Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 13,816, 13 ta' Frar, 1981

Taqsima C

Nru. 168

13. 2. 81

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Agatha Barbara M.P., Ministru tax-Xogħol, Kultura u Għajnuna Soċjali u moqri għall-Ewwel darba fis-Seduta tat-22 ta' Diċembru, 1980.

ATT biex ikompli jemenda l-Att ta' l-1948 dwar il-Pensjonijiet għax-Xjuħ.

C. Mifsud
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Agatha Barbara M.P., Minister of Labour, Culture and Welfare and read the First time at the Sitting of the 22nd December, 1980.

AN ACT further to amend the Old Age Pensions Act, 1948.

C. Mifsud
Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjaħ

ATT biex ikompli jemenda l-Att ta' l-1948 dwar il-Pensjonijiet għax-Xjuħ.

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

Titolu fil-qosor u bidu fis-seħħ.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1981 li jemenda l-Att dwar il-Pensjonijiet għax-Xjuħ, u għandu jinqara u jiftiehem ħaġa waħda ma' l-Att ta' l-1948 dwar il-Pensjonijiet għax-Xjuħ, ħawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

(2) Dan l-Att għandu jkollu effett mit-3 ta' Jannar, 1981.

Emenda ta' l-artikolu 3A ta' l-Att prinċipali.

2. Fis-subartikolu (1) ta' l-artikolu 3A ta' l-Att prinċipali, minflok il-kliem "mitt ċenteżmu" għandhom jidħlu l-kliem "mija u ħmistax-il ċenteżmu".

Żieda ta' artikolu ġdid 11B ma' l-Att prinċipali.

3. Minnufih wara l-artikolu 11 ta' l-Att prinċipali għandu jiżdied dan li ġej:

"Ħlas ta' *bonus*.

11B. (1) F'dan l-artikolu, "*bonus*" tfisser ħlas bir-rata ta' £50 kull sitt xhur, dovut matul ix-xhur ta' Ġunju u Diċembru.

(2) Bla ħsara għad-disposizzjonijiet ta' dan l-artikolu, kull persuna li, f'xi ġurnata f'xi xahar ta' Ġunju jew Diċembru, tkun intitolata li tirċievi pensjoni jew *allowance* taħt dan l-Att, tkun intitolata wkoll li tirċievi l-*bonus* matul dak ix-xahar:

Iżda fil-każ ta' raġel u martu li ma jkunux mifrudin skond id-disposizzjonijiet tal-Kodiċi Ċivili u li t-tnejn ikollhom

jedd għal pensjoni jew *allowance* taħt dan l-Att il-*bonus* dovut ikun dak dwar persuna waħda biss u għandu jitqassam indaqs bejn dak ir-raġel u martu.

(3) Il-*bonus* li għalih japplika dan l-artikolu ma jkunx dovut lil xi persuna meta din jew, fil-każ ta' raġel u martu li ma jkunux mifrudin skond id-disposizzjonijiet tal-Kodiċi Ċivili, żewġha jew martu, ikollha jedd li tirċievi *bonus* taħt id-disposizzjonijiet ta' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali.

Att VI ta' l-1956

(4) Il-*bonus* li jitħallas lil xi persuna taħt dan l-artikolu jitnaqqas bl-ammont ta' kull *bonus* li dik il-persuna jkollha jedd li tirċievi mingħand xi prinċipal skond l-Att ta' l-1952 li Jirregola l-Kondizzjonijiet ta' l-Impieg dwar kull parti tal-perijodu ta' sitt xhur li jispiċċa fl-aħħar jum ta' Ġunju jew Diċembru, meta l-*bonus* li jitħallas taħt dan l-artikolu jkun dovut, skond il-każ; u meta t-tqassim tal-*bonus* ikun meħtieġ taħt id-disposizzjonijiet tas-subartikolu (2) ta' dan l-artikolu t-tnaqqis għandu jsir qabel ma l-*bonus* hekk jitqassam.

Att XI ta' l-1952

(5) Bla ħsara għad-disposizzjonijiet tas-subartikolu (4) ta' dan l-artikolu, meta persuna jkollha jedd li tirċievi *allowance* skond id-disposizzjonijiet ta' l-artikolu 3A ta' dan l-Att, kull *bonus* li jkollha jedd għalih taħt dan l-artikolu, għandu jitnaqqas, dwar kull ġurnata — li tkun ġurnata fil-perijodu ta' sitt xhur li jispiċċa fl-aħħar ġurnata taxxahar li matulu dak il-*bonus* ikun dovut — li għaliha tkun intitolata għal dik l-*allowance*, kif ġej:

(i) fil-każ ta' persuna li għaliha japplika l-proviso għas-subartikolu (2) ta' dan l-artikolu, bl-ammont li jirriżulta meta timmultiplika nofs ir-rata tal-*bonus* imsemmi fis-subartikolu (1) ta' dan l-artikolu b'0.0033; u

(ii) fil-każ ta' kull persuna oħra bl-ammont li jirriżulta meta timmultiplika ir-rata tal-*bonus* imsemmi fis-subartikolu (1) ta' dan l-artikolu b'0.0033.

