tas-sena li dwarha jkun dovut xi hlas taħt dan l-artikolu bil-mod provdut bil-paragrafu (i) u bil-proviso li tinsab mas-subartikolu (3) ta' l-artikolu 71 ta' dan l-Att; u

(ii) il-proporzjon ta' żewġ-terzi hemm imsemmi għandu jiġi multiplikat bil-proporzjon li dik il-medja fis-sena ghandha għal 50, meta l-medja ta' kontribuzzjonijiet fis-sena aċċertati in konnessjoni mat-talba għal pensjoni taħt din it-Taqsima ikun inqas minn hamsin, u r-riżultat ta' din il-multiplikazzjoni għandu jissostitwixxi l-imsemmi proporzjon ta' żewġ-terzi.

76. Pensjonant li jirċievi xi pensjoni taħt din it-Taqsima ta' dan l-Att u li hu jew martu, kif ikun il-każ, ikunu jisabu fi sptar jew istituzzjoni statali kif provdut taħt l-artikolu 99 ta' dan l-Att, għandu jkollhom il-pensjoni taghhom proporzjonata bil-mod provdut taħt dak l-artikolu.

Pensjonanti fi sptar jew istituzzjoni statali.

## TAQSIMA VI

### Pensjonijiet, Benefiċċji u Allowances Ohrajn

77. Bla hsara għad-dispożizzjonijiet ta' l-artikolu 100 ta' dan l-Att u skond id-dispożizzjonijiet l-ohrajn ta' dan l-Att, persuna li tkun għalqet is-sittin sena jew iktar u li tkun tissodisfa l-kundizzjoni msemmija fil-paragrafu (ċ) tas-subartikolu (1) ta' l-artikolu 27 ta' dan l-Att, ghandha tkun intitolata li tirċievi Pensjoni ta' l-Età taħt dan l-artikolu, skond id-dispożizzjonijiet tas-subartikoli (3) u (4) ta' l-imsemmi artikolu 27 u l-Parti II tas-Sitt Skeda li tinsab ma' dan l-Att.

Pensjoni tal-età.

78. Il-ġenituri ta' min imut b'riżultat ta' korriment tal-persuna kaġunat b'incident li johroġ minn jew fil-kors tal-impieg tiegħu jew xogħol li jagħmel għalih innifsu jew li jitqies li jkun hekk skond id-dis-

Pensjoni ta' Ġenitur.

pożizzjonijiet ta' l-artikolu 28 ta' dan l-Att jew bħala riżultat ta' marda industrijali kif imsemmija f'dak l-artikolu għandu jkollu dritt għal ghomru kollu għal Pensjoni ta' Ġenitur bir-rata indikata fit-Tnax-il Skeda li tinsab ma' dan l-Att mid-data tal-Mewt ta' l-iben jew bint, jekk f'dik id-data il-ġenitur —

(i) kien qieghed għal kollox jew fil-biċċa l-kbira mantnut minnu jew minnha jew, li ma garax l-incident rilevanti, kien ikun hekk mantnut; u

(ii) kien jew għalaq l-età tal-pensjoni, u, jekk ikollu taht il-hamsa w sittin sena, ma jitqiesx li jkun qed jaħdem bi qliegh skond id-dispożizzjonijiet ta' l-artikolu 54 ta' dan l-Att, jew kien b'mod permanenti inkapaċi li jzomm lilu nnifsu:

Izda jekk missier il-mejjet jew mejta jkollu dritt għal Pensjoni ta' Ġenitur, l-omm ma għandhiex ikollha l-istess dritt.

Allowance ta' Ltim.

79. (1) Kull persuna li jkollha l-kura tat-tifel jew tifla ta' xi hadd iehor, jekk iż-żewġ ġenituri tat-tifel jew tifla jkunu mejtin u mill-inqas wiehed mill-ġenituri kien persuna assigurata u ċittadin ta' Malta filwaqt ta' mewtu, għandu jkollha dritt għal *Allowance* ta' Ltim bir-rata ta' —

(a) Lm3.00,0 fil-ġimgħa meta *allowance* taht il-paragrafi (i), (ii) jew (iii) ta' l-artikolu 83 ta' dan l-Att tkun qegħda tithallas dwar dak it-tifel jew tifla; u

(b) Lm4.90,0 fil-ġimgħa meta *allowance* taht il-paragrafu (iv) ta' l-imsemmi artikolu 83 ta' dan l-Att tkun qegħda tithallas dwar dak it-tifel jew tifla jew meta ebda xorta ta' dik l-*allowance* ma tkun qegħda tithallas dwar dak it-tifel jew tifla.

(2) Meta persuna tkun qegħda tircievi *Allowance* ta' Ltim li tithallas taht is-subartikolu (1) ta' dan l-artikolu, dik il-persuna għandha jkollha wkoll dritt li tircievi xi waħda mill-*allowances* li jithallsu skond l-artikoli 83 jew 85 ta' dan l-Att dwar l-istess tifel jew tifla sakemm din il-persuna jibqa' jkollha dritt għal dawn l-*allowances* skond l-artikoli msemmijin.

(3) Għall-finijiet ta' dan l-artikolu, id-dispożizzjonijiet tas-subartikolu (2) ta' l-artikolu 86 (b'eskluzjoni tal-proviso tiegħu) u ta' l-artikoli 87 u 89 ta' dan l-Att għandhom japplikaw *mutatis mutandis*.

Ghotja taż-Żwieġ. 80. Bla hsara għad-dispożizzjonijiet ta' dan l-Att, persuna li tiżzewweġ fid-data jew wara d-data tal-bidu fis-seħħ ta' dan l-Att, u li kienet impjegata jew taħdem għaliha nnifisha għal mill-inqas sitt xhur f'kull żmien qabel iż-żwieġ tagħha u tkun ordinarjament residenti f'Malta għandu jkollha dritt, billi tagħti avviż ta' dan lid-Direttur, li tircievi somma f'daqqa għal darba ta' Lm55 bħala Ghotja taż-Żwieġ:

Izda persuna li b'mod legali tiżzewweġ għal iktar minn darba waħda ikollha dritt għal Ghotja taż-Żwieġ dwar kull wiehed minn dawn iż-żwieġijiet sakemm bejn żwieġ u iehor din il-persuna kienet impjegata jew timpjega lilha nnifisha għal mill-inqas sitt xhur.

81. (1) Mara li, f'xi żmien fid-data jew wara d-data ta' l-ewwel ta' Jannar, 1981, tkun tqila b'tarbija u tkun dahlet fit-tmien xahar tat-tqala taghha ghandu jkollha dritt ghal Benefiċċju dwar il-Maternità taht u skond id-dispożizzjonijiet ta' dan l-artikolu.

Benefiċċju dwar il-Maternità.

(2) Talba ghal benefiċċju dwar il-Maternità ma ghandhiex tintlaqa' mid-Direttur hliet jekk issir minn ċittadin ta' Malta jew minn persuna li tkun miżżewġa lil ċittadin ta' Malta, sakemm ir-rikorrent ikun ordinarjament residenti f'Malta.

(3) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, mara li jkollha dritt ghall-Leave ghall-Maternità skond id-dispożizzjonijiet ta' l-Att tal-1952 li jirregola l-Kondizzjonijiet ta' l-Impieg, u hija tiehu dan il-leave, hija ma jkollhiex dritt ghall-Benefiċċju dwar il-Maternità li jithallas taht dan l-artikolu.

82. (1) Il-Benefiċċju dwar il-Maternità ghandu jithallas f'zewġ ishma kif ġej:—

Hlas tal-Benefiċċju dwar il-Maternità.

(a) l-ewwel hlas ekwivalenti ghal Lm5.50,0 fil-ġimgha li jsir ghal tmien ġimghat, fuq sottomissjoni lid-Direttur ta' talba fuq il-formola provduta mid-Direttur flimkien ma' ċertifikat iffirmit minn persuna li jkollha l-warrant sabiex teżerċita l-Professjoni Medika f'Malta u, jekk id-Direttur ikun hekk irid, mghejuna minn dik ix-xhieda ohra li huwa jista' skond id-dispożizzjonijiet ta' dan l-Att, jehtieg li tkun turi li r-rikorrenti dahlet fit-tmien xahar tat-tqala taghha; u

(b) it-tieni hlas ekwivalenti ghal Lm5.50,0 fil-ġimgha ghal hames ġimghat, meta d-Direttur jinghata ċertifikat mir-Registru Pubbliku li jkun xhieda tat-twelid tat-tarbija:

Iżda meta talba ssir wara t-twelid ta' tarbija, sew l-ewwel u t-tieni hlasijiet ghandhom isiru mal-ghoti taċ-ċertifikat imsemmi mir-Registru Pubbliku.

(2) Il-perjodi ta' tmien ġimghat u ta' hames ġimghat imsemmi jinn fis-subartikolu (1) ta' dan l-artikolu ghandhom jitqiesu li jkopru —

(a) fil-każ tal-hlas imsemmi fil-paragrafu (a) tiegħu, it-tmien ġimghat li jiġu minnufih qabel id-data tat-twelid tat-tarbija jew, jekk dak il-jum ma jkunx jaħbat is-Sibt, l-ewwel Sibt li jiġi wara dik id-data;

(b) fil-każ tal-hlas imsemmi fil-paragrafu (b) tiegħu, il-hames ġimghat li jibdw bis-Sibt minnufih wara l-perjodu imsemmi fil-paragrafu (a) ta' dan is-subartikolu; u

(c) fil-każ ta' hlas li jsir skond il-proviso li hemm mal-imsemmi subartikolu (1) ta' dan l-artikolu, it-tmien ġimghat li jiġu minnufih qabel u l-hames ġimghat li jibdw fid-data tat-twelid tat-tarbija, jew, jekk dak il-jum ma jkunx jaħbat is-Sibt, l-ewwel Sibt li jiġi wara dak il-jum.

(3) Ebda Benefiċċju dwar il-Maternità ma ghandu jkun dovut meta r-rikorrenti tkun irċeviet dak il-benefiċċju ghal tliet okkażjonijiet qabel id-data tat-talba, jew meta r-rikorrenti tkun, fi tliet

il-jaww u l-ewwel tifel  
b'artikolu 83

okkażjonijiet qabel id-data tat-talba, welldet trabi ohra li ma jkunux dawk li dwarhom issir it-talba, li tlieta jew aktar minnhom ikunu hajjin filwaqt tad-data ta' meta ssir it-talba.

Allowance tat-tfal.

83. Bla hsara ghad-dispożizzjonijiet ta' dan l-Att, il-kap ta' familja ghandu jkollu dritt ghal *allowance* taht, u skond, id-dispożizzjonijiet ta' dan l-artikolu dwar kull wiehed mit-tfal tieghu b'dawn ir-rati li ġejjin:—

- (i) dwar l-ewwel tifel eligibbli, Lm3.50,0 fil-gimgha;
- (ii) dwar it-tieni tifel eligibbli, Lm2.70,0 fil-gimgha;
- (iii) dwar it-tielet tifel eligibbli, Lm1.70,0 fil-gimgha;
- (iv) dwar ir-raba' tifel u tfal ohra li jigu wara eligibbli, 30 centezmu fil-gimgha:

Izda meta armla jew armel jergghu jizzewgu jew kienu regghu jizzewgu qabel ma sar dan l-Att, b'seħh mid-data ta' meta jsir dan l-Att, l-ewwel tlitt itfal li jitwieldu minn dan iz-zwieg ġdid ghandhom isiru eligibbli li jircievu *allowance* bir-rati msemmin fil-paragrafi (i), (ii) u (iii) ta' dan l-artikolu, skond kif ikun il-każ, minkejja l-fatt li dik l-armla jew dak l-armel seta' kellu jew ghad jista' ghandu tfal ohrajn miż-zwieg jew żwigijiet taghha jew tieghu ta' qabel li kienu jew ghadhom eligibbli sabiex jircievu *allowance* b'dawk ir-rati msemmin qabel, u kull raba' tifel jew iehor li jigi wara li jkun tweled b'rizultat ta' dak iz-zwieg ġdid ghandhom ikunu eligibbli ghall-*allowance* imsemmin fil-paragrafu (iv) ta' dan l-artikolu.

Allowance  
specjali.

84. Bla hsara ghad-dispożizzjonijiet ta' dan l-Att, il-kap ta' familja li jipprova ghas-sodisfazzjon tad-Direttur li ghandu tifel jew tifla li ghalqu s-sittax-il sena jew aktar u li ma humiex jahdmu bi qliegh u li —

(i) jkunu ghadhom qeghdin jircievu edukazzjoni jew tahrig fuq bażi ta' *full-time* f'istituzzjoni edukattiva li tkun rikonoxxuta mill-Gvern skond l-Att ta' l-1974 dwar l-Edukazzjoni, u ebda forma ta' rimunerazzjoni jew *allowance* (b'eskluzjoni ta' xi *allowance* li tkun qeghda tithallas taht dan l-Att) ma tkun qeghda tithallas lilu jew lilha matul dak iz-żmien; jew

(ii) jkunu registrati bhala disimpjegati taht it-Taqsima I tar-Registru ta' l-Impiegi miżmum skond id-dispożizzjonijiet ta' l-Att ta' l-1955 dwar is-Servizz ta' l-Impiegi, li qatt ma kienu jahdmu bi qliegh u li ma jircevux xi benefiċċju, pensjoni, jew ghajnuna li jithallsu taht dan l-Att;

ghandu jkollu dritt ghal *allowance* ta' Lm1 fil-gimgha dwar kull tifel jew tifla bhal dawk imsemmin fil-paragrafu (i) ta' dan l-artikolu jew ghal *allowance* ta' 40 centezmu fil-gimgha dwar kull tifel jew tifla imsemmin fil-paragrafu (ii) ta' dan l-artikolu; u ghall-finijiet ta' dan l-artikolu, "tifel" jew "tifla" ghandhom jinkludu wkoll tifel bi żwieg iehor, tifla bi żwieg iehor, tifel adottat, tifla adottata, u tifel jew tifla li twieldu barra miż-zwieg.

85. Bla hsara ghad-dispożizzjonijiet ta' dan l-Att, kap ta' familja li ghandu l-kura ta' tifel jew ta' persuna li l-ġenituri taghha ma jkunux maghrufin jew li tkun giet abbandunata minnhom ghandu jkollu dritt dwar dak it-tifel jew persuna għall-*allowance* imhallsa taht l-artikoli 83 u 84 ta' dan l-Att, skond kif ikun il-każ, bhala dritt distint u separat għal dak li jkun japplika dwar it-tfal tieghu.

Jedd ta' min iżomm tfal abbandunati jew ta' ġenituri mhux maghrufin.

86. (1) Hlief kif jista' jiġi preskritt, *allowance* li tithallas taht l-artikoli 83 u 84 u 85 ta' dan l-Att ma ghandhiex tinghata hlief jekk il-kap tal-familja, jew martu,

Limitu ta' applikabilità tal-*Allowance* tat-Tfal.

(a) jkun ċittadin ta' Malta; u

(b) jkun joqghod f'Malta u kien hekk joqghod għal żmien kontinwu matul it-tliet xhur minnufih qabel id-data li fiha t-talba għal *allowance* tkun saret; u

(c) jkun persuna impjegata jew persuna li timpjega lilha nnifisha:

Izda meta l-kap ta' familja, jew martu, jkunu mejtin, u min ikun għadu haj ma jkunx ċittadin ta' Malta, il-kundizzjoni msemmija fil-paragrafu (a) ta' dan l-artikolu ghandha titqies li giet sodisfatta jekk il-parti mejta kienet ċittadin ta' Malta filwaqt tal-mewt taghha.

(2) Hlief kif jista' jiġi preskritt, *allowance* taht l-artikoli 83, 84 u 85 ta' dan l-Att ma ghandhiex tithallas dwar kull tifel jew persuna li ma jkunux joqghodu Malta:

Izda b'seħħ mill-ewwel jum ta' Novembru, 1974, meta xi persuna tkun irċeviet il-hlas ta' *allowance* għal perjodu shiħ ta' 13-il ġimgha temigra u tiehu maghha qabel ma jghaddu t-tlettax-il ġimgha mid-data li fiha l-hlas ta' dik l-*allowance* kien dovut, it-tfal li dwarhom tkun thallset dik l-*allowance*, il-hlas ta' dik l-*allowance* għal kull perjodu li ma jkunux jaqbeż it-tnax-il ġimgha mid-data ta' meta l-hlas ta' dik l-*allowance* kien dovut, għandu jitqies li kien riċevut sew minnu.

87. (1) *Allowance* li tithallas taht l-artikoli 83, 84 u 85 ta' dan l-Att ma ghandhiex tithallas dwar persuna li lilha tithallas pensjoni taht l-artikolu 27 ta' dan l-Att.

Skwalifika mill-*Allowance* tat-Tfal.

(2) Hlief kif jista' jiġi preskritt, *allowance* imhallsa taht l-artikoli 83, 84 u 85 ta' dan l-Att ma ghandhiex tithallas barra minn Malta.

88. (1) Meta l-kap tal-familja jkun il-missier, *allowance* li tkun dovuta taht id-dispożizzjonijiet ta' l-artikoli 83, 84 u 85 ta' dan l-Att ghandha tithallas lil martu hlief jekk huwa jipprova għas-sodisfazzjon tad-Direttur li l-interessi tat-tifel jew tal-persuna li dwarhom tithallas l-*allowance* jehtiegu mod iehor, dak il-hlas għandu jsir lilu.

Il-Beneficjarju tal-*Allowance* tat-Tfal.

(2) Għall-finijiet ta' dan l-artikolu u tal-artikolu 86 ta' dan l-Att, "mara" ghandha tinkludi dik il-mara li, fl-opinjoni tad-Direttur, tkun qeghda tghix mal-kap tal-familja daqslikieku kienet il-mara tieghu mizzewga lilu bil-liġi, sakemm hija tkun omm it-tifel jew il-persuna li dwarhom tithallas l-*allowance*.

(3) Izda meta ir-raġel u l-mara mizzewġin ikunu separati "de jure" jew "de facto", jew meta l-mara ma tkunx il-mara mizzewġa lilu bil-liġi izda tkun qeghda tiġi stmata bhala tali skond id-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu, jekk din il-mara tkun qeghda tgħix separata mill-kap ta' familja l-*allowance* dovuta taht l-artikoli 83, 84 u 85 ta' dan l-Att dwar it-tfal kollha tagħhom għandhom jittiehdu flimkien daqslikieku kienu qed jgħixu f'familja wahda izda għandhom ikunu proporzjonali bejn dak ir-raġel u dik il-mara skond id-drittijiet ta' eligibilità tat-tfal fil-kura u kustodja rispettiva tagħhom, kif provdut fl-artikoli minn 83 sa 85 ta' dan l-Att.

Il-kap tal-familja għandu jkollu l-kustodja tat-tifel.

**89.** *Allowance* imhallsa taht l-artikoli 83, 84 u 85 ta' dan l-Att ma tibqax tithallas jekk il-kap tal-familja ma jkollux iktar il-kura tat-tifel jew tal-persuna li dwarhom l-*allowance* tkun qed tithallas jew meta dik il-persuna tkun għalqet it-tmintax-il sena jew fuqhom jekk dik il-persuna ma tkunx iktar bhala regola toqghod ma' dak il-kap tal-familja.

Setgħat li jsiru regolamenti.

**90.** Il-Ministru jista' jagħmel regolamenti sabiex jippreskrivi kull haġa li tista' tiġi preskritta taht l-artikoli 86 u 87 ta' dan l-Att u, b'mod generali, sabiex ikunu jistgħu jingiebu fis-seħh id-dispożizzjonijiet ta' dawk l-artikoli, u b'mod partikulari, izda mingħajr preġudizzju għall-mod generiku ta' dak imsemmi hawn qabel:—

(a) sabiex jippreskrivi l-kundizzjonijiet li jirrigwardaw in-nazzjonalità, ir-residenza u l-lok tat-twelid li jridu jiġu sodisfatti minn rikorrent; u l-kundizzjonijiet li jkunu japplikaw għal tifel jew għal persuna li dwarhom tintalab *allowance*;

(b) sabiex jippreskrivi ċ-ċirkostanzi li fihom tifel jew persuna li ma jkunux qegħdin jgħixu fil-familja tal-ġenitur tagħhom jistgħu jiġu stmata bhala li qegħdin jiffurmaw parti minn dik il-familja jew familja oħra;

(ċ) sabiex jippreskrivi iċ-ċirkostanzi li fihom persuna, min-barra minn ġenitur ta' tifel jew persuna, tista' titlob *allowance* dwar dak it-tifel jew dik il-persuna.

Bonus.

**91.** Hlief kif provdut fl-artikolu 100 ta' dan l-Att u kif soġġett għad-dispożizzjonijiet l-oħra ta' dan l-Att, persuna li, f'xi jum bejn Jannar u Ġunju jew bejn Lulju u Diċembru jkollha dritt li tircievi xi pensjoni (b'esklużjoni ta' pensjoni għal inkapaċità b'99 fil-mija jew inqas, meta din tkun qeghda tithallas lil persuna li tkun qeghda f'impieg assigurabbli jew li taħdem għaliha nnifisha), *Allowance* ta' Ltim, Ghajnuna dwar il-Lebbra jew Ghajnuna Soċjali skond id-dispożizzjonijiet ta' dan l-Att, għandu jkollu dritt li jircievi bonus. Dan il-bonus għandu jkun jikkonsisti f'somma ta' Lm58 li tithallas kull sitt xhur f'Gunju u f'Diċembru ta' kull sena. Izda minkejja xi dispożizzjoni oħra ta' dan l-Att, dik il-persuna ikollha dritt li tircievi bonus wiehed biss fl-istess hin.

Bonus imnaqqas.

**92.** Il-bonus li jithallas lil xi persuna taht l-artikolu 91 ta' dan l-Att għandu jtnaqqas bl-ammont ta' xi bonus li dik il-persuna tista' jkollha dritt li tircievi mingħand xi prinċipal skond l-Att ta' l-1952 li jirregola l-Kondizzjonijiet ta' l-Impieg, dwar xi parti mill-perjodu ta' sitt xhur li jintemmu fl-aħħar jum ta' Gunju jew Diċembru, kif ikun il-każ:

Iżda meta jkun mehtieg li jsir xi proporzjonament taht l-artikolu 93 ta' dan l-Att, l-ammont ta' kull bonus li r-raġel ikollu dritt li jirċievi minghand prinċipal kif imsemmi qabel għandu jitnaqqas mill-bonus dovut lir-raġel taht l-artikolu 91 ta' dan l-Att qabel ma jsir il-proporzjonament ta' dan il-bonus.

93. (1) Meta, fil-każ ta' koppja miżżewġa li dwarha is-subartikoli (1) u (2) ta' l-artikolu 100 ta' dan l-Att ma jkunux japplikaw, u wiehed jew waħda mill-miżżewġin ikun gie rikoverat f'istitutzzjoni bħalma hi msemmija fl-artikolu 99 ta' dan l-Att u d-dispożizzjonijiet ta' l-imsemmi artikolu 99 ikunu bdew japplikaw dwar dik il-persuna, il-bonus, jew parti minnu, li jithallas taht l-artikolu 91 ta' dan l-Att għandu jiġi proporzjonat b'mod indaqs bejn il-koppja msemmija.

(2) Id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ma għandhomx japplikaw meta l-mara jkollha dritt għall-bonus, jew parti minnu, taht dan l-artikolu bi dritt tagħha stess jew għax ikollha impieg assigurabbli jew tkun taħdem għaliha nnifisha.

## TAQSIMA VII

### Dispożizzjonijiet diversi dwar Pensjonijiet, Allowances, Benefiċċji u Ghajnuna li jithallsu taht dan l-Att.

94. Ebda pensjoni li tithallas lil persuna taht l-artikolu 26 jew it-Taqsimiet IV jew V ta' dan l-Att ma għandhom jitnaqqsu minhabba f'xi żieda li tibda ssehh wara li dik il-persuna jibda jkollha dritt għal dik il-pensjoni kif imsemmi qabel, fl-ammont li jithallas lil dik il-persuna bħala pensjoni tas-servizz, jew, fil-każ ta' armla, bħala pensjoni minn prinċipal tar-raġel tagħha qabel ma miet li jkollha x'taqsam mal-impieg tar-raġel tagħha qabel ma miet.

95. Hlief kif provdut b'mod speċifiku jew kif jiftiehem mod ieħor f'dan l-Att dwar Pensjoni għall-Ghomja, Pensjoni għall-Handikappati, Ghajnuna Soċjali, u Pensjoni ta' l-Età imhallsin taht id-dispożizzjonijiet ta' l-artikoli 27, 30 u 77 ta' dan l-Att rispettivament, meta persuna jkollha dritt, minkejja dan l-artikolu, għal żewġ pensjonijiet, allowances, benefiċċji jew ghajnuna fl-istess waqt hija ma jkollhiex dritt għalihom it-tnejn, iżda jkollha dritt għal dik il-pensjoni, allowance, benefiċċju jew ghajnuna li jkunu l-iktar ta' vantaġġ jew li jkunu jithallsu b'dik ir-rata li tkun oghla:

Iżda —

(a) id-dispożizzjonijiet ta' dan l-artikolu ma għandhomx japplikaw fil-każ ta' Ghotja taż-Żwieġ, Allowance ta' Ltim, Allowance tat-Tfal, Benefiċċju dwar il-Maternità, Ghajnuna Medika jew Bonus li jithallas taht dan l-Att;

Proporzjonament ta' bonus.

Certi pensjonijiet ma għandhomx jitnaqqsu.

Drittijiet duplikati.

(b) persuna ghandha jkollha dritt li tircievi zewg pensjonijiet jew iktar għall-inkapaċità fl-istess hin sakemm it-total tar-rati fil-gimgha ta' dawn il-pensjonijiet ma jkunx jaqbeż ir-rata tal-Pensjoni dwar l-Invalidità li kien ikollha dritt għaliha dwar telfien ta' fakultà li kienet stmata bil-100 fil-mija.

Limitazzjoni ta' applikabilità tal-artikoli 26 u 78 u tat-Taqsimiet IV u V.

96. (1) Persuna li jkollha inqas minn 65 sena ghandha tkun skwalifikata milli tircievi pensjoni li tithallas taht l-artikoli 26 u 78 u taht it-Taqsimiet IV u V ta' dan l-Att matul xi perjodu li fih dik il-persuna jew ir-raġel jew il-mara rispettiv, kif ikun il-każ, ikollhom fil-pussess tagħhom xi liċenza sabiex jaħdmu xi sengha jew jiġġestixxu negozju maħruġa mill-Kummissarju tal-Pulizija, sakemm min ikollu dik il-liċenza ma jippruvax għas-sodisfazzjon tad-Direttur li ma jkun qiegħed isir b'ebda mod xi użu minn dik il-liċenza minn min ikollu dik il-liċenza u li dik il-liċenza ma tistax tithalla favur jew tiġi trasferita lil xi persuna oħra mingħajr ma jiġri li min ikollu dik il-liċenza jkollu jbati konsegwenzi serji.

Iżda meta jkun ir-raġel jew il-mara rispettiv ta' dik il-persuna li jkollha pussess ta' dik il-liċenza, dik il-persuna xorta ghandha jibqa' jkollha dritt li tircievi pensjoni bir-rata li tithallas lil persuna wahedha jekk ma jkunx hemm komunjoni tal-akkwisti bejn il-miżżewġin kemm għax tkun giet eskluża minnhom fil-kitba taż-żwieġ li jkunu ghamlu qabel iż-żwieġ tagħhom jew għax tkun giet eskluża minnhom permezz ta' kuntratt legittimu li jkun sar qabel l-ewwel ta' April, 1978, jew għax ikun gie xjolt b'konsegwenza tas-separazzjoni legali tagħhom.

(2) Għall-finijiet ta' dan l-artikolu meta jkun hemm liċenza kummerċjali li f'xi żmien tkun f'isem persuna jew ir-raġel jew il-mara rispettiv, u l-impriza li tkun tittratta dwarha din il-liċenza tkun f'xi żmien trasferita mill-persuna jew ir-raġel jew il-mara rispettiv lil xi persuna oħra li tkun toqghod miegħu jew magħha bħala familja wahda fiż-żmien meta ssir it-talba għal pensjoni kif hemm imsemmi fis-subartikolu (1) ta' dan l-artikolu jew tkun qegħda tithallas pensjoni bħal dik, dik il-persuna ghandha titqies li jkun għad għandha liċenza kummerċjali.

Persuni l-habs.

97. Persuna tkun skwalifikata milli tircievi pensjoni, beneficiċċju, allowance jew għajnuna li tithallas taht dan l-Att għal xi perjodu li matulu tkun qed tinzamm fi stat ta' prigunerija jew detenzjoni b'konsegwenza ta' sentenza mogħtija talli tkun instabet hatja ta' reat:

Iżda meta dik il-persuna tkun qed tircievi allowance imħallsa taht l-artikoli 83, 84 u 85 ta' dan l-Att, dik l-allowance ghandha matul dak il-perjodu, tithallas lill-kap tal-familja li miegħu it-tifel jew persuna, li dwarhom tkun qed tithallas dik l-allowance, ikunu joqogħdu:

Iżda iktar meta dik il-persuna tkun raġel miżżewweġ u kien ikollu dritt għal pensjoni taht dan l-Att, u li, minnufih qabel ma nġhata s-sentenza kif imsemmi fuq, ma kellux id-dispożizzjonijiet ta' l-artikolu 100 ta' dan l-Att japplikaw għalih, il-mara tiegħu ghandha jkollha dritt li tircievi nofs il-pensjoni li kienet tithallas lil zewġha li kieku hu ma kienx skwalifikat taht id-dispożizzjonijiet ta' dan l-artikolu, sakemm hi ma jkollhiex ga dritt għal pensjoni taht dan l-Att bi dritt tagħha stess u anqas ma jkollha impieg assigurabbli jew tkun taħdem għaliha nnifisha.

198. Persuna ghandha tkun skwalifikata milli tircievi —

Persuni msifrin.

(a) Benefiċċi dwar il-Mard u l-Korriment għal xi perjodu li matulu tkun assenti minn Malta hlief jekk —

- (i) tkun assenti filwaqt li jkollha mpieg bħal dak imsemmi fil-paragrafu 2 ta' l-Parti I ta' l-Ewwel Skeda li tinsab ma' dan l-Att; jew
- (ii) tipprova għas-sodisfazzjon tad-Direttur li l-assenza tagħha minn Malta kellha x'taqsam mal-kura medika tagħha nnifisha barra minn Malta dwar dik il-marda jew dak il-korriment jew marda industrijali li jkunu taw lok għat-talba tagħha għall-benefiċċju;

(b) Ghajnuna dwar il-Mard, Ghajnuna dwar il-Lebbra, jew Ghajnuna dwar it-Tuberkolozi matul xi perjodu li fih il-persuna li dwarha tkun qegħda tithallas dik l-ghajnuna tkun assenti minn Malta hlief jekk din il-persuna tipprova għas-sodisfazzjon tad-Direttur li l-assenza tagħha minn Malta kellha x'taqsam mal-kura medika tagħha stess barra minn Malta għal dik il-kondizzjoni jew marda li dwarha tkun qegħda tithallas dik l-ghajnuna.

99. (1) Hlief kif dispost fis-subartikolu (4) ta' l-artikolu 27 u fl-artikolu 77, meta matul xi perijodu persuna tkun qegħda tircievi pensjoni, inkluż Benefiċċju ta' Armla taht dan l-Att, hija ghandha —

Persuni rikoverati f'istituzzjonijiet għax-xjuh u oħrajn.

(a) jekk tkun persuna rikoverata ta' dik l-istituzzjoni statali għall-kura u hsieb ta' nies xjuh kif indikat mill-Ministru b'avviż fil-Gazzetta, ma tibqax tircievi dik il-pensjoni għal dak il-perjodu sħiħ li matulu tkun hekk rikoverata;

(b) jekk tkun persuna rikoverata f'kull istituzzjoni oħra statali kif indikat mill-Ministru b'avviż fil-Gazzetta u kienet hekk rikoverata għal perjodu li jkun jaqbeż is-sitt xhur konsekuttivi, ma tibqax tircievi dik il-pensjoni għal kull perjodu li jiġi minnufih wara s-sitt xhur imsemmija li matulhom tkun hekk rikoverata;

u ghandha minflok tircievi 40% tar-rata ta' pensjoni li mod iehor kienet tapplika fil-każ tagħha; b'dak il-mod illi, jekk dik il-persuna tkun waħda minn koppja miżżewġa li t-tnejn li huma jkunu rikoverati u li minnhom ir-raġel jew il-mara biss ikunu qegħdin jircievu dik il-pensjoni, imnaqqsa kif imsemmi qabel, l-40% imsemmijin għandhom jithallsu f'zewġ proporzjonijiet indaqs, wiehed lir-raġel u l-iehor lill-mara; u l-bilanċ ta' 60% għandu jithallas lill-Kumitat dwar Ghajnuna Soċjali mwaqqaf taht l-artikolu 134 ta' dan l-Att:

Izda meta persuna li għaliha jkun japplika dan is-subartikolu tkun raġel miżżewġ li martu —

- (i) ma tkunx hi nnifisha hekk rikoverata; u
- (ii) ma tkunx hi nnifisha qegħda tircievi pensjoni taht dan l-Att;

dak ir-raġel miżżewġ ma għandux ikollu dritt għall-40% qabel imsemmijin izda martu ghandha jkollha dritt li tircievi hlas fil-ġimgha li jkun ekwivalenti għal 60% tar-rata ta' pensjoni li kienet b'mod iehor tkun tapplika fil-każ tiegħu,

u l-bilanċ ta' 40% lir-raġel u kwantu għal 60% lill-Kumitat imsemmi qabel.

(2) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (4) ta' l-artikolu 27 u fl-artikolu 77, meta, matul xi perjodu il-mara ta' raġel li jkun qiegħed jirċievi pensjoni taht dan l-Att tkun rikoverata f'istitutazzjoni msemmija fil-paragrafu (a) u (b) tas-subartikolu (1) ta' dan l-artikolu, ir-raġel ta' din il-mara ma għandux, hliet jekk hi nnifisha tkun qiegħda tirċievi pensjoni li tithallas taht dan l-Att, jirċievi aktar dik il-pensjoni u minflok għandu jirċievi hlas fil-gimgha li jkun ekwivalenti għal 60% tar-rata ta' pensjoni li kienet b'mod iehor tkun tapplika fil-każ tiegħu, u l-bilanċ ta' 40% għandu jithallas kwantu għal 40% lill-mara, u kwantu għal 60% lill-Kumitat imsemmi.

(3) Il-proviso li hemm mas-subartikolu (1) u s-subartikolu (2) ta' dan l-artikolu, ma għandhomx ikunu japplikaw fil-każ meta l-mara u r-raġel kienu ġa qiegħdin jghixu mifrudin minn xulxin qabel ma xi wiehed jew waħda minnhom ġew rikoverati, kif imsemmi qabel f'dan l-artikolu, u kienu qiegħdin jirċievu pensjoni separata skond id-dispożizzjonijiet tal-artikolu 100 ta' dan l-Att.

(4) Kull bonus li jithallas taht l-artikolu 91 ta' dan l-Att lil xi persuna, għandu jitnaqqas, dwar kull ġurnata li matulha dik il-persuna tkun rikoverata f'istitutazzjoni msemmija f'dan l-artikolu, bl-ammont illi jirriżulta mill-moltiplikazzjoni tas-sehem ta' Bonus li jkollu dritt għalih taht id-dispożizzjonijiet ta' l-imsemmi artikolu 91 u ta' l-artikolu 100 ta' dan l-Att, u 0.0033; u l-ammont hekk imnaqqas mill-Bonus għandu jithallas lill-Kumitat imsemmi qabel.

Pensjonijiet  
separati u bonus  
maqsum.

100. (1) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu, raġel miżżewwieg li jkun qiegħed jirċievi pensjoni li tithallas bir-rata ta' wiehed miżżewwieg taht id-dispożizzjonijiet ta' l-artikoli 27 u 77 ta' dan l-Att għandu jkollu dik il-pensjoni u kull bonus li jithallas lilu taht l-artikolu 91 ta' dan l-Att proporzjonat b'mod ugwali bejnu u bejn il-mara tiegħu —

(a) meta jew ir-raġel jew il-mara jitlob jew titlob lid-Direttur li dik in-nofs pensjoni u/jew nofs bonus għandhom jithallsu dirett lill-mara; jew

(b) meta r-raġel u l-mara huma separati "de jure" u ma jissemma xejn fis-sentenza jew fil-kuntratt ta' separazzjoni dwar jekk isirx proporzjonament jew le ta' dik il-pensjoni u/jew bonus:

(i) Iżda dak il-proporzjonament għandu jibda biss isehh mid-data meta l-hlas li jmiss ta' dik il-pensjoni u/jew bonus ikun dovut wara li ssir talba bil-miktub għal dan l-iskop minn xi waħda miż-żewġ partijiet konċernati.

(ii) (2) Id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ma għandhomx japplikaw meta l-mara tkun qiegħda ġa tirċievi xi pensjoni u/jew bonus taht dan l-Att bi dritt tagħha stess jew meta dik il-pensjoni indikata fl-imsemmi subartikolu (1) tkun qed tithallas b'żieda ma xi pensjoni oħra li tithallas taht dan l-Att.

(3) Meta b'riżultat ta' xi sentenza tal-Qorti jew ta' xi ftehim legittimu bejn koppja miżżewġa xi pensjoni li tithallas taht id-dispożizzjonijiet ta' dan l-Att tkun qeghda tithallas kollha kemm hi jew parti minnha lill-mara tal-pensjonant, il-bonus li jithallas taht l-artikolu 91 ta' dan l-Att għandu jithallas kollu lir-raġel sakemm ma jkunx hemm sentenza tal-Qorti li tkun tordna kuntrarju jew sakemm il-koppja miżżewġa ma tiftihemx mod iehor.

101. (1) Sakemm id-Direttur ma jiddeċidix mod iehor dwar xi benefiċċju, pensjoni, allowance jew għajjnuna mogħtija taht id-dispożizzjonijiet ta' dan l-Att, għandha tkun kondizzjoni tad-dritt ta' xi persuna għal xi benefiċċju, pensjoni, allowance jew għajjnuna illi —

Iż-żmien u l-mod kif issir talba.

(a) fiż-żmien preskritt, jekk ikun il-każ, tagħmel it-talba relattiva fid-Dipartiment fuq il-formola li tingħatalha mid-Direttur għal dak il-benefiċċju, pensjoni, allowance jew għajjnuna;

(b) tipproduċi dawk iċ-ċertifikati, dokumenti, informazzjoni u xhieda għall-fini li jiġi stabbilit id-dritt għal benefiċċju, pensjoni, allowance jew għajjnuna kif id-Direttur jista', minn żmien għal żmien, jeħtieġ u għal dak il-ghan tmur f'dak l-uffiċċju jew post kif id-Direttur jista' jistabilixxi.

(2) Iż-żmien preskritt għall-fini ta' dan l-artikolu għandu jkun —

(a) fil-każ ta' Benefiċċju għal Mard jew Pensjoni għal invalidità, il-perijodu ta' għaxart ijiem mill-gurnata li dwarha ssir it-talba;

(b) fil-każ ta' Benefiċċju għal Disimpieg, Benefiċċju Speċjali għal Disimpieg, Għajjnuna Soċjali jew Medika, Pensjoni ta' l-Età, għal Inkapaċità jew għall-Għomja, il-gurnata li dwarha ssir it-talba;

(c) fil-każ ta' Benefiċċju għal Korrimment, il-perijodu ta' erb-gha w għoxrin siegħa miż-żmien tad-disgrazzja rilevanti, jew, f'xi każ fejn ikun ingħata avviż tad-disgrazzja lid-Direttur, f'dak il-perjodu jew meta t-talba tkun dwar marda industrijali msemija fl-ewwel kolonna tar-Raba' Skeda li tinsab ma' dan l-Att, il-perjodu ta' għaxart ijiem mill-gurnata meta ssir it-talba;

(d) fil-każ ta' pensjoni għal min jirtira jew ta' armla, il-perjodu ta' sitt xhur mill-gurnata meta ssir it-talba:

Iżda jekk ma ssirx talba fiż-żmien preskritt, il-pensjonijiet imsemmija, benefiċċji jew għajjnuna għandhom jithallsu b'seħh mill-gurnata meta ssir it-talba:

Iżda iktar jekk ir-rikorrent juri għas-sodisfazzjon tad-Direttur li kien hemm kawża ġusta għad-dewmien, iż-żmien preskritt għandu jittawwal sad-data li fiha ssir it-talba u f'kull każ bhal dak, kull benefiċċju, pensjoni, għajjnuna jew allowance ma għandhomx jibdedw għaddejin hlief minn dik id-data (li ma tkunx data iktar tard minn dik tat-talba) li d-Direttur jista' jistabilixxi.

102. (1) Meta persuna jkollha dritt għal xi pensjoni, benefiċċju, allowance jew għajjnuna taht dan l-Att, il-hlas għandu jsir — Hlasijiet.

(a) fid-Dipartiment jew f'dak il-post iehor jew b'dak il-mod

kif id-Direttur jista' jistabilixxi minn żmien għal żmien; u

(b) (i) fil-każ ta' 'Bonus' għal Żwieġ, Gratifikazzjoni għal Inkapaċità jew Benefiċċju għal Maternità, kemm jista' jkun malajr wara li t-talba tkun giet deċiża;

(ii) fil-każ ta' Benefiċċji għal Mard, Korriment u Disimpieg u Benefiċċju Speċjali għal Disimpieg, jew Ghajnuna Soċjali u Medika, bl-arretrati f'dawk l-intervalli li d-Direttur jista' minn żmien għal żmien jistabilixxi;

(iii) fil-każ ta' xi pensjoni, bil-quddiem f'dawk l-intervalli (li jkunu intervalli mhux itwal minn erba' gimghat) kif id-Direttur jista' minn żmien għal żmien jistabilixxi, iżda kull meta r-rati jiżdiedu d-differenza bejn ir-rati l-godda u r-rati l-qodma jistgħu jithallsu bil-quddiem f'intervalli li ma jkunux jaqbu s-sitta w ghoxrin gimgha mid-data meta r-rati jiżdiedu; u

(iv) fil-każ ta' *allowances* tat-Tfal, bil-quddiem f'dawk l-intervalli (li jkunu intervalli mhux itwal minn tlettax-il gimgha) kif id-Direttur jista', minn żmien għal żmien, jistabilixxi.

