

**Nru. 5**

14. 7. 87

**MALTA**

**KAMRA TAD-DEPUTATI**

**HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Ligi mressaq mill-Onorevoli Louis Galea, M.P., Ministru tal-Politika Soċjali u moqri għall-Ewwel darba fis-Seduta tat-13 ta' Lulju, 1987.

A BILL introduced by the Honourable Louis Galea, M.P., Minister for Social Policy and read the First time at the Sitting of the 13th July, 1987.

ATT biex jemenda l-Att ta' l-1987 dwar is-Sigurtà Soċjali.

AN ACT to amend the Social Security Act, 1987.

**P. MUSCAT TERRIBILE**  
*Agent Skrivan tal-Kamra tad-Deputati*

**P. MUSCAT TERRIBILE**  
*Acting Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI msejjah

*ATT biex jemenda l-Att ta' l-1987 dwar is-Sigurtà Soċjali.*

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

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1987 li jemenda l-Att dwar is-Sigurtà Soċjali, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1987 dwar is-Sigurtà Soċjali, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor  
u bidu fis-sehh.

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

(a) l-artikoli minn 3 sa 5, 7 sa 9, 12, 13 u minn 15 sa 17 b'seħħ mill-1 ta' Jannar, 1987; u

(b) l-artikoli 2, 6, 10, 11 u 14 b'seħħ mill-4 ta' Lulju, 1987.

2. Fis-subartikolu (1) ta' l-artikolu 2 ta' l-Att prinċipali, —

Emenda ta'  
l-artikolu 2  
ta' l-Att  
prinċipali.

(a) minflok il-kliem " "Dipartiment" tfisser id-Dipartiment tas-Servizzi Soċjali;" għandhom jidhlu l-kliem " "Dipartiment" tfisser id-Dipartiment tas-Sigurtà Soċjali;" ; u

(b) minflok il-kliem " "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;" għandhom jidhlu l-kliem " "Direttur" tfisser id-Direttur tas-Sigurtà 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;" .

3. Fil-paragrafu (d) tas-subartikolu (1) ta' l-artikolu 6 ta' l-Att prinċipali, il-kliem " li titqies f'inqas minn 100%" għandhom jithassru; u minflok il-kelma "invalidità" għandha tidhol il-kelma "inkapaċità".

Emenda ta'  
l-artikolu 6  
ta' l-Att  
prinċipali.

4. Il-paragrafu (a) tas-subartikolu (3) ta' l-artikolu 16 ta' l-Att prinċipali, għandu jiġi emendat kif ġej:

Emenda ta'  
l-artikolu 16  
ta' l-Att  
prinċipali.

(a) minnufih wara l-kliem "li matulha tkun intitolata għal" għandu jidhol il-kliem "pensjoni għal invalidità jew"; u

(b) il-kliem "jew pensjoni għal inkapaċità meta l-grad ta' inkapaċità tkun stmata bil-100%," għandhom jithassru.

Emenda ta' l-artikolu 18 ta' l-Att prinċipali.

5. Fis-subartikolu (3) ta' l-artikolu 18 ta' l-Att prinċipali, il-kliem "u li d-dhul tagħha nett waħdu minn dak ix-xogħol li taħdem għaliha nnifisha, kalkolat fuq bazi 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," għandhom jithassru.

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

6. Fis-subartikolu (4) ta' l-artikolu 27 ta' l-Att prinċipali, minflok il-kliem "125c fil-gimgha" għandhom jidhlu l-kliem "Lm2 fil-gimgha".

Emenda ta' l-artikolu 29 ta' l-Att prinċipali.

7. L-artikolu 29 ta' l-Att prinċipali, għandu jiġi emendat kif ġej:

(a) fis-subartikolu (3) tiegħu, minflok il-kliem "99%", kull fejn dawn jinsabu, għandhom jidhlu l-kliem "89%"; u

(b) fis-subartikolu (4) tiegħu, minflok il-kliem "stmat għal-100%" għandhom jidhlu l-kliem "stmat għal 90% jew iktar".

Emenda ta' l-artikolu 39 ta' l-Att prinċipali.