(6) L-ammont imnaqqas mill-*bonus* skond id-disposizzjonijiet tas-subartikolu (5) ta' dan l-artikolu għandu jitħallas lill-Kumitat dwar Għajnuna Soċjali mwaqqaf taħt l-Att ta' l-1956 dwar l-Għajnuna Nazzjonali.

Att VIII ta' l-1956

(7) Id-disposizzjonijiet ta' l-artikoli 4, 7 (barra mill-paragrafu (1) u mis-sub-paragrafu (a) tal-paragrafu (2)), ta' l-artikoli 12, 14 (barra mill-paragrafu (1)), ta' l-artikoli 15 u 16 ta' dan l-Att għandhom japplikaw għall-*bonus* imħallas taħt dan l-artikolu bħallikieku r-riferenzi li hemm fihom għal "pensjoni" kienu riferenzi għal "*bonus*".

4. L-Iskeda li tinsab ma' l-Att prinċipali għandha tiġi emendata kif ġej:

Emenda ta' l-Iskeda li tinsab ma' l-Att prinċipali.

(a) minflok il-paragrafu (1) tagħha għandu jidħol dan li ġej:

"(1) (a) Meta l-mezzi totali fis-sena ta' raġel u martu (li ma jkunux mifrudin skond id-disposizzjonijiet tal-Kodiċi Ċivili, u ż-żewġ persuni jkollhom jedd għal pensjoni taħt dan l-Att) kalkolati skond id-disposizzjonijiet ta' dan l-Att —

	Rata ta' Pensjoni fil-Ġimgħa kull Persuna
ma jkunux iżjed minn £125 ...	£10.25,0
ikunu iżjed minn £125 iżda mhux iżjed minn £225	£ 8.75,0
ikunu iżjed minn £225 iżda mhux iżjed minn £325	£ 7.20,0
ikunu iżjed minn £325 iżda mhux iżjed minn £425	£ 5.50,0
ikunu iżjed minn £425	ebda pensjoni.

(b) Meta wieħed mill-koppia miżżewġa jew it-tnejn li għalihom japplika dan il-paragrafu jkunu proprietarji tad-dar ta' residenza tagħhom jew parti minnha, u l-valur kapitali tagħha jkun ġie eskluż skond is-sub-paragrafu (b) tal-paragrafu (3) ta' din l-Iskeda u jkun iżjed minn £4,600 ir-rati fil-ġimgħa murija f'dan il-paragrafu għandhom jitnaqqsu b'50c.";

(b) minflok il-paragrafu (2) tagħha għandu jidħol dan li ġej:

"(2) (a) Meta l-mezzi fis-sena ta' xi ħaddieħor li jitlob jew ta' xi pensjonant ieħor, kalkolati skond id-disposizzjonijiet ta' dan l-Att —

	Rata ta' Pensjoni fil-Ġimgħa
ma jkunux iżjed minn £75 ...	£13.05,0
ikunu iżjed minn £75 iżda mhux iżjed minn £125	£11.30,0
ikunu iżjed minn £125 iżda mhux iżjed minn £175	£ 9.50,0
ikunu iżjed minn £175 iżda mhux iżjed minn £225	£ 7.50,0
ikunu iżjed minn £225	ebda pensjoni.

(b) Meta xi persuna li għaliha japplika dan il-paragrafu tkun proprjetarja tad-dar ta' residenza tagħha jew ta' parti minnha, u l-valur kapitali tagħha tkun ġiet eskluża skond is-sub-paragrafu (b) tal-paragrafu (3) ta' din l-Iskeda u jkun iżjed minn £4,600 ir-rati murija f'dan il-paragrafu għandhom jitnaqqsu bl-£1."; u

(ċ) minflok is-sub-paragrafu (b) tal-paragrafu (3) tagħha għandu jidħol dan li ġej:

"(b) Meta d-dar tar-residenza ta' persuna li titlob pensjoni ma tkunx ġiet akkwistata b'titolu oneruż minn dik il-persuna, jew mir-raġel tagħha jew mill-mara tiegħu f'każ ta' persuna miżżewġa, matul il-perijodu ta' tliet snin minnufih qabel id-data tat-talba, il-valur kapitali tad-dar tar-residenza jiġi eskluż;".

Għanijiet u Raġunijiet

L-Għan ewlieni ta' dan l-Abbozz huwa li jagħti effett lir-riformi u ż-żidiet imħabbra fil-*Budget Speech* għall-1981.

A BILL

entitled

AN ACT further to amend the Old Age Pensions Act, 1948.