(2) Meta l-gurnata li fiha persuna issir intitolata għal pensjoni, inkluż Benefiċċju ta' Armla, *allowance* jew ghajnuna jew issir intitolata għal xi wahda minnhom b'rata ġdida, ma tkunx is-Sibt, il-hlas għandu jsir biss, jew ir-rata ġdida għandha ssehħ biss, mis-Sibt ta' wara u, meta l-gurnata li fiha persuna ma tibqax intitolata għalihom, jew jekk tkun intitolata għalihom, hija tmut, ma tkunx il-Gimgha il-hlas għandu jsir għall-gimgha kollha li tintemm il-Gimgha ta' wara.

(3) Kull hlas li jsir bil-quddiem skond is-sub-paragrafi (iii) u (iv) tal-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu għandu jibqa' jitqies li kien dovut lil benefiċjarju minkejja l-fatt illi, matul il-perjodu li jaħbat bejn id-data ta' dak il-hlas u d-data li fiha dak il-hlas jintemm skond is-subartikolu (2) ta' dan l-artikolu, kien hemm bidla fiċ-ċirkostanzi li kienet mod ieħor teffettwa b'mod kuntrarju ir-rata ta' dak il-hlas minnufih skond id-dispożizzjonijiet l-oħrajn ta' dan l-Att.

Rappreżentanza ta' persuni mejtin, u ta' persuni li ma jistgħux jagixxu.

103. Bla hsara għad-dispożizzjonijiet ta' dan l-Att, meta persuna li tkun għamlet talba għal benefiċċju, pensjoni, ghajnuna jew *allowance*, jew li tkun allegata li hi jew li kellha dritt għal benefiċċju, pensjoni, ghajnuna jew *allowance*, jew li lilha għandhom jithallsu xi benefiċċju, pensjoni, ghajnuna jew *allowance*, ma tkunx tista' taġixxi jew tmut, id-Direttur jista' jahtar lil dik il-persuna li jista' jidhirlu li tkun idonea sabiex tkompli, jew tagħmel, talba jew tircievi hlas ta' dawk il-benefiċċju, pensjoni, ghajnuna jew *allowance* f'isem jew bhala rappreżentanti ta' dik il-persuna. Kull persuna li tinhatar b'dan il-mod għandha, għall-finijiet ta' dan l-artikolu, titqies għal kollox li tkun ir-rappreżentanti legittima ta' dik il-persuna l-oħra jew ta' l-eredità tagħha.

104. (1) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, kull as-senjament jew hlas, u kull ftehim għal as-senjament jew hlas ta' xi benefiċċju, pensjoni, *allowance* jew ghajnuna, għandu jkun minghajr ebda effett.

(2) Kull benefiċċju, pensjoni, *allowance* jew ghajnuna ma jistax isir mandat ta' sekwestru fuqhom jew b'xi mod ieħor jigu maqbu-

Benefiċċju, pensjoni, *allowance* jew ghajnuna ma jistgħux jigu trasferiti.

din u anqas ma tista' tinghata xi sentenza dwarhom; iżda d-dispożizzjonijiet tas-subartikolu (3) ta' l-artikolu 381 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili (Kap. 12) għandhom ikunu japplikaw *mutatis mutandis*.

**105.** Hlief kif dispost fis-subartikolu (3) ta' l-artikolu 102 ta' dan l-Att, kull persuna li minhabba fin-nuqqas ta' stqarrija jew preżentazzjoni hażina ta' fatti materjali (sew jekk in-nuqqas ta' stqarrija jew preżentazzjoni hażina kienu jew ma kienux bi frodi), tkun irċeviet xi somma bhala benefiċċju, pensjoni, *allowance* jew għajna taht dan l-Att li ma kellhiex dritt għalih, għandha jkollha thallas lura lid-Direttur is-somma li tkun hekk irċeviet, liema somma tkun tista' tingabar lura, minghajr preġudizzju għal kull rimedju iehor, permezz ta' tnaqqis li jsir minn xi benefiċċju, pensjoni, *allowance* jew għajna li jkollha dritt għalihom wara dan.

Hlas lura ta' benefiċċju, pensjoni, *allowance* jew għajna indebitament imhallsin.

**106.** (1) Id-Direttur għandu jkollu d-dritt li jirkupra permezz ta' azzjoni ċivili l-ammont ta' xi benefiċċju mħallas jew li jista' jithallas taht dan l-Att —

Irkupra ta' benefiċċji dwar korriment kaġunat b'att volontarju jew b'negligenza.

(a) minn xi persuna, minbarra l-benefiċjarju, meta korrimment li dwaru jithallas jew jista' jithallas benefiċċju kien kaġunat b'att volontarju jew b'negligenza ta' dik il-persuna jew ta' xi persuna ohra li għaliha taht il-Kodiċi Ċivili (Kap. 23) l-ewwel persuna msemmija tkun responsabbli;

(b) minghajr preġudizzju għall-generalità tal-paragrafu (a) imsemmi, minn xi prinċipal, meta l-korriment kien kaġunat minhabba jew permezz tan-nuqqas ta' osservanza minnu stess, jew minn xi persuna ohra li għaliha taht il-Kodiċi Ċivili (Kap. 23) ikun responsabbli, ta' xi obligazzjonijiet imqegħdin bl-Ordinanza dwar il-Fabbriki (Kap. 169) jew b'xi regolamenti li jkunu saru tahtha.

(2) Ebda dispożizzjoni f'dan l-artikolu ma għandha teffettwa bi preġudizzju xi dritt għal kumpens jew danni li l-persuna korruta jew dawk li jitlobu minflok jista' jkollhom taht id-dispożizzjonijiet tal-Kodiċi Ċivili (Kap. 23) kontra l-persuna li permezz ta' l-att volontarju jew b'negligenza tagħha gie kawżat il-korriment; iżda meta tkun qegħda ssir l-istima ta' dak il-kumpens jew danni l-Qorti għandha tqis l-ammont ta' benefiċċju irkuprat mid-Direttur kif provdut fis-subartikolu (1) ta' dan l-artikolu.

(3) Kull ammont rikuprat taht dan l-artikolu jew taht l-aħhar artikolu ta' qabel dan għandu jittiehed bhala Kreditu tal-Fond Konsolidat.

**107.** Minkejja xi dispożizzjoni ta' l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema ebda kontribuzzjoni ma għandha tithallas taht dak l-Att, iżda d-dispożizzjonijiet kollha ta' dak l-Att għandhom ikomplu fis-seħh daqslikieku l-kontribuzzjonijiet kollha illi, li ma kienux għad-dispożizzjonijiet ta' dan l-artikolu, kienu jithallu taht dak l-Att, kienu fil-fatt thallu.

Kontribuzzjonijiet taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema.

**Deċiżjoni dwar Talbiet u Kwistjonijiet**

Deciżjoni ta' kwistjonijiet dwar assigurabilità u kontribuzzjonijiet.

- 108.** Meta jkun hemm xi kwistjoni dwar —
- (a) jekk xi mpieg ikunx impieg assigurabbli;
  - (b) jekk persuna hijiex jew kinetx persuna impjegata jew persuna li timpjega lilha nnifisha;
  - (c) min hu jew min kien il-prinċipal ta' persuna impjegata;
  - (d) jekk għandhomx jithallsu kontribuzzjonijiet minn jew dwar xi persuna;
  - (e) jekk kontribuzzjoni thallsitx minn jew dwar xi persuna;

dik il-kwistjoni għandha tiġi deċiża mid-Direttur wara li jagħmel dawk l-investigazzjonijiet li jista' jkunu neċessarji; jew, jekk id-Direttur jahseb li jkun hekk espedjenti, il-kwistjoni għandha tiġi riferita lilu, wara li jinghata avviż lil kull persuna li jidhirlu li tkun interessata, lill-Arbitru mahtur taht l-artikolu 110 ta' dan l-Att.

Deciżjoni ta' talba.

**109.** Kull talba għal benefiċċju, pensjoni, *allowance* jew għajjnuna għandha titqies mid-Direttur li jista':—

- (a) jilqa' t-talba; jew
- (b) jiċċad it-talba; jew
- (c) wara li jinnotifika lir-rikorrent, jibgħat it-talba quddiem l-Arbitru mahtur taht l-artikolu 110 ta' dan l-Att:

Iżda —

(a) jekk it-talba tkun għal Benefiċċju għal Korriment, Benefiċċji għal Inkapaċità, Pensjoni għal Invalidità, Għajjnuna Medika, jew Għajjnuna Soċjali mħallsa taht id-dispożizzjonijiet tas-subartikoli (4) u (8) ta' l-artikolu 30 ta' dan l-Att, Pensjoni għall-Ghomja, jew Pensjoni għall-Handikappati, id-Direttur għandu, qabel jagħti d-deċiżjoni tiegħu, hliel jekk it-talba ma tintlaqax minhabba f'kundizzjonijiet statutorji oħra, jikkonsulta dwar l-aspetti mediċi tat-talba ma' persuna waħda jew iktar li jkollhom *warrant* biex jeżerċitaw il-professjoni medika magħzula minn fost lista ta' persuna mahtura mill-Ministru bil-ghan li jagħtu parir dwar dawn il-każijiet, skond kif tkun tehtieg in-natura tat-talba;

(b) jekk it-talba tkun għal Benefiċċju għal Mard jew għall-Benefiċċju għal Maternità, id-Direttur jista' jekk ikun jidhirlu li hekk jehtieg, qabel ma jagħti d-deċiżjonijiet tiegħu, hliel jekk it-talba ma tintlaqax minhabba f'kundizzjonijiet statutorji oħra, jikkonsulta dwar l-aspetti mediċi tat-talba ma' persuna waħda jew iktar li jkollhom *warrant* biex jeżerċitaw il-professjoni medika, mahtura mill-Ministru għal dan il-ghan.

110. (1) Għall-finijiet ta' dan l-Att, il-Ministru jista' jahtar Arbitru u Arbitru-Deputat, li jkun f'kull każ persuna li kellha *warrant* biex teżercita l-professjoni ta' avukat f'Malta għal mill-anqas hames snin.

Hatra ta' Arbitru u Arbitru-Deputat.

(2) L-Arbitru għandu, qabel ma jibda d-dmirijiet tiegħu, jiehu gurament tal-kariga tiegħu quddiem l-Avukat Generali fil-formola approvata mill-Ministru.

(3) L-Arbitru jkollu l-poter li jiehu parir ta' espert meta fid-diskrezzjoni tiegħu jqis li hu meħtieġ, u li jharrek lil min irid biex jixhed bil-gurament u/jew biex igib dokumenti; u għal dawn l-iskopijiet ikollu l-poteri mogħtijin bil-liġi lill-Prim'Awla tal-Qrati Ċivili.

Kull taħrika għandha tkun iffirmata minnu u tkun notifikata jew personalment jew inkella bil-posta registrata, u fil-każ ta' l-aħhar, fil-prova tan-notifika, ikun biżżejjed li tingieb il-prova illi t-taħrika kienet giet indirizzata sewwa u mpustata.

(4) Id-Direttur ikollu l-jedd jidher u jinstema fuq kull appell jew riferenza lill-Arbitru.

(5) L-appelli u r-riferenzi kollha lill-Arbitru għandhom jinstemgħu u jigu deċiżi mill-Arbitru, u, fil-każ ta' assenza jew impediment legittimu iehor ta' l-Arbitru, mill-Arbitru-Deputat.

(6) L-Arbitru għandu jastjeni ruhu milli jiehu konjizzjoni tal-każ jew jista' jkun rikuzat f'xi wahda jew ohra miċ-ċirkostanzi li fihom Imhalled jastjeni ruhu jew jista' jkun rikuzat skond id-dispożizzjonijiet ta' l-artikolu 734 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili (Kapitolu 12) u f'kull każ bħal dan għandhom jghoddu d-dispożizzjonijiet tas-sub-Titolu II tat-Titolu II tat-Tielet Ktieb ta' dak il-Kodiċi sa fejn dawn jistgħu jghoddu.

111. (1) Jista' jsir appell quddiem l-Arbitru dwar kull deċiżjoni tad-Direttur fuq xi punt ta' liġi jew principju ta' importanza li jitqanqal dwar id-deċiżjoni ta' xi kwistjoni taht l-artikolu 108 jew ta' talba taht l-artikolu 109 ta' dan l-Att, kif ukoll minn xi deċiżjoni tad-Direttur mogħtija taht il-proviso li hemm ma' l-artikolu 39 u taht l-artikolu 70 ta' dan l-Att —

Appell lill-Arbitru.

(a) fuq talba ta' persuna li thoss ruħha aggravata b'xi deċiżjoni tad-Direttur; jew

(b) mill-eredi ta' xi persuna li tkun hekk hasset ruħha aggravata; jew

(c) fuq talba ta' *trade union* jekk il-persuna li thoss ruħha hekk aggravata tkun jew fil-waqt ta' mewtha kienet membru ta' dik it-*trade union*.

(2) Bla hsara għad-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, appell minn kull deċiżjoni tad-Direttur li tingħata taht l-artikolu 108 jista' jsir lill-Arbitru bil-miktub mhux iktar tard minn għaxar snin minn dik id-deċiżjoni.

(3) Bla hsara ghad-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, appell minn decizjoni tad-Direttur moghtija taht il-proviso li hemm ma' l-artikolu 39 u taht l-artikoli 70 u 109 jista' jsir lill-Arbitru bil-miktub fi żmien tletin gurnata mid-data li fiha d-Direttur jikkomunika d-decizjoni tieghu bil-miktub lir-rikorrent jew lill-beneficjarju skond il-każ.

(4) Meta jkun qiegħed jikkunsidra xi appell, l-Arbitru għandu jkollu l-ghajjnuna ta' —

(i) persuna wahda jew iktar mahtura mill-Ministru, biex jagħmluha ta' assessuri, mill-lista proprja ta' dawk il-persuni msemmijin fl-artikolu 109, jekk it-talba tkun għal Beneficċju għal Korrimint, Beneficċju għall-Inkapacità, Pensjoni għall-Invalidità, Pensjoni għall-Ghomja jew Pensjoni għall-Handikappati; u

(ii) assessur magħżul minn lista ta' persuni li jkunu jirrapprezentaw il-principali u assessur magħżul minn lista ta' persuni li jkunu jirrapprezentaw persuni mpjegati.

(5) L-assessuri msemmijin fis-subparagrafu (ii) tas-subartikolu (4) ta' dan l-artikolu għandhom jinhatru mill-Ministru wara li jikkonsulta dawk l-organizzazzjonijiet li jkollhom x'jaqsmu ma' l-interessi tal-principali u tal-persuni impjegati rispettivament.

(6) Ebda assessur imsemmi fis-subartikolu (4) ta' dan l-artikolu ma għandu jaqdi d-dmirijiet tal-Kariga tieghu meta jkun qiegħed jiġi kunsidrat każ —

(i) fejn hu jkun qiegħed jidher bħala rappreżentant tar-rikorrent; jew

(ii) li bih huwa jkun jew jista' jkun direttament involut; jew

(iii) fejn hu jkun ha jew jista' jiehu xi parti bħala principal jew bħala ufficjal ta' *trade union* jew bħala xhud.

(7) F'kull każ meta l-Arbitru jiddeciedi li jisma' appell jew riferenza verbali, għandha tingħata notifika raġonevoli tal-hin u lok li fih ikun sejjer isir is-smigh lir-rikorrent jew lill-beneficjarju skond il-każ, u lil kull persuna ohra li l-Arbitru jidhirlu li jista' jkollha interess fil-każ, u f'din is-seduta ir-rikorrent jew persuna li lilha tkun ingħatat in-notifika tas-smigh jistgħu jidhru kemm personalment jew billi jkollhom rappreżentant li jkun inħatar minnhom biex jidher għalihom.

(8) Jekk, f'każ ta' appell, ir-rikorrent jew beneficjarju, skond il-każ, li jkun gie notifikat bis-smigh, ma jidhix għas-seduta u ma jagħtix spjegazzjoni raġonevoli għall-assenza tieghu, l-Arbitru jista' jgħaddi biex jiddeciedi l-każ, minkejja l-assenza tieghu, jew jista' jichad l-appell.

(9) Bla hsara għad-dispożizzjonijiet ta' dan l-Att il-procedura għall-konsiderazzjoni u decizjoni ta' kull riferenza jew appell lill-Arbitru tkun dik skond ma jiddeciedi hu, wara li jkun ikkunsidra sew li qed jitwettqu l-principji tal-gustizzja u ekwità.

112. Bla hsara ghad-dispożizzjonijiet ta' dan l-Att, appell minn decizjoni ta' l-Arbitru fuq xi punt ta' ligi ghandu jsir lill-Qorti ta' l-Appell. Dan l-appell ghandu jsir b'rikors fi zmien tletin jum mid-data li fiha d-decizjoni tal-Arbitru tkun giet notifikata bil-miktub bil-posta registrata lir-rikorrent jew lill-beneficjarju, skond il-każ.

Appell lill-Qorti ta' l-Appell.

113. Id-Direttur jew l-Arbitru, wara li jaghti xi decizjoni fuq xi talba jew kwistjoni jista' jirrevedi dik id-decizjoni jekk ikun soddisfatt illi —

Poter biex tigi riveduta decizjoni.

(a) tkun ngħatat, billi ma kienx magħruf xi fatt materjali jew illi d-decizjoni kienet bażata fuq żball dwar xi fatt materjali; jew

(b) mid-data tad-decizjoni sar xi tibdil rilevanti tač-čirkostanzi;

u jista' jaghti decizjoni riveduta li tibda ssehh minn dik id-data li jista' jiddeciedi.

114. Fil-proceduri li jsiru quddiem xi Qorti —

(a) għal reat taħt dan l-Att; jew

(b) li jinvolvu xi kwistjoni dwar il-hlas ta' xi kontribuzzjoni taħt dan l-Att; jew

(c) għall-ġbir lura ta' xi somom dovuti taħt dan l-Att;

Id-decizjoni tal-Arbitru għandha tkun konklużiva għall-ghan tal-proceduri.

id-decizjoni tal-Arbitru f'xi kwistjoni msemija fl-artikolu 108 ta' dan l-Att għandha tkun konklużiva għall-ghan ta' dawk il-proceduri.

## TAQSIMA IX

### Amministrazzjoni u Finanzi

115. Id-Direttur jista' jahtar dawk l-ufficjali pubbliċi li huwa jista' jiddeciedi li jkunu spetturi għall-ghan ta' dan l-Att. Hatra ta' Spetturi.

116. (1) Spettur maħtur taħt l-artikolu ta' qabel dan għandu, għall-finijiet tat-twertiq ta' dan l-Att, jkollu s-setgha li jagħmel dan kollu jew xi waħda mill-hwejjeġ li ġejjin, jigiġifieri:— Setghat tal-ispetturi.

(a) li jidhol mingħajr ma jaghti avviz bil-quddiem fil-hinijiet kollha raġonevoli ġewwa kull fond jew lok fejn huwa jkollu raġuni valida li jaħseb li fihom ikun hemm persuni li jkollhom impieg assigurabbli jew li jkunu jaħdmu għalihom infushom;

(b) li jagħmel dak l-ezami u inkjesta li jkunu meħtigin sabiex jačcerta ruħu jekk id-dispożizzjonijiet ta' dan l-Att ikunux qegħdin jinżammu jew ikunux inżammu f'xi fond jew lok, jew sabiex jinvestiga č-čirkostanzi li fihom xi korriment jew marda li taw lok għal talba għal beneficčju, pensjoni, allowance jew għajnuna kien jew seta' ġie inflitt jew ittiehdet;

(c) li jeżamina, sew jekk waħda jew fil-preżenza ta' xi persuna oħra, kif jidhirlu xieraq, dwar dawk il-hwejjeġ taħt dan l-Att li dwarhom jista' jkun raġonevolment jeħtieġ informazzjoni, lil xi persuna li jsib f'dak il-fond jew lok, jew li jkollu kawża raġonevoli sabiex jaħseb li hi jew li kienet persuna impjegata jew persuna li taħdem għaliha nnifisha, u li teħtieġ lil kull persuna bhal din li tiġi hekk eżaminata;

(d) li teżercita dawk is-setgħat l-oħra li jistgħu jinħtieġu sabiex isehh-dan l-Att fit-twertiq.

(2) Meta xi fond jew lok ikun taħt il-kontroll ta' Dipartiment tal-Gvern, id-Direttur jista' jagħmel arrangamenti speċjali ma' dak id-dipartiment dwar l-ispezzjonijiet b'mod konformi maċ-ċirkostanzi tal-każ.

(3) Min ikun joqghod f'dak il-fond jew lok, u kull persuna oħra li tkun jew li kienet qegħda timpjega lil xi persuna, u dawk li jaqgħu taħt jew li huma aġenti ta' dak li jkun hemm joqghod jew persuna oħra, u kull persuna impjegata għandhom jagħtu lill-ispettur dik l-informazzjoni kollha u għandhom jipproduċu għall-ispezzjoni dawk id-dokumenti kollha li l-ispettur jista' raġonevolment jeħtieġ.

(4) Jekk xi persuna —

(a) volontarjament iddewwem jew timpedixxi spettur r fit-twertiq ta' xi setgħa taħt dan l-artikolu; jew

(b) tirrifjuta li twieġeb jew thalli mhux imwieġba xi mistoqsija jew li tagħti xi informazzjoni jew li tipproduċi xi dokument meta tkun meħtieġa li fagħmel hekk taħt dan l-artikolu; jew

(c) taħbi jew tipprova taħbi lil xi persuna jew iżzomm jew tipprova żzomm lil xi persuna milli tidher quddiem jew tiġi eżaminata minn spettur;

għandha meta tinstab hatja, mingħajr preġudizzju għal kull piena oghla li tista' tehel taħt xi liġi oħra, tehel multa ta' mhux inqas minn Lm100.

(5) Kull spettur għandu jingħata ċertifikat tal-hatra tiegħu li jkun iffirmit mid-Direttur u fit-twertiq ta' kull dmir tiegħu taħt dan l-Att huwa għandu, jekk ikun hekk meħtieġ, juri dan iċ-ċertifikat.

(6) Spettur ma għandu jkollu ebda interess dirett jew indirett f'xi intrapriża li tista' taqa' taħt l-ispezzjoni tiegħu; ma għandu jirrivela f'ebda hin, ukoll wara li ma jibqax spettur, xi informazzjoni dwar kif issir manifattura jew ta' xorta kummerċjali jew xi proċess ta' xogħol li jsir jaf dwarhom filwaqt li jkun qed iwettaq dmirijietu; ma għandux jikxef kif ikun inbeda ilment li jiġbidlu l-attenzjoni għal xi għelt taħt, jew bi ksur ta', d-dispożizzjonijiet ta' dan l-Att; u ma għandux f'kull każ jinforma lill-prinċipal jew lil persuna li timpjega lilha nnifisha konċernati jew ir-rappreżentanti tagħhom li tkun saret żjara ta' spezzjoni b'konsegwenza li jkun ircieva dak il-ment.

(7) Kull spettur li jikkontravjeni d-dispożizzjonijiet tas-sub-artikolu ta' qabel dan għandu, b'żieda mal-piena li jista' jehel taħt

l-artikolu 133 tal-Kodiċi Kriminali (Kap. 9), ikun ukoll soġġett ghatkeċċija tiegħu *ipso facto* mill-impieg tiegħu mal-Gvern.

**117.** (1) Il-benefiċċji, *allowance*, pensjonijiet u għajjnuna kollha li jithallsu taht dan l-Att għandhom johorġu mill-Fond Konsolidat minghajr aktar approprjazzjoni hlief dan l-Att. Kont tas-Sigurtà Soċjali.

(2) Bla hsara għad-dispożizzjonijiet ta' l-Att ta' l-1962 dwar l-Amministrazzjoni Finanzjarja u l-Verifika, id-Direttur għandu jzomm registrazzjonijiet xierqa tal-hruġ u d-dhul kollu taht dan l-Att u għal dan l-ghan għandu jzomm Kont tas-Sigurtà Soċjali separat hawnhekk iżjed 'il quddiem imsejjah "il-Kont" kif jistabbilixxi bl-approvazzjoni ta' l-*Accountant General*.

(3) Dikjarazzjoni li turi d-dhul fil-Kont u l-hlasijiet li jsiru minnu għandha, kemm jista' jkun malajr wara l-eghluq ta' kull sena finanzjarja u f'ebda każ iktar tard minn tliet xhur wara l-eghluq ta' dik is-sena, tintbagħat mill-*Accountant General* lid-Direttur ta' Verifika, u s-subartikolu (2) ta' l-artikolu 62 ta' l-Att ta' l-1962 dwar l-Amministrazzjoni Finanzjarja u l-Verifika għandu japplika għal dikjarazzjonijiet bħal dawn.

**118.** L-ispejjeż kollha li jintefqu fit-twettiq fis-seħh ta' dan l-Att għandhom jintefqu mill-Fond Konsolidat. Spejjeż ta' amministrazzjoni.

## TAQSIMA X

### Esekuzzjoni u Nuqqas ta' Tharis

**119.** (1) Jekk xi prinċipal jew persuna li timpjega lilha nnifisha tonqos jew titraskura li thallas xi kontribuzzjoni ta' l-Ewwel Klassi jew tat-Tieni Klassi, kif ikun il-każ, li jkun sugġett li jhallas taht dan l-Att huwa jehel, meta jinstab hati, prigunerija għal żmien ta' mhux iżjed minn sitt xhur u, għal kull kontribuzzjoni bħal dik mhux imhallsa, multa ta' mhux inqas minn ħames liri. Nuqqas ta' prinċipal jew ta' persuna li timpjega lilha nnifisha li thallas kontribuzzjonijiet.

(2) Meta prinċipal jew persuna li timpjega lilha nnifisha jinstab hati skond is-subartikolu (1) ta' dan l-artikolu, il-Qorti għandha, bl-istess sentenza, b'żieda għall-piena li għaliha jkun ġie kkundannat, tordna lill-prinċipal jew persuna li timpjega lilha nnifisha hekk misjub hati, wara prova ta' l-ammont, li jhallas lid-Direttur somma daqs l-ammont li jkun naqas jew ittraskura li jhallas, u kull ordni magħmul mill-Qorti għandu jkollu l-istess qawwa u effett u jkun eżegwibbli bl-istess mod daqslikeku inghata f'kawża ċivili li tkun ġiet debitament istitwita minn jew għan-nom tad-Direttur kontra l-prinċipal jew persuna li timpjega lilha nnifisha konċernata.

(3) Kull somma mhallsa minn prinċipal jew minn persuna li timpjega lilha nnifisha skond is-subartikolu (2) ta' dan l-artikolu ghandha titqies bhala hlas b'sodisfazzjon tal-kontribuzzjonijiet mhux imhallsa, u minkejja xi dispozizzjoni li hemm fis-subartikolu (2) ta' l-artikolu 8 ta' dan l-Att, kull kontribuzzjoni imhallsa ghan-nom ta' persuna impjegata ma tistax tigi rkuprata mill-prinċipal minn dik il-persuna impjegata.

(4) Ebda haġa fis-subartikolu (2) ta' dan l-artikolu ma ghandha tiftiehem li timpedixxi lid-Direttur milli jiġbor bi proċeduri civili xi somom dovuti, jew, fil-każ ta' persuna li timpjega lilha nnifisha, milli jirkupra dawk is-somom minn xi benefiċċju, pensjoni, għajjnuna jew allowance li tista' ssir intitolata għaliha persuna li timpjega lilha nnifisha f'kull żmien wara dak li fih ma jkunx sar il-hlas dovut ta' dawk il-kontribuzzjonijiet.

(5) Id-dispożizzjonijiet ta' l-artikolu 21 tal-Kodiċi Kriminali u ta' l-Att ta' l-1957 dwar il-*Probation* ta' hatjin ma jkunux applikabbli dwar xi reat taht dan l-artikolu.

(6) Meta xi proċedimenti jiġu pprezentati f'xi qorti minhabba nuqqas ta' hlas ta' kontribuzzjonijiet ta' l-Ewwel Klassi jew tat-Tieni Klassi l-qorti ghandha tisma' u tiddeċiedi dawk il-proċedimenti bl-urgenza u f'kull każ mhux iktar tard minn tlett xhur mid-data ta' l-ewwel smigh hlief għal xi raġuni eċċezjonali li ghandha tigi verbalizzata mill-Qorti.

(7) Minkejja d-dispożizzjonijiet ta' kull liġi oħra, it-talba tad-Direttur għal xi ammont dovut bhala kontribuzzjoni ta' l-Ewwel Klassi jew tat-Tieni Klassi taht dan l-artikolu tikkostitwixxi talba privileġġata, fil-każ ta' kontribuzzjoni ta' l-Ewwel Klassi, fl-istess grad bhall-pagi ta' mpjegati fuq l-attiv tal-prinċipal u, fil-każ ta' kontribuzzjoni tat-Tieni Klassi, fuq l-assi tal-persuna li timpjega lilha nnifisha konċernata u ghandha tithallas bi preferenza fuq it-talbiet l-oħra kollha (minbarra l-pagi) sew jekk privileġġati jew ipotekarji.

(8) Għall-finijiet ta' dan l-artikolu, avviż mid-Direttur lil xi prinċipal jew persuna li timpjega lilha nnifisha li juri n-numru u l-ammont ta' kontribuzzjonijiet li dak il-prinċipal jew persuna li timpjega lilha nnifisha ikun naqas jew ittraskura li jhallas ikun, sakemm ma jiġix ippruvat kuntrarju, prova biżżejjed li l-ammont fuq imsemmi avviż huwa l-ammont li għandu jithallas lid-Direttur mill-prinċipal jew mill-persuna li timpjega lilha nnifisha konċernata.

Użu hazin ta' dokumenti u nuqqas ta' rappurtar ta' bidliet.

120. (1) Kull min, bl-iskop li jakkwista xi hlas taht dan l-Att, kemm għalih innifsu jew għal xi hadd iehor, jew għal xi skop iehor li għandu x'jaqsam ma dan l-Att —

(i) xjentement jew bi traskuraġni jagħmel dik-jarazzjoni falza jew juri haġa b'oħra; jew

(ii) iġib jew jaghti, jew jikkaġuna jew iġieghel jew xjentement ihalli illi jingieq jew jinghata xi dokument jew tagħrif li jkun jaf li jkun falz f'xi haġa materjali; jew

(iii) bi frodi jonqos milli jirraporta lid-Direttur, qabel ma jirċievi xi hlas, xi bidla fiċ-ċikostanzi li għandha jew jista' jkollha konsegwenza materjali fuq l-ammont, jew fuq il-mod kif jinġhata, dak il-pagament

jista' jehel, meta jinstab hati, multa ta' mhux inqas minn Lm20 iżda li ma tkunx iktar minn darba w nofs ta' l-ammont ta' beneficiċċju, pensjoni, allowance jew għajjnuna li jkun għew riċevuti illegalment jew Lm500, liema minnhom ikun l-ogħla, jew prigunerija għal żmien mhux inqas minn tliet xhur iżda mhux itwal minn tnax-il xahar jew sew dik il-multa u dik il-prigunerija flimkien.

(2) Meta sabiex thallas kontribuzzjoni tat-Tieni Klassi, birrata aktar baxxa minn dik li tkun hekk dovuta, persuna li timpjega lilha nnifisha —

(i) xjentement jew bi traskuraġni tagħmel xi dikjarazzjoni falza jew rappreżentazzjoni falza; jew

(ii) tipproduċi jew tagħti, jew iġġiegħel jew xjentement thalli li jiġi prodoft jew mogħti, xi dokument jew tagħrif li hi tkun taf li hu falz f'materjal partikolari,

tehel meta tinstab hatja multa ta' mhux inqas minn Lm500 iżda mhux iżjed minn Lm1,000.

121. (1) Minkejja d-dispożizzjonijiet ta' l-artikolu 140 ta' dan l-Att, kull bolla maħsuba li kienet bħala bolla tas-Sigurtà li kienet preparata, stampata jew magħmula b'mod mhux skond id-direttivi mogħtija mill-Ministru bis-saħħa tas-subartikolu (2) ta' l-artikolu 8 ta' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali, kif fis-sehħ sal-31 ta' Marzu, 1978, għandha titqies li tkun falsifikata.

Falsifikazzjoni ta' bolli tas-sigurtà Nazzjonali.

(2) Kull min —

(a) jiffalsifika bolla tas-sigurtà mahruġa taht id-dispożizzjonijiet u għall-finijiet ta' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali;

(b) jagħmel jew, mingħajr skuża legittima, jkollu fil-pussess tiegħu xi konn, pjanċa, għodod jew materjal biex jiffalsifika bolla tas-Sigurtà;

(ċ) xjentement imexxi, ibiegh, jinnegozja, iqassam jew juża bolla tas-Sigurtà falsifikata;

(d) iġiegħel jew jipprokura li jsir, jew xjentement iġhin, iħajjar, jew jassisti fl-għamil ta' xi att imsemmi fil-paragrafi (a), (b) u (ċ) ta' dan is-subartikolu;

jista', meta jinstab hati, jehel prigunerija għal żmien ta' mhux inqas minn tlett snin iżda mhux iżjed minn seba' snin.

122. Kull min jikser jew jonqos li joqgħod għall-htigiet ta' dan l-Att li dwaru ebda piena speċjali ma tkun preskritta, ikun hati ta' reat u għandu għal kull reat bħal dan, meta jinstab hati, jehel ammenda ta' mhux anqas minn Lm5.

Pieni generali.

Natura ta' reati taht dan l-Att.

123. Ir-reati kollha taht dan l-Att, hlief dawk taht is-subartikolu (6) ta' l-artikolu 116 u taht l-artikoli minn 119 sa 121 ta' dan l-Att ghandhom jitqiesu kontravenzjonijiet.

Procedimenti kriminali.

124. (1) Fi procedimenti kriminali maghmulin mill-Pulizija quddiem il-Qorti tal-magistrati tal-Pulizija Gudizjarja ghal reat kontra d-dispozizzjonijiet ta' dan l-Att, id-Direttur jew ufficjal iehor imqabba minnu jista', hemm x'hemm fid-dispozizzjonijiet ta' xi ligi f'sens kuntrarju, jaghmel l-akkuza quddiem il-Qorti, igib il-provi, jittratta u xorta ohra jmexxi l-kawza ghall-prosekuzzjoni minflok il-Pulizija.

(2) Id-dikjarazzjoni bil-gurament ta' kull ufficjal imsemmi fis-subartikolu li jahbat sew sew qabel dan, li huwa gie mqabba mid-Direttur ghall-iskop hawnhekk imsemmi, tkun prova bizzejjed li hu gie hekk imqabba, jekk din il-prova tigi mitluba mill-akkuzat.

(3) Id-Direttur jew l-ufficjal imqabba minnu jista', madankollu, jingieb bhala ix-xhud fuq talba ta' l-akkuzat, imma jekk ix-xhieda tieghu tkun tinhtieg mill-Prosekuzzjoni, huwa ghandu jinstema' bhala xhud qabel ma jibda dmirijietu bhala ufficjal prosekutur (minbarra dak li jghid il-fattijiet li jiffurmaw ir-reat) hlief meta l-htiega tax-xhieda tieghu tinqala' wara.

Restrizzjoni ta' azzjoni.

125. (1) Minkejja kull dispozizzjoni f'xi ligi ohra, il-procedimenti ghal reat taht dan l-Att jistghu jinbdew f'kull zmien matul il-perijodu ta' tmax-il xahar mid-data li fiha d-Direttur isir jaf bi provi, bizzejjed fil-fehma tieghu biex issir prosekuzzjoni ghar-reat, jew matul perijodu ta' ghaxar snin wara li jsir ir-reat, liema perijodu jaghlaq l-ahhar.

(2) Ghall-finijiet tas-subartikolu (1) certifikat li jidher li hu ffirmat mid-Direttur jew f'ismu dwar id-data li fiha dawk il-provi hawn qabel imsemmija sar jaf bihom tkun prova finali ta' hekk.

Responsabbiltà ta' manager u ta' ufficjal principali iehor ta' korp ta' persuni.

126. (1) Bla hsara ghad-dispozizzjonijiet ta' l-artikolu 13 ta' l-Att ta' l-1975 dwar l-Interpretazzjoni, meta xi att, affarijiet jew haga ohra li huma mehtiega li jsiru jew li m'ghandhomx isiru skond jew taht dan l-Att ghandhom isiru jew m'ghandhomx isiru minn korp jew ghaqda ohra ta' persuni, dak l-att, affarijiet jew haga jkunu wkoll mehtiega li jsiru jew li ma jsirux personalment mill-manager jew ufficjal principali iehor ta' dak il-korp jew dik l-ghaqda; u d-dispozizzjonijiet ta' dan l-Att u ta' kull regolamenti maghmula bis-sahha tieghu ghandhom japplikaw f'dan is-sens.

(2) Meta fl-applikazzjoni tas-subartikolu (1) ta' dan l-artikolu jkollu jsir xi hlas minn korp jew ghaqda ta' persuni u mill-manager jew ufficjal principali iehor taghha, dak l-obbligu jkun *in solidum*.

Procedimenti kontra principal ghal beneficcju mitluf bi htija tieghu.

127. (1) Meta principal jonqos jew jittraskura —

(a) li jhallas xi kontribuzzjoni li taht dan l-Att ghandu jhallas dwar xi persuna mpjegata fl-impieg tieghu; jew

(b) li joqghod, dwar xi persuna bhal dik, ghall-htigijiet ta' dan l-Att dwar il-hlas u l-gbir ta' kontribuzzjonijiet;

u minhabba f'hekk xi persuna tkun tilfet, għal kollox jew parti minn xi benefiċċju, pensjoni jew *allowance* li għaliha kien ikollha dritt, dik il-persuna jkollha dritt li tiġbor minn għand il-prinċipal bħala dejn ċivili somma daqs l-ammont tal-benefiċċju, pensjoni jew *allowance* hekk mitluf, jew dik is-somma li l-Qorti tista', meta tikkunsidra ċ-ċirkostanzi tal-każ, tiddeċiedi.

(2) Jistgħu jittiehdu proċedimenti taħt dan l-artikolu għalkemm ikunu ttiehdu proċedimenti taħt xi artikoġu ieħor ta' dan l-Att għall-istess nuqqas jew traskuraġni.

(3) Jistgħu jittiehdu proċedimenti taħt dan l-artikolu, hemm x'hemm fid-dispożizzjonijiet ta' xi liġi oħra f'sens kuntrarju, f'kull żmien matul sentejn wara d-data li fiha l-persuna tiġi nformata bil-miktub mid-Direttur dwar il-jedd tagħha għal xi benefiċċju, pensjoni jew *allowance* mitlubin minnha taħt dan l-Att.

**128.** (1) Meta prinċipal jew persuna li timpjega lilha nnifisha jonqos jew jittraskura li jhallas xi kontribuzzjoni li taħt dan l-Att għandu jhallas, ebda proċediment ma għandu jittiehed kontra tiegħu jekk, wara li jiġi mgharraf bil-miktub bl-akkuza li hemm kontra tiegħu, huwa jaċċetta li jhallas u fil-fatt iħallas lid-Direttur f'dak iż-żmien li jkun iffissat minn dan, penali ta' mhux inqas minn 10% tal-valur ta' kull kontribuzzjoni bħal dik mhux imħallsa għal kull kontribuzzjoni bħal dik mhux imħallsa, iżda mhux iżjed minn Lm5 għal kull kontribuzzjoni bħal dik mhux imħallsa, li tkun iffissata mid-Direttur, flimkien ma' kull ammont li jkollu jingħata dwar kontribuzzjonijiet mhux imħallsa.

Penali mposti mid-Direttur.

(2) Minkejja dak kollu li hemm fis-subartikolu (2) ta' l-artikolu 8 ta' dan l-Att, kull kontribuzzjoni li taqá' taħt id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu li għandha tithallas f'isem xi persuna impjegata ma għandhiex tingabar lura mil-prinċipal mingħand dik il-persuna impjegata.

(3) Is-subartikolu (1) ta' dan l-artikolu ma għandux jghodd f'xi każ meta, fil-fehma tad-Direttur, il-penali hemm imsemmija ma tkunx biżżejjed għal reat.

**129.** (1) Kull persuna li f'xi żmien ikollha jew kellha fl-impieg tagħha xi persuna mpjegata, għandha tagħti lid-Direttur, jew lill-Kummissarju tat-Taxxi Nterni f'isem id-Direttur, dak it-tagħrif dwar dik il-persuna mpjegata li hu jista' jeħtieġ għall-finijiet ta' dan l-Att u f'dak iż-żmien li jkun muri fit-talba.

Tagħrif meħtieġ mid-Direttur.

(2) Jekk xi persuna tonqos li tagħti xi tagħrif bħal dak għal kollox jew f'parti fiż-żmien muri fit-talba jew li xjentement jew bi traskuraġni tagħti tagħrif mhux korrett din tehel meta tinstab hatja multa ta' mhux inqas minn Lm50 għal kull reat bħal dak u multa ta' mhux inqas minn Lm1 għal kull gurnata li matulha l-imsemmi reat ikompli:

Iżda ebda proċedimenti ma għandhom jittiehdu kontra tagħha jekk, wara li intimazzjoni bil-miktub ta' l-akkuza kontra tagħha tkun inghatat lilha, hi taqbel li thallas u fil-fatt thallas lid-Direttur f'dak

iż-żmien stabbilit minn dan ta' l-ahhar penali ta' mhux iżjed minn kull nuqqas hekk kif intqal qabel u penali oħra ta' mhux iżjed minn 50 ċenteżmu għal kull gurnata li matulha dak in-nuqqas ikompli.

Meta mpjegat ma jkollux htija l-kontribuzzjonijiet mhux imhallsa jittqiesu bhala mhallsa.

**130.** Meta ssir talba għal beneficiċċju, pensjoni jew *allowance* minn persuna impjegata taht dan l-Att, sabiex jiġi stabbilit jekk din kellhiex impieg assigurabbli matul xi żmien qabel it-talba tagħha, kull kontribuzzjoni dovuta iżda mhux imhallsa dwarha, taht l-artikolu 7 ta' dan l-Att, għandha titqies mid-Direttur li din tkun tħallset jekk ikun sodisfatt li dan in-nuqqas ta' hlas ma kienx dovut minhabba htija tal-persuna impjegata konċernata, jew għax dik il-persuna tkun halliet dak in-nuqqas isir; iżda għall-finijiet l-oħra kollha, dawk il-kontribuzzjonijiet jittqiesu bhala mhux imhallsa.

Appelli fuq talba tal-Avukat Generali.

**131.** Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Generali jkollu dejjem jedd għal appell lill-Qorti ta' l-Appell Kriminali minn kull deċiżjoni mogħtija mill-Qorti tal-Magistrati tal-Pulizija Għudizzjarja dwar proċedimenti kriminali li jinjalghu mid-dispożizzjonijiet ta' dan l-Att.