8. L-artikolu 39 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-proviso li jinsab miegħu minflok il-kelma "Izda", għandhom jidhlu l-kliem "Izda iktar,"; u

(b) minnufih wara l-kliem "it-Taqsima V ta' dan l-Att;" għandhu jidhol dan il-proviso ġdid li ġej:

"Izda b'seħħ mill-1 ta' Jannar, 1987, meta l-pensjonant il-mejjet kien, qabel ma lahaq l-età tal-pensjoni, intitolat għal pensjoni taħt l-artikolu 26 ta' dan l-Att, u f'kull żmien wara ma baqax iktar intitolat għal dik il-pensjoni b'konsegwenza li jkun qiegħed jaħdem bi qliegħ, għandhom jitqiesu, għall-fini li jiġi stmat id-dritt tagħha għal Pensjoni ta' Superstiti, il-kontribuzzjonijiet kollha akkreditati taħt l-artikolu 16 ta' dan l-Att filwaqt li l-pensjonant il-mejjet kien intolat għal dik il-pensjoni; b'dak il-mod illi kull numru bħal dak ta' kontribuzzjonijiet akkreditati daqskemm jitqies ma għandux ikun jaqbeż in-numru ta' kontribuzzjonijiet imħallsin mill-pensjonant il-mejjet bejn id-data ta' meta ma jkunx aktar baqa' intolat għal dik il-pensjoni u d-data ta' meta jkun irtira;"

Emenda ta' l-artikolu 56 ta' l-Att prinċipali.

9. L-artikolu 56 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (i) tas-subartikolu (1) tiegħu —

(i) minflok il-kliem "mill-ewwel Sibt ta' Jannar, 1988" għandhom jidhlu l-kliem "mill-ewwel Sibt ta' Jannar, 1987"; u

(ii) il-proviso li jinsab ma' l-imsemmi paragrafu (i) għandu jithassar; u

(b) minflok in-nota marginali tiegħu għandu jidhol dan li ġej: "Dritt ta' Pensjoni għal Min Jirtira u ta' Pensjoni Mizjuda għal Min Jirtira".

Emenda ta' l-artikolu 82 ta' l-Att prinċipali.

10. Minnufih wara s-subartikolu (3) ta' l-artikolu 82 ta' l-Att prinċipali, għandu jidhol dan il-proviso li ġej:

"Izda, b'seħħ mill-4 ta' Lulju, 1987, id-dispożizzjonijiet ta' dan l-artikolu ma għandhomx jibqgħu japplikaw dwar kull tqala li biha r-rikorrenti tidhol fit-tmien xahar tat-tqala tagħha f'xi żmien wara d-data imsemmija.".

11. L-artikolu 83 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta'  
l-artikolu 83  
ta' l-Att  
prinċipali.

(a) Minflok il-kliem minn "il-kap ta' familja" sa "30 ċenteżmu fil-gimgha." għandhom jidhlu l-kliem "għandu jkun id-dritt ta' kull tifel f'kull familja li jkollu *allowance* imħallsa dwaru taht u skond id-dispożizzjonijiet ta' dan l-artikolu b'wahda minn dawn ir-rati li ġejjin, sakemm dan ikun it-tifel jew it-tifla tal-kap tal-familja:

(i) Lm3.50 fil-gimgha meta dak it-tifel ikun l-ewwel tifel eligibbli fil-familja;

(ii) Lm2.70 fil-gimgha meta dak it-tifel ikun it-tieni eligibbli fil-familja;

(iii) Lm1.70 fil-gimgha meta dak it-tifel ikun it-tielet tifel eligibbli fil-familja;

(iv) Lm1 fil-gimgha meta dak it-tifel ikun ir-raba' jew iktar mir-raba' tifel eligibbli fil-familja."; u

(b) fil-proviso li hemm miegħu —

(i) minflok il-kliem "l-ewwel tliet itfal li jitwiieldu minn dan iż-żwieġ ġdid għandhom isiru eligibbli li jirċievu" għandhom jidhlu l-kliem "kull tifel li jitwieled minn dan iż-żwieġ ġdid għandu jsir eligibbli li jirċievi";

(ii) minflok il-kliem "fil-paragrafi (i), (ii) u (iii) ta' dan l-artikolu" għandhom jidhlu l-kliem "f'dan l-artikolu"; u

(iii) il-kliem kollu li jiġi minnufih wara l-kliem "ir-rati msemmijin qabel," għandhom jithassru.

12. Fl-artikolu 91 ta' l-Att prinċipali, il-kliem "b'99 fil-mija jew inqas" għandhom jithassru.

Emenda ta'  
l-artikolu 91  
ta' l-Att  
prinċipali.