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:—

Short title and commencement.

1. (1) This Act may be cited as the Old Age Pensions (Amendment) Act, 1981, and shall be read and construed as one with the Old Age Pensions Act, 1948, hereinafter referred to as "the principal Act".

(2) This Act shall have effect as from the 3rd day of January, 1981.

Amendment of section 3A of the principal Act.

2. In subsection (1) of section 3A of the principal Act, for the words "one hundred cents" there shall be substituted the words "one hundred and fifteen cents".

Addition of new section 11B to the principal Act.

3. Immediately after section 11 of the principal Act there shall be added the following:

"Payment of bonus.

11B. (1) In this section, "bonus" means a payment at the rate of £50 every six months, falling due during the months of June and December.

(2) Subject to the provisions of this section, any person who, on any day in any one month of June or December is entitled to receive a pension or allowance under this Act, shall also be entitled to receive the bonus during that month:

Provided that in the case of a husband and wife who are not separated in accordance with the provisions of the

Civil Code and who are both entitled to a pension or allowance under this Act the bonus due shall be that in respect of one person only and shall be apportioned equally between such husband and wife.

(3) The bonus to which this section applies shall not be due to any person where he or, in the case of husband and wife not being separated in accordance with the provisions of the Civil Code, his spouse, is entitled to receive a bonus under the provisions of the National Insurance Act, 1956.

Act VI of 1956

(4) The bonus payable to any person under this section 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 (Regulation) Act, 1952 in respect of any part of the six month period ending on the last day of June or December, when the bonus payable under this section falls due, as the case may be; and where an apportionment of the bonus is required under the provisions of subsection (2) of this section the abatement shall be made before the bonus is so apportioned.

Act XI of 1952

(5) Without prejudice to the provisions of subsection (4) of this section, where a person is entitled to receive an allowance in accordance with the provisions of section 3A of this Act, any bonus to which he is entitled under this section, shall be reduced, in respect of every day — being a day in the six month period ending on the last day of the month during which that bonus falls due — for which he is entitled to such allowance, as follows:

(i) in the case of a person to whom the proviso to subsection (2) of this section applies, by the amount resulting from the multiplication of half the rate of bonus mentioned in subsection (1) of this section and 0.0033; and

(ii) in the case of any other person by the amount resulting from the multiplication of the rate of bonus mentioned in subsection (1) of this section and 0.0033.

(6) The amount reduced from the bonus in accordance with the provisions of subsection (5) of this section shall be paid to the Welfare Committee established under the National Assistance Act, 1956.

Act VIII of 1956

(7) The provisions of sections 4, 7 (with the exception of paragraph (1) and sub-paragraph (a) of paragraph (2)), 12, 14 (with the exception of paragraph (1)), 15 and 16 of this Act shall apply to the bonus payable under this section as if the references therein to "pension" were references to "bonus".

Amendment of Schedule to the principal Act.

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

(a) for paragraph (1) thereof, there shall be substituted the following:

"(1) (a) Where the total yearly means of a married couple (not being separated in accordance with the provisions of the Civil Code, and both persons being entitled to a pension under this Act) calculated in accordance with the provisions of this Act —

	Weekly Rate of Pension per Person
do not exceed £125	£10.25,0
exceed £125 but do not exceed £225	£8.75,0
exceed £225 but do not exceed £325	£7.20,0
exceed £325 but do not exceed £425	£5.50,0
exceed £425	no pension.

(b) Where either or both of the married couple to which this paragraph refers owns the house of their residence or part thereof, and its capital value has been excluded in terms of sub-paragraph (b) of paragraph (3) of this Schedule and exceeds £4,600 the weekly rates set out in this paragraph shall be reduced by 50c.";

(b) for paragraph (2) thereof, there shall be substituted the following:

"(2) (a) Where the yearly means of any other claimant or pensioner, calculated in accordance with the provisions of this Act —

	Weekly Rate of Pension
do not exceed £75	£13.05,0
exceed £75 but do not exceed £125	£11.30,0
exceed £125 but do not exceed £175	£ 9.50,0
exceed £175 but do not exceed £225	£ 7.50,0
exceed £225	no pension.

(b) Where any person to whom this paragraph applies owns the house of his residence or part thereof, and its capital value has been excluded in terms of sub-paragraph (b) of paragraph (3) of this Schedule and exceeds £4,600 the rates set out in this paragraph shall be reduced by £1."; and

(c) for sub-paragraph (b) of paragraph (3) thereof there shall be substituted the following:

"(b) Where the house of residence of a person claiming a pension has not been acquired by an onerous title by such person, or, in the case of a married person, by the husband or wife of such person, within the period of three years immediately preceding the date of the claim, the capital value of the house of residence shall be excluded;".

Objects and Reasons

The main Object of this Bill is to give effect to the reforms and increases announced in the Budget Speech for 1981.

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