## TAQSIMA XI

### Twaqqif ta' Bord u Kumitat dwar Ghajnuna Soċjali

Bord għall-Ghajnuna Soċjali.

**132.** (1) Għandu jitwaqqaf Bord, li jkun magħruf bhala l-Bord għall-Ghajnuna Soċjali, li jkun magħmul mid-Direttur jew mir-rappreżentant tiegħu bhala *Chairman* u minn mhux inqas minn tlett membri oħra mahtura mill-Ministru. Minn dawn il-membri hekk mahtura tnejn ikunu membri tal-Kamra tad-Deputati, wiehed minn kull naħa tal-Kamra, u l-ieħor jirrappreżenta l-organizzazzjoni ta' haddiema f'Malta li jkollha l-aktar numru ta' membri.

(2) Il-membri mahtura mill-Ministru jzommu l-kariga għal perijodu ta' mhux iżjed minn sena, iżda jistgħu jinhatru mill-ġdid.

(3) Il-Ministru għandu wkoll jahtar Segretarju tal-Bord li ma jkunx membru.

(4) Il-*quorum* ikun nofs in-numru totali ta' persuni li jkun fuq il-Bord.

(5) Bla ħsara għas-subartikolu (4) ta' dan l-artikolu, il-Bord jista' jaġixxi minkejja kull post battal fost il-membri tiegħu.

(6) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, il-Bord għandu jirregola l-proċedura tiegħu innifsu.

113. (1) Il-funzjonijiet tal-Bord ikunu li jeżamina l-każijiet mi-ghuta lilu mid-Direttur taht is-subartikolu (5) ta' l-artikolu 30 ta' dan l-Att, u li jiddeciedi jekk, fiċ-ċirkostanzi partikolari ta' kull każ, ghandhiex tithallas Għajnuna Soċjali dwar il-familja li tkun, u jekk il-Bord jiddeciedi li dik l-għajnuna ghandha hekk tithallas, li jistabbilixxi l-ammont ta' dik l-għajnuna u li jsemmi lil persuna li lilha, fl-ahjar interessi tal-familja, ghandu jsir il-hlas ta' dik l-għajnuna.

Funzjonijiet tal-Bord għall-Għajnuna Soċjali.

(2) Ikun id-dmir tal-Bord li jittratta kull każ bl-akbar urgenza u li jasal għal decizjoni fl-iqsar żmien possibbli.

(3) Għall-qadi tal-funzjonijiet tiegħu taht dan l-Att il-Bord ikollu s-setgħa:

(a) li jehtieg li tidher quddiemu kull persuna biex tagħti tagħrif bil-ġurament jew b'dikjarazzjoni;

(b) li jehtieg lil kull persuna biex tipproduci quddiemu kull kotba u dokumenti oħra.

Il-ġurament jingħata miċ-*Chairman*.

(4) L-ammont fil-ġimgha ta' Għajnuna Soċjali li l-Bord jista' jawtorizza taht dan l-artikolu m'għandux ikun iżjed mill-ammont li l-kap tal-familja kien ikun, hliet għall-fatt li ma jkunx registrat taht il-Parti I tar-Registru ta' l-Impieg miżmum skond id-dispożizzjonijiet ta' l-Att ta' l-1955 dwar is-Servizz ta' l-Impieg, intitolat għalih taht dan l-Att, hekk iżda li l-kap tal-familja ma jingħaddx sabiex jiġi stabbilit in-numru ta' persuni f'dik il-familja għall-finijiet tal-Parti I tas-sitt Skeda li tinstab ma' dan l-Att.

(5) Kull decizjoni tal-Bord taht dan l-artikolu tkun finali u konkluziva.

134. (1) Għandu jitwaqqaf Kumitat li jkun magħruf bhala l-Kumitat dwar Għajnuna Soċjali, li jkun magħmul minn *Chairman* u minn mhux inqas minn tmien membri oħra mahtura mill-Ministru b'konsultazzjoni mal-Ministru responsabbli għas-saħha pubblika, li minnhom tnejn ikunu tobbja, wiehed minn kull naħa tal-Kamra tad-Deputati, wiehed mid-Dipartiment tas-Servizzi Soċjali u wiehed mid-Dipartiment tas-Saħha. Il-membri l-oħra jkunu magħżula minn fost *in-mates* ta' l-istituzzjonijiet jew sptarijiet imsemmija fl-artikolu 99 ta' dan l-Att, membri tal-familji tagħhom, membri tal-kumitati tax-xogħol, jew persuni oħra li, fil-fehma tal-Ministru, huma kwalifikati biex iservu fil-kumitat.

Kumitat dwar Għajnuna Soċjali.

(2) Il-Ministru għandu wkoll jahtar Segretarju għall-Kumitat, li ma jkunx membru.

(3) Iċ-*Chairman* u l-membri l-oħra tal-Kumitat ikunu mahtura għal perijodu ta' mhux iżjed minn sena, iżda jkunu jistgħu jergħu jinhatru mill-ġdid.

(4) Il-*quorum* ikun nofs it-total tan-numru tal-membri li jagħmlu l-Kumitat.

(5) Bla hsara ghas-subartikolu (4) ta' dan l-artikolu, il-Kumitat jista' jagħxi minkejja kull vakanza fost il-membri tiegħu.

(6) Bla hsara għad-dispożizzjonijiet ta' dan l-artikolu, il-Kumitat jista' jirregola l-proċedura tiegħu stess.

Funzjonijiet tal-Kumitat dwar Għajjnuna Soċjali.

135. (1) Il-funzjonijiet tal-Kumitat ikunu —

(a) li jamministra l-fondi fdati lil mill-Gvern skond dan l-Att jew xort'ohra, għall-benefiċċju ta' *inmates* f'istituzzjonijiet tal-Gvern li xi parti tal-pensjoni tagħhom jew bonus taħt dan l-Att tkun qed tinghata lill-Kumitat filwaqt li dawn ikunu qegħdin *inmates* f'dawk l-istituzzjonijiet, u ta' dawk l-*inmates* l-ohra li jkunu msemmija għalhekk mill-Ministru;

(b) li jissorvelja u jikkontrolla l-hruġ ta' mediċini b'xejn u ċ-ċirkostanzi li taħthom l-ghoti ta' għajjnuna medika taħt dan l-Att jista' jsir u li jiżgura li dan isir skond dawk il-proċeduri u regoli, stabbiliti mill-Kumitat, li jkunu jaqblu mad-dispożizzjonijiet ta' dan l-Att u li jkunu approvati mill-Ministru, b'konsultazzjoni mal-Ministru responsabbli għas-saħħa pubblika, u li jkunu pubblikati fil-Gazzetta;

(ċ) li jagħti parir lill-Ministru jew lill-Ministru responsabbli għas-saħħa pubblika, skond ma jkun jeħtieġ il-każ, fuq kull haġa msemmija fil-paragrafu (a) jew (b) ta' dan is-subartikolu, u fuq kull haġa ohra li għandha x'taqsam ma' dan l-Att jew mal-gid ta' l-*inmates* f'istituzzjonijiet jew sptarijiet tal-Gvern kif il-Ministru jew il-Ministru responsabbli għas-saħħa pubblika jista' jirreferilu.

(2) Fl-eżerċizzju tal-funzjonijiet tiegħu il-Kumitat jista' jistabilixxi kumitati sussidjarji, u dawn il-kumitati għandhom, safejn ikun possibbli, jinkludu persuni rappreżentanti l-kategoriji msemmija fis-subartikolu (1) ta' l-artikolu 134 ta' dan l-Att, b'dan li kull wiehed minn dawn il-kumitati sussidjarji jkollu bħala *chairman* membru tal-Kumitat.

(3) Fl-amministrazzjoni tal-fondi fdati lilu, il-Kumitat għandu jzomm dik is-sistema ta' kontijiet u għandu juża dawk il-proċeduri għall-kustodja u nfieq tal-flus fdati lilu kif jiġi approvat mill-*Accountant General* u l-kotba, ir-riċevuti u *r-records* kollha miżmuma għal dan l-ghan għandhom, f'kull żmien, ikunu jistgħu jiġu spezzjonati mill-*Accountant General*, mid-Direttur tas-Servizzi Soċjali u mid-Direttur tal-Verifika.

(4) Il-Kumitat għandu juża l-fondi kollha fdati lilu esklużivament għall-gid u harsien u għall-benefiċċju ta' l-*inmates* ta' l-istituzzjonijiet kif hawn fuq imsemmi, iżda dik il-parti minn dawk il-fondi li tiġi approvata mill-Ministru tista' tiġi wżata mill-Kumitat għall-ispejjeż tiegħu stess.

(5) Il-Ministru, b'konsultazzjoni mal-Ministru responsabbli għas-saħħa pubblika, jista' jagħti lill-Kumitat direttivi ta' xorta ġenerali dwar il-linji li għandu jimxi fuqhom.

(6) Il-Kumitat ghandu, mhux iktar tard minn xahrejn wara l-1 ta' Jannar ta' kull sena, jissottometti lill-Ministru u lill-Ministru responsabbli għas-sahha pubblika rapport tal-hidma tieghu għas-sena kalendarja ta' qabel, flimkien ma' dikjarazzjoni li turi d-dettalji ta' l-infieq li jkun sar matul dik is-sena, flimkien ma' dikjarazzjoni li turi d-dettalji tal-fondi fdati lilu li tqeghdu għad-dispożizzjoni tal-Kumitat u kull bilanċ ta' dawk il-fondi li jibqgħu fl-ahħar ta' l-imsemmija sena.

## TAQSIMA XII

### Dmirijiet, Funzjonijiet u Setghat Speċjali tad-Direttur

136. L-amministrazzjoni ta' dan l-Att qegħda fid-Direttur. B'zieda ma' kull funzjoni u dmirijiet oħra li jmissu lilu, b'xi liġi oħra jew bis-sahha ta' xi liġi oħra, id-Direttur ghandu, bla ħsara tad-direzzjoni u kontroll tal-Ministru, jagħmel u jaqdi dawk il-funzjonijiet u dmirijiet illi, minn żmien għall-iehor, il-Gvern jordnal.

Dmirijiet u  
funzjonijiet tad-  
Direttur.

137. B'zieda mas-setghat mogħtija lilu minn xi jew kull dispożizzjonijiet ta' qabel f'dan l-Att jew mid-dispożizzjonijiet ta' xi liġi oħra, id-Direttur ghandu wkoll is-setgha —

Setghat speċjali  
tad-Direttur.

(a) li jagħti għuramenti bil-ghan li jaqdi l-funzjonijiet tieghu b'mod aħjar, u sabiex dan l-Att ikun amministrat u eżegwit b'mod aħjar, liema setgha hu jista' wkoll jiddelega lil xi ufficjal iehor tad-Dipartiment;

(b) li jordna lil kull persuna, inklużi lil xi ufficjal pubbliku fis-servizz tal-Gvern u lil xi Bank jew ditta, Soċjeta', kumpanija jew korporazzjoni li jagħtuh l-informazzjoni kollha li jista' jinhtieg sabiex ikun jista' jiehu kull deċiżjoni jew jirriveidi kull deċiżjoni, li hu jista' jiehu taht id-dispożizzjonijiet ta' qabel ta' dan l-Att; u minkejja d-dispożizzjonijiet ta' xi liġi oħra li jkunu jehtiegu li tinzamm is-segretezza, dawk l-ufficjali hawn imsemmija f'dan il-paragrafu huma b'dan awtorizzati li jagħtu lid-Direttur dik l-informazzjoni li jista' jkun jinhtieg;

Izda hliet sa fejn ikun meħtieġ sabiex ikun jista' jagħmel u jaqdi kif jixraq, il-funzjonijiet u dmirijiet tieghu jew għall-iskopijiet ta' prosekuzzjoni quddiem il-Qorti, id-Direttur ikun marbut li jzomm is-segretezza dwar kull tagħrif mogħti lilu bis-sahha ta' dan il-paragrafu, illi, hliet kif hemm f'dan il-paragrafu, imissu jinzamm sigriet, u d-dispożizzjonijiet ta' l-artikolu 133 tal-Kodiċi Kriminali (Kapitolu 9) ikun jghoddu għal kull ksur volontarju ta' dan id-dmir:

Izda iktar, id-dispożizzjonijiet tal-proviso li jiġi minnufih qabel dan għandhom japplikaw ukoll lil kull ufficjal jew impjegat iehor tad-Dipartiment li għal kull raġuni li tkun jintebaħ b'din l-informazzjoni waqt il-qadi ta' dmirijietu;

(c) li jordna kull persuna li turi l-prospett tagħha tat-taxxa fuq l-income u/jew l-istimi sabiex jiġi stabilit x'inhu d-dhul nett tagħha.

## TAQSIMA XIII

## Dispożizzjonijiet Ġenerali

Ftehim reċiproku.

**138.** (1) Sabiex jinghata effett għal xi ftehim mal-Gvern ta' xi pajjiż, li jkun ftehim li jahseb għal stat reċiproku fi hwejjeġ ta' Sigurtà Soċjali, il-Ministru jista' jagħmel Ordni biex ibiddel jew jadatta dan l-Att fil-ħdim tiegħu għall-każijiet li jintlaqtu mill-ftehim.

(2) Il-Ministru jista', permezz ta' Ordni, jestendi l-ħdim ta' dan l-Att, għal dak li għandu x'jaqsam ma' Ghajjnuna Soċjali u Medika, jew l-ghoti ta' Pensjoni ta' l-Età, Pensjoni għal Handikappati jew Pensjoni għal Ghomja, lill-Persuni li ma jkunux ċittadini ta' Malta, sabiex iwettaq xi konvenzjoni, ftehim jew arrangamenti li Malta tkun parti fihom, u li jkunu jipprovdut għal reċiproċità f'dawk li huma Ghajjnuna Soċjali u Medika jew fl-ghoti ta' dawn il-Pensjonijiet.

Hlas tal-posta.

**139.** Ċertifikati u dokumenti oħra li jistgħu jintalbu mid-Direttur għall-ahjar amministrazzjoni u twestiq ta' dan l-Att, jistgħu jintbagħtu mingħajr ma jsir hlas ta' posta lid-Direttur f'*envelopes* immarkati "Sigurtà Soċjali,,".

Thassir u rizerva.

**140.** (1) Bla hsara għad-dispożizzjonijiet ta' dan l-Att dawn il-ligijiet li ġejjin, li huma —

- (a) l-Att ta' l-1948 dwar il-Pensjonijiet għax-Xjuħ;
- (b) l-Att ta' l-1952 dwar id-Direttur tas-Servizzi Soċjali;
- (ċ) Att ta' l-1956 dwar is-Sigurtà Nazzjonali;
- (d) Att ta' l-1956 dwar l-Ghajjnuna Nazzjonali;

huma b'dan imhassra.

(2) It-thassir tal-ligijiet imsemmija qabel għandu jkun bla hsara għal xi haġa li tkun saret jew li thalliet bla ma saret skond il-ligijiet imsemmija u b'mod partikolari ma għandu jkollu ebda effett fuq xi penali jew piena mogħtija dwar xi offiża li tkun saret kontra xi dispożizzjonijiet tagħhom, u kull investigazzjoni, proċediment legali rimedju u arrangament li jsiru għall-hlas lura ta' rifużjonijiet jistgħu jiġu istitwiti, kompluti jew imwettqa, u kull penali jew piena tista' titwahaħhal daqslikieku dawk il-ligijiet ma kienux thassru.

(3) Ir-regolamenti u l-ordnijiet kollha li hemm fis-seħħ taħt il-ligijiet imhassra minn dan l-Att minnufih qabel dan it-thassir għandhom, bit-tibdiliet, adattazzjonijiet u limitazzjonijiet meħtieġa, u sakemm ma jkunux inkonsistenti mad-dispożizzjonijiet ta' dan l-Att, jibqgħu fis-seħħ u jkollhom effett daqslikieku saru taħt dan l-Att u jistgħu hekk jiġu imhassra, emendati jew sospizi skond il-każ.

(4) Kull riferenza f'xi ligi oħra għall-ligijiet imsemmija fis-subartikolu (1) ta' dan l-artikolu, li jkunu referenzi ta' natura ġenerali, għandhom jidhlu minflokhom referenzi għat-titolu ta' dan l-Att.

(5) Meta persuna kienet, jew setghet kienet, minnufih qabel id-data tal-bidu fis-sehh ta' dan l-Att, intitolat ghal xi benefiċċju, pensjoni, *allowance* jew ghajnuna taht u skond id-dispożizzjonijiet tal-ligijiet imsemmija fil-paragrafi (a), (ċ) u (d) tas-subartikolu (1) ta' dan l-artikolu, hija ghandha mill-imsemmija data, tkompli bid-dritt taghha ghal dan il-benefiċċju, pensjoni, *allowance* jew ghajnuna taht u skond id-dispożizzjonijiet ta' dan l-Att.

## L-EWWEL SKEDA

## Artikolu 5

## Impiegi Assigurabbli

## PARTI I

## Impiegi

1. Impiegi f'Malta taht kull kuntratt ta' servizz jew taħriġ bħala apprendista, bil-miktub jew orali, u sew espress jew mifhum, li jinkludi mpieg minn jew taht il-Gvern ta' Malta. Għall-ghan ta' din l-Iskeda "taħriġ" għandha l-istess tifsira mogħtija lilha skond l-Artikolu 2 ta' l-Att ta' l-1952 dwar it-Tagħlim fl-Industrija:

Izda, bla ħsara għad-dispożizzjonijiet ta' xi ftehim ma' xi pajjiż ieħor, impieg kif intqal qabel barra minn Malta għandu jitqies bħala mpieg f'Malta jekk l-impjegat konċernat ikun ordinarjament residenti f'Malta u l-prinċipal ikun l-Gvern ta' Malta jew jekk ikollu post ta' negozju f'Malta.

2. Impieg kif fuq imsemmi barra minn Malta —

- (a) bħala kaptan jew membru ta' l-ekwipaġġ ta' xi vapur jew bastiment registrat Malta;
- (b) bħala pilota, kmandant, navigatur jew membru ta' l-ekwipaġġ ta' xi ajruplan liċenzjat Malta;
- (c) abbord ta' xi vapur jew bastiment, li ma jkunx bħala kaptan jew membru ta' l-ekwipaġġ:

Izda —

- (i) dan l-impieg ikun għall-iskopijiet tal-vapur jew bastiment jew ekwipaġġ tiegħu jew ta' xi passiġġieri jew merkanzija jew posta mgħobbija fuqu;
- (ii) meta l-impjegat konċernat ma jkunx ċittadin Malti, il-kuntratt ikun sar Malta, u fil-każijiet kollha, irrispettivament minn nazzjonalità ta' l-impjegat, u jkun sar bi skop tat-tweqqiegħ tiegħu (għal kollox jew f'parti minnu) waqt li l-vapur jew bastiment ikun fil-vjaġġ; u
- (iii) il-prinċipal ikollu post tan-negozju f'Malta;
- (d) abbord ta' xi ajruplan, li ma jkunx bħala pilota, kmandant, navigatur jew membru ta' l-ekwipaġġ:

Izda —

- (i) dan l-impieg ikun għall-skopijiet ta' l-ajruplan jew l-ekwipaġġ tiegħu jew ta' xi passiġġieri jew merkanzija jew posta mgħobbija fuqu;
- (ii) meta l-impjegat konċernat ma jkunx ċittadin Malti, il-kuntratt ikun sar Malta, u fil-każijiet kollha, irrispettivament minn nazzjonalità ta' l-impjegat, u jkun sar bi skop tat-tweqqiegħ tiegħu (għal kollox jew f'parti minnu) waqt li l-ajruplan ikun fit-titjira tiegħu; u
- (iii) il-prinċipal ikollu post tan-negozju f'Malta.

3. Servizz wara l-14 ta' Awissu, 1979 f'xi wahda mill-karigi speċifikati fl-artikoli 48, 59(1), 80 u 88 tal-Kostituzzjoni.

4. Servizz wara l-5 ta' jannar, 1981 bhala membru tal-Kamra tad-Deputati, barra minn servizz f'xi wahda mill-karigi speċifikati fl-artikoli 59(1), 80 u 88 tal-Kostituzzjoni, hlief meta l-persuna konċernata tkun taħdem bi qliegh bhala persuna li timpjega lilha nnifisha.

5. Kull perijodu wara l-1 ta' April, 1978 li matulu persuna tkun qed taghmel kors ta' studju jew ta' tagħlim *full-time* taht l-Iskema Haddiem-Student jew Skular-Haddiem jew xi skemi ohra bhal dawn, li jinvolvu perijodi distinti ta' xogħol u ta' studju, li ghalih tkun qed tirċievi rimunerazzjoni.

## PARTI II

### Impiegi Eċċettwati

1. Impieg ta' xorta okkażjonali hlief għall-iskopijiet tax-xogħol jew negozju tal-prinċipal.

2. Impieg ta' persuna li ma tkunx ordinarjament residenti f'Malta jekk il-prinċipal ta' dik il-persuna ma jkunx residenti f'Malta u ma jkollux xi lokal tan-negozju hemm.

3. Impieg minn kull prinċipal għal anqas minn tmien sığhat f'gimgha kalendarja.

4. Impieg bhala segretarju jew skrivan ta' soċjetà, każin, istitut filantropiku, skola jew korp jew istitut iehor bhal dan, meta servizz personali jkun ordinarjament biss meħtieġ okkażjonalment u barra mill-hinijiet ordinarji tax-xogħol, iżda s-sığhat li ssir riferenza għalihom fil-paragrafu 3 ta' din il-Parti ma għandhomx jinqabżu.

5. Impieg ta' persuna li ma tkunx ordinarjament residenti f'Malta jekk il-prinċipal ta' dik il-persuna ikun qieghed ihallas kontribuzzjonijiet dwar dik il-persuna taht skema ta' sigurtà soċjali f'pajjiż iehor.

6. Impieg ta' xi direttur jew ta' xi detentur prinċipali ta' l-ikbar numru ta' azzjonijiet f'xi soċjetà għall-finijiet ta' dik is-soċjetà.

Artikoli 12, 20, 23, 27 u 30

**Kalkoli tal-mezzi għall-finijiet ta' eżenzjoni mill-ħlas ta' kontribuzzjonijiet tat-Tieni Klassi u għall-ghoti ta' Għajnuna Soċjali, Għajnuna għal Mard, Għajnuna Medika Bla Ħlas, Pensjoni ta' l-Età, Pensjoni għall-Handikappati u Pensjoni għall-Ghomja.**

## PARTI I

### Eżenzjoni mill-ħlas ta' kontribuzzjonijiet tat-Tieni Klassi.

1. Fil-kalkoli tal-mezzi għall-finijiet ta' l-artikolu 12 ta' dan l-Att, għandu jitqies —

(a) il-valur ta' kull proprjetà ta' dik il-persuna li tkun, jew tista' tkun, investita jew tintuża bi qliegħ, bl-esklużjoni ta' għamara, gojjellerija u hwejjeg oħra personali;

Iżda, meta l-flus fil-Bank u fl-idejn (inklużi xi assi likwidi, depożiti għal xi żmien, *bonds*, *stocks*, azzjonijiet jew *securities* oħra) u l-valur kapitali ta' kull proprjetà immobbli urbana (b'esklużjoni tad-dar tar-residenza) li ma tkunx qed tintuża bi qliegħ, ikunu flimkien jaqbz u Lm4,000 fil-każ ta' persuna waħedha jew ta' armel jew armla, jew Lm7,000 fil-każ ta' persuna miżżewġa, il-persuna li tkun qed titlob eżenzjoni mill-ħlas ta' kontribuzzjoni tat-Tieni Klassi għandha titqies li ma tkunx intitolata għal din l-eżenzjoni; u

(b) bla hsara għad-dispożizzjonijiet tal-paragrafu 3 ta' din il-Parti, kull dħul jew privileġġ li huwa riċevut jew jista' jiġi riċevut minn, jew ikun ta' tgawdija għal, dik il-persuna.

2. Meta r-rizorsi kapitali totali msemmijin fis-subparagrafu (a) tal-paragrafu 1 ta' din il-Parti, ma jkunx jaqbz il-limiti hemm imsemmijin —

(a) l-ewwel Lm250 minn dawn ir-rizorsi kapitali ma għandux jingħata każ tagħhom; u

(b) il-valur ta' kull proprjetà immobbli urbana msemmija fil-proviso li tinsab mal-imsemmi sub-paragrafu (a) għandu jitqies li jkun qiegħed jipproduci dħul ta' kull sena ekwivalenti għal 5½% tal-valur kapitali tiegħu.

3. Fil-kalkolu tad-dħul jew privileġġ li huwa jew jista' jiġi riċevut jew jitgawda mill-persuna li tkun qed titlob eżenzjoni mill-ħlas ta' kontribuzzjoni tat-Tieni Klassi, ma għandhomx jitqiesu —

(a) kull għajnuna, pensjoni, benefiċċju jew *allowance* imħallsin taht dan l-Att;

(b) kull benefiċċju għal mard mogħti minn soċjetà filantropika jew *trade union*;

(c) kull somma mħallsa minn fond tal-karità;

(d) kull pensjoni oħra li tkun qed tithallas mhux bis-saħħa ta' dan l-Att.

• PARTI II

**Ghajnuna ghal Mard u Ghajnuna Medika Bla Hlas**

1. Fil-kalkolu ta' mezzi għall-finijiet ta' l-artikoli 20 u 23 ta' dan l-Att, għandu jitqies —

(a) bla hsara għad-dispożizzjonijiet tal-paragrafi 3 u 4 ta' din il-parti, il-valur ta' kull proprjetà li tkun tal-membri kollha tal-familja li hija jew tista' tkun, investita jew użata bi profitt b'eskluzjoni ta' għamara, gojjellerija jew oġġetti ohra personali:

Izda, meta l-flus fil-Bank u fl-idejn (inklużi assi likwidi, depożiti għal xi żmien, *bonds*, *stocks*, azzjonijiet u *securities* ohra) u l-valur kapitali ta' kull proprjetà immobbli urbana (bl-eskluzjoni tad-dar fejn wiehed joqghod) li ma tkunx qed tintuża bi qliegh, ikunu flimkien jaqbżu Lm2,200 il-persuna li tkun qed titlob l-ghajnuna għall-mard jew l-assistenza medika bla hlas ma għandhiex titqies li tkun intitolata għal kull ghajnuna; u

(b) bla hsara għad-dispożizzjonijiet tal-paragrafu 5 ta' din il-Parti, kull dhul jew privileġġ li huwa jew jista' jiġi riċevut jew ikun ta' tgawdija minn xi membru tal-familja.

2. Meta r-rizorsi kapitali kollha li hemm riferenza għalihom fis-sub-paragrafu (a) tal-paragrafu 1 ta' din il-Parti, ma jkunux jaqbżu il-limiti imsemmija —

(a) l-ewwel Lm250 ta' dawn ir-rizorsi kapitali ma għandhomx jitqiesu; u

(b) il-valur ta' kull proprjetà immobbli urbana msemmija fil-proviso li tinsab ma' l-imsemmi sub-paragrafu (a) għandu jitqies li jkun qieghed jipproduci dhul fis-sena ekwivalenti għal 5½% tal-valur kapitali tiegħu.

3. Meta xi membru tal-familja, minbarra l-kap tal-familja u l-mara tiegħu, ikollu fil-pussess tiegħu xi proprjetà bħal dik imsemmija fis-subparagrafu (a) tal-paragrafu 1 ta' din il-Parti —

(a) il-valur kollu ta' xi dar tar-residenza li jkollu fil-futur jew parti minnha li tkun proprjetà ta' dan il-membri bil-hsieb li jkun ser jizzewweg, ma għandux jitqies:

(b) nofs il-valur ta' xi proprjetà ohra bħal din ma għandux jitqies hliet jekk din il-proprjetà ma tkunx giet trasferita jew mogħtija lil mill-kap tal-familja jew il-mara tiegħu fi żmien it-tmax-il xahar minnufih qabel ma ssir it-talba għall-ghajnuna għal mard jew għall-ghajnuna medika bla hlas.

4. Meta xi membru tal-familja ikun jippossjedi id-dar fejn tkun toqghod dik il-familja, ma għandux jitqies il-valur kapitali tad-dar tar-residenza meta din id-dar giet akkwistata mill-inqas sena qabel id-data ta' xi talba għall-ghajnuna għal mard jew għall-ghajnuna medika bla hlas u l-valur kapitali fis-suq ta' din id-dar ma għandux ikun ta' iktar minn Lm6,000. Meta tiskadi s-sena msemmija, għandha titqies biss kull somma li tkun taqbeż is-Lm6,000 tal-valur kapitali fis-suq ta' dik id-dar. Meta għall-finijiet tad-dispożizzjonijiet ta' dan il-paragrafu il-valur kapitali fis-suq, jew parti minnu, ta' dik id-dar ikun qieghed jitqies, dik id-dar għandha tiġi stmata daqslikieku kienet proprjetà immobbli urbana li ma tkunx qegħda tintuża bi qliegh.

5. Fil-kalkolu tad-dhul jew privileġġ li huwa jew jista' jiġi riċevut jew jitgawda minn xi membru tal-familja, ma għandhomx jitqiesu —

(a) l-ewwel Lm40 li johorġu mill-użu tal-proprjetà;

(b) xi għajjnuna soċjali, għajjnuna dwar il-lebbra, għajjnuna dwar it-tuber-kolozi, għoti ta' halib u għajjnuna 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-ogħla rata tal-Pensjoni Minima Nazzjonali skond l-istat ċivili ta' min ikun qed jagħmel it-talba kif imsemmi fit-Tnax-il Skeda li tinsab ma' dan l-Att.

(ċ) kull *Allowance* tat-Tfal jew beneficiċċju tal-Maternità imhallas taht dan l-Att; u

(d) żewġ terzi mid-dhul nett totali, jew ta' xi paga jew salarju jew ta' xi privileġġ, beneficiċċju jew *allowance* jew ta' pensjoni żejda li tkun qeghda jew tista' tiġi riċevuta jew imgawdija minn xi membru tal-familja, barra mill-kap tal-familja jew mill-mara tiegħu; u għal dan il-ghan, id-dhul nett totali, paga, salarju jew pensjoni għandhom jitqiesu bhala d-dhul gross totali, paga, salarju jew pensjoni neqsin kull hlas li wiehed jista' jagħmel ta' —

(i) taxa tad-dhul skond l-Att ta' l-1948 dwar it-taxxa fuq l-*Income*;

(ii) kontribuzzjonijiet taht dan l-Att;

(iii) spejjeż li jintefqu għall-ivjaġġar permezz tat-trasport pubbliku, jew b'kull forma oħra ta' trasport li tista' tkun provduta mill-prinċipal tal-persuna konċernata, sal-post tax-xogħol u lura; u

(iv) dawk l-ispejjeż li jsiru mill-persuna konċernata sabiex tiggenera dak id-dhul;

u l-espressjoni "pensjoni żejda" tfisser kull pensjoni żejda fuq il-Pensjoni Minima Nazzjonali kif imsemmija fis-sub-paragrafu (b) ta' dan il-paragrafu;

(e) kull ammont imsemmi fis-sub-paragrafi (b) u (ċ) tal-paragrafu 3 tal-Parti I ta' din l-Iskeda.

6. Għall-finijiet ta' din il-parti, "mara tiegħu" għandha tinkludi dik il-mara li, fl-opinjoni tad-Direttur, qed tgħix mal-kap tal-familja daqslikieku kienet il-mara tiegħu mizzewġa matul xi perijodu li matulu l-għajjnuna għal mard tkun qeghda jew tista' tithallas lill-kap tal-familja skond id-dispożizzjonijiet ta' dan l-Att jew matul kull perijodu li matulu l-għajjnuna medika bla hlas tkun qeghda jew tista' tinghata lill-kap tal-familja skond id-dispożizzjonijiet ta' dan l-Att.

### PARTI III

#### Pensjoni għall-Handikappati, Pensjoni għall-Ghomja, Pensjoni ta' l-Età.

1. Sabiex jinhadmu x'inhuma il-mezzi għall-finijiet ta' l-artikolu 27 ta' dan l-Att, għandhom jitqiesu kull proprjetà, dhul jew privileġġ skond kif imsemmi fil-paragrafu 1 tal-Parti I ta' din l-Iskeda; u, bla hsara għad-dispożizzjonijiet tal-paragrafu 3 ta' din il-Parti, meta l-limiti indikati fl-imsemmi proviso li hemm mas-sub-paragrafu (a) tal-paragrafu 1 tal-Parti I ta' din l-Iskeda jinqabżu, il-persuna li tkun qed titlob li tinghata pensjoni għall-handikappati, pensjoni għall-ghomja jew pensjoni ta' l-età għandha titqies li ma tkunx intitolata għal dik il-pensjoni. •

2. Il-mezzi li jingabru, few li jistghu jingabru, minn xi proprjetà, dhul jew privileġġ skond ma jidher fil-Parti I li tinsab ma' din l-Iskeda ghandhom jinhadmu bil-mod indikat fil-paragrafi 2 u 3 (bl-esklużjoni tas-sub-paragrafi (a) u (d) ta' l-imsem-mija Parti I; iżda b'dak il-mod illi —

(a) meta persuna li tkun qed titlob li tinghata pensjoni għall-handikappati, pensjoni għall-ghomja jew pensjoni ta' l-età, ikollha fil-pussess tagħha d-dar fejn tkun toqghod, ma ghandux jitqies x'inhu l-valur kapitali ta' dik id-dar meta dik id-dar tkun giet akkwistata mill-inqas tliet snin qabel id-data ta' xi talba għal dik il-pensjoni, u l-valur kapitali fis-suq ta' din id-dar ma jkunx jaqbeż Lm6,000 fiż-żmien meta t-talba għal dik il-pensjoni tkun saret. Iżda jekk il-valur kapitali fis-suq ta' din id-dar ta' residenza fiż-żmien meta ssir it-talba għal dik il-pensjoni kienet taqbeż Lm6,000, ghandu madankollu jitnaqqas ammont ekwivalenti għal Lm1 fil-ġimgħa mir-rata fil-ġimgħa ta' xi pensjoni bħal dik li mod iehor kienet tithallas lill-persuna konċernata li kieku hi ma kinetx sid id-dar tar-residenza tagħha: jekk l-imsem-mija tliet snin ma jkunux għaddaw fid-data meta ssir it-talba għal dik il-pensjoni, din id-dar tar-residenza għandha titqies daqslikieku kienet proprjetà immobbli urbana li ma tkunx qeghda tintuża bi qliegh; u

(b) ma għandhomx anqas jitqiesu kull Ghajnuna Medika, *Allowance* tat-Ftal jew Benefiċċju għal Maternità, li jithallsu jew jinghataw taht dan l-Att.

3. Sabiex jinhadmu l-mezzi ta' koppja miżżewġa għall-finijiet tal-ghoti ta' Pensjoni ta' l-Età, Pensjoni għall-Handikappati jew Pensjoni għall-Ghomja, għandha titqies xi tkun il-proprjetà tal-koppja jew id-dhul li tkun qeghda tircievi jew li tkun tista' tircievi l-koppja:

Iżda, meta ma jkunx hemm kommunjoni ta' l-akkwisti bejniethom jew għaliex din il-kommunjoni ta' l-akkwisti kienet giet eskluża b'kuntratt sew għaliex tkun inhallet b'riżultat tas-separazzjoni legali tagħhom għandha titqies biss dik il-proprjetà li tkun ta', jew dak id-dhul li jkun qiegħed jiġi jew li jista' jiġi riċevut, minn kull wiehed jew waħda mill-koppja:

Iżda wkoll kull wiehed jew waħda mill-koppja li dwarhom tghodd il-proviso ta' qabel din għandhom ikunu intitolati sabiex jircievu ir-rata li tkun applikabbli lill-persuna waħedha jew lil armel jew armla skond il-Parti II tas-Sitt Skeda li tinsab ma' dan l-Att kif imnaqqsa bil-mezzi ta' kull ġimgħa li jkunu attribwibbli lil kull wiehed minnhom.

4. Meta raġel miżżewġ li jkun separat minn ma' martu legalment jew "de facto" jipprova għas-sodisfazzjoni tad-Direttur li jkun qiegħed ihallas xi somma lil martu bħala kondizzjoni integrali tas-separazzjoni tagħhom, dik is-somma għandha titnaqqas meta jiġu kalkolati il-mezzi tiegħu.

## PARTI IV

## Ghajnuna Soċjali

1. Meta jsir il-kalkolu tal-mezzi għall-finijiet ta' l-artikolu 30 ta' dan l-Att, għandhom jitqiesu kull proprjetà, dhul jew privileġġ skond kif ikun indikat fil-paragrafu 1 tal-Parti II ta' din l-Iskeda; u meta jinqabeż il-limitu indikat fl-imsemmi proviso li hemm mas-sub-paragrafu (a) tal-paragrafu 1 tal-Parti II ta' din l-Iskeda, il-persuna li tkun qeghda titlob l-ghajnuna soċjali għandha titqies li ma tkunx intitolata għal dik l-ghajnuna.

2. Il-mezzi li jingabru jew li jistgħu jingabru minn kull proprjetà dhul jew privileġġ kif imsemmijin fil-Parti III ta' din l-Iskeda għandhom jinhadmu bil-mod imsemmi fil-paragrafi minn 2 sa 6 ta' l-imsemmija Parti II; iżda b'tali mod illi —

(a) minkejja d-dispożizzjonijiet tal-paragrafu 4 tagħha meta fid-data tat-talba għall-ghajnuna soċjali, xi membru tal-familja kien jippossjedi d-dar tar-residenza tiegħu għal mill-inqas sena, sew jekk il-valur kapitali fis-suq ta' din id-dar tar-residenza fiż-żmien meta ssir dik it-talba jkun jew ma jkunx jeċċedi Lm6,000, ammont ekwivalenti għal Lm1 fil-gimgha għandu jitnaqqas mir-rata fil-gimgha ta' xi ghajnuna soċjali li kienet mod iehor tithallas lil dik il-familja li kieku ma kienx sid tad-dar tar-residenza tiegħu: jekk l-imsemmija sena wahda ma tkunx għadha għaddiet fid-data ta' meta ssir it-talba għal dik l-ghajnuna dik id-dar ta' residenza għandha, għall-finijiet ta' din il-Parti, titqies daqslikieku kienet proprjetà immobbli urbana li ma tkunx qeghda tintuża bi qliegh; u

(b) minkejja d-dispożizzjonijiet tas-subparagrafu (a) tal-paragrafu 5 tagħha, għandha titqies kull ghajnuna soċjali li tkun ġa qeghda tithallas skond dan l-Att lill-istess kap ta' familja fiż-żmien meta ssir it-talba għal dik l-ghajnuna.

IT-TIELET SKEDA

Artikoli 18, 28, 29, 30.

**Rata ta' Beneficcju ghal Mard, Beneficcju Speċjali ghal Disimpieg, Beneficcji ghal Korriment u ghall-Inkapacità**

0.00-24  
0.00-24  
PARTI I  
1  
2  
3

**A. Beneficcju ghal Mard u Beneficcju Speċjali ghal Disimpieg**

Numru ta' kontribuzzjonijiet imħallsa jew akkreditati fis-sena ta' Kontribuzzjoni relattiva	Rata ta' Kuljum tal-Beneficcju ghal Mard jew Beneficcju Speċjali ghal Disimpieg	
	Raġel miżżewweg li jkun qiegħed imantni lil martu	Kull persuna oħra
	Lm c m	Lm c m
50 jew iżjed (rata shiha) . . . . .	3.55,0	2.20,0
40 - 49 . . . . .	3.15,0	1.95,0
30 - 39 . . . . .	2.45,0	1.50,0
20 - 29 . . . . .	1.75,0	1.10,0

**B. Beneficcju ghal Disimpieg**

Numru ta' kontribuzzjonijiet imħallsa jew akkreditati fis-sena ta' kontribuzzjoni relattiva	Rata ta' Kuljum tal-Beneficcju ghal Disimpieg	
	Raġel miżżewweg li jkun qiegħed imantni lil martu	Kull persuna oħra
	Lm c m	Lm c m
50 jew iżjed (rata shiha) . . . . .	2.02,0	1.24,0
40 - 49 . . . . .	1.83,0	1.11,0
30 - 39 . . . . .	1.39,0	0.85,0
20 - 29 . . . . .	1.02,0	0.62,0

**Ċ. Beneficcju ghal Korriment**

Xorta ta' Beneficcjarju	Rata ta' Kuljum ta' Beneficcju ghal Korriment	
	Raġel miżżewweg li jkun qiegħed imantni lil martu	Kull persuna oħra
	Lm c m	Lm c m
Min ikollu tmintax-il sena jew iżjed . . .	5.55,0	4.10,0
Min ma jkunx għalaq it-tmintax-il sena .	3.30,0	1.85,0

PARTI II

Ammonti ta' Gratifikazzjoni għall-Inkapacità

Grad ta' Inkapaċità	Ammont ta' Gratifikazzjoni
%	Lm c m
1	48-00,0
2	96-00,0
3	144-00,0
4	192-00,0
5	240-00,0
6	288-00,0
7	336-00,0
8	384-00,0
9	432-00,0
10	480-00,0
11	528-00,0
12	576-00,0
13	624-00,0
14	672-00,0
15	720-00,0
16	768-00,0
17	816-00,0
18	864-00,0
19	912-00,0

PARTI III

L-Ogħla Rati ta' Pensjoni għall-Inkapacità

Rati fil-Gimgha	
Min ikollu tmintax-il sena jew iżjed	Min ma jkunx għalaq it-tmintax-il sena
Lm c m 0,25-31	Lm c m 6-0,0
Lm c m 1-20,0	Lm c m 3-30,0
Lm c m 4-10,0	Lm c m 2-20,0

## IR-RABA' SKEDA

## MARD JEW KORRIMENT TAX-XOGHOL

## Deskrizzjoni ta' marda jew korriment

## Xorta ta' xoghol

## Avvelenament minn:

Kull xorta ta' xoghol li jimplika:

## 1. Comb jew kompost ta' comb

L-użu jew il-maniggar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen, ghabra jew fwar taç-comb jew kompost taç-comb, jew sustanza li jkollha ç-comb.

## 2. Manganiż jew kompost ta' manganiż

L-użu jew maniggar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen, ghabra jew fwar tal-manganiż jew kompost tal-manganiż, jew sustanza li jkollha l-manganiż.

## 3. Fosfru jew fosfin jew avvelenament minhabba azzjoni anti-cholines-terase ta' komposti ta' fosfru organiku

L-użu jew il-maniggar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen, ghabra jew fwar tal-fosfru jew kompost tal-fosfru, jew sustanza li jkollha l-fosfru.