13. Fil-proviso (b) li hemm għall-artikolu 95 ta' l-Att prinċipali minflok il-kliem "stmata bil-100 fil-mija" għandhom jidhlu l-kliem "stmata bid-90% jew iktar."

Emenda ta'  
l-artikolu 95  
ta' l-Att  
prinċipali.

14. L-artikolu 99 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta'  
l-artikolu 99  
ta' l-Att  
prinċipali.

(a) fis-subartikoli (1) u (2) tiegħu, minflok il-kliem "40%" u "60%", kull fejn jinsabu, għandhom f'kull każ jidhlu l-kliem "60%" u "40%" rispettivament; u

(b) fis-subartikolu (4) tiegħu, minflok il-kliem "0.0033" għandhom jidhlu l-kliem "0.0022".

15. Fil-Parti I ta' l-Għaxar Skeda li tinsab ma' l-Att prinċipali minflok il-kliem "l-etá assigurabbli", kull fejn jinsabu, għandhom jidhlu f'kull każ il-kliem "it-tmintax-il sena".

Emenda ta'  
l-Għaxar Skeda  
li tinsab ma'  
l-Att prinċipali.

16. Fit-test Inġliż tat-Tnax-il Skeda li tinsab ma' l-Att prinċipali, minflok il-figuri "12.00,0" fir-raba' kolonna tat-Tabella E għandhom jidhlu l-figuri "12.10,0".

Emenda tat-  
test Inġliż  
tat-Tnax-il  
Skeda li tinsab  
ma' l-Att  
prinċipali.

Emenda ta' l-Erbatax-il Skeda li tinsab ma' l-Att principali.

17. Fil-paragrafu (2) ta' l-Erbatax-il Skeda li tinsab ma' l-Att principali, minflok il-kliem "jew jonqos skond id-differenza li tirriżulta, jekk ikun hemm," għandhom jidhlu l-kliem "biż-żidiet fil-paga applikabbli li jkunu meħtieġa bil-ligi li jingħataw lil kulhadd, sakemm kull żieda bħal dik tkun inqas miż-żieda netta li tinkiseb".

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### Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa sabiex iġib fis-seħħ ċerti miżuri mħabbrin fil-manifest elettorali tal-Gvern dwar il-pensjonijiet kontributorji, *allowances* mhux kontributorji, Benefiċċju dwar il-Maternità u *Allowance* tat-Tfal, u sabiex isiru emendi oħra fl-Att dwar is-Sigurtà Soċjali.

**A BILL**  
**entitled**

*AN ACT to amend the Social Security Act, 1987.*

BE IT ENACTED by the Acting President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Social Security (Amendment) Act, 1987 and shall be read and construed as one with the Social Security Act, 1987, hereinafter referred to as "the principal Act". Short title and commencement.
- (2) This Act shall be deemed to have come into force as follows:
- (a) sections 3 to 5, 7 to 9, 12, 13 and from 15 to 17 with effect from the 1st January, 1987; and
- (b) sections 2, 6, 10, 11 and 14 with effect from the 4th July 1987.
2. In subsection (1) of section 2 of the principal Act, — Amendment of section 2 of the principal Act.
- (a) for the words "Department" means Department of Social Services;" there shall be substituted the words "Department" means Department of Social Security;"; and
- (b) for the words "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;" there shall be substituted the words "Director" means the Director of Social Security 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;".
3. In paragraph (d) of subsection (1) of section 6 of the principal Act, the words "assessed at less than 100%" shall be deleted; and in the Maltese text thereof for the word "invalidità" there shall be substituted the word "inkapaçità". Amendment of section 6 of the principal Act.
4. Paragraph (a) of subsection (3) of section 16 of the principal Act shall be amended as follows: Amendment of section 16 of the principal Act.

- (a) immediately after the words "during which he is entitled to" there shall be added the words "invalidity pension or"; and  
 (b) the words "or disablement pension where the degree of disablement is assessed at 100%," shall be deleted.

Amendment of section 18 of the principal Act.

5. In subsection (3) of section 18 of the principal Act, the words "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," shall be deleted.

Amendment of section 27 of the principal Act.

6. In subsection (4) of section 27 of the principal Act, for the words "125c per week" there shall be substituted the words "Lm2 per week".

Amendment of section 29 of the principal Act.

7. Section 29 of the principal Act shall be amended as follows:  
 (a) in subsection (3) thereof, for the words "99%", wherever they occur, there shall be substituted the words "89%"; and  
 (b) in subsection (4) thereof, for the words "assessed at 100%" there shall be substituted the words "assessed at 90% or more".