## 4. Arseniku jew kompost ta' arseniku

L-użu jew il-maniggar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen, ghabra jew fwar ta' l-arseniku jew kompost ta' l-arseniku, jew sustanza li jkollha l-arseniku.

## 5. Merkurju jew kompost ta' merkurju

L-użu jew il-maniggar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen, ghabra jew fwar tal-merkurju jew kompost tal-merkurju, jew sustanza li jkollha l-merkurju.

## 6. Carbon bisulphide

L-użu jew il-maniggar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen, jew fwar tal-carbon bisulphide jew kompost tal-carbon bisulphide, jew sustanza li jkollha l-carbon bisulphide.

## 7. Benzene jew omologu

L-użu jew il-maniggar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen ta', ghabra jew fwar li jkollhom il-benzene jew xi wahda mill-omologi taghha.

## 8. Derivattiv ta' nitro- jew amino- jew chloro- ta' benzene, jew omologu ta' benzene, jew avvelenament b'nitrochlorobenzene

L-użu jew il-maniggar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen ta', ghabra jew fwar li jkollhom derivattiv ta' nitro- jew amino- jew chloro- ta' benzene jew ta' omologu ta' benzene jew nitrochlorobenzene.

*Deskrizzjoni ta' marda jew korriment*

9. Dinitrophenol jew omologu jew b'sostituti dinitrophenoles jew b'imluh ta' dawk is-sustanzi
10. Derivattiv ta' halogen ta' idrokarburi tas-serje alifatika
11. Fosfat tri-cresyl
12. Fosfat tri-phenyl
13. Diethylene dioxide (dioxan)
14. Naftalina klorinata
15. Nickel carbonyl
16. Dhahen nitruzi
17. Beryllium jew kompost tal-beryllium
18. Cadmium
19. Gonioma kamassi (African boxwood)

*Xorta ta' xogħol*

L-użu jew il-manigġar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen ta', jew fwar li jkollhom, dinitrophenol jew omologu jew sostituti dinitrophenols jew l-imluh ta' dawk is-sustanzi.

L-użu jew il-manigġar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen ta', jew fwar li jkollhom, derivattiv ta' halogen ta' idrokarburi tas-serje alifatika.

L-użu jew il-manigġar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen ta', jew fwar li jkollu l-fosfat tri-cresyl.

L-użu jew il-manigġar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen ta', jew fwar li jkollu l-fosfat tri-phenyl.

L-użu jew il-manigġar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen ta', jew fwar li jkollu d-diethylene dioxide (dioxan).

L-użu jew il-manigġar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen ta', ghabra jew fwar li jkollhom n-naftalina klorinata

L-esposizzjoni tal-bniedem ghal gass tannickel carbonyl.

L-użu jew il-manigġar ta' l-aċidu nitriku jew l-esposizzjoni tal-bniedem ghad-dhahen nitruzi

L-użu jew il-manigġar ta', jew l-esposizzjoni tal-bniedem ghad-dhahen, ghabra jew fwar tal-beryllium jew kompost tal-beryllium, jew sustanza li jkollha l-beryllium.

L-esposizzjoni tal-bniedem ghad-dhahen tal-cadmium.

Il-manigġar ta' gonioma kamassi jew xi proċess fi jew incidental għall-fabbrikazzjoni ta' oġġetti derivati minnha.

## Deskrizzjoni ta' marda jew korriment

## Xorta ta' xogħol

## 20. Anthrax

Il-maniggar tas-suf, xagħar, lanżit, ġlud jew prodotti oħra ta' annimali jew fdalijiet, jew kuntatt ma' annimali infetti bl-anthrax, jew it-tagħbija, hatt jew trasport ta' merkanzija

## 21. Glanders

Kuntatt ma' annimali tar-razza taż-żiemel jew mal-karkassi tagħhom.

22. (a) Infezzjoni bil-*Leptospira* itteromorragika

Xogħol f'postijiet li jkunu, jew li jkunu sugġetti li jkunu, mimlija bil-ġrieden.

(b) Infezzjoni bil-*Leptospira canicola*

Xogħol f'postijiet fejn jinżammu l-klieb jew il-kura jew maniggar tal-klieb.

## 23. Tuberkolosi

Kuntatt vicin u spiss ma' nissiel jew nissela ta' infezzjoni tuberkolari minhabba fl-impieg —

- (a) fil-kura medika jew fin-*nursing* ta' persuna jew persuni li jbatu mit-tuberkolosi, jew f'servizz ancillari għal dik il-kura jew *nursing*;
- (b) fl-attendenza ma' persuna jew persuni li jbatu mit-tuberkolosi, meta l-bżonn għal dik l-attendenza jin-qala' minhabba mard fiziku jew mentali;
- (c) bhala haddiem f'ricerki, imqabbad f'ricerki in konnessjoni ma' tuberkolosi;
- (d) bhala haddiem fl-laboratorju, patologu jew persuna li tiehu sehem fi jew li tassisti f'awtopsja ta' fdalijiet umani meta l-okkupazzjoni tinvolvi xogħol b'materjal li jkun nissiel ta' infezzjonji tuberkolari.

## 24. Brucellozi

Kuntatt ma' annimali bovini, nagħaġ u mogħoż infettati b'organizmi tal-brucella, mal-karkassi tagħhom jew ma' partijiet minnhom jew ma' prodotti mhux trattati tagħhom, jew ma' kampjuni tal-laboratorju jew ma' vacċini ta' jew li jkun fihom organizmi tal-brucella, minhabba mpieg —

- (a) bhala haddiem fil-biedja;
- (b) bhala haddiem veterinarju;
- (c) bhala haddiem fil-biċċerija;
- (d) bhala haddiem fil-laboratorju; jew

## Deskrizzjoni ta' marda jew korriment

25. Katarratta tas-shana
26. Marda minn arja kompressata
27. Cellulite ta' taht il-gilda ta' l-id (Beat hand)
28. Bursite jew ċellulita ta' taht il-gilda li titla' fl-irkoppa jew hdejha minhabba taħkik jew pressjoni esterna qawwija jew prolungata fl-irkoppa jew hdejha (Beat Knee)
29. Bursite jew ċellulita ta' taht il-gilda li titla' fil-minkeb jew hdejha minhabba taħkik jew pressjoni esterna qawwija jew prolungata fil-minkeb jew hdejh (Beat Elbow)
30. Infjammazzjoni trawmatika tattendini ta' l-id jew tad-driegħ, jew *tax-sheaths* tattendini assoċjati
31. Infjammazzjoni jew ulċerazzjoni tal-gilda jew tal-membrana mukusa tal-pasagġi ta' fuq tan-nifs jew tal-halq prodotti mill-ghabra, likwidu jew fwar
32. Dermatitis mhux infettiva ta' origini esterna (inkluża ulċerazzjoni tal-gilda li tiġi mill-kromju iżda eskluża dermatitis minhabba partikoli jonizzanti jew radjazzjonijiet elettromanjetiċi barra minn shana radjanti)
33. (a) distrofija tal-kornea (inkluża ulċerazzjoni fis-superfiċji korneali) ta' l-ghajn,  
(b) kankru lokalizzat fil-gilda ta' ghamla papillomatuża jew keratitika,

## Xorta ta' xogħol

- (e) f'xi xogħol ieħor li ghandu x'jaqsam mal-harsien, kura, eżami jew maniġġ ta' dawk l-annimali, kar-kassi jew partijiet tagħhom, jew prodotti magħdud halib mhux trat-tat.

L-esposizzjoni tal-bniedem spissa jew prolungata għar-raġġi minn materjal imdewweb jew jikwi.

Assoġġetazzjoni għall-arja kompressata jew indensa.

Xogħol manwali li jikkaguna taħkik jew pressjoni qawwija jew prolungata fuq l-id.

Xogħol manwali li jikkaguna taħkik jew pressjoni esterna qawwija jew prolungata fl-irkoppa jew hdejha.

Xogħol manwali li jikkaguna taħkik jew pressjoni esterna qawwija jew prolungata fil-minkeb jew hdejh.

Xogħol manwali, jew movimenti spissi jew ripetuti ta' l-id jew tal-polz.

L-esposizzjoni tal-bniedem għall-ghabra, likwidu jew fwar.

L-esposizzjoni tal-bniedem għall-ghabra, likwidu, jew fwar jew kull aġent ieħor estern kapaci li jirrita l-gilda (inkluż taħkik jew shana iżda esklużi partikoli jonizzanti jew radjazzjonijiet elettromanjetiċi li ma jkunux shana radjanti)

L-użu jew il-maniġġar ta' jew l-esposizzjoni tal-bniedem għall-arseniku, qatran, żift, bitum, żejt minerali (inkluża paraffina), nigrufum jew xi kompost, prodott (inkluż quinone jew hydro-quinone), jew fdal ta' kull sustanza minnhom.

## Deskrizzjoni ta' marda jew korriment

## Xorta ta' xogħol

(c) squamous-celled carcinoma tal-gilda

minhabba f'kull każ għall-arseniku, qatran, zift, bitum, żejt minerali (inkluża l-paraffina), nigrufum jew kull kompost, prodott (inklużi quinone jew hydroquinone) jew fdal ta' kull waħda minn dawn is-sustanzi

34. infjammazzjoni, ulcerazzjoni jew marda malinja tal-gilda jew tat-tessuti ta' taht il-gilda jew ta' l-għadam, jew discrasia tad-demem, jew katarratta, minhabba radjazzjonijiet elettromanjetiċi (ħlief shana radjanti) jew għall-partikoli jonizzanti

35. (a) ikkankrar tal-membrana mukuża ta' l-immieher jew tas-seni assoċjati tiegħu,

(b) Ikkankrar primarju ta' bronki jew ta' pulmuni

36. Neoplasma primarja tar-rita epiteljali tal-bużżieqa ta' l-awrina (Papilloma tal-bużżieqa), jew tar-rita epiteljali tal-pelvis renali jew tar-rita epiteljali ta' l-uretere

L-esposizzjoni tal-bniedem għar-radjazzjonijiet elettromanjetiċi barra minn shana radjanti, jew għall-partikoli jonizzanti.

Xogħol f'fabrika fejn huwa prodott in-nickel minn dekomposizzjoni ta' kompost ta' nickel fi stat gassus li jehtieg xogħol ġewwa jew hdejn bini fejn dak il-proċess jew xi proċess ieħor industrijali anċillari jew inċidentali għalih ikun qed isir.

(a) Xogħol f'bini li fih xi wiehed mis-sustanzi li ġejjin jiġi prodott għall-skopijiet kummerċjali:—

(i) alpha-naphthylamine jew beta-naphthylamine;

(ii) diphenyl sostitut b'mill-anqas b'nitro wiehed jew grupp primarju amino jew b'mill-anqas b'nitro wiehed u grupp primarju amino;

(iii) kull waħda mis-sustanzi msemmija fis-sub-paragrafu (ii) ta' hawn fuq jekk ring ieħor sostitut bi gruppi ta' halogen, methyl jew methoxy, iżda mhux bi gruppi oħra;

(iv) l-imħuħ ta' xi waħda mis-sustanzi msemmija fis-sub-paragrafi (i) u (iii) ta' hawn fuq;

(v) auramine jew magenta;

(b) l-użu jew il-manigġar ta' xi waħda mis-sustanzi msemmija fis-sub-paragrafi (i) sal-(iv) tal-paragrafu

## Deskrizzjoni ta' marda jew korriment

## Xorta ta' xogħol

37. Neoplasma primarja malinja tal-  
mesothelium (mesotelioma diffuza)  
tal-plewra jew tal-peritoneum

38. Marda pulmonari minhabba l-  
inflazzjoni ta' ghabra tal-huxlief im-  
muffat jew ta' prodott vegetali iehor  
immuffat, u karatterizzata b'sin-  
tomi u sinjali attribwibbli għal reaz-  
zjoni fil-parti periferali tas-sistema  
bronko-pulmonari, u li ggħib difett  
fil-bidla tal-gass (Farmer's lung)

39. Byssinosis

(a), jew xogħol fi proċess li fih xi  
wahda minn dawk is-sustanzi tkun  
użata jew maniggata jew tkun  
mehlusa;

(ċ) Il-manutenzzjoni jew it-tnaddif ta'  
xi mpjant jew makkinarju wżat f'xi  
proċess tali bħal dak imsemmi fil-  
paragrafu (b), jew it-tnaddif ta'  
hwejjeġ użati f'xi bini bħal dak im-  
semmi fil-paragrafu (a) jekk dawk  
il-hwejjeġ jiġu mnaddfa f'dik il-fab-  
brika li minnha jiffirma parti l-bini  
jew laundry miżmuma u wżata un-  
ikament in konnessjoni ma' dik il-  
fabbrica.

(a) il-hdim jew il-manigġar ta' asbestos  
jew xi tahlita ta' asbestos;

(b) il-fabbrikazzjoni jew it-tiswija ta'  
tessuti ta' asbestos jew ta' oġġetti  
ohra li jkollhom jew li jkunu kom-  
posti minn asbestos;

(ċ) it-tnaddif ta' kull makkinarju jew  
impjant użat f'xi wahda mill-  
operazzjonijiet imsemmija qabel u  
ta' xi kmamar, fixtures u apparat  
għal ġbir ta' ghabra ta' l-asbestos;

(d) esposizzjoni sostanzjali tal-  
bniedem għall-ghabra li tiġi minn  
xi wahda mill-operazzjonijiet ta'  
hawn fuq.

L-esposizzjoni tal-bniedem għall-ghabra  
ta' huxlief immuffat jew prodott iehor  
vegetali immuffat minhabba fl-impieg:—

(a) fl-agrikoltura jew ortikoltura; jew

(b) fit-tagħbija jew hatt jew manigġar  
fil-magazzinaġġ ta' dak il-huxlief  
jew prodott iehor vegetali; jew

(ċ) il-manigġar ta' bagasse.

Xogħol f'xi kamra fejn ikun qed isir xi  
proċess li jwassal għall-carding u inkluz  
il-proċess tal-carding f'fabbrica fejn ikun  
qed isir l-ghażil jew il-manigġar ta' tajjar  
mhux mahdum jew ta' fdal ta' tajjar jew  
ta' għazel.

## Deskrizzjoni ta' marda jew korriment

## Xorta ta' xogħol

40. Fibrosite tal-pulmun minhabba ghabra silika, ghabra ta' l-asbestos jew ghabra ohra fibro-ġenika, inkluża l-kondizzjoni tal-pulmun maghrufa bhala retikulazzjoni mill-ghabra (Pneumoconiosis); u silico tuberculosis kemm-il darba s-silicosis ikun fattur essenzjali li jikkawża l-inkpaçità jew il-mewt.
41. Bughawwię tat-telegrafisti
42. Bughawwię tal-kittieba.
43. Bughawwię ta' nies li xogħolhom hu li jilwu jew jghawgu oġġetti.
44. Tifojde
45. Newralġija tad-driegħ
- L-esposizzjoni tal-bniedem għall-ghabra fibroġenika.
- L-użu ta' strumenti telegrafici tal-Morse għal perjodi twal.
- Il-kitba bl-idejn għal perijodi twal.
- Il-brim ta' hajt tat-tajjar jew tas-suf (inkluż dak maghruf bhala *worsted*).
- Kuntatt viçin u spiss ma' nissiel jew nis-siela ta' infezzjoni tat-tifojde minhabba fl-impieg —
- (a) bhala haddiem f'riçerki, mqabbad f'riçerki in konnessjoni mat-tifojde;
- (b) bhala haddiem fl-laboratorju meta l-okkupazzjoni tinvolvi xogħol b'materjal li jkun nissiel ta' infezzjoni tat-tifojde.
- It-thaddim fit-tul ta' magni industrijali għat-tluġh, imbuttar u ġbid lura ta' drapp għall-hwejjeġ li jkun tqil, ohxon jew it-tnejn flimkien.

Artikoli 20 u 23

PARTI I

**Mard u kondizzjonijiet li dwarhom tista' tithallas Ghajnuna ghal Mard**

1. Mard ta' natura malinja.
2. Mard Kardjovaskolari:
  - (a) sfjamjakament kongestiv tal-qalb
  - (b) pressjoni gholja persistenti b'qari tad-dijastolika 'l fuq minn 110.
3. Mard Endokrinu:
  - (a) Il-Marda ta' Addison
  - (b) Diabete Mellitus taz-żghar
  - (c) Disturbi kawżati minn nuqqas ta' enzimi.
4. Mard tal-Kliewi:
  - (a) nephrotic syndrome
  - (b) nuqqas kroniku renali.
5. Sistema diġestiv:
  - (a) ulċera ta' l-istonku kronika
  - (b) marda coeliac u stejatorreja idjopatiku
  - (c) Il-Marda ta' Crohn u kolite ulċerattiva.
6. Mard tal-Fwied:
  - (a) ċirrosiepatika flimkien ma' axxite jew sintomi newroloġiċi
  - (b) Il-Marda ta' Wilson.
7. Mard ieħor:
  - (a) inkapaċità serja kawżata minn Diabete Mellitus sew jekk Kongenita jew akkwizita.
  - (b) każijiet ta' diabete li tibda qabel ma wiehed jagħglaq it-tletin sena, u l-każijiet kollha ta' diabete b'komplikazzjonijiet incipienti ta' natura progressiva.

## PARTI II

**Mard u kondizzjonijiet li dwarhom tista' tinghata Ghajnuna Medika Bla Hlas**

1. Mard ta' natura malinja.
2. Mard Kardjovaskolari:
  - (a) sfjamjakament kongestiv tal-qalb
  - (b) pressjoni gholja persistenti b'qari tad-dijastolika 'l fuq minn 110.
3. Mard Respiratorju:
  - (a) nuqqas respiratorju kroniku
  - (b) asma kronika.
4. Mard Kollagenu:
  - (a) artrite rewmatojde kronika
  - (b) Lupus Erythematosus generalizzat
  - (c) sklerozi generalizzata
  - (d) dermatomijosite
  - (e) polyarterite nodosa.
5. Mard Endokrinu:
  - (a) Il-Marda ta' Addison
  - (b) ipopitwitarizmu inkluzo id-dijabete Insipida
  - (c) disturbi kawzati minn nuqqas ta' enzimi.
6. Mard tal-Kliewi:
  - (a) nephrotic syndrome
  - (b) nuqqas kroniku renali.
7. Sistema digestiv:
  - (a) ulcera ta' l-istonku kronika
  - (b) marda coeliac u stejatorreja idjopatiku
  - (c) Il-Marda ta' Crohn u kolite ulcerattiva.
8. Mard tal-Fwied:
  - (a) cirrosiepatika flimkien ma' axxite jew sintomi newrologici
  - (b) Il-Marda ta' Wilson.

9. Mard tas-Sistema Nervuż Ċentrali:

- (a) epilessija
- (b) marda ta' Parkinson li għib inkapaċità
- (c) myasthenia gravis.

10. Schizophrenia.

11. Emofilija.

12. Marda ta' Paget:

- (a) marda ta' Paget ġeneralizzata li turi attività kif tidher minn livell ta' alkaline phosphatase li ma jkunx inqas minn 100 King Armstrong Units;
- (b) marda ta' Paget tas-Sinla tad-Dahar li tipproduċi sintomi newroloġiċi.

## . IS-SITT SKEDA

Artikoli 27, 30, 77.

## PARTI I

## Rata ta' Skala ta' Ghajnuna Soċjali

Numru ta' membri fil-familja	Meta allowance tat-tfal ma tithallasx dwar xi tifel jew tifla Lm	Meta allowance tat-tfal tithallas dwar tifel wiehed jew tifla waħda Lm	Meta allowance tat-tfal tithallas dwar żewġ itfal Lm	Meta allowance tat-tfal tithallas dwar tliet itfal Lm
1	14.50			
2	17.00	15.10		
3	19.40	17.50	16.10	
4	21.60	19.70	18.35	17.50
5 jew iżjed	23.80	21.90	20.50	19.65

Ghall-finijiet ta' din il-Parti, "allowance tat-tfal" tfisser xi waħda jew kull allowance li jithallsu skond il-paragrafi (i), (ii) u (iii) tal-artikolu 83 ta' dan l-Att.

## PARTI II

## Rati ta' Pensjoni ta' l-Età, Pensjoni għall-Handikappati, Pensjoni għall-Ghomja

## A. Irgiel Miżżewġin

Kategorija	Rata ta' Pensjoni fi-gimgha	
	meta l-mara tkun tikkwalifika wkoll għal pensjoni Skond l-artikoli 27 jew 77	meta l-mara ma tkunx tikkwalifika wkoll għal pensjoni Skond l-artikoli 27 jew 77
Meta l-mezzi fis-sena tal-koppja — ma jaqbzux Lm125	Lm c m 22.80,0	Lm c m 11.40,0
jaqbzu Lm125 iżda mhux Lm225	19.50,0	9.75,0
jaqbzu Lm225 iżda mhux Lm325	16.00,0	8.00,0
jaqbzu Lm325 iżda mhux Lm425	12.20,0	6.10,0
jaqbzu Lm425	Ebda pensjoni	Ebda pensjoni

**B. Nisa miżżewwġin li r-raġel tagħhom ma jkunx jikkwalifika għal pensjoni skond l-artikoli 27 jew 77**

Kategorija	Rata ta' Pensjoni fi-gimgha
Meta l-mezzi fis-sena tal-koppja —	Lm c m
ma jaqbzux Lm125	11·40,0
jaqbzu Lm125 iżda mhux Lm225 . . . . .	9·75,0
jaqbzu Lm225 iżda mhux Lm325 . . . . .	8·00,0
jaqbzu Lm325 iżda mhux Lm425 . . . . .	6·10,0
jaqbzu Lm425 . . . . .	Ebda pensjoni

**Ċ. Persuni Romol jew Wahedhom**

Kategorija	Rata ta' Pensjoni fil-gimgha
Meta l-mezzi fis-sena tal-persuna —	Lm c m
ma jaqbzux Lm75 . . . . .	14·50,0
jaqbzu Lm75 iżda mhux Lm125 . . . . .	12·55,0
jaqbzu Lm125 iżda mhux Lm175 . . . . .	10·55,0
jaqbzu Lm175 iżda mhux Lm225 . . . . .	8·35,0
jaqbzu Lm225 . . . . .	Ebda pensjoni

**PARTI III**

**Kera tad-Dar**

Ir-rati li jinsabu fil-Parti I u II ta' din l-Iskeda għandhom jizdiedu b'50 ċenteżmu fil-gimgha jekk il-familja tkun qeghda thallas kera għall-fond normali tagħha fejn tkun qeghda toqghod:

Iżda, meta iktar minn familja waħda tkun qed tghix fl-istess fond, l-*allowance* tal-kera għandha tithallas darba biss u għandha tithallas lill-kap tal-familja li jkun responsabbli għall-hlas ta' din il-kera lil terzi.

Iċ-ċens li jithallas minn familja dwar fond miżmum b'ċens għal perijodu ta' mhux iktar minn hamsa u ghoxrin sena għandu jitqies bhala kera tad-dar għall-finijiet ta' dan il-paragrafu jekk dan il-fond ikun qiegħed jintuza esklużivament mill-familja u biss bhala residenza tagħha.

## •IS-SEBA' SKEDA

Artikolu 20

**Rati ta' Skala tal-Mezzi li jirregolaw l-Ghajjnuna ghal Mard**

Numru ta' Persuni fil-familja	Rata ta' Skala
	Lm
1 . . . . .	8·90
2 . . . . .	11·10
3 . . . . .	13·35
4 . . . . .	15·55
5 jew iżjed . . . . .	17·80

## IT-TMIEN SKEDA

## Artikolu 23

## PARTI I

Rati ta' Skala tal-Mezzi li jirregolaw l-Għajjnuna Medika Bla Hlas meta l-kap tal-familja ikollu impieg assigurabbli jew ikun jahdem ghalih innifsu

Numru ta' Persuni fil-familja	Rata ta' Skala
	Lm
1 . . . . .	22.25
2 . . . . .	25.00
3 . . . . .	27.80
4 . . . . .	30.55
5 jew iżjed . . . . .	33.35

## PART II

Rati ta' Skala tal-Mezzi li jirregolaw l-Għajjnuna Medika Bla Hlas meta l-kap ta' familja ma jkollux impieg assigurabbli u anqas ma jkun jahdem ghalih innifsu

Numru ta' Persuni fil-familja	Rata ta' Skala
	Lm
1 . . . . .	7.75
2 . . . . .	8.70
3 . . . . .	9.70
4 . . . . .	10.65
5 jew iżjed . . . . .	11.60

## ID-DISA' SKEDA

Artikolu 25

**Ammonti ta' Ghajjnuna ghal Mard, Ghoti ta' halib, Ghajjnuna dwar il-Lebbra u Ghajjnuna dwar it-Tuberkulozi**

## PARTI I

Rata fil-gimgha  
Lm

1. Ghajjnuna ghal Mard —	
(i) dwar l-ewwel membru tal-familja .....	3.60
(ii) dwar kull membru ieħor ta' l-istess familja .....	1.45
2. Ghoti ta' Halib .....	2.10
3. Ghajjnuna dwar il-Lebbra —	
(i) dwar il-kap ta' familja li jkun lebbruž .....	7.25
(ii) dwar kull membru ieħor tal-familja li jkun lebbruž u li dan ma jkunx jahdem bi qliegh —	
(a) jekk taht is-16-il sena .....	2.20
(b) jekk ikollu 16-il sena jew iktar .....	7.25
(iii) dwar kull membru ieħor ta' familja li ma jkunx jahdem bi qliegh .....	2.20
4. Ghajjnuna dwar it-Tuberkulozi —	
(i) l-ammont ta' baži ta' ghajjnuna dwar it-Tuberkulozi li jit-hallas dwar familja li membru tagħha huwa milqut bit-tuberkulozi .....	4.60
(ii) allowance li tithallas dwar kull membru ta' familja ieħor li jkun milqut bit-tuberkulozi jew partikolarment sug-gett ghat-tuberkulozi .....	1.00

## L-GHAXAR SKEDA

Artikoli 7 u 10.

## Rata ta' Kontribuzzjonijiet

PARTI I		
Kontribuzzjonijiet ta' l-Ewwel Klassi (Persuni Mpjegati)		
Kate- gorija	Xorta ta' persuna mpjegata	Rata fil-gimgha ta' kontibuzzjoni li ghandha tithallas mill-persuna mpjegata u mill-principal taghha
A	Persuni li jkunu qeghdin jaghmlu korsa ta' studju <i>full-time</i> jew taghlim taht l-Iskema Skular-Haddiem, l-Iskema Student-Haddiem jew skemi oħrajn simili (inkluz: l- <i>Extended Skills Training Schemes</i> , izda eskluż l-Iskemi ta' Haddiem-Student) li jkunu jinvolve perijodi distinti ta' xogħol u studju li ghalihom ikunu qeghdin jirċevu rimunerazzjoni.	$\frac{1}{12}$ , maħduma sa l-eqreb ċenteżmu, tar-rimunerazzjoni bażika fil-gimgha jew tal-ekwivalenti fil-gimgha tar-rimunerazzjoni bażika fix-xahar, izda li ma tkunx taqbeż rata ta' kontribuzzjoni massima ta' Lm1.37 fil-gimgha fil-każ ta' persuni li jkunu taht l-età assigurabbli jew rata ta' kontribuzzjoni massima ta' Lm2.49 fil-gimgha fil-każ ta' persuni li jkunu għalqu l-età assigurabbli.
B	Persuni li ma humiex dawk imsem-mija taht il-Kategorija A ta' din il-Parti li jkunu — (a) taht l-età assigurabbli (b) għalqu l-età assigurabbli	Lm1.37 $\frac{1}{12}$ , maħduma sa l-eqreb ċenteżmu, tal-paga bażika fil-gimgha jew tal-ekwivalenti fil-gimgha tas-salarju bażiku sugġetta għal rata ta' kontribuzzjoni minima ta' Lm2.49 fil-gimgha u għal rata ta' kontribuzzjoni massima ta' Lm8.81 fil-gimgha.



## IL-HDAX-IL SKEDA

## Artikolu 17

**Kondizzjonijiet ta' Kontribuzzjoni**

1. Il-kondizzjonijiet ta' kontribuzzjoni għall-benefiċċju għall-mard jew be-  
nefiċċju għal disimpieg jew benefiċċju speċjali għal disimpieg huma —

(a) li l-persuna assigurata tkun hallset mhux inqas minn hamsin kon-  
tribuzzjoni; u

(b) li tkun hallset jew kellha akkreditat mhux anqas minn hamsin kon-  
tribuzzjoni għall-aħħar sena shiha ta' kontribuzzjoni tagħha qabel il-bidu tas-sena  
ta' benefiċċju tagħha li tinkludi l-gurnata li fiha l-kondizzjonijiet jinhtiegu li jkunu  
sodisfatti.

2. Il-kondizzjonijiet ta' kontribuzzjoni għal pensjoni ta' armla, pensjoni għal  
min jirtira, pensjoni miżjuda għal min jirtira jew pensjoni minima nazzjonali huma —

(a) illi l-persuna tkun hallset mhux anqas minn mija u sitta u hamsin kon-  
tribuzzjoni; u

illi l-kontribuzzjonijiet minn sena għal sena mhallsa jew akkreditati lilha għal  
perijodu —

(i)(a) li jibda mill-ewwel gurnata tas-sena ta' kontribuzzjoni tagħha li  
fiha jaħbat is-7 ta' Mejju, 1956, jew fl-ewwel gurnata tas-sena ta' kon-  
tribuzzjoni tagħha li fiha jilhaq l-età ta' 19-il sena, liema minnhom issir  
l-aħħar, jew

(i)(b) dwar kull persuna li twieldet fl-4, jew wara l-4 ta' April, 1958,  
li jibda mill-ewwel gurnata tas-sena ta' kontribuzzjoni tagħha li fiha jaħbat  
it-3 ta' April, 1977, jew fl-ewwel gurnata tas-sena ta' kontribuzzjoni tagħha  
li fiha tilhaq l-età ta' tmintax-il sena, liema minnhom jiġi l-aħħar; u

(ii) li tispicċa fl-aħħar gurnata tas-sena shiha ta' kontribuzzjoni qabel  
il-bidu tas-sena ta' benefiċċju tagħha li tinkludi l-gurnata li fiha l-kon-  
dizzjonijiet jinhtiegu li jkunu sodisfatti,

ma jkunux anqas minn hamsin.

Iżda —

(a) armla li żewġha jmut fi jew wara t-tnejn u għoxrin gurnata ta' Jannar,  
1968, ikollha dritt li tagħzel li, fid-deċiżjoni jekk żewġha ssodisfax il-kon-  
dizzjonijiet ta' kontribuzzjoni relativa fid-data tal-mewt tiegħu, id-data l-ewwel  
ta' Frar, 1965, għandha tiġi sostitwita għad-data 7 ta' Mejju, 1956; u, jekk hekk  
tagħzel, ma għandux jittiehed kont ta' xi kontribuzzjonijiet mhallsa minn żewġha  
qabel l-ewwel ta' Frar, 1965;

(b) persuna li titlob pensjoni għal min jirtira fi jew wara t-tmintax ta' Ot-  
tubru, 1971 jew pensjoni miżjuda għal min jirtira jew pensjoni minima nazzjonali  
fl-1 jew wara l-1 ta' April, 1978, ikollha dritt li tagħzel li, fid-deċiżjoni jekk  
issodisfax il-kondizzjonijiet ta' kontribuzzjoni relativa, id-data l-ewwel ta' Frar,  
1965, għandha tiġi sostitwita għad-data 7 ta' mejju, 1956; u, jekk hekk tagħzel,  
ma jittiehed ebda kont ta' xi kontribuzzjoni mhallsa minnha jew, jekk ir-rikorrent  
tkun armla, imhallsa minn żewġha qabel l-ewwel gurnata ta' Frar, 1965;

(c) meta persuna tkun qed tircievi pensjoni ghal min jirtira, pensjoni miżjuda ghal min jirtira jew pensjoni minima nazzjonali, skond id-dispożizzjonijiet ta' dan l-Att, ma tiġi kunsidrata ebda talba li ssir wara fuq xi kontribuzzjoni li tithallas relattivament ghal xi ġimgħa ta' kontribuzzjoni wara d-data li fiha tkun bdiet tircievi l-pensjoni ghal min jirtira, pensjoni miżjuda ghal min jirtira jew pensjoni minima nazzjonali.

3. Il-kondizzjonijiet ta' kontribuzzjoni ghal pensjoni ta' invalidità jew pensjoni miżjuda ghal invalidità jew pensjoni minima nazzjonali qabel l-età tal-pensjoni huma —

(a) Li l-persuna tkun hallset mhux anqas minn mitejn u ħamsin kontribuzzjoni; u

(b) li l-medja ta' sena ta' kontribuzzjonijiet imħallsa minnha jew akkreditati lilha għall-perijodu —

(i)(a) li jibda fl-ewwel ġurnata tas-sena ta' kontribuzzjoni tagħha li fiha taħbat l-ewwel ġurnata ta' Frar, 1965, jew fl-ewwel ġurnata tas-sena ta' kontribuzzjoni tagħha li fiha tkun laħqet l-età ta' dsatax-il sena, liema tkun l-aħħar; jew

(i)(b) dwarf kull persuna li twieldet fl-4 jew wara l-4 ta' April, 1958, li jibda mill-ewwel ġurnata tas-sena ta' kontribuzzjoni tagħha li fiha jaħbat it-3 ta' April, 1977, jew fl-ewwel ġurnata tas-sena ta' kontribuzzjoni tagħha li fiha tilhaq l-età ta' tmintax-il sena, liema minnhom jiġi l-aħħar; u

(ii) li jispiċċa fl-aħħar ġurnata ta' l-aħħar sena shiħa ta' kontribuzzjoni tagħha qabel il-bidu tas-sena ta' benefiċċju tagħha li tinkludi l-ġurnata li fiha l-kondizzjonijiet huma meħtieġa li jiġu sodisfatti,

ma tkunx anqas minn ħamsin.

## It-TNAX-IL SKEDA

Artikoli 26, 31, 37, 53, 60, 78.

## Rati ta' diversi tipi ta' Pensjonijiet

## A. Pensjoni Minima Nazzjonali

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-gimgha ta' Pensjoni Minima Nazzjonali	
	Raġel Miżżewweg li jkun qiegħed imantni lil martu	Hadd iehor
	Lm c m	Lm c m
50 Jew iżjed (rata shiħa) . . . . .	22.80,0	14.50,0
40 - 49 . . . . .	20.30,0	12.90,0
30 - 39 . . . . .	15.75,0	10.00,0
20 - 29 . . . . .	11.15,0	7.10,0

## B. Pensjoni Miżjuda għal Invalidità

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-gimgha ta' Pensjoni Miżjuda ta' l-Invalidità	
	Raġel Miżżewweg li jkun qiegħed imantni lil martu	Hadd iehor
	Lm c m	Lm c m
50 jew iżjed (rata shiħa) . . . . .	21.70,0	13.25,0
40 - 49 . . . . .	19.30,0	11.80,0
30 - 39 . . . . .	14.95,0	9.15,0
20 - 29 . . . . .	10.65,0	6.50,0

## C. Pensjoni Miżjuda għal min Jirtira

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-gimgha ta' Pensjoni Miżjuda għal min Jirtira	
	Raġel Miżżewweg li jkun qiegħed imantni lil martu	Hadd iehor
	Lm c m	Lm c m
50 jew iżjed (rata shiħa) . . . . .	24.70,0	16.25,0
40 - 49 . . . . .	22.00,0	14.45,0
30 - 39 . . . . .	17.05,0	11.20,0
20 - 29 . . . . .	12.10,0	7.95,0

**D. Pensjoni għall-Invalidità**

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-gimgha ta' Pensjoni għall-Invalidità	
	Raġel Miżżewweġ li jkun qiegħed imantni lil martu	Hadd ieħor
	Lm c m	Lm c m
50 jew iżjed (rata shiħa) . . . . .	12·10,0	7·40,0
40 - 49 . . . . .	10·98,0	6·66,0
30 - 39 . . . . .	8·34,0	5·10,0
20 - 29 . . . . .	6·12,0	3·72,0

**E. Pensjoni għal Min Jirtira**

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-gimgha ta' Pensjoni għal Min Jirtira			
	Persuni li jkunu qegħdin ukoll jirċievu pensjoni tas-servizz li tithallas minn jew għan-nom tal-Gvern tar-Renju Unit		Persuni li jkun qegħdin ukoll jirċievu pensjoni tas-servizz li ma tithallasx minn jew għan-nom tal-Gvern tar-Renju Unit	
	Raġel Miżżewweġ li jkun qiegħed imantni lil martu	Kull persuna oħra	Raġel Miżżewweġ li jkun qiegħed imantni lil martu	Kull persuna oħra
	Lm c m	Lm c m	Lm c m	Lm c m
50 jew iktar (rata shiħa)	19·60,0	12·00,0	12·10,0	7·40,0
40 - 49 . . . . .	17·44,0	10·68,0	10·98,0	6·66,0
30 - 39 . . . . .	13·52,0	8·28,0	8·34,0	5·10,0
20 - 29 . . . . .	9·60,0	5·88,0	6·12,0	3·72,0

**F. Pensjoni ta' Armla**

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	Rata fil-gimgha ta' Pensjoni ta' Armla
	Lm c m
50 jew iżjed (rata shiħa) . . . . .	13·25,0
40 - 49 . . . . .	11·80,0
30 - 39 . . . . .	9·15,0
20 - 29 . . . . .	6·50,0

**G. Benefiċċju ta' Armla**

Rata fil-gimgha ta' Benefiċċju ta' Armla
Lm c m 15·30,0

**H. Pensjoni ta' Ġenitur**

Rata fil-gimgha ta' Pensjoni ta' Ġenitur	
Raġel miżżewweġ li jkun qiegħed imantni lil Martu	Hadd ieħor
Lm c m 22·80,0	Lm c m 14·50,0

## IT-TLETTAX-IL SKEDA

Artikoli 35, 36, 75

## PARTI I

**Żieda fir-rata ta' Pensjoni Minima Nazzjonali taht l-artikolu 75 ta' dan l-Att**

Medja fis-sena ta' Kontribuzzjonijiet imhallsa jew akkreditati	L-oghla rata ta' żieda fil-gimgha
	Lm c m
50 jew iżjed (rata shiha) . . . . .	3-00,0
40 - 49 . . . . .	2-65,0
30 - 39 . . . . .	2-05,0
20 - 29 . . . . .	1-45,0

## PARTI II

**Żieda fir-rata ta' pensjoni lil armla taht l-artikolu 35 ta' dan l-Att**

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	L-oghla rata ta' żieda fil-gimgha
	Lm c m
50 jew iżjed (rata shiha) . . . . .	2-00,0
40 - 49 . . . . .	1-80,0
30 - 39 . . . . .	1-40,0
20 - 29 . . . . .	1-00,0

## PARTI III

**Iktar żieda fir-rata ta' pensjoni lil armla taht l-artikolu 36 ta' dan l-Att**

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	L-oghla rata ta' żieda fil-gimgha
	Lm c m
50 jew iżjed (rata shiha) . . . . .	1-00,0
40 - 49 . . . . .	0-90,0
30 - 39 . . . . .	0-70,0
20 - 29 . . . . .	0-50,0

## PART IV

**Iktar żieda fir-rata ta' pensjoni lil armla taht il-paragrafu (b) tal-proviso għall-artikolu 36 ta' dan l-Att**

Medja fis-sena ta' kontribuzzjonijiet imhallsa jew akkreditati	L-oghla rata ta' żieda fil-gimgha
	Lm c m
50 jew iżjed (rata shiha) . . . . .	0-30,0
40 - 49 . . . . .	0-25,0
30 - 39 . . . . .	0-20,0
20 - 29 . . . . .	0-15,0

## L-ERBATAX-IL SKEDA

## Artikolu 2

## Kif Jinhadem id-Dhul Pensjonabbli

(1) Fil-każ ta' persuna li għandha titqies bhala persuna mpjegata, il-medja fis-sena tal-paga jew salarju bażiċi tagħha matul l-aħjar tliet snin kalendarji konsekuttivi fi żmien l-aħhar għaxar snin kalendarji konsekuttivi li jiġu minnufih qabel ma hi tirtira jew issir invalida skond dan l-Att, kif ikun il-każ, li dwarhom il-kontribuzzjoni dovuta tkun thallset jew titqies li thallset skond dan l-Att jew, jekk kienet impjegata għal inqas minn tliet snin kalendarji konsekuttivi fi żmien l-imsemmija l-aħhar għaxar snin kalendarji, matul dak in-numru ta' xhur kalendarji konsekuttivi li jistgħu ikunu l-aħjar fil-każ tagħha fl-imsemmija l-aħhar għaxar snin kalendarji, kif jistgħu jiżdiedu biż-żidiet fil-paga meħtiġin mill-liġi sabiex jingħataw b'mod ġenerali dwar kull sena sussegwenti ta' kull waħda mill-imsemmija l-aħhar għaxar snin kalendarji.

(2) Fil-każ ta' persuna li għandha titqies bhala persuna li timpjega lilha nnifisha, il-medja fis-sena tad-dhul nett tagħha li dwarha il-kontribuzzjoni dovuta tkun thallset matul l-aħhar għaxar snin kalendarji, jew parti minnhom jekk hi ma kinetx timpjega lilha nnifisha għaž-żmien kollu imsemmi ta' għaxar snin minnufih qabel ma tirtira jew issir invalida skond dan l-Att, kif ikun il-każ, kif jista' jiżdied jew jonqos skond id-differenza li tirriżulta, jekk ikun hemm, minn sena għal sena bejn dhul nett wiehed u iehor dwar kull sena sussegwenti ta' kull waħda mill-aħhar għaxar snin kalendarji msemmija jew parti minnhom li fihom kienet timpjega lilha nnifisha; b'mod illi, meta matul l-imsemmija l-aħhar għaxar snin kalendarji tkun hallset kontribuzzjoni fuq dhul nett li kien oghla minn dak li fil-fatt tkun irċeviet, id-dhul nett meħud sabiex jinhadem dan il-kalkolu dwar xi sena waħda kalendarja partikolari ikun l-iktar wiehed għoli minn dan id-dhul nett kollu.

(3) Għall-finijiet tal-paragrafi ta' qabel dan li jinsabu f'din l-Iskeda, id-dhul pensjonabbli jew xi ammont iehor li jissostitwih taht id-dispożizzjonijiet ta' dan l-Att m'għandhomx ikunu iktar minn dak l-ammont li l-Ministru jista', bi ftehim mal-Ministru responsabbli għall-Finanzi, jistabilixxi minn żmien għal żmien b'Ordni fil-Gazzetta.

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**SOCIAL SECURITY ACT, 1987****Arrangement of Sections****PART I****Preliminary**

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**A BILL**  
**entitled**

*AN ACT to establish a scheme of social security and to consolidate with amendments existing provisions concerning the payment of social insurance benefits, pensions and allowances, social and medical assistance, non-contributory pensions and the payment of social insurance contributions by employees, employers, self-employed and the State.*

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:-

**PART I**  
**Preliminary**

1. (1) This Act may be cited as the Social Security Act, 1987.
- (2) This Act shall be deemed to have come into force on the 1st January, 1987.
2. (1) In this Act, unless the context otherwise requires —
  - “allowance” means any allowance payable under this Act;
  - “assistance” means assistance which may be given under this Act;
  - “basic weekly wage” and “basic salary” mean the gross wage or salary that is payable to an employed person by or on behalf of his employer excluding any remuneration for overtime, any form of bonus, any extra allowances, any remuneration in kind and commissions;

Short title and commencement.

Interpretation.

“beneficiary” in relation to any benefit, pension, assistance or allowance means the person entitled to that benefit, pension, assistance or allowance;

“benefit” means benefit which is payable under this Act and includes Bonus and Marriage Grant;

“benefit year” means the period beginning on the first Monday in July and ending on the last Sunday before the first Monday in July of the following year;

“blind 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;

“child” means a person who is under the age of 16 years and includes a step child, an adopted child and a child born out of wedlock;

“children’s allowance” means an allowance payable under section 83 of this Act;

“claimant” means a person claiming a benefit, pension, assistance or allowance under this Act;

“Class One contribution” means a contribution which an insured person pays as an employed person;

“Class Two contribution” means a contribution which an insured person pays as a self-employed person;

“Committee” means the Welfare Committee established by section 134 of this Act;

“Consolidated Fund” means the Consolidated Fund established by Section 105 of the Constitution;

“Contract of service” means an agreement between two persons, whether written, oral or implied, whereby one of the parties (herein called the “employee”) who shall always be a physical person, shall be under an obligation to render to the other party (herein called the “employer”) services by way of master and servant relationship for definite hours at a specified wage, salary, remuneration in kind or any other benefit or privilege, subject to the right of the employer to exercise control, supervision, direction, and any form of disciplinary action over the employee as to the method of performance of his duties;

“contribution” means a contribution payable under this Act or which was payable under the provisions of the National Insurance Act, 1956 before the date of its repeal;

“contribution year” means the period starting from the first Monday in January and ending on the last Sunday before the first Monday in January of the following year;

“credited contribution” means a contribution which is not paid by a person but is nonetheless accredited “ope legis” to him for the purposes of this Act;

“Department” means the Department of Social services;

"Director" means the Director of Social Services and includes any officer of the Department designated by the Director or any public officer designated by the Minister for a particular purpose or class of purposes;

"employed person" means a person who has not yet passed his 65th birthday and who is employed in insurable employment;

"employer" includes a body of persons being a partnership, company, feilowship or società of persons whether corporated or unincorporated and whether vested with legal personality or not, and a body corporate established by law;

"father" includes a step father and an adoptive father;

"gainfully occupied" means employed in insurable employment or self-occupied;

"gratuity" includes any sum of money, howsoever described, due or paid, whether directly or indirectly and whether under a contributory scheme or not, by an employer to an employed person in view of or consequent upon the retirement of such person from his employment, other than —

(a) the commuted part of a service pension; or

(b) a sum paid by way of terminal benefit which is shown to the satisfaction of the Director to have been paid for premature termination of employment;

"head of a household" in relation to a household consisting of two or more persons means:

(a) the father; or

(b) the mother, if the father is dead, absent or incapacitated; or

(c) the eldest brother or sister, as the case may be, in default of both the father and the mother; or

(d) in special circumstances such person as in the opinion of the Director is the head of the household;

"household" means one person who in the opinion of the Director is living alone or two or more persons who in the opinion of the Director are living together as a family:

Provided that for the purposes of sickness assistance claimed in respect of a person who is over the age of 60 years, together with his wife or husband, if any, as the case may be, and none of whom is in insurable employment or self-occupied, such persons or such couples shall be considered as forming a household of their own:

Provided further that for the purposes of a Free Medical Aid awarded under this Act, the Director may, if he feels that the circumstances of the household so require, exclude from the composition of the household any person or persons who would otherwise form part of it;

“insurable employment” has the meaning assigned to it by section 5 of this Act;

“insured person” means an employed person or a self-employed person in terms of PART II of this Act;

“medical treatment” means medical, surgical or rehabilitative treatment including any course or diet or other regimen, and any surgical and pharmaceutical aid;

“mental severe sub-normality” means arrested or incomplete development of mind, resulting in a marked lack of intelligence which in turn renders the person affected incapable of living an independent life or of guarding himself against serious exploitation or will render him so incapable when of age to do so;

“Minister” means the Minister from time to time in charge of the Department and includes any officer designated by the Minister for a particular purpose or class of purposes;

~~“mother” includes a step mother and an adoptive mother;~~

“net income” means total income net of expenses directly incurred in generating that income;

“parent” includes a step parent and an adoptive parent;

“pension” means a pension payable under this Act;

“pension age” means —

(a) in the case of a man the age of sixty-one years, and

(b) in the case of a woman the age of sixty years;

“pensionable income” means the average annual basic wage or salary or the net income, calculated in accordance with the Fourteenth Schedule to this Act;

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Minister under this Act and published in the Gazette;

“relevant accident” and “relevant injury” mean respectively, in relation to injury benefit or disablement benefit, the accident or injury in respect of which any of the said benefits is claimed or payable;

“relevant loss of faculty” means the loss of faculty resulting from the relevant injury;

“retirement” means attainment of pension age;

Provided that in respect of a person over pension age who is disqualified from receiving a pension because of his being in insurable employment or self-occupied, retirement means the date on which he ceases to be so disqualified or on which he reaches the age of 65 years, whichever is the earlier;

Provided further that in respect of a person who at any time is or was or, but for the provisions of section 56 of this

Act, would have been in receipt of a pension under this Act payable on or after pension age, retirement means —

(i) the date taken as his date of retirement for the purposes of awarding a pension payable after pension age, or

(ii) pension age in the case of any other person;

“self-employed person” means a person who has not yet passed his 65th birthday, is ordinarily resident in Malta, and is not an employed person;

“self-occupied” means a self-employed person who is engaged in any activity through which earnings exceeding Lm390 per annum are being derived;

“service pension” means a pension or other allowance awarded to a person in respect of past services in Malta or abroad and shall in each and every case be considered on an uncommuted basis;

“severely handicapped person” means a person who still has a reasonable expectancy of life and who is incapable of supporting himself owing to a permanent handicap arising from —

(a) total deafmutism; or

(b) achondroplasia, hypopituitarism, osteogenesis imperfecta or other forms of dwarfism; or

(c) one of the following diseases, namely:

Multiple Sclerosis

Muscular Dystrophy

Spina Bifida

Hydrocephalus

Huntington's Chorea; or

(d) permanent total paralysis or permanent total severe malfunction or permanent total disease, whether through amputation or otherwise, of both upper or lower limbs;

“Umpire” means the Umpire appointed under section 110 of this Act and includes the Deputy Umpire appointed under that section;

(2) For the purpose of this Act —

(a) a person shall be deemed to be over or under any age if he has or has not reached that age;

(b) a person shall be deemed to be between two ages if he has reached the lower but has not reached the upper of these two ages;

(c) a person shall be deemed not to have reached any particular age until the beginning of the anniversary of the date of his birthday relevant to that particular age.

(3) For the purposes of awarding a Retirement Pension or an Invalidity Pension as the case may be, under this Act, a person who, during the last ten years ending on the last day of the calendar year immediately preceding his retirement or his becoming an invalid in terms of this Act, as the case may be, was an insured person, shall be treated either as an employed person or as a self-employed person according to the number of years, or part thereof, he spent in insurable employment or as a self-employed person, and where the greater number of years, or part thereof, were spent in insurable employment, he shall be treated as an employed person; and where the greater number of years, or part thereof, were spent as a self-employed person, he shall be treated as a self-employed person:

Provided that a person who, in accordance with this subsection is to be treated as a self-employed person, shall, if it is to his advantage, be treated as an employed person if immediately before the 10th year prior to his retirement or invalidity, as the case may be, he was an employed person for not less than 20 years and has continued to be so employed for any period within the said last 10 years and has not after such period become self-occupied.

PART II

Insured Persons and Contributions

Classes of insured persons.

3. Subject to the provisions of this Act, every person who has passed his 16th birthday, but not yet reached his retirement, shall become insured under this Act either as an employed person or as a self-employed person.

(2) For the purpose of this Act —

Extension of Class Two contributions.

4. Subject to the provisions of this Act, a contribution paid prior to the 3rd day of April 1978 by a non-employed person under the provisions of the National Insurance Act, 1956, as in force up to that date, shall be deemed, for the purposes of this Act, to be a contribution payable by a self-employed person who is not self-occupied.

5. For the purposes of this Act, every employment specified in Part I of the First Schedule to this Act, unless excepted under Part II of that Schedule, shall be an insurable employment.

Insurable  
employment.

6. (1) For the purposes of this Act, a person who is not an employed person shall also not be deemed to be a self-employed person if such person is:-

Persons who are  
deemed not to be  
self-employed.

(a) a married woman whose husband has not abandoned her; or

(b) receiving full time education or training in an educational institution recognised by the Government in terms of the Education Act, 1974, and no form of remuneration or allowance (excluding any allowance payable under this Act) is being paid to him during such time; or

(c) a person who was born before the first day of January 1927, and who, prior to the first day of April 1978, was not liable to pay a contribution under the National Insurance Act, 1956, as in force prior to the date of the commencement of this Act, and who, at any time after the said 1st day of April 1978, was not self-occupied; or

(d) in receipt of a pension (other than a disablement pension assessed at less than 100%) payable under this Act:

Provided that a widow who, notwithstanding the fact that she is still self-occupied, retains her right to Widow's Pension under this Act by virtue of section 51 of this Act, shall, nonetheless, be considered as a self-employed person for the purposes of this Act; or

(e) in receipt of Social Assistance payable under this Act; or

(f) a person who, but for the provisions of subsection (2) of section 26 or of section 56 of this Act, would have been entitled to a pension under this Act.

(2) For the purposes of this Act where any of the categories of persons mentioned in paragraphs (a) and (b) of subsection (1) of this section are self-occupied, such persons shall be considered as self-employed persons.

7. (1) For every person who is employed in insurable employment, three contributions per week shall be payable, in accordance with the provisions of this Act, one by the employed person, one by his employer, and one out of the Consolidated Fund:

Class one  
contributions  
and  
apportionment  
thereof.

Provided that for the purposes of this Act, a person who is employed in more than one insurable employment shall be deemed to be employed in that insurable employment which carries the higher or highest basic wage or salary.

(2) Subject to the provisions of this Act, the weekly rates of contributions payable under this Act by an employed person and by his employer respectively shall be those specified in Part I of the Tenth Schedule to this Act; whilst the contributions payable under this Act out of the Consolidated Fund shall be 50% of the combined weekly contributions paid by the employee and his employer.

(3) For the purposes of subsection (2) of this section, where any insurable employment is terminated with one employer during a particular week and is commenced with another employer during that same particular week, the contribution payable in respect of that week shall be paid by the former employer.

(4) The sum to be contributed out of the Consolidated Fund under this section and under section 10 of this Act, shall be paid in such manner as the Minister responsible for Finance may, from time to time, determine.

Contributions by  
employed persons  
and employers.

(Class One  
contributions).

8. (1) The employer shall, in the first instance, be liable to pay both the contribution payable by himself and also, on behalf of and to the exclusion of the employed person, the contribution payable by that person and, for the purposes of this Act, contributions paid by the employer on behalf of the employed person shall be deemed to be contributions paid by the employed person.

(2) Notwithstanding any contract or agreement to the contrary, an employer shall not be entitled to deduct from the wages or other remuneration of any person employed by him, or otherwise to recover from such a person the contribution payable by him in respect of that person; and any employer who deducts or attempts to deduct the whole or any part of the contribution payable by him in respect of any such person from the wages or other remuneration of that person, shall be guilty of an offence under this Act and shall be liable, on conviction in respect of each such offence, to a fine (multa).

(3) Where an employed person receives any wages or other pecuniary remuneration from his employer, the amount of any contribution paid by the employer on behalf of the employed person shall, notwithstanding the provisions of any law or any contract or agreement to the contrary, be recoverable by means of deductions from the wages of that person or from any other remuneration due from the employer to that person and not otherwise:

Provided that so such deduction may be made from any wages or remuneration other than such as are paid wholly or partly in respect of the contribution week or part of the contribution week for which the contribution is payable.

(4) Where an employed person does not receive any wages or other pecuniary remuneration from his employer but receives such remuneration from some other person, the amount of any contribution paid by the employer on behalf of the employed person shall (without prejudice to any other means of recovery) be recoverable by the said employer as a civil debt from the other person from whom the employed person was receiving his wages or other pecuniary remuneration provided proceedings for this purpose are instituted within twelve months from the date on which the contribution was payable.

Payment of  
Class One  
contributions.

9. Every employer liable to pay any contribution in respect of an employed person shall, unless with the approval of the Director he has made other arrangements, pay in arrears at monthly intervals at the Department of Inland Revenue, all contributions which are payable

by him under section 7 and 8 of this Act, within such time and in such form and manner 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.

10. (1) Every self-employed person, unless otherwise exempted under the provisions of this Act, shall pay a contribution in accordance with the provisions of this Act.

(2) For every contribution payable by a self-employed person under this Act, another contribution shall be payable out of the Consolidated Fund.

(3) The rates of contributions payable under this Act by a self-employed person shall be those specified in Part II of the Tenth Schedule to this Act for the four months ending on the last day of April, August and December of each year:

Provided that, if the self-employed person so elects he may pay a higher rate of contribution than that which would otherwise be payable by him, but such higher rate of contribution shall, in no case, exceed the next higher rate.

(4) The contribution payable out of the Consolidated Fund under this section shall be equivalent to 50% of the contribution paid by the self-employed person concerned.

11. Every self-employed person liable to pay a Class Two contribution in accordance with section 10 of this Act shall, unless with the approval of the Director he has made other arrangements, pay his contributions in arrears at intervals of four months ending on the last day of April, August and December of each year. Payment shall be made at the Department of Inland Revenue in such form and manner 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.

12. (1) A self-employed person who satisfies the Director that he is not self-occupied and whose yearly means calculated in accordance with the provisions of Part I of the Second Schedule to this Act, do not exceed —

(i) Lm630 in the case of a married man who is wholly maintaining his wife and who is not herself self-occupied or in insurable employment; or

(ii) Lm430 in the case of any other person; shall be entitled, on making an application to the Director, to receive a certificate of low income valid for twelve months and while he holds such a certificate, and as long as there is no relevant change in circumstances, he shall be exempted from the payment of Class Two contributions.

(2) If a person in respect of whom subsection (1) of this section applies fails to renew such certificate within three months of

Contributions  
by self-employed  
persons. A person  
(Class Two  
contributions).

Payment of  
Class Two  
contributions.

Exemption from  
payment of Class  
Two contributions.

its expiry, such person may, at the discretion of the Director, become liable to a penalty not exceeding Lm5 payable within such time as may be fixed by the Director.

Payment of the Class One contribution by persons employed outside Malta.

13. (1) A person who —

- (a) is employed under a contract of service outside Malta in such manner that he is not in insurable employment, and  
(b) retains his ordinary residence in Malta,

may, at his request and with effect from such date, not being later than the date of such request, as the Director may determine, instead of paying a Class Two contribution, pay a Class One contribution comprising both his and his employer's share of the value of such a Class One contribution.

(2) The contribution payable under subsection (1) of this section shall be paid in the same form and manner and at the same intervals as for contributions payable by self-employed persons in accordance with section 11 of this Act; and such contributions shall remain payable in respect of any period during which the conditions specified in paragraphs (a) and (b) of subsection (1) of this section, continue to apply.

Payment of a Class Two contribution in lieu of a Class One contribution.

14. A person who is liable to pay a Class One contribution under sections 7, 8 and 9 of this Act and who is also self-occupied, may, at his request and with the approval of the Director, pay a Class Two contribution instead of a Class One contribution; thereafter such person may not revert to a Class One contributor unless and until he ceases to be self-occupied and informs the Director of such change:

Provided that the Director shall not give his approval unless the applicable rate of Class Two contributions as payable by the self-employed person himself exceeds the aggregate applicable rate of Class One contribution payable by the employer and by the employed person; and he shall revoke such approval with effect from such date which he determines to be the date on which the said condition ceases to be satisfied.

Contributions by outworkers, tourist guides, and drivers of Government impressed vehicles

15. (1) A self-employed person who is liable to pay a Class Two contribution under the provisions of this Act, other than those of section 14, and who is engaged by another person to perform services as an outworker or as a tourist guide or as a driver of a Government impressed vehicle shall be entitled to receive from such person or from Government, as the case may be, in addition to the remuneration due to him under the terms of this agreement, an amount corresponding to 1/16 of the remuneration payable for such services, towards the payment of Class Two contributions payable under this Act by such a self-employed person.

(2) For the purposes of this section, "outworker" means a person engaged to perform services in the physical manufacture of any article in his own time and in a place not provided by the person with whom he is so engaged, and who is remunerated at piece rates, and "government impressed vehicle" means any vehicle which is impressed by Government in accordance with any procedure which is laid down by Government for this purpose.

16. (1) When a person pays his first contribution under this Act he shall become entitled to a credited contribution for every calendar week falling between the first day of the contribution year immediately preceding the one in which he paid his first contribution and the last day of the calendar week immediately preceding the week in respect of which his first contribution had been paid; and, for this purpose, if the first contribution had been paid under the provisions of the National Insurance Act, 1956, as in force prior to the commencement of this Act, such contribution shall be deemed to have been paid under the provisions of this Act.

(2) Contributions shall be credited to —

(a) a widow, where such widow is not gainfully occupied, and whether she is entitled to a pension in respect of widowhood or not, for any period during which she does not re-marry and provided her deceased husband had paid 156 contributions prior to his death; and

(b) an ex-member of the Malta Police Force or of the Armed Forces of Malta who retires or has retired from the service on a full pension from Government as his employer on completion of service prior to reaching pension age, for any period during which he is not gainfully occupied and has not yet reached pension age.

(3) A contribution shall also be credited to any insured person —

(a) for any calendar week for each day of which in terms of section 18, 28 and 30 of this Act 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 increased invalidity pension, or disablement pension where the degree of disablement is assessed at 100%, or, prior to reaching pension age, a national minimum pension;

(b) if he is normally employed in insurable employment or self-occupied and normally relies on such employment or self-occupation for his livelihood, for any calendar week each day of which is for him a day of incapacity for work or, only in the case of Class I contributors, a day of unemployment:

Provided that the provisions of this paragraph shall not apply where, had such person not been self-occupied immediately prior to his incapacity for work, he would not have become entitled to a certificate of low income under and in accordance with the provisions of section 12 of this Act;

(c) for any calendar week during which he is entitled, or would have been entitled, but for the provisions of paragraph (i) of subsection (2) of section 26 of this Act, to an invalidity pension:

Provided that no more than one contribution shall be credited to a person for any one calendar week, and no contribution shall be credited for any one calendar week for which a Class One or Class Two contribution is payable by or in respect of him under this Act.

(4) A contribution credited under this section for any calendar week shall be —

(a) a Class Two contribution if it is credited on the ground that the person —

(i) is a widow to whom paragraph (a) of subsection (2) of this section applies; or

(ii) is entitled to sickness benefit and is a self-employed person or is entitled to an invalidity pension, or to an increased invalidity pension or, prior to reaching pension age, to a national minimum pension, and immediately prior to his becoming an invalid was a self-employed person;

(b) a Class One contribution in any other case.

(5) A contribution which prior to the 3rd day of April, 1978 had been credited as a Class Three contribution under the provisions of the National Insurance Act, 1956, as in force up to that date shall be deemed to be a credited Class Two contribution in respect of a person who was not self-occupied.

Contributions  
vis-a-vis  
entitlement to  
certain benefits  
and pensions.

17. (1) The contribution conditions for the payment of sickness benefit, unemployment benefit and special unemployment benefit payable in accordance with sections 18 and 30 of this Act shall be as set out in the Eleventh Schedule to this Act.

(2) The contribution conditions for the payment of a pension under section 26, Part IV (other than a Survivor's Pension) and Part V (other than a Two-Thirds Pension) of this Act shall be set out in the Eleventh Schedule to this Act.

(3) For the purposes of determining whether a person is entitled to any one of the benefits referred to in subsection (1) of this section, insofar as contributions are concerned —

(a) Class One contributions paid at any time in respect of fictitious employment and any Class One contributions credited in accordance with paragraph (b) of subsection (4) of section 16 in virtue of paragraph (b) of subsection (2) of the said section 16 shall not be taken into account;

(b) Class Two contributions, whether paid or credited, shall not be taken into account in connection with —

(i) any claim for unemployment benefit, or special unemployment benefit; and

(ii) any claim for sickness benefit, unless the Director is satisfied that such contributions had been paid in respect of periods during which the person concerned was self-occupied; and

(c) any contributions paid by a woman before the date of her marriage shall not be taken into account on any claim for such benefits made subsequently to that date.

(4) For the purpose of determining whether a person is entitled to any one of the pensions referred to in subsection (2) of this section, insofar as contributions are concerned —

(a) Class Two contributions deemed to be so by virtue of section 4 and subsection (5) of section 16, Class Two contributions which have not been paid from a gainful activity, Class One contributions credited in accordance with paragraph (b) of subsection (4) of section 16 in virtue of paragraph (b) of subsection (2) of the said section 16 and Class Two contributions credited in accordance with sub-paragraph (i) of paragraph (a) of subsection (4) of section 16 shall not be taken into account in connection with any claim for a pension under section 26;

(b) Class One contributions paid at any time in respect of fictitious employment shall not be taken into account in connection with any claim for a pension (other than a pension payable under Part IV of this Act) referred to in sub-section (2) of this section save as provided for in section 66 of this Act.

(5) Where a person would be entitled to a benefit or pension payable under the sections referred to in subsections (1) and (2) of this section but for the fact that the relevant contribution conditions are not satisfied as regards the number of contributions paid or credited in the last contribution year or the yearly average of contributions paid or credited, that person shall nevertheless be entitled, if the said number or yearly average is not less than twenty, to a benefit or pension of that kind at the reduced rate specified for a pension of that kind in the Twelfth Schedule to this Act.

### PART III

#### Benefits, Allowances and Particular Pensions

18. (1) Subject to the provisions of this Act, an insured person who is aged 18 years or over but who has not yet reached his retirement and who satisfies the relevant contribution conditions, shall be entitled to Sickness Benefit in accordance with Part I of the Third Schedule to this Act for any day of incapacity for work, excluding any day on which, whether incapacitated or not, such person would not have been required to attend to work in the normal course of his duties:

Sickness Benefit.

Provided that in any uninterrupted period of incapacity for work, the maximum number of consecutive days in respect of which sickness benefit may be paid shall, in no case, exceed six.

(2) Such Sickness Benefit shall not be paid for the first three days of each spell of incapacity for work.

(3) A self-employed person shall not be entitled to Sickness Benefit unless the Director is satisfied that the person making the claim for such benefit is normally self-occupied and would have been self-occupied but for that incapacity, and that his net income from such self-occupation by itself, calculated on a daily basis, exceeds the rate of Sickness Benefit applicable to him in accordance with Part I of the Third Schedule to this Act, and that his net income from such self-occupation by itself did not exceed Lm1,640 during the calendar year immediately preceding the date of claim for such benefit.

(4) For the purposes of this section a day shall not be treated as a day of incapacity for work unless the person concerned proves to the satisfaction of the Director that he is incapable for work on that day by reason of some specific disease or bodily or mental disablement or that he is under treatment or observation for a disease or a disablement as aforesaid.

(5) Sickness Benefit shall be paid for any day of incapacity for work but shall not exceed in the aggregate a maximum of 156 days in any calendar year; so however that, the grand total of benefit days by way of such benefit or Unemployment Benefit or Special Unemployment Benefit shall, in no case, exceed at any time the grand total number of reckonable contributions paid by the person concerned:

Provided that if an insured person is disqualified from receiving Sickness Benefit in accordance with subsection (6) of this section, such person shall have his entitlement to Sickness Benefit for that calendar year during which the disqualification is imposed, reduced by the number of days of such disqualification.

(6) A person shall be disqualified from receiving Sickness Benefit for any period as may be decided by the Director —

(a) if he has, without good cause, refused or failed to attend for or to submit himself to medical examination or treatment as may have been required by the Director; or

(b) if he has behaved in a manner likely to retard his recovery; or

(c) if he is absent without good cause from his place of residence.

Types of  
Medical  
Assistance.

19. Medical Assistance shall be of the following kinds —

- (a) Sickness Assistance;
- (b) Leprosy Assistance;
- (c) Tuberculosis Assistance;
- (d) Free Medical Aid;
- (e) Milk Grant.

Sickness  
Assistance.

20. (1) Subject to the provisions of this Act, a person who is the head of a household shall be entitled to Sickness Assistance under this section if he proves to the satisfaction of the Director that —

(a) he, or a member of his household, is suffering from a disease, or is in a condition, mentioned in Part I of the Fifth Schedule to this Act, which could be alleviated or cured by a special diet or regimen which requires an expenditure not normally incurred by the household, and the person in respect of whom such assistance is claimed is neither an inmate of a Government institution or hospital nor an employed person or a self-occupied person; and

(b) the total weekly means of all the members of his household calculated in accordance with the provisions of Part II of the Second Schedule to this Act do not exceed the scale rate for that household as determined by the Seventh Schedule to this Act.

(2) A head of household who is in receipt of Social Assistance under this Act, shall be deemed not to have means exceeding the scale rate for that household as aforesaid.

21. (1) Subject to the provisions of this Act, a person who is the head of a household shall be entitled to Leprosy Assistance if he shows to the satisfaction of the Director that he or any member of his household is receiving treatment for Leprosy.

Leprosy  
Assistance.

(2) Where such head of household has been continuously in receipt of Leprosy Assistance since the 14th April, 1975 at the rate applicable on that date, he shall continue to receive such assistance at that rate, unless he is not entitled to a higher rate of Leprosy Assistance in terms of the provisions of this Act.

(3) Subsection (2) of this section shall not apply where there has been a change of circumstances in the household.

22. Subject to the provisions of this Act, a person who is the head of a household shall be entitled to Tuberculosis Assistance if he shows to the satisfaction of the Director that he or any member of his household is suffering or has within the last five years suffered from Tuberculosis.

Tuberculosis  
Assistance.

23. (1) Subject to the provisions of this Act, a person who is the head of a household shall be entitled to such free Medical Aid as is specified hereunder, that is the supply of such drugs, spectacles, dentures, and other prosthetic aids as in the opinion of the Chief Government Medical Officer are indicated in his case and are available, if he shows to the satisfaction of the Director that —

Free Medical  
Aid.

(a) on account of disablement, sickness or disease, which does not require treatment in a hospital, he or any member of his household is in need of medical, surgical or pharmaceutical aid; and

(b) the total weekly means of all the members of his household calculated in accordance with the provisions of Part II of the Second Schedule to this Act do not exceed the scale rate for that household, as determined by the Eighth Schedule to this Act:

Provided that the Chief Government Medical Officer shall consult, before forming his opinion, with one or more medical consultants drawn from a panel appointed by the Minister.

(2) Where the person in need of such aid is not the head of the household or his wife, the head of such household shall not be entitled to free Medical Aid if the weekly means of the person in respect of whom such aid is required, calculated as if he formed a household of his own, exceed the scale rate for one person as determined by the afore-mentioned Eighth Schedule.

(3) The condition set out in paragraph (b) of subsection (1) of this section shall not apply when the person in respect of whom Free Medical Aid is required is suffering from Tuberculosis, Leprosy or Poliomyelitis or afflicted by Diabetes Mellitus or the after effects of any such diseases or conditions specified in Part II of the Fifth Schedule to this Act.

Milk Grant.

24. Subject to the provisions of this Act, a head of household who is in receipt of Social or Tuberculosis Assistance under this Act, shall be entitled to a Milk Grant if he shows to the satisfaction of the Director that he or any member of his household has the care or custody of a child under forty weeks of age who requires weaning or complementary feeding or who cannot be breast fed for health reasons, and such Grant shall continue to be paid until such child reaches forty weeks of age.

Amounts payable by way of Assistance.

25. (1) The weekly amounts payable under the provisions of this Act by way of Sickness Assistance, Leprosy Assistance, Tuberculosis Assistance and Milk Grant shall be those set out in the Ninth Schedule to this Act.

(2) Tuberculosis Assistance shall continue to be paid up to a period of five years from the complete removal of the source of infection in the household, but such period may be extended by the Director whilst the household is receiving Social Assistance payable under this Act.

Pensions in respect of Invalidity.

26. (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) he has been incapable for suitable full-time or regular part-time employment or self-occupation by reason of a serious disease or bodily or mental disablement (other than any mild mental disorder or disturbance) for such number of months or part thereof immediately before his claim as the Director may determine in the appropriate circumstances of the case; and

(b) his incapacity as aforesaid is considered by the Director to be of a permanent nature or, if its permanency cannot be conclusively established, is considered by the Director as prohibiting such person from suitable full-time or regular part-time employment or self-occupation for not less than 3 years from the date of claim for such pension, in which case such person shall only be entitled to receive a pension under this section for such number of years as the Director may determine; and

(c) on the day immediately preceding his claim for such pension he satisfies the relevant contribution conditions as specified in section 17 of this Act.

(2) Where a person is entitled to a service pension:—

(i) if his service pension and the rate of Invalidity Pension applicable in his case together exceed two-thirds of his pensionable income, such a person shall be entitled to an Invalidity Pension, so however that in the case of a person whose last day in insurable employment falls after the 31st day of March, 1978, his Invalidity Pension shall be abated by an amount equivalent to that part of his service pension which relates to the increase or increases in his wage or salary taking effect after the 31st day of March, 1978; or

(ii) if his service pension and the rate of Invalidity Pension applicable in his case together do not exceed two-thirds of his pensionable income, such a person shall be entitled to

an Increased Invalidity Pension or such part thereof as shall ensure that the afore-mentioned two-thirds are not exceeded; or

(iii) if the date of first entry in insurable employment of such person falls on or after the 1st day of April, 1978, such person shall not be entitled to an Invalidity pension but to an Increased Invalidity Pension or such part thereof as shall ensure that his Increased Invalidity Pension and service pension combined shall not exceed two-thirds of his pensionable income; or

(iv) if his service pension together with the rate of Invalidity Pension or Increased Invalidity Pension applicable in his case in less than the rate of National Minimum Pension applicable in his case, then notwithstanding the provisions of the foregoing paragraphs of this subsection, such person shall be entitled to the National Minimum Pension abated by his service pension.

(3) For the purpose of subsection (2) of this section, when a person has been in employment for less than thirty years in the aggregate prior to his becoming an invalid, the references to the proportion of two-thirds shall be substituted by references to the proportion that the number of completed months of service bears to 540. When however the proportion which the service pension of a person bears to his wage or salary and other pensionable emoluments immediately before his becoming an invalid is higher than the proportion computed as aforesaid, the references to the proportion of two-thirds shall be substituted by references to such higher proportion, but shall in no case be substituted by a proportion higher than two-thirds.

(4) Where any of the posts on which the pensionable income of a person is to be computed no longer exists, it shall be substituted by such analogous post in the Government service or in any parastatal organisation which carried a wage or salary most nearly corresponding to that of the post in question at the time when it was last occupied by the pensioner.

(5) the pensionable income referred to in paragraphs (i), (ii), and (iii) of subsection (2) of this section shall not exceed the amount indicated in paragraph (3) of the Fourteenth Schedule to this Act.

(6) A person who is not entitled to a service pension shall be entitled to a National Minimum Pension.

(7) Any pension arrived at in accordance with the provision of this section, shall, where the pensioner concerned or his wife, as the case may be, is an inmate of a state-owned hospital or institution in accordance with section 99 of this Act, be apportioned in such form and manner as provided for in the said section 99.

27. (1) Save as provided for in section 100 of this Act and subject to the other provisions of this Act, a person who —

(a) has attained the age of sixteen years; and

(b) is certified to be suffering from a mental severe sub-normality or to be a severely handicapped person in accordance with

Handicapped  
and Blindness  
Pensions.

the provisions of this Act, or to be suffering from cerebral palsy; and

- (c) shows to the satisfaction of the Director that —
- (i) he is a citizen of Malta and is residing in Malta; and
  - (ii) his yearly means, calculated in accordance with the provisions of Part III of the Second Schedule to this Act, do not exceed Lm425 in the case of a married man or a married woman or Lm225 in the case of a single or widowed person;

shall be entitled to a Handicapped Pension under this Act in accordance with the provisions of subsection (3) of this section.

(2) Subject to the provisions of this Act, a blind person who —

- (a) has attained the age of fourteen years; and
- (b) produces such certificates regarding his blindness, as the Director may, in particular cases, require; and
- (c) shows to the satisfaction of the Director that —
  - (i) he is a citizen of Malta and is residing in Malta; and
  - (ii) his yearly means calculated in accordance with the provisions of Part III of the Second Schedule to this Act, do not exceed Lm425 in the case of a married man or a married woman or Lm225 in the case of a single or widowed person;

shall be entitled to a Blindness Pension under this Act in accordance with the provisions of subsection (3) of this section.

(3) A person who becomes entitled to a pension under subsection (1) or (2) of this section shall receive his pension in accordance with Part II of the Sixth Schedule to this Act; so however that, save as provided for in Section 100 of this Act and in the second proviso to paragraph 3 of Part III of the Second Schedule to this Act, where a married man and his wife both qualify for a pension under the provisions of this section or of section 77 of this Act, any such pension as is payable to the wife shall cease to be payable.

(4) A person who is entitled to a pension under this section and who is also an inmate of a State-owned hospital or institution shall only be entitled to receive, by way of such pension under this section, 125c per week and, where applicable, the house rent as provided for in Part III of the Sixth Schedule to this Act.

#### Injury Benefit.

28. (1) Subject to the provisions of this Act, where an insured person who has not yet reached his retirement suffers personal injury caused by accident arising out of or in the course of his employment or self-occupation, or has developed any of the diseases specified in the first column of the Fourth Schedule to this Act (being a disease due to the nature of his work), then Injury Benefit shall be payable to him in accordance with Part I of the Third Schedule to this Act if within a period of twelve months from the date of the accident or the onset of the disease, he is, as a result of the injury or disease, incapable of work:

Provided that notwithstanding the fact that any such disease may not be specified in the said Fourth Schedule to this Act, injury benefit

may none the less be payable if the Director is satisfied that the disease developed due to the nature of his work:

Provided further that —

(a) a self-occupied person shall not be entitled to such benefit unless he proves to the satisfaction of the Director that he has had no income from his self-occupation during his incapacity for work or the line of business or similar concern or activity to which his self-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;

(b) where a person —

(i) is disqualified from receiving Injury Benefit in accordance with subsection (6) of this section, he shall have his entitlement to such benefit reduced by the number of days of disqualification;

(ii) is found to be suffering from pneumoconiosis, accompanied by pulmonary tuberculosis, the effect of tuberculosis shall be treated, for the purposes of the disease specified in the Fourth Schedule to this Act, as if they were the effects of the pneumoconiosis.

(2) Subject to the provisions of section 98 of this Act, Injury Benefit shall not be payable in respect of an accident happening to a person while he is outside Malta, unless the accident arises out of or in the course of his employment or self-occupation as is specified in section 13 of this Act or in the proviso to paragraph 1 of Part I of the First Schedule to this Act or in paragraph 2 of the said Part I of the First Schedule.

(3) An accident happening to a person while he is —

(a) travelling as a passenger to or from his place of work in any vehicle (including a ship, vessel or aircraft) which is in any way provided or paid for directly by his employer; or

(b) anywhere within the precincts of the premises or place where he is usually employed or self-occupied, and the cause of the accident is directly connected with the work being carried out in those premises or in that place;

shall be deemed to arise out of or in the course of his employment or self-occupation.

(4) An accident happening to a person in or about any place of work at which he is for the time being employed for the purposes of his employer's trade or business or self-occupied shall be deemed to arise out of or in the course of his employment or self-occupation if it happens while he is taking steps on an actual or supposed emergency at that place of work to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property.

(5) The Injury Benefit payable under this section shall be paid in respect of any day (excluding any day on which, whether incapacitated or not, such person would not have been required to attend

attend to work in the normal course of his duties) and during which, as a result of the relevant injury, the person concerned is incapable of work during the period referred to in subsection (1) of this section:

Provided that no Injury Benefit shall be paid for the first three days of every spell of such incapacity for work:

Provided further that in any uninterrupted period of incapacity for work, the maximum number of consecutive days in respect of which Injury Benefit may be paid shall, in no case, exceed six.

(6) A person shall be disqualified from receiving Injury Benefit for any period as may be deemed fit by the Director in the circumstances of the case for the same reasons as indicated in paragraphs (a), (b) and (c) of subsection (6) of section 18 of this Act.

(7) For the purposes of subsections (2) to (6) of this section —

(i) "injury caused by accident" includes the development of any one of the diseases specified as aforesaid in this section; and

(ii) "accident arising out of or in the course of his work" includes the onset of any such disease which is due to the nature of one's employment or self-occupation.

Disablement  
Benefit.

29. (1) Where the accident or industrial disease, as is referred to in section 28 of this Act, results in the permanent loss of physical or mental faculty, the person concerned shall be entitled to Disablement Benefit in accordance with the following subsections of this section:

Provided that a person shall not be entitled to receive a disablement benefit under this section and Injury Benefit under Section 28 of this Act at the same time:

Provided further that for the purposes of this section there shall be deemed not to be any loss of faculty at any time when the extent of the resulting disablement would be assessed in accordance with the following provisions of this section at less than 1%.

(2) In assessing the extent of disablement, the medical panel or the medical officer appointed by the Minister for this purpose, from time to time, shall take account of all disablements (whether or not involving loss of earning power or additional expense) to which the claimant may be expected to be subject as compared with a person of the same age whose physical and mental condition is normal, but excluding any other particular circumstances with regard to his financial means or resources.

(3) An assessment shall state the degree of disablement in the form of a percentage which shall be determined by the aforesaid medical panel or the medical officer, and where the extent of the disablement is assessed at less than 20%, the disablement benefit shall take the form of a lump sum payment (in this section referred to as a "disablement gratuity") in accordance with Part II of the Third Schedule to this Act, and where the extent of the disablement is assessed at 20% or more, but not exceeding 99%, the disablement benefit shall take the form of a weekly pension (in this section referred to as a "disablement pension"), the highest rate of which shall be paid in

accordance with Part III of the said Third Schedule to this Act; so however that, for any extent of disablement between 20% and 99% the rate of pension payable shall be calculated in a proportionate manner, to the nearest whole cent, as the degree of disablement bears to 99%.

(4) Where the degree of disablement as is referred to in subsection (3) of this section is assessed at 100% the person concerned shall neither be entitled to a disablement gratuity nor to a disablement pension but to the full rate of Invalidity Pension under Section 26 of this Act without taking into consideration the number of years spent in employment prior to the date of the accident or the onset of the industrial disease.

(5) A person shall be disqualified from receiving any pension under this section for any period as may be deemed fit in the circumstances of the case by the Director for the same reason indicated in paragraph (a) and (b) of subsection (6) of section 18 of this Act.

30. (1) Subject to the provisions of this Act, a person who satisfies the relevant contribution conditions and who has not yet reached pension age, shall be entitled to Unemployment Benefit in accordance with Part I of the Third Schedule to this Act for any day of unemployment, excluding Sundays, provided he is registered under Part I of the Employment Register kept in accordance with the provisions of the Employment Service Act, 1955; so however that where the insured person is the head of a household whose total weekly means (taking account of all the members of the household) calculated in accordance with Part IV of the Second Schedule to this Act do not exceed the scale rate for that household, as determined by the relevant column of Part I of the Sixth Schedule to this Act, such insured person shall be entitled to Special Unemployment Benefit in accordance with Part I of the Third Schedule to this Act in lieu of Unemployment Benefit; and whether such head of household has been in insurable employment or not, he shall nonetheless be entitled to Social Assistance in accordance with the provisions of this section.

Unemployment  
Benefit, *Special*  
*Unemployment*  
benefit and  
Social  
Assistance.

(2) Subject to the provisions of this Act, a person in respect of whom subsection (1) of this section applies shall only be entitled to receive Unemployment Benefit or Special Unemployment Benefit under this section up to a maximum of 156 benefit days; so however that, the grand total of benefit days by way of such benefit or Sickness Benefit shall, in no case, exceed at any time the grand total number of reckonable contributions paid by the person concerned:

Provided that —

(i) where his entitlement to such benefit is exhausted he shall not requalify for such benefit before the lapse of an aggregate period of 13 calendar weeks in insurable employment since the last day of his receiving such benefit; and

(ii) when his entitlement to such benefit is not exhausted but is less than 156 days and he has not been in insurable employment thereafter for at least an aggregate period of 13 calendar weeks, he shall only be entitled to receive the difference resulting between his original entitlement and the number of benefit days already received by way of such benefit.

(3) For the purposes of this section a person shall not be deemed to be unemployed on any day (even though he may be, on any such day, registered under Part I of the Employment Register kept in accordance with the provisions of the Employment Service Act, 1955) —

(a) if he is following any gainful occupation on that day or has done work for which remuneration is ordinarily payable, whether or not any remuneration has in fact been received;

(b) if he is on holiday;

(c) if, notwithstanding that his employment has come to an end or has been interrupted, he receives, in respect of that day, wages or any payment by way of compensation for the loss of the remuneration which he would have received for that day if the employment had not come to an end or been interrupted;

(d) if he does not ordinarily work on every day of the week (excluding Sundays and Public Holidays) and has, in the week in which the said day falls, been employed or self-occupied to the full extent normal in his case.

(4) A person who is the head of a household and who is —

(a) incapable of work by reason of a serious disease or bodily or mental disablement and would, but for this incapacity, have been gainfully occupied or registered as unemployed under Part I of the Employment Register kept in accordance with the provisions of the Employment Service Act, 1955; or

(b) over pension age,

shall also be entitled to receive Social Assistance under and in accordance with the provisions of this section notwithstanding the fact that he is not registered as an unemployed person as aforesaid in subsection (1) of this section.