Amendment of section 39 of the principal Act.

8. Section 39 of the principal Act shall be amended as follows:  
 (a) in the proviso thereto for the words "Provided that" there shall be substituted the words "Provided further that"; and  
 (b) immediately after the words "Part V of this Act:" there shall be added the following new proviso:

"Provided that with effect from the 1st January, 1987, where the deceased pensioner had been, prior to reaching pension age, entitled to a pension under section 26 of this Act, and at any time thereafter ceased to be entitled to such pension as a result of his becoming gainfully occupied, any contributions credited under section 16 of this Act while the deceased pensioner was entitled to such pension shall, for the purpose of assessing her right to a Survivor's Pension, be taken into account; so however that any such number of credited contributions as is taken into account shall not exceed the number of contributions paid by the deceased pensioner between the date of his cessation of entitlement to such pension and the date of his retirement;".

Amendment of section 56 of the principal Act.

9. Section 56 of the principal Act shall be amended as follows:  
 (a) in paragraph (i) of subsection (1) thereof —  
 (i) for the words "the first Saturday of January 1988" there shall be substituted the words "the first Saturday of January 1987"; and  
 (ii) the proviso to the said paragraph (i) shall be deleted; and  
 (b) for the marginal note thereto there shall be substituted the following: "Entitlement to Retirement Pension and Increased Retirement Pension".

Amendment of section 82 of the principal Act.

10. Immediately after subsection (3) of section 82 of the principal Act, there shall be added the following proviso:  
 "Provided that, with effect from the 4th July 1987, the provisions of this subsection shall cease to apply in respect of any pregnancy by virtue of which the claimant enters her eighth month of pregnancy at any time after the said date.".

11. Section 83 of the principal Act shall be amended as follows:

Amendment of  
section 83 of the  
principal Act

(a) for the words from "the head of a household" up to the words "30c per week", there shall be substituted the words "it shall be the right of every child in any household to have an allowance paid out in his respect under, and in accordance with, the provisions of this section at one of the following rates, as long as such child is the son or daughter of the head of household:

(i) Lm3.50 per week where such child is the first eligible child in the household;

(ii) Lm2.70 per week where such child is the second eligible child in the household;

(iii) Lm1.70 per week where such child is the third eligible child in the household;

(iv) Lm1 per week where such child is the fourth or subsequent eligible child in the household:"; and

(b) in the proviso thereto —

(i) for the words "the first two children" there shall be substituted the words "every child";

(ii) the words "paragraphs (i), (ii) and (iii) of" shall be deleted; and

(iii) all the words immediately following the words "aforementioned rates," shall be deleted.

12. In section 91 of the principal Act, the words "at 99% or less" shall be deleted.

Amendment of  
section 91  
of the  
principal Act.

13. In proviso (b) to section 95 of the principal Act, for the words "assessed at 100%" there shall be substituted the words "assessed at 90% or more".

Amendment of  
section 95  
of the  
principal Act.

14. Section 99 of the principal Act shall be amended as follows:

Amendment of  
section 99  
of the  
principal Act.

(a) in subsections (1) and (2) thereof, for the words "40%" and "60%", wherever they occur, there shall be substituted in each case the words "60%" and "40%" respectively; and

(b) in subsection (4) thereof, for the words "0.0033" there shall be substituted the words "0.0022".

15. In Part I of the Tenth Schedule to the principal Act for the words "insurable age", wherever they occur, there shall be substituted in each case the words "18 years of age".

Amendment of  
Tenth Schedule  
of the  
principal Act.

16. In the English text of the Twelfth Schedule to the principal Act, for the figures "12.00,0" in the fourth column of Table E there shall be substituted the figures "12.10,0".

Amendment of  
the English Text  
of Twelfth  
Schedule of the  
principal Act.

Amendment of  
Fourteenth  
Schedule of the  
principal Act.

17. In paragraph (2) of the Fourteenth Schedule to the principal Act, for the words "or decreased by the difference obtaining, if any," there shall be substituted the words "by the applicable wage increases required by law to be awarded generally, as long as each such increase is less than the net increase obtaining".

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### Objects and Reasons

The Object of this Bill is to put into effect certain measures announced in the Government's electoral manifesto in respect of contributory pensions, non-contributory allowances, Maternity Benefit and Children's Allowances, and for other amendments to the Social Security Act.