(5) A head of household who is registered under Part II of the Employment Register kept in accordance with the provisions of the Employment Service Act, 1955, and who, had he been registered under Part I of the said register would have been entitled, in accordance with this section, to Social Assistance, shall, nonetheless, be entitled to apply for Social Assistance and have his application referred by the Director to the Board established under section 132 of this Act, and if the Board shall determine that Social Assistance is due to any person on behalf of that household as provided in section 133 of this Act, then the person so designated by the Board shall become entitled to Social Assistance at such rate as the Board may, in accordance with the provisions of the said section 133 determine.

(6) Subject to the provisions of this Act, the Social Assistance to which a head of household is entitled shall be such weekly amount as will bring the total weekly means of all the members of his household, calculated in accordance with Part IV of the Second Schedule to this Act, up to the scale rate of that household, as determined by Part I of the Sixth Schedule to this Act:

Provided that —

(i) if there are special circumstances in any household the

weekly amount of Social Assistance may be increased by the Director as may be appropriate to meet those circumstances; and

(ii) where a household consists of one person living alone and that person is an inmate of a state-owned hospital or a state-owned institution and who would have been entitled to Social Assistance under this Act but for the fact that he is an inmate of such hospital or institution, he shall only be entitled to receive, by way of Social Assistance, the house rent as provided for in Part III of the Sixth Schedule to this Act.

(7) Where the head of a household is a female who is unable to take up a gainful occupation as she has to take care of her own child she shall be entitled to Social Assistance in accordance with the provisions of this section even if she is not registered as an unemployed person as aforesaid in subsection (1) of this section.

(8) Where in any household there is a female who is single or widowed, and who is also unemployed, who proves to the satisfaction of the Director that she is taking care, all by herself, on a full-time basis and regularly, of her parent or brother, sister, grandparent, uncle, aunt, father or mother-in-law or brother or sister-in-law who is living in the same household as that of such female and who is suffering from a severe physical or mental infirmity, as certified by a medical practitioner specialising in the field of the infirmity denoted, or who is aged 60 years or over and is physically or mentally unable to take care of himself and of his day to day needs, then whether such female is registered or not as an unemployed person as aforesaid in subsection (1) of this section, she shall nonetheless be entitled to Social Assistance as a separate household in accordance with the provisions of this section but such assistance shall not exceed 75% of the full rate applicable to a household consisting of one person:

Provided that this subsection shall not apply where the person who is being taken care of has his parent or spouse living with him in the same household and such parent or spouse is mentally and physically capable of taking care of such person himself.

(9) When it appears to the Director that any person in respect of whom Social Assistance is claimed or received under this section (other than under subsection (8) thereof), has relatives, being his spouse, father, mother, sons or daughters, who are able and legally liable to maintain him, the Director may, if he so deems fit in the circumstances of the case, take proceedings against such relatives before the competent Civil Court to compel them to refund any such assistance paid to or on behalf of such person.

## PART IV

### Pensions in respect of widowhood

31. A widow whose husband satisfies the relevant contribution conditions, where applicable, as provided under section 17 of this Act on the date of his death, shall be entitled to a Widow's Pension or to a Widow's Benefit at the pertinent rate shown in the Twelfth Schedule

Pensions in respect of widowhood.

to this Act, or to a Survivor's Pension; and where the widow has the care and custody of a child of her late husband, her rate of pension or benefit under this section shall be increased, in respect of each such child, by —

(a) 85 cents per week where an allowance under paragraph (i), (ii) or (iii) of section 83 of this Act is being paid in respect of such child; and

(b) 155 cents per week where an allowance under paragraph (iv) of the said section 83 is being paid in respect of such child.

Non-eligibility to a pension in widowhood.

32. Notwithstanding the provisions of section 31 of this Act, a widow who is gainfully occupied, shall not be entitled to any pension mentioned in that section unless —

(i) she proves to the satisfaction of the Director that her earnings from any gainful occupation do not exceed Lm30 in any period of four weeks or Lm97.50,0 in any period of thirteen weeks:

Provided that no account shall be taken of the earnings derived from membership of any board, committee, commission or council established by or under any law or of such classes of earnings as the Minister may declare by order, declare published in the Gazette;

or

(ii) she is over the age of sixty-five years.

Widow to receive single rate of National Minimum Pension.

33. Subject to the provisions of section 31 of this Act and without prejudice to a widow's right to a higher rate of pension under the provisions of this Act, a widow whose husband at the time of his death was in receipt of a National Minimum Pension shall receive the rate of that pension which would have been payable to the deceased had he been a single person at the time of his death.

Pension to widows over the age of sixty years.

34. A Widow's Pension payable to a person over the age of sixty years shall be at the rate of the National Minimum Pension calculated on the basis of the yearly average of contribution ascertained in connection with her claim for a Widow's Pension. Without prejudice to the provisions of section 33, if such widow is also entitled to a pension from a former employer of her husband in connection with his employment, then the difference between the rate of the Widow's Pension and that of the National Minimum Pension shall be abated by the amount of the pension to which she is entitled from such employer.

Increase in Widow's Pension.

35. A widow who is entitled to a Widow's Pension in accordance with the provisions of this Act and whose husband hereinafter referred to as "the deceased pensioner" died after the 22nd day of January, 1979, and was, at the time of his death, entitled to a pension under Part V of this Act, or would have been so entitled but for the provisions of paragraph (i) of section 56 thereof, and who is not herself entitled to a Survivor's Pension or a Widow's Supplementary Pension payable under this Act, or is not in receipt of a pension from an employer of

the deceased pensioner which is in any way related to the employment of the deceased pensioner, shall be entitled to an increase in the rate of her pension subject to and in accordance with the following provisions:—

(a) where the deceased pensioner was treated as an employed person, the rate of pension payable to such widow shall be increased by the applicable amount shown under Part II of the Thirteenth Schedule to this Act or by such part thereof as shall ensure that her rate of pension increased as aforesaid does not exceed four-ninths of —

(i) the current wage or salary of the post occupied by the deceased pensioner immediately before his retirement or of the post on which his service pension, if any, was awarded, whichever is the higher, where the retirement of the deceased pensioner had occurred before the 22nd January, 1979, and for this purpose the "current wage or salary" shall be taken to be that current on the first Saturday of the year in respect of which any payment under this section falls due; or

(ii) the pensionable income of the deceased pensioner where his retirement occurred after the 21st January, 1979, and for this purpose, with effect from the first Saturday of the year in respect of which any payment under this section falls due, the amount of pensionable income shall be substituted by another amount as provided for in paragraph (i) and the proviso thereto of subsection (3) of section 71 of this Act;

(b) where the deceased pensioner was treated as a self-employed person, the rate of pension payable to such widow shall be increased by the applicable amount shown under Part II of the Thirteenth Schedule to this Act, so however that her rate of pension increased as aforesaid shall not exceed two-thirds, calculated to the nearest fifth cent, of the married rate of pension to which the deceased pensioner would have been entitled but for his death; and

(c) for the purposes of paragraph (a) of this section, the proportion of four-ninths referred to therein shall, where the yearly average of contributions ascertained in connection with the widow's claim for a Widow's Pension is less than fifty, be multiplied by the proportion that such yearly average bears to fifty and the result of such multiplication shall substitute the said proportion of four-ninths.

36. A widow's pension payable in accordance with the foregoing provisions of this Part to a widow who —

Further increases  
in Widow's  
Pension.

(i) is aged 60 years or over; and

(ii) is not in receipt of a pension from an employer of her late husband which is in any way related to the employment of her late husband, or, if in receipt of such pension, where such pension is so low that such widow would still qualify for a pension in accordance with section 34 of this Act,

shall be increased by the applicable amount shown under Part III of the Thirteenth Schedule to this Act calculated on the basis of the yearly average of contribution with her claim for a Widow's Pension:

provided that —

(a) a widow who is entitled to receive the National Minimum Pension under the provisions of section 33 and 34 of this Act, but in whose respect paragraph (b) of section 35 of this Act does not apply, shall receive an increase equivalent to twice the increase as aforesaid in this section in lieu of such aforesaid increase; and

(b) a widow in respect of whom paragraph (b) of section 35 of this Act is applicable shall receive a further increase as shown under Part IV of the Thirteenth 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 section.

Widow's benefit.

37. A widow whose husband died as a result of personal injury caused by an accident arising out of or in the course of his employment or self-occupation, or deemed to be so in accordance with the provisions of section 28 of this Act, or as a result of an industrial disease as is referred to in the said section 28 of this Act, shall be entitled to a Widow's Benefit in lieu of a Widow's Pension during any period in which she satisfies the provisions of section 32 of this Act.

Survivor's Pension.

38. Subject to the provisions of this Part, a widow whose husband at the time of his death was or, but for the provisions of section 54 and 63 of this Act, would have been entitled to a Two-Thirds Pension under this Act, shall, if it is to her advantage, be entitled to a Survivor's Pension in lieu of a Widow's Pension.

Full rate of Survivor's Pension.

39. The full rate of a Survivor's Pension shall be five-sixths of the Two-thirds Pension that was or would have been payable to the deceased pensioner in accordance with Part V of this Act:

Provided that for the purposes of calculating a Survivor's Pension under the provisions of this Part, the Director shall ignore any increase in any wage, salary or income reckoned for the purpose of assessing the pensionable income of the deceased husband which does not appear to him to be *bona fide*.

Abatement of Survivor's Pension.

40. Where the deceased pensioner was entitled to a service pension which had been commuted in whole or in part, any pension arrived at in accordance with the provisions of section 39 of this Act shall be abated by five-twelfths of the difference, if any, resulting from the subtraction of the amount of the commuted part of the service pension, from the amount which bears the same proportion to the pensionable income of the deceased pensioner, or where his pension has been re-assessed in accordance with section 71 of this Act, to the amount substituted for such pensionable income at the time of the last such re-assessment, as the commuted part of his service pension bears to the emoluments on which such service pension was awarded.

Conversion of Gratuity in Survivor's Pension.

41. Where the deceased pensioner had been awarded a gratuity such gratuity shall be converted into a notional yearly pension equivalent to five per centum of the said gratuity and section 40 of this Act shall apply as follows:-

(a) where the deceased pensioner was not entitled to a service pension, the said notional pension shall be treated as a service pension which had been wholly commuted;

(b) where the deceased pensioner was entitled to a service pension no part of which had been commuted, the said notional pension shall be substituted for the commuted part of the service pension;

(c) where the deceased pensioner was entitled to a service pension which had been commuted in whole or in part, the commuted part of such service pension shall be increased by the notional pension;

(d) where the deceased pensioner was entitled to a service pension payable by one employer and to a gratuity payable by another employer, the gratuity shall be treated separately and related to the emoluments, at the time it was awarded, of the post occupied at that time.

42. Where the widow is in receipt of a pension from a former employer of the deceased pensioner which is in any way related to the employment of the deceased pensioner prior to his death, if such pension and the rate of Survivor's Pension applicable in her case together exceed two-thirds (or such other fraction as may have been substituted therefor in accordance with section 66 of this Act) of the pensionable income of the deceased pensioner or, where the latter's Pension had been re-assessed in accordance with the provisions of section 71 of this Act, of the amount substituted for such pensionable income at the time of the last such re-assessment, the rate of Survivor's Pension shall be abated by such an amount as will ensure that the afore-mentioned two-thirds are not exceeded.

Survivor's Pension plus pension from late husband's employer not to exceed two-thirds of Pensionable Income.

43. Where the widow receives a gratuity from a former employer of the deceased pensioner that is related to the employment of the deceased pensioner prior to his death, such a gratuity shall be reckoned at five per centum and the resultant figure shall be treated as a yearly pension received by the widow from a former employer of the deceased pensioner for the purpose of section 42 of this Act.

Conversion of Gratuity payable to widow.

44. A Survivor's Pension payable under the foregoing sections shall be re-assessed annually in accordance with the provisions of section 70 of this Act; and for the purpose of such re-assessments the pension that would have been payable to the deceased pensioner in accordance with section 64 of this Act shall be determined as provided in section 71 of this Act.

Re-assessment of Survivor's Pension.

45. A Survivor's Pension payable under this Act shall not be less than the rate of the National Minimum Pension applicable to a single person calculated on the basis of the contributions paid by or credited to the deceased pensioner.

Minimum rate of Survivor's Pension.

46. A widow under the age of 65 years whose husband at the time of death was not in receipt of a Two-Thirds Pension payable under this Act because of the provisions of section 63 of this Act, shall

Disqualification from Survivor's Pension.

be disqualified from receiving a Survivor's Pension for any period up to the age of 65 during which she is in receipt of a net income (excluding earnings from a gainful occupation and any service pension) at a rate exceeding Lm630 per annum.

Disqualification from certain benefits.

47. A widow who is in receipt of a Survivor's Pension may not receive any sickness, unemployment, special unemployment, injury or disablement benefit under this Act.

Entitlement to higher pension.

48. A widow who is entitled to a Survivor's Pension and also to any other pension under this Part, shall only be entitled to the higher of such pensions.

Re-marriage grant.

49. A widow who re-marries shall cease to be entitled to a pension under this Part but shall be entitled to a grant equal to fifty-two times the weekly rate of the pension to which she was entitled immediately before her re-marriage:

Provided that this grant shall not be payable in the case of a Survivor's Pension or a Widow's Supplementary Pension.

Supplementary Pension and its abatement.

50. (1) Subject to the provisions of section 51 of this Act a widow shall be entitled to a Supplementary Pension at the rate of Lm7.63.0 per week until she reaches the age of 60 years, in addition to the Widow's Pension or Widow's Benefit payable to her under this Act.

(2) Such Supplementary Pension shall be abated by the amount of any pension received by the widow from a former employer of her late husband which is in any way related to his employment; and where the widow is awarded a gratuity from a former employer of her late husband which is in any way related to his employment, such gratuity shall, for the purpose of this subsection, be deemed to be a yearly pension amounting to five per centum of the said gratuity.

Payment of certain benefits under Act VI of 1956.

51. Notwithstanding any other provisions of this Act, a widow who on the 1st day of June, 1979, was in receipt of a Widow's Pension or a Widow's Benefit or a Widow's Special Allowance or a Widow's Allowance in accordance with the provisions of the National Insurance Act, 1956, as in force on that date, shall remain entitled under this Act to such pension, benefit or allowance as the case may be, for so long as she would have remained so entitled had those provisions remained operative after the date aforesaid but shall not be entitled to the Supplementary Pension payable under the provisions of section 50 of this Act.

Widow in State-owned hospital or institution.

52. A widow who receives any pension or benefit under this Part of this Act and who is an inmate of a State-owned hospital or institution as provided under Section 99 of this Act shall have such pension or benefit apportioned in the manner provided under that section.

## PART V

## Pensions in respect of Retirement

53. Subject to the other provisions of this Act a person shall be entitled to a Retirement Pension, or Increased Retirement Pension or National Minimum Pension at one of the rates specified in the Twelfth Schedule to this Act or a Two-Thirds Pension at such a rate as is established in accordance with the provisions of sections 64 to 69 of this Act with effect from the date of his retirement if —

Entitlement to a pension in respect of Retirement.

(a) on the date of his retirement he satisfies the relevant contribution conditions; and

(b) he makes a claim therefor within six months of such date. When he does not make a claim within six months of his retirement the pension shall be payable with effect from the day on which the claim is made.

54. A person under the age of 65 years shall be disqualified from receiving a pension under this Part during any period in which he is gainfully occupied if he fails to prove to the satisfaction of the Director that his earnings from such gainful occupation do not exceed Lm30 in any period of four weeks or Lm97.50,0 in any period of thirteen weeks:

Disqualification from a pension in respect of retirement.

Provided that no account shall be taken of the earnings derived from membership of any board, committee, commission, or council established by or under any law or such classes of earnings as the Minister may declare by order published in the Gazette.

55. When the person applying for a Retirement Pension is a widow, she shall be entitled to elect that, in calculating the yearly average of the contributions paid by or credited to her, there shall be treated as so paid or credited either —

Option of widow claiming a pension in respect of retirement.

(a) for each of her contribution years falling wholly or partly before her husband's death, or

(b) for each of her contribution years falling wholly or partly during the period of her marriage, a number of contributions equal to the yearly average of the contributions paid or credited to her husband (being the yearly average which was ascertained in connection with her claim for a Widow's Pension under Part IV of this Act, or would have been so ascertained if she had made such a claim) instead of the number of contributions actually paid by or credited to her for that year.

56. (1) Subject to the provisions of this Act, where a person is entitled to a service pension:—

Abatement of Retirement Pension and entitlement to Increased Retirement Pension.

(i) with effect from the first-Saturday of January 1988, if his service pension and the rate of Retirement Pension applicable in his case together exceed two-thirds of his pensionable income, such person shall be entitled to a Retirement Pension, so however that, where the rate of such Retirement Pension and his service pension together exceed the current basic weekly wage or basic salary of the post on which his service pension was awarded, such person shall be entitled to receive by way of a Retirement Pension such part as shall ensure that his service pension and his Retirement

Pension together do not exceed the aforesaid current basic weekly wage or basic salary of the post on which his service pension was awarded:

Provided that with effect from the first Saturday of January 1987, —

(a) a person who is already in receipt of a Retirement Pension on the Friday immediately before the first Saturday of January 1987, as payable under the provisions of the National Insurance Act 1956, shall, in addition to the rate of Retirement Pension as is payable to him on the Friday aforesaid, be entitled to one-half of the difference between such rate of Retirement Pension as is applicable in his case in terms of this Act in accordance with the Twelfth Schedule to this Act and the rate of Retirement Pension as is payable to him on the Friday aforesaid; and

(b) a person who is entitled to a Retirement Pension for the first time on any day between the first Saturday of January 1987 and the Friday immediately before the first Saturday of January 1988, shall, in addition to the rate of Retirement Pension as would have been payable to him under the provisions of the National Insurance Act 1956 as in force prior to the commencement of this Act, be entitled to one-half of the difference between such rate of Retirement Pension as is applicable in his case in terms of this Act in accordance with the Twelfth Schedule to this Act and the rate of Retirement Pension as would otherwise have been payable to him under the aforesaid provisions of the National Insurance Act 1956; or

(ii) if his service pension and the rate of Retirement Pension applicable in his case in terms of the foregoing provisions of this subsection together do not exceed two-thirds of his pensionable income, such a person shall be entitled to an Increased Retirement Pension or such part thereof as shall ensure that the aforementioned two-thirds of his pensionable income are not exceeded.

(2) For the purposes of this section the "current basic weekly wage or basic salary" shall be taken to be that current on the first Saturday of the year in respect of which any payment under this section falls due.

57. If the date of first entry in insurance of a person falls on or after the 16th day of January, 1979, such a person shall not be entitled to a Retirement Pension or to an Increased Retirement Pension or to a National Minimum Pension under this Part, but shall be entitled to the pension mentioned in section 62 of this Act under the conditions therein mentioned.

58. Where a person whose retirement on or after the 22nd January, 1979 is entitled to a gratuity then such gratuity shall be converted into a notional yearly pension equivalent to five per centum of the said gratuity and the resultant figure shall, with effect from 5 January, 1980, be treated as a service pension for the purpose of determining, in accordance with section 56 of this Act, whether his service pension and the rate of Retirement Pension applicable in his case exceed or do not exceed two-thirds of his pensionable income.

No right to particular pensions after 16th January, 1979.

Computation of gratuity.

59. For the purpose of section 56 of this Act, where a person has been in employment for less than thirty years in the aggregate prior to his retirement, the references to the proportion of two-thirds shall be substituted by references to the proportion that the number of completed months of service bears to 540:

Proportion of completed months of service.

Provided that, where the proportion which the service pension of a person bears to his wage or salary and other pensionable emoluments on which the said service pension was based is higher than the proportion computed as aforesaid, the references to the proportion of two-thirds shall be substituted by references to such higher proportion, but the references to the proportion of two-thirds shall in no case be substituted by a proportion higher than two-thirds.

60. Subject to the provisions of this Act, a person who is not entitled to a service pension shall be entitled to a National Minimum Pension.

National Minimum Pension.

61. Notwithstanding the provisions of section 56 and 59 of this Act, where a person is entitled to a service pension and his service pension together with the rate of Retirement Pension or Increased Retirement Pension applicable in his case is less than the rate of National Minimum Pension applicable in his case, such a person shall be entitled to the National Minimum Pension abated by his service pension.

Decreased National Minimum Pension.

62. A person —

Qualifying condition for a Two-Thirds Pension.

(a) who has been an employed or self-employed person for not less than ten years in the aggregate prior to his retirement; and

(b) whose retirement occurs on or after the 16th day of January, 1979; and

(c) who has paid the proper rate of contribution under this Act at any time after the 21st day of January, 1979; and

(d) is not disqualified under section 54 of this Act;

shall be entitled to a Two-Thirds Pension under and in accordance with the provisions of this Part in lieu of a Retirement Pension, or Increased Retirement Pension or National Minimum Pension, if the rate of such Two-Thirds Pension is more advantageous to the pensioner.

63. A person under the age of 65 years who is to be treated on retirement as a self-employed person shall be disqualified from receiving a Two-Thirds Pension during any period in which he derives a net income (excluding earnings from a gainful occupation and any service pension) at a rate exceeding Lm630 per annum.

Disqualification from Two-Thirds Pension.

64. The full rate of the Two-Thirds Pension mentioned under section 62 of this Act shall be two-thirds of the pensionable income of the insured person who has paid or been credited with a yearly average of fifty contributions over a period of thirty years or such other smaller number of years as corresponds to the number of years from the 1st day of January, 1956 or, if the person so elects, from the 1st day of January, 1965, up to the end of the contribution year immediately preceding his retirement:

Full rate of the Two-Thirds Pension.

Provided that —

(a) the period of years to be taken into account in accordance with this section shall include the last ten consecutive years ending on the last day of the contribution year immediately preceding his retirement; and

(b) no account shall be taken of contributions credited under section 16 of this Act while the person was entitled to a pension under section 26 of this Act; and

(c) in the case of a self-employed person who has paid less than 156 contributions after the 21st day of January 1979, where the Director is satisfied that such lack of contributions was due to circumstances beyond the control of the self-employed person concerned, the said proportion of two thirds shall be substituted by such other proportion as the number of contributions paid after the 21st day of January 1979, bears to 234; otherwise, such self-employed person shall not be entitled to a Two-Thirds Pension under this section but shall instead be entitled to a pension as is payable under and in accordance with the other provisions of this Part.

Minimum and maximum rates of the Two-Thirds Pension.

65. Where a person qualifies for the full rate of a Two-Thirds Pension under section 64 of this Act, then, notwithstanding the provisions of that section, that person shall in no case receive —

(a) less than two-thirds of —

(i) Lm34.20,0 per week if a married man who is maintaining his wife, or

(ii) Lm29.88,0 per week if a single person, a married woman or a married man who is not maintaining his wife;

(b) more than two-thirds of Lm105.77,0 per week:

Provided that in the cases referred to under sub-paragraph (ii) of paragraph (a) and under paragraph (b) of this section the provisions of proviso (c) of the said section 64 shall nonetheless apply.

Reduced rates of the Two-Thirds Pension.

66. Where a person would be entitled to the full rate of a Two-Thirds Pension but for the fact that the yearly average of fifty contributions required by section 64 of this Act is not satisfied, such person shall nonetheless be entitled, if the said average is not less than fifteen, to a reduced Two-Thirds Pension; and for the purpose of determining such reduced pension the proportion of two-thirds referred to in section 64 and 65 or any other proportion substituted therefor in accordance with proviso (c) of the said section 64 of this Act shall be multiplied by the proportion that the yearly average of contributions paid or credited (other than those credited under section 16 of this Act while the insured person was entitled to a pension under section 26 of this Act) bears to 50, and the result of such multiplication shall substitute the said proportion of two-thirds.

Abatement of the Two-Thirds Pension due to service pension.

67. (1) Where a person is entitled to a service pension no part of which has been commuted, any pension arrived at in accordance with the provisions of sections 68 to 70 of this Part shall be abated by the amount of such service pension.

(2) Where a person is entitled to a service pension which has been commuted in whole or in part, any pension arrived at in accordance with the provisions of sections 64 and 66 of this Act shall be abated by the aggregate of the service pension, and one-half of the difference, if any, resulting from the subtraction of the amount of the commuted part of the service pension, from the amount which bears the same proportion to the pensionable income as the commuted part of the service pension bears to the emoluments on which such service pension was awarded.

68. Where a person has been awarded a gratuity, such gratuity shall be converted into a notional yearly pension equivalent to five per centum of the said gratuity and subsection (2) of section 67 of this Act shall apply as follows:—

Abatement of the Two-Thirds Pension due to gratuity.

(a) where the person is not entitled to a service pension, the said notional pension shall be treated as a service pension which has been wholly commuted;

(b) where the person is entitled to a service pension no part of which has been commuted, the said notional pension shall be—

(i) added to the service pension, and

(ii) substituted for the commuted part of the service pension;

(c) where the person is entitled to a service pension which has been commuted in whole or in part, the service pension and the commuted part of such service pension shall each be increased by the notional pension;

(d) where the person is entitled to a service pension payable by one employer and to a gratuity payable by another employer, the gratuity shall be treated separately and related to the emoluments, at the time it was awarded, of the post occupied at that time:

Provided that where the person elects to pay and within one year of his retirement pays to the Director the whole amount of the gratuity, the provisions of this section shall cease to apply with effect from the date of such payment.

69. Where a person qualifies for a pension under section 26 and under Part IV of this Act and for a pension under this Part, he shall be entitled to receive the pension which is more advantageous to him, but only such pension; but when in accordance with this Part a Two-Thirds Pension is paid to him, he shall continue to receive only that pension.

Entitlement to more advantageous pension.

70. For the purposes of this Part, in calculating the pensionable income the Director shall ignore any increase in any wage, salary or income reckoned for the purpose of assessing or re-assessing the pensionable income which does not appear to him to be *bona fide*.

Increases not considered to be *bona fide*.

71. (1) Any pension issued under this Part shall be re-assessed annually with effect from the first Saturday in January of the year of the re-assessment as provided for in the following of this Section.

Annual re-assessment of pensions.

(2) In the case of a person whose retirement occurred before the 22nd day of January, 1979 —

(i) if on retirement he was an employed person, such re-assessment shall be effected by substituting for the pensionable income the current wage or salary, as on the effective date of the re-assessment, of the post he occupied immediately before his retirement or of the post on which the service pension was awarded, whichever is the higher;

(ii) if on retirement he was a self-employed person, such re-assessment shall be effected by substituting for the pensionable income the current wage or salary, as on the effective date of the re-assessment, of the post on which the service pension was awarded;

(3) In the case of a person whose retirement occurs on or after the 22nd day of January, 1979, such re-assessment shall be effected by substituting for the pensionable income the aggregate of such pensionable income and —

(i) if he is to be treated as an employed person, the amount by which the current wage or salary of the highest post occupied during the best consecutive period on which his pensionable income had been computed exceeds, on the effective date of the re-assessment, the wage or salary of the said post on the date of retirement; and where such wage or salary represents a point in a scale, the increase to be applied shall be in accordance with the corresponding point system as applied by the Government:

Provided that where the said best consecutive period ends on the last day of the year immediately preceding his retirement or his becoming an invalid in terms of this Act, as the case may be, the reference to the "highest post" in this sub-paragraph shall include any post occupied by the pensioner up to the date of his retirement or invalidity as aforesaid;

(ii) if he is to be treated as a self-employed person, the total wage increases required by law to be awarded generally in respect of the period intervening between the date of retirement and the effective date of the re-assessment:

Provided that where any of the posts referred to in the foregoing subsection of this section no longer exists, there shall be substituted therefor such analogous post in the Government service or in any parastatal organisation which carried a wage or salary most nearly corresponding to that of the first mentioned post at the time when it was last occupied by the pensioner:

Provided further that for the purposes of this section, the amount to be substituted for the pensionable income shall be greater than the amount substituted for the pensionable income on the occasion of the previous re-assessment by a sum of not less than that of the total wage increases required by law to be awarded generally in respect of the period following the said last re-assessment; and where a re-assessment is made for the first time, the amount to be substituted for the pensionable income of a person shall be greater than his pensionable income by not less than the total wage increases as aforesaid in respect of the period following the date of his retirement.

72. A person who during the last ten calendar years immediately preceding his retirement was not liable to pay a contribution under this Act shall not be debarred from receiving a Two-Thirds Pension if, for each contribution week during the said ten years, he was entitled to a credited contribution in accordance with section 16 of this Act; and, for the purpose of assessing his pensionable income, his date of retirement shall be deemed to be the last day of his employment or self-occupation, as the case may be.

Pension based on credited contributions.

73. The pensionable income of a person who becomes entitled to a Two-Thirds Pension under this Part and whom immediately before becoming so entitled was in receipt of a pension under section 26 of this Act, shall be that specified in the Fourteenth Schedule to this Act or, where the person concerned is entitled to a service pension, the current wage or salary of the post on which his service pension was awarded, whichever is the higher; and for this purpose the "current wage or salary" shall be taken to be that current on the first Saturday of the year in respect of which any payment under this section falls due.

Persons in receipt of a pension in respect of invalidity.

74. Where a married man becomes invalid or disabled or reaches pension age on or after the 1st day of April, 1978, and becomes entitled to receive a pension payable under sections 26 and 29 or under Part V (excluding a Two-Thirds Pension) of this Act, then, if his wife is in her own right in receipt of any pension payable under the aforementioned sections or to a Two-Thirds Pension in accordance with the provisions of this Part, the pension payable shall be paid at the rate applicable for a single person:

Pension payable to the single rate to a married man.

Provided that if the wife, being already in receipt of a pension payable under the said sections or Part, shall renounce to the right aforesaid, then the pension payable to the husband shall be paid at the rate applicable for a married man.

75. (1) A person who is entitled to a National Minimum Pension in accordance with the provisions of this Part shall be entitled to an increase in the rate of his pension subject to and in accordance with the following provisions:—

Increase in pension.

(a) where such person is treated as an employed person, his rate of pension shall be increased —

(i) in the case of a married man, by the applicable amount in accordance with Part I of the Thirteenth Schedule to this Act, or by such part thereof as shall ensure that his rate of pension increased as aforesaid does not exceed two-thirds of his pensionable income; and

(ii) in the case of any other person, by the applicable amount in accordance with the aforesaid Part I of the Thirteenth Schedule; and

(b) where such a person is treated as a self-employed person, and provided he is not a married man, his rate of pension shall be increased by the applicable amount in accordance with the aforesaid Part I of the Thirteenth Schedule to this Act.

(2) For the purposes of sub-paragraph (i) of paragraph (a) of subsection (1) of this section:

(i) the pensionable income mentioned therein shall be substituted with effect from the first Saturday of the year in respect of which any payment under this section falls due in the manner provided by paragraph (i) and the proviso thereto of subsection (3) of section 71 of this Act, and

(ii) the proportion of two-thirds mentioned therein shall be multiplied by the proportion that such yearly average bears to fifty, where the yearly average of contributions ascertained in connection with the claim for a pension under this Part is less than fifty, and the result of such multiplication shall substitute the said proportion of two-thirds.

Pensioners in State-owned hospital or institution.

76. A pensioner who receives any pension under this Part of the Act and who or whose wife, as the case may be, is an inmate of a State-owned hospital or institution as provided under section 99 of this Act, shall have such pension apportioned in the manner provided under that section.

## PART VI

### Other Pensions, Benefits and Allowances

Age Pension.

77. Save as provided for in section 100 of this Act and subject to the other provisions of this Act, a person who is aged 60 years or over and who satisfies the condition laid down in paragraph (c) of subsection (1) of section 27 of this Act, shall be entitled to receive an Age Pension under this section, in accordance with the provisions of subsections (3) and (4) of the said section 27 and Part II of the Sixth Schedule to this Act.

Parent's Pension.

78. The parent of a person who dies as a result of a personal injury caused by an accident arising out of or in the course of his employment or self-occupation or deemed to be so in accordance with the provisions of section 28 of this Act or as a result of an industrial disease as is referred to in that section shall be entitled for life to a Parent's Pension at the rate set out in the Twelfth Schedule to this Act from the date of the person's death, if at that date he —

(i) was being wholly or mainly maintained by him or would but for the relevant accident have been so maintained; and

(ii) was either over pension age, and, if under sixty-five years of age, deemed not to be gainfully occupied in accordance with the provisions of section 54 of this Act, or was permanently incapable of self-support:

Provided that if the father of the deceased person is entitled to a Parent's Pension, the mother shall not be so entitled.

79. (1) 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 an insured person and a citizen of Malta at the time of his death, be entitled to an Orphan's Allowance at the rate of —

- (a) Lm3.00,0 per week where an allowance under paragraphs (i), (ii) or (iii) of section 83 of this Act is being paid in respect of such child; and
- (b) Lm4.90,0 per week where an allowance under paragraph (iv) of the said section 83 of this Act is being paid in respect of such child or where no form of such allowance is being paid in respect of such child.

(2) Where a person is in receipt of an Orphan's Allowance payable under subsection (1) of this section, such person shall also be entitled to receive any of the allowances which are payable in terms of sections 83 or 85 of this Act in respect of the same child, as long as he is entitled to such allowance in terms of the sections aforesaid.

(3) For the purposes of this section, the provisions of subsections (2) of section 86 (excluding its proviso) and of sections 87 and 89 of this Act shall apply *mutatis mutandis*.

80. Subject to the provisions of this Act, a person who marries on or after the commencement date of this Act, and who was an employed person or a self-employed person for at least six months at any time prior to his marriage and is ordinarily resident in Malta shall be entitled, by giving notice in writing to the Director, to receive a lump sum payment of Lm55 by way of a Marriage Grant:

Marriage Grant.

Provided that a person who legally contracts marriage on more than one occasion shall be entitled to a Marriage Grant in respect of each such marriage on condition that between one marriage and another he was an employed person or a self-employed person for at least six months.

81. (1) A woman who, at any time on or after the 1st day of January, 1981, is pregnant with child and has entered the eighth month of pregnancy shall be entitled to Maternity Benefit under and in accordance with the provisions of this section.

Maternity Benefit.

(2) A claim for Maternity Benefit shall not be accepted by the Director unless it is made by a citizen of Malta or by a person married to a citizen of Malta, provided the claimant is ordinarily resident in Malta.

(3) Notwithstanding the provisions of sub-section (1) of this section, a woman who is entitled to maternity leave in accordance with the provisions of the Conditions of Employment (Regulation) Act, 1952, and avails herself of such leave, shall not be entitled to any Maternity Benefit payable under this section.

82. (1) Maternity Benefit shall be payable in two parts as follows —

Payment of Maternity Benefit.

(a) a first payment equivalent to Lm5.50,0 per week for eight weeks, upon the submission to the Director of a claim on

the form provided by the Director accompanied by a certificate signed by a person holding the warrant to practise the Medical Profession in Malta and, if the Director so deems necessary, supported by such other evidence as he may, in accordance with the provisions of this Act, require showing that the claimant has entered the eighth month of pregnancy; and

(b) a second payment equivalent to Lm5.50,0 per week for five weeks, upon production to the Director of a certificate from the Public Registry attesting the birth of the child:

Provided that where a claim is made after the birth of a child, both the first and second payments shall be made on production of the said certificate from the Public Registry.

(2) The periods of eight weeks and five weeks referred to in subsection (1) of this section shall be deemed to cover —

(a) in the case of the payment referred to in paragraph (a) thereof, the eight weeks immediately preceding the date of birth of the child or, if such day is not a Saturday, the first Saturday following such day;

(b) in the case of the payment referred to in paragraph (b) thereof, the five weeks commencing on the Saturday immediately following the period referred to in paragraph (a) of this subsection; and

(c) in the case of a payment made in accordance with the proviso to the said subsection (1) of this section, the eight weeks immediately preceding and the five weeks commencing on the date of birth of the child, or, if such day is not a Saturday, the first Saturday following such day.

(3) No Maternity Benefit shall be due where the claimant has received that benefit on three occasions before the date of the claim, or where the claimant has, on three occasions before the date of the claim, given birth to children other than those to whom the claim relates, three or more of whom are living at the time of the date of such claim.

Children's  
Allowance

83. Subject to the provisions of this Act, the head of a household shall be entitled to an allowance under, and in accordance with, the provisions of this section in respect of each of his children at the following rates:

- (i) in respect of the first eligible child, Lm3.50,0 per week;
- (ii) in respect of the second eligible child, Lm2.70,0 per week;
- (iii) in respect of the third eligible child, Lm1.70,0 per week;
- (iv) in respect of the fourth and subsequent eligible children, 30c per week:

Provided that where a widow or a widower re-marries or had re-married before the enactment of this Act, with effect from the day of the enactment of this Act, the first three children born as a result of such re-marriage shall become eligible to an allowance

at the rates specified in paragraphs (i), (ii) and (iii) of this Section, as the case may be, notwithstanding the fact 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 an allowance at such aforementioned rates, and any fourth or subsequent child born as a result of such re-marriage shall be eligible to the allowance specified in paragraph (iv) of this section.

84. Subject to the provisions of this Act, the head of a household who proves to the satisfaction of the Director that he has a son or daughter aged sixteen years or over who is not gainfully occupied and who —

Special Allowance.

(i) is still undergoing full-time education or training in an educational institution recognised by the Government in terms of the Education Act, 1974, and no form of remuneration or allowance (excluding any allowance payable under this Act) is being paid to him or her during such time; or

(ii) is registered as unemployed under Part I of the Employment Register kept in accordance with the provisions of the Employment Service Act, 1955, who has never been gainfully occupied and who is not in receipt of any benefit, pension, or assistance payable under this Act;

shall be entitled to an allowance of Lm1 per week in respect of each such son or daughter mentioned in paragraph (i) of this section or to an allowance of 40 cents per week in respect of each son or daughter mentioned in paragraph (ii) of this section; and for the purposes of this section, "son" or "daughter" shall include a step son, a step daughter, an adopted son, an adopted daughter, and a son or daughter born out of wedlock.

85. Subject to the provisions of this Act, a head of a household who has the care of a child or a person whose parents are unknown or have abandoned him shall be entitled in respect of such child or person to the allowance payable under section 83 and 84 of this Act, as the case may be, as a distinct and separate entitlement to that applicable in respect of his children.

Entitlement to abandoned children or of unknown parents.

86. (1) Except as may be prescribed, an allowance payable under sections 83, 84 and 85 of this Act shall not be granted unless the head of the household, or his wife —

Limitation of applicability of children's Allowances.

(a) is a citizen of Malta; and

(b) resides in Malta and has so resided continuously in the three months immediately preceding the date on which the claim for an allowance is made; and

(c) is an employed person or a self-employed person:

Provided that where the head of household, or his wife, is dead, and the one who is still alive is not a citizen of Malta, the condition set out in paragraph (a) of this section shall be deemed to have been satisfied if the deceased was a citizen of Malta at the time of his death.

(2) Except as may be prescribed, an allowance under sections 83, 84 and 85 of this Act shall not be payable in respect of any child or person not living in Malta:

Provided that with effect from the first day of November, 1974, where any person who has received the payment of an allowance for a full 13-week period emigrates and takes along with him before the lapse of 13 weeks from the date on which payment of such an allowance was due, the children in respect of whom such allowance was paid, the payment of such allowance for any period not exceeding 12 weeks from the date when the payment of such an allowance was due, shall be deemed as having been properly received by him.

Disqualification to Children's Allowances.

87. (1) An allowance payable under sections 83, 84 and 85 of this Act shall not be payable in respect of a person to whom a pension is payable under Section 27 of this Act.

(2) Except as may be prescribed, an allowance payable under section 83, 84 and 85 of this Act shall not be payable outside Malta.

Beneficiary of Children's Allowances.

88. (1) Where the head of household is the father, an allowance due under the provisions of sections 83, 84 and 85 of this Act shall be paid to his wife unless he proves to the satisfaction of the Director that the interests of the child or person in respect of whom the allowance is payable otherwise require, such payment is to be made to him.

(2) For the purposes of this section and of section 86 of this Act, "wife" shall include such woman who, in the opinion of the Director, is living with the head of household as if she were his lawful wedded wife, provided she is the mother of the child or person in respect of whom the allowance is payable.

(3) Where, however, the husband and wife are separated "de jure" or "de facto", or where the wife is not his lawful wedded wife but is being treated as such in terms of subsection (2) of this section, if such wife is living apart from the head of household the allowances due under sections 83, 84 and 85 of this Act in respect of all their children shall be taken together as if they were living in one household but shall be apportioned between such husband and wife according to the eligibility rights of the children in their respective effective care and custody, as provided for in sections 83 to 85 of this Act.

Head of Household to have custody of child.

89. An allowance paid under sections 83, 84 and 85 of this Act ceases to be payable if the head of household no longer has the care of the child or person in respect of whom the allowance is being paid or where such person is eighteen years of age or over if the said person no longer normally resides with such head of household.

Powers to make regulations.

90. The Minister may make regulations for prescribing anything which may be prescribed under sections 86 and 87 of this Act and, generally, for carrying the provisions of those sections into effect, and in particular, but without prejudice to the generality of the foregoing:—

(a) for prescribing conditions regarding nationality, residence and place of birth to be satisfied by a claimant; and the conditions applicable to a child or person in respect of whom an allowance is claimed;

(b) for prescribing circumstances in which a child or person not living in his parent's household may be treated as forming part of that household or another household;

(c) for prescribing circumstances in which a person, other than a parent of a child or person, may claim an allowance in respect of such child or such person.

**91.** Save as provided for in section 100 of this Act and subject to the other provisions of this Act, a person who, on any day between January and June or between July and December is entitled to receive any pension (excluding a disablement pension at 99% or less, where this is being paid to a person who is in insurable employment or self-occupied). Orphan's Allowance, Leprosy Assistance or Social Assistance in accordance with the provisions of this Act, shall be entitled to receive a bonus. Such bonus shall consist of a sum of Lm58 paid every six months in June and December of each year: Bonus.

Provided that notwithstanding any other provisions of this Act, such person shall only be entitled to receive one bonus at the same time.

**92.** The bonus payable to any person under section 91 of this Act shall be abated by the amount of any bonus which such person is entitled to receive from any employer in accordance with the Conditions of Employment (Regulations) Act, 1952, in respect of any part of the six-month period ending on the last day of June or December, as the case may be: Abatement of bonus.

Provided that where any apportionment is required under section 93 of this Act, the amount of any bonus which the husband is entitled to receive from any employer as aforesaid shall be abated from the bonus due to the husband under section 91 of this Act before the apportionment of such bonus is made.

**93.** (1) Where, in the case of a married couple in respect of whom subsections (1) and (2) of section 100 of this Act do not apply, and one of the married couple has become an inmate of an institution as is referred to in section 99 of this Act and the provisions of the said section 99 have commenced to apply in regards to such person, the bonus, or part thereof, payable under section 91 of this Act shall be apportioned equally between the said couple. Apportionment of bonus.

(2) The provisions of subsection (1) of this section shall not apply where the wife is entitled to the bonus, or part thereof, under this section in her own right or is in insurable employment or self-occupied.

PART VII

Miscellaneous provisions in respect of Pensions, Allowances, Benefits and Assistance payable under this Act

Certain pensions not to be reduced.

94. No pension payable to a person under section 26 or Parts IV or V of this Act shall be reduced by reason of any increase taking effect after such person becomes entitled to a pension as aforesaid, in the amount payable to such person by way of service pension, or, in the case of a widow, by way of a pension from an employer of her late husband which is related to the employment of her late husband.

Duplicate rights.

95. Unless specifically provided or otherwise implied in this Act in respect of a Blindness Pension, a Handicapped Pension, social assistance, and an Age Pension paid under the provisions of sections 27, 30 and 77 of this Act respectively, where a person would be entitled, but for this section, to two pensions, allowances, benefits or assistance at the same time he shall not be entitled to both, but shall be entitled to that pension, allowance, benefit or assistance which is more advantageous or which is payable at a higher rate:

Provided that —

(a) the provisions of this section shall not apply in the case of Marriage Grant, Orphan's Allowance, Children's Allowance or Bonus, Maternity Benefit, Medical Assistance or Bonus payable under this Act;

(b) a person shall be entitled to receive two or more disablement pensions at the same time insofar as the sum of the weekly rates of these pensions does not exceed the rate of Invalidity Pension to which he would be entitled in respect of loss of faculty which was assessed at 100%

Limitation of applicability of sections 26 and 78 and Parts IV and V.

96. (1) A person under the age of 65 years shall be disqualified from receiving a pension payable under sections 26 and 78 and under Parts IV and V of this Act during any period in which such person or his spouse, as the case may be, is in possession of any licence to carry on a trade or business issued by the Commissioner of Police, unless the licences proves to the satisfaction of the Director that no use of such a licence is being made in any way by the licences and that such licence cannot be relinquished or transferred to another person without severe consequences to the licensee:

Provided that where it is the spouse of such person who is in possession of such a licence, such person shall still be entitled to receive a pension at the rate payable to a single person if there is no community of acquests between the spouse either because it was excluded by them in the marriage contract entered into before their marriage or it was excluded by them by means of a lawful contract entered into before the 1st April, 1978, or because it was dissolved as a result of their legal separation.

(2) For the purposes of this section where a trading licence is at any time in the name of a person or his spouse, and the concern to which the licence relates is at any time transferred by the said person or his spouse to any other person living with him or her as one family at the time when the application for a pension as is referred to in subsection (1) of this section is made or any such pension is being paid, such person shall be deemed to be still in possession of a trading licence.

97. A person shall be disqualified from receiving a pension, benefit, allowance or assistance payable under this Act for any period during which he is undergoing imprisonment or detention in pursuance of a sentence passed on conviction for an offence:

Persons in  
prisons.

Provided that where such person would have been in receipt of the allowances payable under sections 83, 84 and 85 of this Act, such allowance shall, during any such period, be paid to the head of household with whom the child or person, in respect of whom such allowance is being paid, is living:

Provided further that where such person is a married man and would have been entitled to a pension under this Act, and who, immediately prior to being sentenced as above, was not having the provisions of section 100 of this Act applied to him, his wife shall be entitled to receive half the pension which would have been payable to her husband had he not been disqualified under the provisions of this section, provided she is not already entitled to a pension under this Act in her own right nor is she in insurable employment or self-occupied.

98. A person shall be disqualified from receiving —

Persons abroad.

(a) Sickness and Injury Benefits for any period during which he is absent from Malta unless —

(i) he is absent in the course of employment of the kind described in paragraph 2 of Part I of the First Schedule to this Act; or

(ii) he proves to the satisfaction of the Director that his absence from Malta was in connection with his own medical treatment abroad in respect of that sickness or injury or industrial disease which has caused his claim for benefit;

(b) Sickness Assistance, Leprosy Assistance, or Tuberculosis Assistance during any period in which the person in respect of whom such assistance is being paid is absent from Malta unless he proves to the satisfaction of the Director that his absence from Malta was in connection with his own medical treatment abroad for that condition or disease in respect of which such assistance is being paid.

99. (1) Save as provided for in subsection (4) of section 27 and in section 77, where during any period a person is in receipt of a pension, including a Widow's Benefit under this Act, he shall —

Inmates of old  
people's homes  
and other  
institutions.

(a) if he is an inmate of such state-owned institution for the care and welfare of old people as is specified by the Minister by

notice in the Gazette, cease to receive such a pension for the whole period during which he is such an inmate;

(b) if he is an inmate of any other state-owned institution as is specified by the Minister by notice in the gazette and has been such an inmate for a period exceeding six consecutive months, cease to receive such a pension for any period immediately following the said six months during which he is such an inmate;

and he shall receive instead, 40% of the rate of pension which would otherwise have been applicable in his case; so however that, if he is one of a married couple both of whom are inmates and of whom only one spouse is in receipt of such pension, reduced as aforesaid, the said 40% shall be paid into two equal proportions, one to the husband and the other to the wife; and the balance of 60% shall be paid to the Welfare Committee established under section 134 of this Act:

Provided that where a person to whom this subsection applies is a married man whose wife —

- (i) is not herself such an inmate; and
- (ii) is not herself in receipt of a pension under this Act;

such a married man shall not be entitled to the afore-mentioned 40% but his wife shall be entitled to receive a weekly payment equivalent to 60% of the rate of pension which would otherwise have been applicable in his case, and the balance of 40% shall be paid as to 40% to the husband and as to 60% to the afore-mentioned Committee.

(2) Save as provided for in subsection (4) of section 27 and in section 77, where, during any period the wife of a person who is in receipt of a pension under this Act is an inmate of an institution mentioned in paragraph (a) and (b) of subsection (1) of this section, the husband of such wife shall, unless she is herself in receipt of a pension payable under this Act, cease to receive such pension and he shall receive instead a weekly payment equivalent to 60% of the rate of pension which would otherwise have been applicable in his case, and the balance of 40% shall be paid as to 40% to the wife, and as to 60% to the said Committee.

(3) The proviso to subsection (1) and subsection (2) of this section, shall not apply in the case where the wife and husband were already living apart from one another prior to any one of them becoming an inmate, as aforesaid in this section, and receiving a separate pension in accordance with the provisions of section 100 of this Act.

(4) Any bonus payable under section 91 of this Act to any person, shall be reduced, in respect of every day during which such person is an inmate of an institution mentioned in this section, by the amount resulting from the multiplication of his entitlement to Bonus under the provisions of the said section 91 and of section 100 of this Act, and 0.0033; and the amount so reduced from the Bonus shall be paid to the afore-mentioned Committee.

100. (1) Subject to the provisions of subsection (2) of this section, a married man who is in receipt of a pension payable at the married rate under the provisions of sections 27 and 77 of this Act

shall have such pension and any bonus payable to him under section 91 of this Act apportioned equally between him and his wife —

(a) where either the husband or the wife requests the Director that such half pension and/or half bonus be paid direct to the wife; or

(b) where the husband and wife are “de jure” separated and no mention is made in the judgement or contract of separation with regards to the apportionment or otherwise of such pension and/or bonus:

Provided that such apportionment shall only take effect from the date when the next payment of such pension and/or bonus is due following a written request to this effect from any one of the two parties concerned.

(2) The provisions of subsection (1) of this section shall not apply where the wife is already in receipt of any pension and/or bonus under this Act in her own right or where such pension as is referred to in the said subsection (1) is being paid in addition to any other pension payable under this Act.

(3) Where by any Court judgement or as a result of any lawful agreement between a married couple any pension payable under the provisions of this Act is being paid wholly or partly to the wife of the pensioner, the bonus payable under section 91 of this Act shall be paid wholly to the husband unless there is a Court judgement to the contrary or unless the married couple otherwise agree.

**101.** (1) Unless the Director otherwise determines in respect of any benefit, pension, allowance or assistance granted under the provisions of this Act, it shall be a condition of any person's right to any benefit, pension, allowance or assistance that —

Time and manner  
of making  
claims.

(a) within the prescribed time, if any, he makes a claim therefor at the Department on the form provided by the Director for that benefit, pension, allowance or assistance;

(b) he produces such certificates, documents, information and evidence for the purpose of determining the right to benefit, pension, allowance or assistance as the Director may, from time to time, require and for that purpose attends at such office or place as the Director may appoint.

(2) The prescribed time for the purpose of this section shall be —

(a) in the case of Sickness-Benefit or a pension in respect of Invalidity, the period of ten days from the day in respect of which the claim is made;

(b) in the case of Unemployment and Special Unemployment Benefits, Social or Medical Assistance, Age, Handicapped or Blindness Pension, the day in respect of which the claim is made;

(c) in the case of Injury Benefit, the period of twenty-four hours from the time of the relevant accident, or, in any case where notice of the accident has been given to the Director, within that

period or where the claim is made in respect of an industrial disease specified in the first column of the Fourth Schedule to this Act, the period of ten days from the day from which the claim is made;

(d) in the case of a pension in respect of retirement or widowhood, the period of six months from the day on which the claim is made:

Provided that if no claim is made within the prescribed period, the aforementioned pensions, benefits or assistance shall be payable with effect from the day on which the claim is made.

Provided further that if the claimant shows to the satisfaction of the Director that there was good cause for the delay, the prescribed time shall be extended to the date on which the claim is made and in any such case, any benefit, pension, assistance or allowance shall not accrue except from such date (being a date not later than the date of claim) as the Director may determine.

#### Payments.

102. (1) Where any person is entitled to any pension, benefit, allowance or assistance under this Act, payment shall be made—

(a) at the Department or at such other place or in such manner as the Director may from time to time determine; and

(b) (i) in the case of a Marriage Grant, Disablement Gratuity or Maternity Benefit, as soon as possible after the claim has been determined;

(ii) in the case of Sickness, Injury, Unemployment and Special Unemployment Benefits, or Social and Medical Assistance, in arrears at such intervals as the Director may from time to time determine;

(iii) in the case of any pension, in advance at such intervals (being intervals not longer than four weeks) as the Director may from time to time determine, but whenever the rates are increased the difference between the new rates and the old rates may be paid in advance at intervals not exceeding twenty-six weeks from the date when the rates are increased; and

(iv) in the case of Children's Allowances, in advance at such intervals (being intervals not longer than thirteen weeks) as the Director may, from time to time, determine.

(2) Where the day on which a person becomes entitled to a pension, including Widow's Benefit, allowance or assistance or becomes entitled to any of them at a new rate, is not a Saturday, payment shall be made only, or the new rate shall take effect only, as from the following Saturday, and, where the day on which a person ceases to be entitled to any of them, or being so entitled, dies, is not a Friday payment shall be made for the whole of the week which ends on the following Friday.

(3) Any payments made in advance in accordance with subparagraphs (iii) and (iv) of paragraph (b) of subsection (1) of this

section shall still be deemed to have been due to the beneficiary notwithstanding the fact that, during the period falling between the date of such payment and the date on which such payment expires in terms of subsection (2) of this section, there has been a change in circumstances which would otherwise have adversely affected the rate of such payment forthwith in terms of the other provisions of this Act.

**103.** Subject to the provisions of this Act, where a person who has made a claim for benefit, pension, assistance or allowance is payable is unable to act or dies, the Director may appoint such person as he may think fit to proceed with, or to make, a claim or to receive payment of such benefit, pension, assistance or allowance on behalf of or as representative of that person. Any person so appointed shall, for all the purposes of this section, be conclusively deemed to be the lawful representative of that other person or his estate.

Representation of deceased persons, and persons unable to act.

**104.** (1) Subject to the provisions of this Act, every assignment of or charge on, and every agreement to assign or charge any benefit, pension, allowance or assistance, shall be void.

Benefit, pension, allowance or assistance to be inalienable.

(2) Any benefit, pension, allowance or assistance may not be subjected to a garnishee order or otherwise attached nor may any judgement be executed thereon; but the provisions of subsection (3) of section 381 of the Code of Organisation and Civil Procedure (Chapter 12) shall 'mutatis mutandis' apply.

**105.** Save as provided for in subsection (3) of section 102 of this Act, any person who by reason of the non-disclosure or misrepresentation of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent), has received any sum by way of benefit, pension, allowance or assistance under this Act to which he was not entitled, shall be liable to repay to the Director the sum so received by him, which sum may be recovered, without prejudice to any other remedy, by means of deductions from any benefit, pension, allowance or assistance to which he thereafter becomes entitled.

Repayment of benefit, pension, allowance or assistance improperly received.

**106.** (1) The Director shall have the right to claim by civil action the amount of any benefit paid or payable under this Act —

Recovery of benefits in respect of injury caused by wilful act or negligence.

(a) from any person, other than the beneficiary, where an injury in respect of which benefit is paid or payable was caused by wilful act or the negligence of such person or of any other person for whom under the Civil Code (Chapter 23) the first mentioned person is responsible;

(b) without prejudice to the generality of paragraph (a) above, from any employer, where the injury was caused on account of or through the non-compliance by himself, or by any other person for whom under the Civil Code (Chapter 23) he is responsible, with any obligations imposed by the Factories Ordinance (Chapter 169) or by any regulations made thereunder.

(2) Nothing in this section shall prejudicially affect any right to compensation or damages which the injured person or those claiming under him may have under the provisions of the Civil Code (Chapter

23) against the person through whose wilful act or negligence the injury was caused; but in assessing the amount of such compensation or damages the Court shall take into account the amount of benefit recovered by the Director as provided in subsection (1) of this section.

(3) Any amount recovered under this section or under the last preceding section shall be carried to the credit of the Consolidated Fund.

Contributions under the Widow's and Orphan's Pensions Act.

107. Notwithstanding any provision of the Widow's and Orphan's Pensions Act no contribution is payable under that Act, but all the provisions of that Act shall continue to have effect as if all the contributions which, but for the provisions of this section, would have been payable under that Act, had in fact been paid.

PART VIII

Determination of Claims and Questions

Determination of questions as to insurability and contributions.

108. If any question arises as to —

- (a) whether any employment is insurable employment;
- (b) whether a person is or was an employed person or a self-employed person;
- (c) who is or was the employer of an employed person;
- (d) whether contributions are payable by or in respect of any person;
- (e) whether a contribution has been paid by or in respect of any person;

that question shall be determined by the Director after such inquiry as he may deem necessary, or, if the Director deems it expedient, it shall be referred to him, after giving notice to any person appearing to him to be interested, to the Umpire appointed under section 110 of this Act.

Determination of claim.

109. Every claim for benefit, pension, allowance or assistance shall be considered by the Director who may —

- (a) allow the claim; or
- (b) disallow the claim; or
- (c) after giving notice to the claimant, refer the claim to the Umpire appointed under section 110 of this Act:

Provided that —

- (a) if the claim is for Injury Benefit, Disablement Benefit, a pension for invalidity, Medical Assistance, or Social Assistance

payable under the provisions of subsections (4) and (8) of section 30 of this Act, a Blindness Pension, or a Handicapped Pension, the Director shall, before giving his decision, unless the claim falls on other statutory conditions, consult on the medical aspects of the claim one or more persons holding the warrant to practise the medical profession drawn from a panel appointed by the Minister for the purpose of advising on such cases, as the nature of the claim may require;

(b) if the claim is for Sickness Benefit or for Maternity Benefit, the Director may, if he so deems fit, before giving his decisions, unless the claim falls on 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 this purpose.

110. (1) For the purpose of this Act, the Minister may appoint an Umpire and a Deputy Umpire, being in either case a person who has held a warrant to practise the profession of advocate in Malta for at least five years.

Appointment of  
Umpire and  
Deputy Umpire.

(2) The Umpire shall, before entering upon his duties, take an oath of office before the Attorney General in the form approved by the Minister.

(3) The Umpire shall have the power to take expert advice when necessary at his discretion, and to summon any person to appear before him to give evidence on oath and/or to produce documents; and for these purposes he shall have the powers which are conferred by law on the First Hall of the Civil Court.

Every summons shall be signed by him and shall be served either personally or by registered post, and in the latter case, in proving service, it shall be sufficient to prove that the summons was properly addressed and posted.

(4) The Director shall be entitled to appear and be heard on any appeal or reference to the Umpire.

(5) All appeals and references to the Umpire shall be heard and determined by the Umpire, and, in the case of absence or other lawful impediment of the Umpire, by the Deputy Umpire.

(6) The Umpire shall abstain from taking cognizance of a case or may be challenged in any of the circumstances in which a Judge would abstain or can be challenged in accordance with the provisions of Section 734 of the Code of Organisation and Civil Procedure (Chapter 12) and in every such case the provisions of Sub-title II of Title II of Book Third of that Code shall apply so far as applicable.

111. (1) An appeal shall lie to the Umpire from any decision of the Director on any question of law or principle of importance arising in connection with the determination of any question under section 108 or of any claim under section 109 of this Act, as well as from any decision of the Director given under the proviso to section 39 and under section 70 of this Act —

Appeal to  
the Umpire.

(a) at the instance of any person aggrieved by the determination or decision of the Director; or

(b) by the heirs of any person so aggrieved; or

(c) at the instance of a trade union if the person so aggrieved is or at the time of his death was a member of that trade union.

(2) Subject to the provisions of subsection (1) of this section, an appeal from any decision of the Director under section 108 may be made to the Umpire in writing not later than ten years from that decision.

(3) Subject to the provisions of subsection (1) of this section, an appeal from a decision of the Director given under the proviso to section 39 and under sections 70 and 109 may be made to the Umpire in writing within thirty days from the date on which the Director communicates his decision in writing to the claimant or beneficiary as the case may be.

(4) In considering any appeal, the Umpire shall have the assistance of —

(i) one or more persons appointed by the Minister to act as assessors, from the appropriate panel of those referred to in section 109, if the claim is for Injury Benefit, Disablement Benefit, a pension for invalidity, a Blindness Pension or a Handicapped Pension; and

(ii) an assessor chosen from a panel of persons to represent employers and an assessor chosen from a panel of persons to represent employed persons.

(5) The assessors referred to in sub-paragraph (ii) of subsection (4) of this section shall be appointed by the Minister after consultation with organisations concerned with the interests of employers and employed persons respectively.

(6) No assessor referred to in subsection (4) of this section shall serve during the consideration of a case —

(i) in which he appears as a representative of the claimant; or

(ii) by which he is or may be directly affected; or

(iii) in which he has taken or may take any part as an employer or as an official of a trade union or as a witness.

(7) In any case where the Umpire decides to hear an appeal or reference only, reasonable notice of the time and place of the hearing shall be given to the claimant or beneficiary, as the case may be, and to any other person who appears to the Umpire to be interested in the case, and at such hearing the claimant or person to whom notice of hearing has been duly given may appear personally or through a duly appointed representative.

(8) If, in the case of an appeal, the claimant, or beneficiary, as the case may be, to whom notice of hearing has been duly given, fails to appear at the hearing and does not give reasonable explanation

for his absence, the Umpire may proceed to determine the case, notwithstanding his absence, or may dismiss the appeal.

(9) Subject to the provisions of this Act the procedure for the consideration and determination of any reference or appeal to the Umpire shall be such as he shall determine, due regard being had to the principles of justice and fairness.

112. Subject to the provisions of this Act, an appeal from the decision of the Umpire on any point of law shall lie to the Court of Appeal. Such an appeal shall be brought by an application within thirty days from the day on which the decision of the Umpire is communicated in writing by registered post to the claimant or beneficiary, as the case may be.

Appeal to the Court of Appeal.

113. The Director or the Umpire, having given a decision on any claim or question, may review that decision if he is satisfied that —

Power to revise decision.

(a) it was given in ignorance of or was based on a mistake as to some material fact; or

(b) since the date of the decision there has been a relevant change of circumstances;

and may give a revised decision to have effect from such date as he may determine.

114. In any proceedings before any Court —

Umpire's decision to be conclusive for the purpose of proceedings.

(a) for an offence under this Act; or

(b) involving any question as to the payment of any contribution under this Act; or

(c) for the recovery of any sums due under this Act;

the decision of the Umpire on any question specified in Section 108 of this Act shall be conclusive for the purpose of those proceedings.

## PART IX

### Administration and Finance

115. The Director may appoint such public officers as he may determine to be inspectors for the purpose of this Act.

Appointment of inspectors.

116. (1) An inspector appointed under the fore-going section shall, for the purposes of the execution of this Act, have the power to do all or any of the following things, namely:—

Powers of inspectors.

(a) to enter without previous notice at all reasonable times any premises or place where he has reasonable grounds for supposing that there are persons who are in insurable employment or self-occupied;

(b) to make such examination and inquiry as may be expedient for ascertaining whether the provisions of this Act are being or have been complied with in any such premises or place, or for investigating the circumstances in which any injury or disease which has given rise to a claim for benefit, pension, allowance or assistance, was or may have been received or contracted;

(c) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act on which he may reasonably require information, any person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an employed person or a self-occupied person, and to require every such person to be so examined;

(d) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) Where any premises or place is under the control of a Government Department, the Director may make special arrangements with that department regarding inspections as to meet the circumstances of the case.

(3) The occupier of any such premises or place, and any other person who is or has been employing any person, and the servants and agents of any such occupier or other person, and any employed person shall furnish to an inspector all such information and shall produce for inspection all such documents as the inspector may reasonably require.

(4) If any person —

(a) wilfully delays or obstructs an inspector in the exercise of any power under this section; or

(b) refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under this section; or

(c) conceals or tries to conceal any person or prevents or tries to prevent any person from appearing before or being examined by an inspector;

shall on conviction, without prejudice to any higher punishment to which he may be liable under any other law, be liable to a fine (multa) of not less than Lm100.

(5) Every inspector shall be furnished with a certificate of his appointment signed by the Director and in carrying out any of his functions under this Act shall, if so required, produce the said certificate.

(6) An inspector shall not have any direct or indirect interest in any undertaking which may be subject to inspection by him; shall not reveal at any time, even after ceasing to be an inspector, any manufacturing or commercial information or working processes which come to his knowledge in the course of his duties: shall not divulge the source of any complaint bringing to his notice a default under, or a breach of, the provisions of this Act; and shall not in any case

inform, the representatives that a visit of inspection was made as a consequence of the receipt of such a complaint.

(7) Any inspector who contravenes the provisions of the foregoing subsection shall, in addition to the punishment to which he may be liable under section 133 of the Criminal Code (Chapter 9), be also liable to dismissal *ipso facto* from his employment with Government.

117. (1) All benefits, allowances, pensions and assistance payable under this Act shall be a charge on the Consolidated Fund without any further appropriation other than this Act.

Social Security  
Account.

(2) Subject to the provisions of the Financial Administration and Audit Act, 1962, the Director shall keep proper records of all disbursements and receipts under this Act and to this end shall keep a separate Social Security Account, hereinafter referred to as "the Account", as he shall, with the approval of the Accountant General, determine.

(3) A statement showing the receipts and payments of the Account shall, as soon as possible after the close of each financial year and in any case not later than three months after the close of such year, be forwarded by the Accountant General to the Director of Audit, and subsection (2) of section 62 of the Financial Administration and Audit Act, 1962, shall apply to such statements.

118. Any expense incurred in carrying this Act into effect shall be defrayed out of the Consolidated Fund.

Expenses of  
administration.

## PART X

### Enforcement and Non-Compliance

119. (1) If any employer or a self-employed person fails or neglects to pay any Class One or Class Two contribution, as the case may be, which he is liable under this Act to pay he shall, on conviction, be sentenced to imprisonment for a term not exceeding six months and for each such unpaid contribution to a fine (multa) of not less than five pounds.

Failure by  
employer or a  
self-employed  
person to pay  
contributions.

(2) Where any employer or self-employed person has been convicted under subsection (1) of this section, the Court shall, by the same judgement, in addition to the punishment to which he may be sentenced, order the employer or the self-employed person so convicted, on proof of the amount, to pay to the Director the sum equal to the amount which he has failed or neglected to pay, and any such order by the Court shall be of the same force and effect and be execut-

able in the same manner as if it had been given in a civil action duly instituted by or on behalf of the Director against the employer or the self-employed person concerned.

(3) Any sum paid by an employer or a self-employed person under subsection (2) of this section shall be treated as a payment in satisfaction of the unpaid contributions, and notwithstanding anything contained in subsection (2) of section 8 of this Act, any of these contributions which are payable on behalf of any employed person shall not be recoverable by the employer from that employed person.

(4) Nothing in subsection (2) of this section shall be construed as preventing the Director from recovering by civil proceedings any sums due, or, in the case of a self-employed person, from recovering such sums from any benefit, pension, assistance or allowance to which a self-employed person may become entitled at any time after the non-payment of such contributions due.

(5) The provisions of section 21 of the Criminal Code and of the Probation of Offenders Act, 1957, shall not be applicable in respect of any offence under this section.

(6) Where any proceedings are filed in Court as a consequence of the non-payment of Class One or Class Two contributions the Court shall hear and dispose of such proceedings with urgency and in any case not later than three months from the date of the first hearing except for any exceptional reason to be recorded by the Court.

(7) Notwithstanding the provisions of any other law, the claim of the Director for any amount due by way of any Class One or Class Two contribution under this section shall constitute a privileged claim, in the case of a Class One contribution, ranking equally with wages of employees over the assets of the employer, and, in the case of a Class Two contribution, over the estate of the self-employed person concerned and shall be paid in preference to all other claims (excluding wages) whether privileged or hypothecary.

(8) For the purpose of this section, a notice by the Director to any employer or a self-employed person showing the number and the amount of contributions which such employer or self-employed or self-employed person has failed or neglected to pay shall, unless the contrary is proved, be sufficient evidence that the amount in the said notice is the amount due to be paid to the Director by the employer or the self-employed person concerned.

**120.** (1) If any person, for the purposes of obtaining any payment under this Act, whether for himself or for some other person, or for any other purpose connected with this Act —

(i) knowingly or recklessly makes any false statement or false representation; or

(ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular; or

(iii) fraudulently fails or omits to report to the Director, before receiving any payment, any change of circumstances which has or may have a material bearing on the amount, or mode of giving, such payment

shall, on conviction, be liable to a fine (multa) of not less than Lm20 but not exceeding one-and-a-half times the amount of benefit, pension, allowance or assistance unlawfully received or Lm500, whichever shall be higher, or to imprisonment for a term of not less than three months but not exceeding twelve months or to both such fine and imprisonment.

(2) Where for the purpose of paying a Class Two contribution, at a rate that is lower than that properly due, a self-employed person —

(i) knowingly or recklessly makes any false statement or false representation; or

(ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular,

shall be liable, on conviction, to a fine (multa) of not less than Lm500 but not more than Lm1,000.

121. (1) Notwithstanding the provisions of section 140 of this Act, any stamp purporting to have been an insurance stamp which was prepared, printed or made otherwise than in accordance with directions given by the Minister under subsection (2) of section 8 of the National Insurance Act, 1956, as in force up to the 31st day of March, 1978, shall be deemed to be forged.

Forgery of National Insurance Stamps.

(2) If, any person —

(a) forges an insurance stamp issued under the provisions and for the purposes of the National Insurance Act, 1956;

(b) makes or, without lawful excuse, has in his possession any dye, plate, instrument or material for forging an insurance stamp;

(c) knowingly utters, sells, deals in, hawks, distributes or uses a forged insurance stamp;

(d) causes or procures to be done, or knowingly aids, abets or assists in doing, any of the acts mentioned in paragraphs (a), (b) and (c) of this subsection;

he shall, on conviction, be liable to imprisonment for a period of not less than three years but not exceeding seven years.

122. If any person contravenes or fails to comply with any of the requirements of this Act in respect of which no special punishment is provided, he shall be guilty of an offence and shall for each offence be liable, on conviction, to a fine (ammenda) of not less than Lm5.

General Penalty.

123. All offences under this Act except those under subsection (6) of section 116 and under sections 119 to 121 of this Act shall be deemed to be contraventions.

Nature of offences under this Act.

Criminal  
proceedings.

124. (1) In criminal proceedings instituted by the Police before the Court of Magistrates of Judicial Police for an offence against the provisions of this Act, the Director or any officer deputed by him may, notwithstanding the provisions of any law to the contrary, lay the charge before the Court, produce the evidence, plead and otherwise conduct the prosecution instead of the Police.

(2) The sworn statement of any officer mentioned in the last preceding subsection to the effect that he has been deputed by the Director for the purpose therein stated, shall be conclusive evidence of such fact, should the proof thereof be required by the accused.

(3) The Director or the officer deputed by him may, nevertheless, be produced as a witness at the request of the accused, but should his evidence be required as part of the case for the prosecution, he shall be heard in evidence before assuming the duties of prosecuting officer (other than that of stating the facts constituting the offence) unless the necessity of his evidence arises subsequently.

Limitation of  
action.

125. (1) Notwithstanding any provision in any other law, proceedings for an offence under this Act may be begun at any time within the period of twelve months from the date on which evidence, sufficient in the opinion of the Director to justify a prosecution for the offence, comes to his knowledge or within the period of ten years, after the commission of the offence, whichever period last expires.

(2) For the purposes of subsection (1) a certificate purporting to be signed by or on behalf of the Director as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

Liability of  
manager and  
other principal  
officer or body  
of persons.

126. (1) Without prejudice to section 13 of the Interpretation Act, 1975, where any act, matter or thing required to be done or to be omitted to be done by or under this Act is to be done or to be omitted by a body or other association of persons, such act, matter or thing shall required to be done or to be omitted personally by the manager or other principal officer of such body or association; and the provisions of this Act and of any regulations made thereunder shall apply accordingly.

(2) Where in application of subsection (1) of this section any payment is due to be made by a body or association of persons and by the manager or other principal officer thereof, such obligation shall be due jointly and severally.

Proceedings  
against employer  
for benefit lost  
through  
employer's  
default.

127. (1) Where any employer has failed or neglected  
(a) to pay any contributions which under this Act he is liable to pay in respect of any employed person in his employment; or  
(b) to comply, in relation to any such person, with the requirements of this Act relating to the payment and collection of contributions;

and by reason thereof a person has lost, in whole or in part, any benefit, pension or allowance to which he would have been entitled, that person

shall be entitled to recover from the employer as a civil debt a sum equal to the amount of the benefit, pension or allowance so lost, or such sum as the Court may, having regard to the circumstances of the case, determine.

(2) Proceedings may be taken under this section notwithstanding that proceedings have been taken under any other section of this Act in respect of the same failure or neglect.

(3) Proceedings under this section may notwithstanding the provisions of any law to the contrary, be brought at any time within two years after the date on which the person is informed in writing by the Director of his entitlement to any benefit, pension or allowance claimed by him under this Act.

**128.** (1) Where an employer or a self-employed person has failed or neglected to pay any contribution which under this Act he is liable to pay, no proceedings shall be taken against him if, after an intimation in writing of the charge against him has been given to him, he agrees to pay and in fact pays to the Director within such time as may be fixed by the latter, a penalty of not less than 10% of the value of every such unpaid contribution for every such unpaid contribution, but not exceeding Lm5 for every such unpaid contribution, as may be fixed by the Director, together with any amount due in respect of unpaid contributions.

(2) Notwithstanding anything contained in subsection 2 of section 8 of this Act, any contribution falling under the provisions of subsection (1) of this section which is payable on behalf of any employed person shall not be recoverable by the employer from that employed person.

(3) Subsection (1) of this section shall not apply in any case where in the opinion of the Director the offence would not be adequately punished by the penalty therein mentioned.

**129.** (1) Any person who at any time has or has had in his employment any employed person, shall furnish to the Director, or to the Commissioner of Inland Revenue on behalf of the Director, such information concerning such employed person as the Director may require for the purpose of this Act and within such time as may be indicated in the request.

(2) If any person fails to provide any such information in whole or in part within the time indicated in the request or knowingly or recklessly provides incorrect information he shall be liable on conviction to a fine (multa) of not less than Lm50 for each such offence and to a further fine (multa) of not less than Lm1 for every day during which the said offence continues:

Provided that no proceedings shall be taken against him if, after an intimation in writing of the charge against him has been given to him, he agrees to pay and in fact pays to the Director within such time as may be fixed by the latter a penalty not exceeding Lm25 for

Penalties  
imposed by  
the Director.

Information  
required by  
the Director.

every such failure as aforesaid and a further penalty not exceeding 50c for every day during which such failure continues.

Unpaid contributions deemed as paid in cases where employee has no blame.

**130.** Where a claim for benefit, pension or allowance is made by an employed person under this Act, for the purposes of establishing whether he has been in insurable employment during any period prior to his claim, any contributions due but not paid in his respect, under section 7 of this Act, may be deemed by the Director to have been paid if he is satisfied that such non-payment was not due to any fault or connivance on the part of the employed person concerned; but such contributions shall, for all other purposes, be treated as unpaid.

Appeals at the instance of the Attorney General.

**131.** Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right to appeal to the Court of Criminal Appeal from any judgements given by the Court of Magistrates of Judicial Police in respect of criminal proceedings arising out of the provisions of this Act.

## PART XI

### Establishment of a Social Assistance Board and a Welfare Committee

Social Assistance Board.

**132.** (1) There shall be established a Board, to be known as the Social Assistance Board, consisting of the Director or his representative as Chairman and not less than three other members appointed by the the Minister. Among the members so appointed, two shall be Members of the House of Representatives, one from each side, and one representing the organisation of workers in Malta having the largest number of members.

(2) The members appointed by the Minister shall hold office for a period not exceeding one year, but shall be eligible for re-appointment.

(3) The Minister shall also appoint a Secretary to the Board who will not be a member.

(4) The quorum shall be half the total number of the persons comprising the Board.

(5) Subject to subsection (4) of this section, the Board may act notwithstanding any vacancy amongst its members.

(6) Subject to the provisions of this section, the Board shall regulate its own procedure.

133. (1) The functions of the Board shall be to examine the cases referred to it by the Director under subsection (5) of section 30 of this Act, and to determine whether, in the particular circumstances of each case, Social Assistance should be paid in respect of the household concerned, and where the Board has determined that such assistance is payable, to establish the amount of such assistance and to designate the person to whom, in the best interests of the household, payment of such assistance shall be made.

Functions of  
the Social  
Assistance  
Board.

(2) It shall be the duty of the Board to treat each case with the utmost urgency and to arrive at a decision in the shortest possible time.

(3) For the discharge of its functions under this Act the Board shall be empowered:

- (a) to require any person to appear before it to give information under oath or affirmation;
- (b) to require any person to produce before it any books or other documents.

The oath shall be administered by the Chairman.

(4) The weekly amount of Social Assistance which the Board may authorise under this section shall not exceed the amount to which the head of a household would, but for the fact that he is not registered under Part I of the Employment Register kept in accordance with the provisions of the Employment Service Act, 1955, have been entitled under this Act, so however that no account shall be taken of the head of a household in determining the number of persons in that household for the purposes of Part I of the Sixth Schedule to this Act.

(5) Any decision taken by the Board under this section shall be final and conclusive.

134. (1) There shall be established a Committee, to be known as Welfare Committee consisting of a Chairman and of not less than eight other members appointed by the Minister in consultation with the Minister responsible for public health, of whom two shall be medical practitioners one from each side of the House of Representatives, one from the Department of Social Services and one from the Department of Health. The other members shall be chosen from among the inmates of institutions referred to in section 99 of this Act, members of their families, members of workers committees, or other persons who, in the opinion of the Minister, are qualified to serve on the Committee.

Welfare  
Committee.

(2) The Minister shall also appoint a Secretary to the Committee, who will not be a member.

(3) The Chairman and the other members of the Committee shall be appointed for a period not exceeding one year, but shall be eligible for re-appointment.

(4) The quorum shall be half the total number of the members comprising the Committee.

(5) Subject to subsection (4) of this section, the Committee may act notwithstanding any vacancy amongst its members.

(6) Subject to the provisions of this section the committee may regulate its own procedure.

Functions of  
the Welfare  
Committee.

135. (1) The functions of the Committee shall be:—

(a) to administer the funds entrusted to it by the Government in terms of this Act or otherwise, for the benefit of inmates of Government institutions part of whose pension or bonus under this Act is being passed to the Committee while they are inmates of those institutions, and of such other inmates as are designated for the purpose by the Minister;

(b) to supervise and control the issue of free drugs and the circumstances under which medical aids grant under this Act may be awarded and to ensure that this is done in accordance with such procedures and rules, laid down by the Committee as are in conformity with the provisions of this Act and which shall be approved by the Minister, in consultation with the Minister responsible for public health, and which shall be published in the Gazette;

(c) to advise the Minister or the Minister responsible for public health, as the case may require, on any matter referred to in paragraph (a) or (b) of this subsection, and on any other matter concerning this Act or the welfare of inmates of Government institutions as the Minister or the Minister responsible for public health may refer to it.

(2) In exercising its functions the Committee may establish subsidiary committees, and such committees shall, as far as possible, include persons representative of the categories referred to in subsection (1) of section 134 of this Act, provided that such subsidiary committee shall be chaired by a member of the Committee.

(3) In administering funds entrusted to it, the Committee shall keep such system of accounts and shall adopt such procedures for the custody and disbursement of moneys entrusted to it as shall be approved by the Accountant General and all books, receipts and records kept for this purpose shall, at all times, be open to inspection by the Accountant General, the Director of Social Services and the Director of Audit.

(4) The Committee shall utilize all funds entrusted to it exclusively for the welfare and care and for the benefit of inmates of institutions as above referred to, provided that such part of such funds as may be approved by the Minister may be utilized by the Committee for its own expenses.

(5) The Minister, in consultation with the Minister responsible for public health, may give to the Committee directives of a general nature on the policy to be adopted by it.

(6) The Committee shall, not later than two months after the 1st day of January of any one year, submit to the Minister and to the Minister responsible for public health a report on its activities for the previous calendar year, together with a statement showing details of the expenditure incurred during that year, together with a statement showing details of the funds entrusted and made available to the Committee and any balance of such funds remaining at the end of the said year.

## PART XII

### Duties, Functions and Special Powers of the Director

136. The administration of this Act is vested in the Director. In addition to any other functions and duties assigned to him, by or under any other law, the Director shall, subject to the general supervision and control of the Minister, carry out and perform such functions and duties as may, from time to time, be assigned to him by the Government.

Duties and  
functions of  
the Director.

137. In addition to the powers conferred on him by any or all of the foregoing provisions of this Act or by the provisions of any other law, the Director shall also have the power —

Special Powers  
of the Director.

(a) to administer oaths for the purpose of the proper performance of his functions, as well as for the proper administration and execution of this Act, which power he may also delegate to any other officer of the Department;

(b) to require any person, including any public officer in the service of the Government and any Bank or of any firm, partnership, company or corporation to furnish to him all the information that he may require in order to be able to arrive at any decision or to revise any decision, which he may take under the foregoing provisions of this Act; and notwithstanding the provisions of any other law enjoining secrecy, such officers as are mentioned in this paragraph are hereby authorised to furnish to the Director any such information that he may require:

Provided that, except so far as may be necessary for the proper discharge of his functions and duties or for the purpose of a prosecution, the Director shall be bound to observe secrecy in regard to any information furnished to him under this paragraph, which apart from this paragraph, ought to be treated as secret, and the provisions of section 133 of the Criminal Code (Chapter 9) shall apply to any wilful breach of such duty:

Provided further that, the provisions of the immediately foregoing proviso shall also apply to any officer or other employee of the Department who for any reason whatsoever becomes aware of such information during the proper discharge of his duties;

(c) to require any person to produce his income tax returns and/or assessments for the purpose of establishing his net income.

## PART XIII

## General Provisions

Reciprocal  
Agreements.

138. (1) For the purposes of giving effect to any agreement with the Government of any country, being an agreement which provides for reciprocity in matters of Social Security, the Minister may make an Order modifying or adapting this Act in its application to cases affected by the agreement.

(2) The Minister may, by Order, extend the application of this Act, insofar as Social and Medical Assistance, or the grant of an Age pension, a Handicapped Pension or a Blindness pension are concerned, to persons who are not citizens of Malta in order to give effect to any convention, agreement or arrangement to which Malta is a party, and which provides for reciprocity in Social and Medical Assistance or in the grant of such Pensions.

Free postage.

139. Certificates and other documents which may be required by the Director for the proper administration and execution of this Act, may be sent free of postage to the Director in envelopes marked "Social Security".

Repeal and  
saving.

140. (1) Subject to the provisions of this Act the following enactments, that is to say —

- (a) the Old Age Pensions Act, 1948;
- (b) the Director of Social Services Act, 1952;
- (c) The National Insurance Act, 1956;
- (d) The National Assistance Act, 1956;

are hereby repealed.

(2) The repeal of the enactments aforesaid shall be without prejudice to anything done or omitted to be done under the said enactments and in particular shall not affect any penalty or punishment incurred in respect of any offence committed against any provisions thereof, and any investigation, legal proceedings, remedy and arrangements entered into for the settlement of refunds may be instituted, continued or enforced, and any penalty or punishment may be imposed as if those enactments had not been repealed.

(3) All regulations and orders in force under the enactments repealed by this Act immediately before such repeal shall, with the necessary modifications, adaptations and limitations, and insofar as they are not inconsistent with the provisions of this Act, continue in force and have effect as if they had been made under this Act and may be revoked, amended or suspended accordingly.

(4) Any references in any other enactment to the enactments mentioned in subsection (1) of this section, being references of a general nature, shall be substituted by references to the title of this Act.

(5) Where a person was, or would have been, immediately before the date of commencement of this Act, entitled to any benefit, pension, allowance or assistance under and in accordance with the provisions of the enactments mentioned in paragraphs (a), (c) and (d) of subsection (1) of this section, he shall as from the said date, continue to be entitled to such benefit, pension, allowance or assistance under and in accordance with the provisions of this Act.

## FIRST SCHEDULE

## Section 5

## Insurable Employment

## PART I

## Employments

1. Employment in Malta under any contract of service or apprenticeship, written or oral, and whether expressed or implied, including employment by or under the Government of Malta. For the purposes of this Schedule "apprenticeship" shall have the same meaning assigned to it under Section 2 of the Industrial Training Act, 1952:

Provided that, saving the provisions of any agreement with any other country, employment as aforesaid outside Malta shall be treated as employment in Malta if the employee concerned is ordinarily resident in Malta and the employer is the Government of Malta or has a place of business in Malta.

2. Employment as aforesaid outside Malta —

- (a) as master or a member of the crew of any ship or vessel registered in Malta;
- (b) as pilot, commander, navigator or a member of the crew of any aircraft licenced in Malta;
- (c) on board any ship or vessel, otherwise than as master or a member of the crew:

Provided that —

- (i) this employment is for the purposes of the ship or vessel or her crew or of any passengers or cargo or mails carried thereon;
  - (ii) where the employee concerned is not a citizen of Malta the contract is entered into in Malta, and, in all cases, irrespective of the employee's nationality, with a view of its performance (in whole or in part) while the ship or vessel is on her voyage; and
  - (iii) the employer has a place of business in Malta;
- (d) on board any aircraft, otherwise than as pilot, commander, navigator or a member of the crew:

Provided that —

- (i) this employment is for the purposes of the aircraft or its crew or of any passengers or cargo or mails carried thereon;
- (ii) where the employee concerned is not a citizen of Malta the contract is entered into in Malta, and, in all cases, irrespective of the employee's nationality, with a view to its performance (in whole or in part) while the aircraft is on its flight; and
- (iii) the employer has a place of business in Malta.

3. Services after 14th August, 1979, in any of the offices specified in section 48, 59(1), 80 and 88 of the Constitution.

4. Service after 5th January, 1981, as a member of the House of Representatives, other than service in any of the offices specified in sections 59(1), 80 and 88 of the Constitution, except where the person concerned is gainfully occupied in a self-employed capacity.

5. Any period after 1st April, 1978, during which a person is following a full-time course of studies or instruction under the Worker-Student or Pupil-Worker Scheme or other similar schemes, involving distinct work and study periods, for which he is receiving remuneration.

## PART II

### Expected Employments

1. Employment of a casual nature otherwise than for the purposes of the employer's trade or business.

2. Employment of a person who is not ordinarily resident in Malta if the employer of that person is not resident in Malta and has no place of business there.

3. Employment by any one employer for less than eight hours in a calendar week.

4. Employment as secretary or clerk of a society, club, philanthropic institution, school or other similar body or institution, where personal service is ordinarily required only occasionally and outside the ordinary hours of work, provided the hours referred to in paragraph 3 of this Part are not exceeded.

5. Employment of a person who is not ordinarily resident in Malta if the employer of that person is paying contributions in respect of that person under a scheme of social insurance in another country.

6. Employment of any of the directors or of any majority shareholders in any partnership, for the purposes of that partnership.

## PART II

### Sickness Assistance and Free Medical Aids

1. In calculating means for the purposes of section 59 and 80 of the Constitution, the value of any property belonging to all the members of the household in which is or could be taken as —

(a) any property held by the members of the household in which is or could be taken as —

Sections 12, 20, 23, 27 and 30

## SECOND SCHEDULE

**Calculation of means for the purposes of an exemption from the payment of Class Two Contributions and for the award of Social Assistance, Sickness Assistance, Free Medical Aids, and Age Pension, a Handicapped Pension and a Blindness Pension.**

### PART I

#### Exemption from the payment of Class Two Contributions

1. In calculating means for the purposes of section 12 of this Act, account shall be taken of —
  - (a) the value of any property belonging to that person which is, or could be, invested or put to profitable use, excluding furniture, jewellery and other personal effects:
 

Provided that, where the cash at Bank and in hand (including any liquid assets, time deposits, bonds, stocks, shares or other securities) and the capital value of any urban immovable property (excluding the house of residence) which is not being put to profitable use, together exceed Lm4,000 in the case of a single or widowed person or Lm7,000 in the case of a married man, the person requesting an exemption from the payment of a Class Two contribution shall be deemed not to be entitled to such an exemption; and
  - (b) save as provided for in paragraph 3 of this Part, any income or privilege which is or could be received or enjoyed by that person.
2. Where the total capital resources referred to in sub-paragraph (a) of paragraph 1 of this Part do not exceed the limits laid down therein, —
  - (a) the first Lm250 of such capital resources shall be ignored; and
  - (b) the value of any urban immovable property as is referred to in the proviso to the aforesaid sub-paragraph (a) shall be treated as producing an annual income equivalent to 5½% of its capital value.
3. In calculating the income or privilege which is or could be received or enjoyed by the person requesting an exemption from the payment of a Class Two contribution, no account shall be taken of —
  - (a) any assistance, pension, benefit or allowance payable under this Act;
  - (b) any sickness benefit from a friendly society or a trade union;
  - (c) any sum paid out of a charitable fund;
  - (d) any other pension paid apart from this Act.

### PART II

#### Sickness Assistance and Free Medical Aids

1. In calculating means for the purposes of section 20 and 23 of this Act, account shall be taken of —
  - (a) save as provided for in paragraphs 3 and 4 of this Part, the value of any property belonging to all the members of the household, which is or could

be, invested or put to profitable use excluding furniture, jewellery or other personal effects:

Provided that, where the cash at Bank and in hand (including liquid assets, time deposits, bonds, stocks, shares and other securities) and the capital value of any urban immovable property (excluding the house of residence) which is not being put to profitable use, together exceed Lm2,200 the person claiming sickness assistance or free medical aids shall not be deemed to be entitled to such assistance or aids; and.

(b) save as provided for in paragraph 5 of this Part, any income or privilege which is or could be received or enjoyed by any member of the household.

2. Where the total capital resources referred to in sub-paragraph (a) of paragraph 1 of this Part do not exceed the limit laid down therein, —

(a) the first Lm250 of such capital resources shall be ignored; and

(b) the value of any urban immovable property as is referred to in the proviso to the aforesaid sub-paragraph (a) shall be treated as producing an annual income equivalent to 5½% of its capital value.

3. Where any member of the household, other than the head of household and his wife, is in possession of any property as is referred to in sub-paragraph (a) of paragraph 1 of this Part, —

(a) the entire value of any future house of residence or part thereof belonging to such member in view of marriage shall be ignored;

(b) one-half of the value of any other such property shall be disregarded unless such property had been transferred or donated to him by the head of the household or his wife within the twelve months immediately preceding the claim for sickness assistance or free medical aids.

4. Where any member of the household is in possession of the house of residence of such household, no account shall be taken of the capital value of the house of residence where such house was acquired at least one year prior to the date of any claim for sickness assistance or free medical aids and the market capital value of such house does not exceed Lm6,000. After the lapse of the said one year, account shall only be taken of any sum in excess of Lm6,000 of the capital market value of such house. Where in pursuance of the provisions of this paragraph the market capital value, or part thereof, of such house is being taken into account, such house shall be treated as if it were urban immovable property which is not being put to profitable use.

5. In calculating the income or privilege which is or could be received or enjoyed by any member of the household, no account shall be taken of —

(a) the first Lm40 arising out of the use of property;

(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 highest rate of a National Minimum Pension according to claimant's marital status as is specified in the Twelfth Schedule to this Act;

(c) any Children's Allowance or Maternity Benefit payable under this Act; and

(d) two-thirds of the total net income, or of any wage or salary or of any privilege, benefit or allowance or of any excess pension which is being or could be received or enjoyed by any member of the household, other than the head

of household or his wife; and for this purpose, the total net income, wage, salary or pension shall be taken as the total gross income, wage, salary or pension less any payment made by the person concerned by way of —

- (i) income tax under the Income Tax Act, 1948;
- (ii) contributions under this Act;
- (iii) expenses incurred for travelling by public transport, or by any other form of transport as may be provided by the employer of the person concerned, to and from the place of work; and
- (iv) any expenses incurred by the person concerned in generating that income;

and the term "excess pension" means any excess pension over the National Minimum Pension as indicated in sub-paragraph (b) of this paragraph;

- (e) any amounts as are referred to in sub-paragraphs (b) and (c) of paragraph 3 of Part I of this Schedule.

6. For the purposes of this part, "wife" shall include such woman who, in the opinion of the Director, is living with the head of household as if she were his lawful wedded wife during any period in which sickness assistance is being, or could be, paid to the head of household under the provisions of this Act or during any period in which free medical aids is being, or would be, accorded to the head of household under the provisions of this Act.

### PART III

#### Handicapped Pension, Blindness Pension, Age Pension

1. In calculating means for the purpose of section 27 of this Act, account shall be taken of any property, income or privilege as is indicated in paragraph 1 of Part I of this Schedule; and, save as provided for in paragraph 3 of this Part, where the limits laid down in the proviso to sub-paragraph (a) of paragraph 1 of Part I of this Schedule are exceeded, the person making a claim for a handicapped pension, a blindness pension or an age pension shall be deemed not to be entitled to such pension.

2. The means accruing, or which could accrue, from any property, income or privilege as is described under Part I of this Schedule shall be calculated in the manner laid down in paragraphs 2 and 3 (with the exclusion of sub-paragraphs (a) and (d)) of the said Part I; so however that —

- (a) where the person claiming a handicapped pension, a blindness pension or an age pension is in possession of his house of residence, no account shall be taken of the capital value of such house where such house was acquired at least 3 years prior to the date of any claim for such pension, and the market capital value of such house does not exceed Lm6,000 at the time when a claim for such pension is made. But if the market capital value of such house of residence at the time when a claim for such pension is made exceeds Lm6,000 an amount equivalent to Lm1 per week shall nonetheless be deducted from the weekly rate of any such pension which would otherwise have been payable to the person concerned were it not for his ownership of his house of residence: if the 3 years aforesaid have not elapsed on the date of claim for such pension, such house of

residence shall be treated as if it were urban immovable property which is not being put to profitable use; and

(b) account shall also not be taken of any Medical Assistance, Children's Allowance or Maternity Benefit, payable or accorded under this Act.

3. In calculating the means of a married couple for the purposes of awarding an Age Pension, a Handicapped Pension or a Blindness Pension, account shall be taken of the property belonging to the couple or the income that is being received or that could be received, by each of the couple:

Provided that, where there is no community of acquests between them either because such community of acquests was excluded by contract or because it was dissolved as a result of their legal separation, account shall only be taken of the property belonging to, or the income that is being received or that could be received by each of the couple:

Provided further that each of the couple in respect of whom the foregoing proviso applies shall be entitled to receive the rate applicable to a single or widowed person in accordance with Part II of the Sixth Schedule to this Act as abated by the weekly means attributable to each one of them.

4. Where a married man who is legally or *de facto* separated from his wife proves to the satisfaction of the Director that he is paying any sum to his wife as an integral condition of their separation, that sum shall be deducted when calculating his means.

## PART IV

### Social Assistance

1. In calculating means for the purposes of section 30 of this Act, account shall be taken of any property, income or privilege as is indicated in paragraph 1 of Part II of this Schedule, and where the limit laid down in the proviso to sub-paragraph (a) of paragraph 1 of Part II of this Schedule is exceeded, the person making a claim for social assistance shall be deemed not to be entitled to such assistance.

2. The means accruing or which could accrue from any property, income or privilege as is described under Part II of this Schedule shall be calculated in the manner laid down in paragraphs 2 to 6 of the said Part II; so however that —

(a) notwithstanding the provisions of paragraph 4 thereof, where on the date of claim for social assistance any member of the household would have been in possession of his house of residence for at least one year, whether or not the market capital value of such house of residence at the time when such claim is made exceeds Lm6,000, an amount equivalent to Lm1 per week shall be deducted from the weekly rate of any social assistance which would otherwise have been payable to that household were it not for his ownership of his house of residence: if the one year aforesaid has not yet elapsed on the date of claim for such assistance, such house of residence shall, for the purposes of this Part, be treated as if it were urban immovable property which is not being put to profitable use; and

(b) notwithstanding the provisions of sub-paragraph (b) of paragraph 5 thereof, account shall be taken of any social assistance already being paid under this Act to the same head of household at the time when the claim for such assistance is made.

## THIRD SCHEDULE

Sections 18, 28, 29, 30.

Rate of Sickness, Unemployment, Special Unemployment,  
Injury and Disablement Benefit

## PART I

## A. Sickness Benefit and Special Unemployment Benefit

Number of contributions paid or credited in the relevant contribution year	Daily rate of Sickness or Special Unemployment Benefit	
	Married man who is maintaining his wife	Any other person
	Lm c m	Lm c m
50 Or more (full rate) . . . . .	3.55,0	2.20,0
40 - 49 . . . . .	3.15,0	1.95,0
30 - 39 . . . . .	2.45,0	1.25,0
20 - 29 . . . . .	1.75,0	1.10,0

## B. Unemployment Benefit

Number of contributions paid or credited in the relevant contribution year	Daily rate of Unemployed Benefit	
	Married man who is maintaining his wife	Any other person
	Lm c m	Lm c m
50 Or more (full rate) . . . . .	2.02,0	1.24,0
40 - 49 . . . . .	1.83,0	1.11,0
30 - 39 . . . . .	1.39,0	0.85,0
20 - 29 . . . . .	1.02,0	0.62,0

## C. Injury Benefit

Type of Beneficiary	Daily Rate of Injury Benefit	
	Married man who is maintaining his wife	Any other person
	Lm c m	Lm c m
Persons aged 18 years or over . . . . .	5.55,0	4.10,0
Persons aged under 18 years . . . . .	3.30,0	1.85,0

PART II  
FOURTH SCHEDULE  
**Amounts of Disablement Gratuity**  
INDUSTRIAL DISEASES OR INJURIES

Degree of Disablement	Amount of Gratuity
%	Lm c m
1	48-00,0
2	96-00,0
3	144-00,0
4	192-00,0
5	240-00,0
6	288-00,0
7	336-00,0
8	384-00,0
9	432-00,0
10	480-00,0
11	528-00,0
12	576-00,0
13	624-00,0
14	672-00,0
15	720-00,0
16	768-00,0
17	816-00,0
18	864-00,0
19	912-00,0

PART III

**Highest Rates of Disablement Pension**

Weekly Rates	
Persons aged 18 years or over	Persons aged under 18 years
Lm c m 13-25,0	Lm c m 6-60,0

## FOURTH SCHEDULE

Section 28

## INDUSTRIAL DISEASES OR INJURIES

*Description of disease or injury**Nature of Occupation*

Poisoning by:

Any occupation involving:

- |                                                                                                                         |                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Lead or a compound of lead                                                                                           | The use or handling of, or exposure to the fumes, dust or vapour of, lead or a compound of lead, or a substance containing lead.                                       |
| 2. Manganese or a compound of manganese                                                                                 | The use or handling of, or exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese.                        |
| 3. Phosphorus or phosphine or poisoning due to the anti-cholinesterase action of organic phosphorus compounds           | The use or handling of, or exposure to the fumes, dust or vapour of, phosphorus, or a compound of phosphorus, or a substance containing phosphorus.                    |
| 4. Arsenic or a compound of arsenic                                                                                     | The use or handling of, or exposure to the fumes, dust or vapour of, arsenic, or a substance containing arsenic.                                                       |
| 5. Mercury or a compound of mercury                                                                                     | The use or handling of, or exposure to the fumes, dust or vapour of, mercury or a compound of mercury, or a substance containing mercury.                              |
| 6. Carbon bisulphide                                                                                                    | The use or handling of, or exposure to the fumes or vapour of carbon bisulphide or a compound of carbon bisulphide, or a substance containing carbon bisulphide.       |
| 7. Benzene or a homologue                                                                                               | The use or handling of, or exposure to the fumes of, or vapour containing benzene or any of its homologues.                                                            |
| 8. A nitro- or amino- or chloro- derivative of benzene or of a homologue of benzene, or poisoning by nitrochlorobenzene | The use or handling of, or exposure to the fumes of, or vapour containing, a nitro- or amino- or chloro- derivative of benzene or nitrochlorobenzene.                  |
| 9. Dinitrophenol or a homologue or by substituted dinitrophenols or by the salts of such substances                     | The use or handling of, or exposure to the fumes of, or vapour containing, dinitrophenol or a homologue or substituted denitrophenols or the salts of such substances. |

Description of disease or injury	Nature of Occupation
10. A halogen derivative of a hydrocarbon of the aliphatic series	The use or handling of, or exposure to the fumes of, or vapour containing, a halogen derivative of a hydrocarbon of the aliphatic series.
11. Tri-cresyl phosphate	The use or handling of, or exposure to the fumes of, or vapour containing, tri-cresyl phosphate.
12. Tri-phenyl phosphate	The use or handling of, or exposure to the fumes of, or vapour containing, tri-phenyl phosphate.
13. Diethylene dioxide (dioxan)	The use or handling of, or exposure to the fumes of, or vapour containing diethylene dioxide (dioxan).
14. Chlorinated naphthalene	The use or handling of, or exposure to the fumes of, or dust or vapour containing, chlorinated naphthalene.
15. Nickel carbonyl	Exposure to nickel carbonyl gas.
16. Nitrous fumes	The use or handling of nitric acid or exposure to nitrous fumes.
17. Beryllium or a compound of beryllium	The use or handling of, or exposure to the fumes, dust or vapour of, beryllium or a compound of beryllium, or a substance containing beryllium.
18. Cadmium	Exposure to cadmium fumes.
19. <i>Gonioma kamassi</i> (African box-wood)	The manipulation of <i>gonioma kamassi</i> or any process in or incidental to the manufacture of articles therefrom.
20. Anthrax	The handling of wool, hair, bristles, hides or skins or other animal produces or residues, or contact with animals infected with anthrax, or the loading, unloading or transport of merchandise.
21. Glanders	Contact with equine animals or their carcasses.
(a) Infection by <i>Leptospira icterohaemorrhagiae</i>	Work in places which are, or are liable to be, infested by rats.
(b) Infection by <i>Leptospira canicola</i>	Work at dog kennels or the care or handling of dogs.

*Description of disease or injury**Nature of Occupation*

## 23. Tuberculosis

Close and frequent contact with a source or sources of tuberculosis infection by reason of employment —

- (a) in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in a service ancillary to such treatment or nursing;
- (b) in attendance upon a person or persons suffering from tuberculosis, where the need for such attendance arises by reason of physical or mental infirmity;
- (c) as a research worker engaged in research in connection with tuberculosis;
- (d) as a laboratory worker, pathologist or person taking part in or assisting at postmortem examinations of human remains where the occupation involves working with material which is a source of tuberculosis infection.

## 24. Brucellosis

Contact with bovine animals, sheep and goats infected by brucella organisms, their carcasses or parts thereof or their untreated products, or with laboratory specimens or vaccines of or containing brucella organisms, by reason of employment —

- (a) as a farm worker;
- (b) as a veterinary worker;
- (c) as a slaughterhouse worker;
- (d) as a laboratory worker; or
- (e) in any other work relating to the care, treatment, examination or handling of such animals, carcasses or parts thereof, or products including untreated milk.

## 25. Heat cataract

Frequent or prolonged exposure to rays from molten or red-hot material.

## 26. Decompression sickness

Subjection to compressed or rarefied air.

## 27. Subcutaneous cellulitis of the hand (Beat hand)

Manual labour causing severe or prolonged friction or pressure on the hand.

*Description of disease or injury**Nature of Occupation*

- |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 28. Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (Beat Knee)                                                                                                                                                                                                                                              | Manual labour causing severe or prolonged external friction or pressure at or about the knee.                                                                                                                        |
| 29. Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow (Beat Elbow)                                                                                                                                                                                                                                           | Manual labour causing severe or prolonged external friction or pressure at or about the elbow.                                                                                                                       |
| 30. Traumatic inflammation of the tendons of the hand or forearm, or of the associated tendon sheaths                                                                                                                                                                                                                                                                                                       | Manual labour, or frequent or repeated movements of the hand or wrist.                                                                                                                                               |
| 31. Inflammation or ulceration of the mucuous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour                                                                                                                                                                                                                                                                        | Exposure to dust, liquid or vapour.                                                                                                                                                                                  |
| 32. Non-infective dermatitis of external origin (including chrome ulceration of the skin but excluding dermatitis due to ionising particulars or electromagnetic radiations other than radiant heat)                                                                                                                                                                                                        | Exposure to dust, liquid or vapour or any other external agent capable of irritating the skin (including friction or heat but excluding ionising particulars or electromagnetic radiations other than radiant heat). |
| 33. (a) Dystrophy of the cornea (including ulceration of the corneal surface) of the eye;<br>(b) localised new growth of the skin, papillomatous or keratotic;<br>(c) squamous-celled carcinoma of the skin,<br>due in any case to arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product (including quinone or hydroquinone) or residue of any of these substances. | The use or handling of, or exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product (including quinone or hydroquinone), or residue of any of these substances.    |
| 34. Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or blood dyscrastia, or cataract, due to electro-magnetic radiations (other than radiant heat), or to ionising particles                                                                                                                                                                             | Exposure to electro-magnetic radiations other than radiant heat, or to ionising particles.                                                                                                                           |

*Description of disease or injury**Nature of Occupation*

35. (a) Carcinoma of the mucous membrane of the nose or associated air sinuses,

(b) Primary carcinoma of a bronchus or of a lung

36. Primary neoplasm of the epithelial lining of the urinary bladder (Papilloma of the bladder), or of the epithelial lining of the renal pelvis or of the epithelial lining of the ureter

Work in a factory where nickel is produced by decomposition of a gaseous nickel compound which necessitates working in or about a building or buildings where that process or any other industrial process ancillary or incidental thereto is carried on.

(a) Work in a building in which any of the following substances is produced for commercial purposes:—

(i) alpha-naphthylamine or beta-naphthylamine;

(ii) diphenyl substituted by at least one nitro or primary amino group or by at least one micro and primary amino group;

(iii) any of the substances mentioned in sub-paragraph (ii) above if further ring substituted by halogeno, methyl or methoxy groups, but not by other groups,

(iv) the salts of any of the substances mentioned in sub-paragraphs (i) to (iii) above;

(v) auramine or magenta;

(b) the use or handling of any of the substances mentioned in sub-paragraphs (i) to (iv) of paragraph (a), or work in a process in which any such substance is used or handled or is liberated;

(c) the maintenance or cleaning of any plant or machinery used in any such process as is mentioned in paragraph (b), or the cleaning of clothing used in any such building as is mentioned in paragraph (a) if such clothing is cleaned within the works of which the building forms a part or in a laundry maintained and used solely in connection with such works.

<i>Description of disease or injury .</i>	<i>Nature of Occupation</i>
37. Primary malignant neoplasm of the mesothelium (diffuse mesothelioma) of the pleura or of the peritoneum	(a) The working or handling of asbestos or any admixture of asbestos; (b) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; (c) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; (d) substantial exposure of the dust arising from any of the foregoing operations.
38. Pulmonary disease due to the inhalation of the dust of mouldy hay or of other mouldy vegetable produce, and characterised by symptoms and signs attributable to reaction in the peripheral part of the broncho-pulmonary system, and giving rise to a defect in gas exchange (Farmer's lung)	Exposure to the dust of mouldy hay or other mouldy vegetable produce by reason of employment:— (a) in agriculture of horticulture; or (b) in loading or unloading or handling in storage such hay or other vegetable produce; or (c) in handling bagasse.
39. Byssinosis	Work in any room where any process up to and including the carding process is performed in factories in which the spinning or manipulation of raw or waste cotton or flax is carried on.
40. Fibrosis of the lungs due to silica dust, asbestos dust or other fibrogenic dust, including the condition of the lungs known as dust reticulation (Pneumoconiosis) and silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death	Exposure to fibrogenic dust.
41. Telegraphist's cramp	The use of Morse key telegraphic instruments for prolonged periods.
42. Writer's cramp	Handwriting for prolonged periods.
43. Twister's cramp	The twisting of cotton or woollen (including worsted) yarn.

*Description of disease or injury**Nature of Occupation*

## 44. Typhoid

Close and frequent contact with a source or sources of typhoid infection by reason of employment —

- (a) as a research worker engaged in research in connection with typhoid;
- (b) as a laboratory worker where the occupation involves working with material which is a typhoid infection.

## 45. Brachial Neuralgia

prolonged operation of industrial machinery involving the lifting, pushing and retracting of heavy, thick or bulky clothing material.

• FIFTH SCHEDULE

Sections 20 and 23

PART I

**Disease and conditions in respect of which Sickness Assistance may be payable**

1. Malignant Disease
2. Cardiovascular Diseases:
  - (a) congestive cardiac failure
  - (b) persistent hypertension with a diastolic reading above 110.
3. Endocrine:
  - (a) Addison's Disease
  - (b) Juvenile Diabetes Mellitus
  - (c) Enzyme deficiency disorders
4. Renal:
  - (a) nephrotic syndrome
  - (b) chronic renal failure
5. Digestive system:
  - (a) chronic peptic ulcer
  - (b) coeliac disease and idiopathic steatorrhea
  - (c) Crohn's Disease and ulcerative colitis
6. Diseases of the liver:
  - (a) hepatic cirrhosis associated with ascites or neurological symptoms
  - (b) Wilson's Disease
7. Miscellaneous:
  - (a) serious disability arising from Diabetes Mellitus whether congenital or acquired
  - (b) cases of diabetes with onset before the age of 30, and all cases of diabetes with incipient complications of a progressive nature.

PART II

**Diseases and conditions in respect of which Free Medical Aid is may be accorded**

1. Malignant Diseases
2. Cardiovascular Diseases:
  - (a) congestive cardiac failure
  - (b) persistent hypertension with a diastolic reading above 110.

3. Respiratory Diseases:
  - (a) chronic respiratory failure
  - (b) chronic asthma.
4. Collagen Disease:
  - (a) chronic rheumatoid arthritis
  - (b) systemic Lupus Erythematosus
  - (c) systemic sclerosis
  - (d) dermatomyositis
  - (e) polyarteritis nodosa.
5. Endocrine:
  - (a) Addison's Disease
  - (b) Hypopituitarism including Diabetes Insipidus
  - (c) enzyme deficiency disorders.
6. Renal:
  - (a) nephrotic syndrome
  - (b) chronic renal failure.
7. Digestive system:
  - (a) chronic peptic ulcer
  - (b) coeliac disease and idopathic steatorrhea
  - (c) Crohn's Disease and ulcerative colitis.
8. Disease of the liver:
  - (a) hepatic cirrhosis associated with ascites or neurological symptoms
  - (b) Wilson's Disease.
9. Diseases of the Central Nervous System:
  - (a) epilepsy
  - (b) incapacitating Parkinson's Disease
  - (c) myasthenia gravis.
10. Schizophrenia.
11. Haemophilia.
12. Paget's Disease:
  - (a) Generalised Paget's Disease showing activity as manifested by an alkaline phosphatase level of not less than 100 King Armstrong Units;
  - (b) Spinal Paget's Disease producing neurological symptoms.

## SIXTH SCHEDULE

Sections 27, 30, 77.

## PART I

## Scale Rate of Social Assistance

Number of members in household	Where a child allowance is not payable in respect of any child Lm	Where a child allowance is payable in respect of one child Lm	Where a child allowance is payable in respect of two children Lm	Where a child allowance is payable in respect of three children Lm
1	14.50			
2	17.00	15.10		
3	19.40	17.50	16.10	
4	21.60	19.70	18.35	17.50
5 or more	23.80	21.90	20.50	19.65

For the purposes of this Part, "child allowance" means any or all of the allowances payable under paragraphs (i), (ii) and (iii) of section 83 of this Act.

## PART II

## Rate of Age Pension, Handicapped Pension, Blindness Pension

## A. Married Men

Category	Rate of Pension per week	
	where the wife also qualifies for a pension under sections 27 or 77	where the wife does not qualify for a pension under sections 27 or 77
where the yearly means of the couple—	Lm c m	Lm c m
do not exceed Lm125	22.80,0	11.40,0
exceed Lm125 but do not exceed Lm225	19.50,0	9.75,0
exceed Lm225 but do not exceed Lm325	16.00,0	8.00,0
exceed Lm325 but do not exceed Lm425	12.20,0	6.00,0
exceed Lm425	No pension	No pension

**B. Married women whose husband does not qualify for a pension  
in his own right under sections 27 and 77**

Category	Rate of Pension per week
where the yearly means of the couple —	Lm c m
do not exceed Lm125	11·40,0
exceed Lm125 but do not exceed Lm225	9·75,0
exceed Lm225 but do not exceed Lm325	8·00,0
exceed Lm325 but do not exceed Lm425	6·00,0
exceed Lm425	No pension

**C. Widowed or Single Persons**

Category	Rate of Pension per week
where the yearly means of the person —	Lm c m
do not exceed Lm75	14·50,0
exceed Lm75 but do not exceed Lm125	12·55,0
exceed Lm125 but do not exceed Lm175	10·55,0
exceed Lm175 but do not exceed Lm225	8·35,0
exceed Lm225	No pension

**PART III**

**House Rent**

The rates in Part I and II of this Schedule shall be increased by 50c per week if the household is paying rent for its normal place of habitation:

Provided that, where more than one household live within the same premises, the rent allowance shall be paid only once and shall be paid to the head of household responsible for the payment of such rent to third parties.

The ground rent payable by the household in respect of premises which are held in emphyteusis for a period not exceeding twenty-five years shall be deemed to be the house rent for the purposes of this paragraph if such premises are used exclusively by the household and solely as residence.

## SEVENTH SCHEDULE

Section 20

## Scale Rates of Means Governing Sickness Assistance

Number of Persons in household	Scale Rate
1 . . . . .	Lm. 8-90
2 . . . . .	11-10
3 . . . . .	13-35
4 . . . . .	15-55
5 or more . . . . .	17-80

## EIGHTH SCHEDULE

## Section 23

## PART I

Scale rates of means governing Free Medical Aids where the head of household is in insurable employment or self-occupied

Number of Persons in household	Scale Rate
	Lm
1 . . . . .	22.25
2 . . . . .	25.00
3 . . . . .	27.80
4 . . . . .	30.55
5 or more . . . . .	33.35

## PART II

Scale rates of means governing Free Medical Aids where the head of household is neither in insurable employment nor self-occupied

Number of Persons in household	Scale Rate
	Lm
1 . . . . .	7.75
2 . . . . .	8.70
3 . . . . .	9.70
4 . . . . .	10.65
5 or more . . . . .	11.60

## NINTH SCHEDULE

Sections 25

**Amounts of Sickness Assistance, Milk Grant, Leprosy Assistance  
and Tuberculosis Assistance**

	Weekly Rate Lm
1. Sickness Assistance —	
(i) in respect of the first member of the household . . . . .	3.60
(ii) in respect of any other member of the same household .	1.45
2. Milk Grant . . . . .	2.10
3. Leprosy Assistance —	
(i) in respect of the head of household who is a leper . . .	7.25
(ii) in respect of any other member of the household who is a leper and not gainfully occupied —	
(a) if under 16 years of age . . . . .	2.20
(b) if 16 years of age or over . . . . .	7.25
(iii) in respect of any other member of the household who is not gainfully occupied . . . . .	2.20
4. Tuberculosis Assistance —	
(i) basic amount of tuberculosis assistance payable in respect of a household one member of which is affected by tuberculosis . . . . .	4.60
(ii) allowance payable in respect of each additional member of the household affected by or particularly vulnerable to tuberculosis . . . . .	1.00

## TENTH SCHEDULE

Sections 7 and 10.

## Rates of Contributions

PART I  
Class One Contributions  
(Employed Persons)

Category	Type of employed persons	Weekly rate of contribution payable by the employed person and by his employer
A	Persons who are following a full-time course of studies or instructions under the Pupil-Worker Scheme, the Student-Worker Scheme, or other similar schemes (including the Extended Skills Training Schemes, but excluding the Worker-Student Schemes) involving distinct work and study periods for which they are receiving remuneration	$\frac{1}{12}$ , calculated to the nearest cent, of the basic weekly remuneration or of the weekly equivalent of the basic monthly remuneration but not exceeding a maximum contribution rate of Lm1.37 per week in the case of persons under insurable age or a maximum contribution rate of Lm2.49 per week in the case of persons of insurable age and over.
B	Persons other than those referred to under Category A of this Part who are — (a) under insurable age (b) of insurable age and over	Lm1.37 $\frac{1}{12}$ , calculated to the nearest cent, of the basic weekly wage or of the basic equivalent of the basic salary subject to a minimum contribution of Lm2.49 per week and to a maximum contribution rate of Lm8.81 per week.

## PART II

**Class Two Contributions  
(Self-employed persons)**

Category	Type of self-employed persons	Rates of Contributions <sup>(1)</sup>	
		Column "A"	Column "B"
	Persons whose annual net income (excluding maternity benefit and children's allowance) during the calendar year immediately preceding the contribution year in which the contribution is being paid —		
A	does not exceed Lm1,640 . . . . .	Lm 67.60	Lm 3.90 p.w.
B	exceeds Lm1,640 but does not exceed Lm2,170 . . . . .	Lm 90.13	Lm 5.20 p.w.
C	exceeds Lm2,170 but does not exceed Lm2,700 . . . . .	Lm112.67	Lm 6.50 p.w.
D	exceeds Lm2,700 but does not exceed Lm3,230 . . . . .	Lm135.20	Lm 7.80 p.w.
E	exceeds Lm3,230 but does not exceed Lm3,760 . . . . .	Lm156.87	Lm 9.05 p.w.
F	exceeds Lm3,760 but does not exceed Lm4,500 . . . . .	Lm188.07	Lm10.85 p.w.
G	exceeds Lm4,500 . . . . .	Lm228.80	Lm13.20 p.w.

(1) The Rates under Column "A" are to apply where the person concerned has been a self-employed persons for the *whole* four-month period as is referred to in section 10 of this Act, whilst the Rates under Column "B" are to apply where the Director is satisfied that liability for the payment of contributions did not commence during the first week of January, May or September, as the case may be, of the contribution year in which such contributions are payable, or did not end during the last week of April, August or December of the said contribution year.

## ELEVENTH SCHEDULE

## Section 17

**Contribution Conditions**

1. The contribution conditions for sickness benefit or unemployment benefit or special unemployment benefit are —

- (a) that the person concerned has paid not less than fifty contributions; and
- (b) that he has paid or had credited to him not less than fifty contributions for his last complete contribution year before the beginning of his benefit year which includes the day on which the conditions are required to be satisfied.

2. The contribution conditions for a widow's pension, a retirement pension, an increased retirement pension or a national minimum pension are —

- (a) that the person has paid not less than one hundred and fifty-six contributions; and
- (b) that the yearly average of contributions paid by or credited to him for the period —
  - (i) (a) beginning on the first day of his contribution year in which the 7th May, 1956, falls, or on the first day of his contribution year in which he reaches the age of nineteen, whichever is the later or
  - (i) (b) in respect of any person born on or after the 4th day of April, 1958, beginning on the first day of his contribution year in which the 3rd day of April, 1977, falls or on the first day of his contribution year in which he reaches the age of eighteen, whichever is the later; and
  - (ii) ending on the last day of his last complete contribution year before the beginning of his benefit year which includes the day on which the conditions are required to be satisfied

is not less than fifty:

Provided that —

(a) a widow whose husband dies on or after the twenty second day of January, 1968, shall be entitled to elect that, in determining whether her husband satisfied the relevant contribution conditions at the date of his death, the date first February, 1965, shall be substituted for the date 7th May, 1956; and, if she so elects, no account shall be taken of any contributions paid by her husband before the first day of February, 1965;

(b) a person who claims a retirement pension on or after the eighteenth day of October 1971, or an increased retirement pension or a national minimum pension on or after 1st April 1978 shall be entitled to elect that, in determining whether he satisfies the relevant contribution conditions, the date first February, 1965 shall be substituted for the date 7th May, 1956; and if he so elects, no account shall be taken of any contribution paid by him or, if the claimant is a widow, paid by her husband before the first day of February, 1965;

(c) where a person is in receipt of a retirement pension, an increased retirement pension or a national minimum pension in accordance with the provisions of this Act, no account shall be taken on any subsequent claim of any contribution which is paid in respect of any contribution week after the date on which he started receiving the retirement pension, an increased retirement pension or a national minimum pension.

3. The contribution conditions for an invalidity pension or an increased invalidity pension or a national minimum pension prior to reaching pension age are —

(a) that the person has paid not less than two hundred and fifty contributions; and

(b) that the yearly average of contributions paid by or credited to him for the period —

(i) (a) beginning on the first day of his contribution year in which the first day of February, 1965, falls or on the first day of his contribution year in which he reaches the age of nineteen, whichever is the later; or

(i) (b) in respect of any person born on or after the 4th day of April, 1958, beginning on the first day of his contribution year in which the 3rd day of April, 1977, falls or on the first day of his contribution year in which he reaches the age of eighteen, whichever is the later; and

(ii) ending on the last day of his last complete contribution year before the beginning of his benefit year which includes the day on which the conditions are required to be satisfied,

is not less than fifty.

## TWELFTH SCHEDULE

Sections 26, 31, 37, 53, 60, 78.

## Rates of several kinds of pensions

## A. National Minimum Pension

Yearly average of contributions paid or credited	Weekly rate of National Minimum Pension	
	Married man who is maintaining his wife	Any other person
50 or more (full rate) . . . . .	Lm c m 22.80,0	Lm c m 14.50,0
40 - 49 . . . . .	20.30,0	12.90,0
30 - 39 . . . . .	15.75,0	10.00,0
20 - 29 . . . . .	11.15,0	7.10,0

## B. Increased Invalidity Pension

Yearly average of contributions paid or credited	Weekly rate of Increased Invalidity Pension	
	Married man who is maintaining his wife	Any other person
50 or more (full rate) . . . . .	Lm c m 21.70,0	Lm c m 13.25,0
40 - 49 . . . . .	19.30,0	11.80,0
30 - 39 . . . . .	14.95,0	9.15,0
20 - 29 . . . . .	10.65,0	6.50,0

## C. Increased Retirement Pension

Yearly average of contributions paid or credited	Weekly rate of Increased Retirement Pension	
	Married man who is maintaining his wife	Any other person
50 or more (full rate) . . . . .	Lm c m 24.70,0	Lm c m 16.25,0
40 - 49 . . . . .	22.00,0	14.45,0
30 - 39 . . . . .	17.05,0	11.20,0
20 - 29 . . . . .	12.10,0	7.95,0

**D. Invalidity Pension**

Yearly average of contributions paid or credited	Weekly rate of Invalidity Pension	
	Married man who is maintaining his wife	Any other person
50 or more (full rate) . . . . .	Lm c m 12.10,0	Lm c m 7.40,0
40 - 49 . . . . .	10.98,0	6.66,0
30 - 39 . . . . .	8.34,0	5.10,0
20 - 29 . . . . .	6.12,0	3.72,0

**E. Retirement Pension**

Yearly average of contributions paid or credited	Weekly rate of Retirement Pension			
	Persons who are also in receipt of a service pension that is payable by or on behalf of the United Kingdom Government		Persons who are also in receipt of a service pension that is not payable by or on behalf of the United Kingdom Government	
	Married man who is maintaining his wife	Any other person	Married man who is maintaining his wife	Any other person
	Lm c m	Lm c m	Lm c m	Lm c m
50 or more (full scale)	19.60,0	12.00,0	12.00,0	7.40,0
40 - 49 . . . . .	17.44,0	10.68,0	10.98,0	6.66,0
30 - 39 . . . . .	13.52,0	8.28,0	8.34,0	5.10,0
20 - 29 . . . . .	9.60,0	5.88,0	6.12,0	3.72,0

**F. Widow's Pension**

Yearly average of contributions paid or credited	Weekly rate of Widow's Pension
	Lm c m
50 or more (full rate) . . . . .	13.25,0
40 - 49 . . . . .	11.80,0
30 - 39 . . . . .	9.15,0
20 - 29 . . . . .	6.50,0

**G. Widow's Benefit**

Weekly rate of Widow's Pension
Lm c m 15.30,0

**H. Parent's Pension**

Weekly rate of Parent's Pension	
Married man who is maintaining his wife	Any other person
Lm c m 22.80,0	Lm c m 14.50,0

## THIRTEENTH SCHEDULE

Sections 35, 36, 75

## PART I

## Increase in the rate of National Minimum Pension under section 75 of this Act

Yearly average of contributions paid or credited	Maximum weekly rate of increase
50 or more (full rate) . . . . .	Lm c m 3.00,0
40 - 49 . . . . .	2.65,0
30 - 39 . . . . .	2.05,0
20 - 29 . . . . .	1.45,0

## PART II

## Increase in the rate of pension to a widow under section 35 of this Act

Yearly average of contributions paid or credited	Maximum weekly rate of increase
50 or more (full rate) . . . . .	Lm c m 2.00,0
40 - 49 . . . . .	1.80,0
30 - 39 . . . . .	1.40,0
20 - 29 . . . . .	1.00,0

## PART III

## Further increase in the rate of pension to a widow under section 36 of this Act

Yearly average of contributions paid or credited	Maximum weekly rate of increase
50 or more (full rate) . . . . .	Lm c m 1.00,0
40 - 49 . . . . .	0.90,0
30 - 39 . . . . .	0.70,0
20 - 29 . . . . .	0.50,0

## PART IV

## Further increase in the rate of pension to a widow under paragraph (b) of the proviso to section 36 of this Act

Yearly average of contributions paid or credited	Maximum weekly rate of increase
50 or more (full rate) . . . . .	Lm c m 0.30,0
40 - 49 . . . . .	0.25,0
30 - 39 . . . . .	0.20,0
20 - 29 . . . . .	0.15,0

## FOURTEENTH SCHEDULE

## Section 2

**Calculation of the Pensionable Income**

(1) In the case of a person who is to be treated as an employed person, the yearly average of the basic wage or salary during the best three consecutive calendar years within the last ten consecutive calendar years immediately preceding his retirement or invalidity in terms of this Act, as the case may be, on which the required contribution had been paid or deemed to have been paid in terms of this Act or, if he has been in employment for less than three consecutive calendar years within the said last ten calendar years, during any such number of consecutive calendar months as may be the best in his case within the said last ten calendar years, as may be increased by the applicable wage increases required by law to be awarded generally in respect of each subsequent year of each of the said last ten calendar years.

(2) In the case of a person who is to be treated as a self-employed person, the yearly average of his net income on which the required contribution had been paid during the last ten calendar years, or part thereof if he has not been in self-employment for the whole said ten-year period, immediately preceding his retirement or invalidity in terms of this Act, as the case may be, as may be increased or decreased by the difference obtaining, if any, from year to year between one net income and another in respect of each subsequent year of each of the said last ten calendar years or part thereof during which he was in self-employment; so however that, where during the said last ten calendar years he had paid a contribution on a net income that was higher than that actually received, the net income taken for the purposes of this calculation in respect of any such particular calendar year shall be the higher of such net incomes.

(3) For the purposes of the foregoing paragraphs of this Schedule, the pensionable income or any amount substituted therefor under the provisions of this Act shall not exceed such amount as the Minister may, with the concurrence of the Minister responsible for Finance, by Order in the Gazette from time to time determine.