MALTA

ATT Nru. VI ta' l-1977

ATT maħruġ b'liġi mill-Parlament ta' Malta.

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

ACT No. VI of 1977

AN ACT enacted by the Parliament of Malta.

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

Naghti l-kunsens tieghi.

Anton Buttigieg
President

11 Marzu, 1977

ATT Nru. VI ta' l-1977

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-1977 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, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

(2) Dan l-Att għandu jitqies li beda jseħħ fis-7 ta' Marzu, 1977.

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

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

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

3. L-artikolu 5 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem "ħamsa u sittin lira, tnejn u sittin ċenteżmu u ħames milleżmi" fil-paragrafu (ċ) tas-subartikolu (1) tiegħu għandhom jidħlu l-kliem "mitejn lira", u

(b) minnufih wara s-subartikolu (2A) tiegħu għandu jidħol is-subartikolu ġdid li ġej:

"(2B) Meta talba għal pensjoni skond dan l-Att għandu jkollha magħha ċertifikat tat-tabib, ebda ċertifikat bħal dak ma jiġi aċċettat bħala validu jekk ikun iffirmat minn tabib li jkun ukoll membru tal-Kamra tad-Deputati jew minn soċju tiegħu jew minn assoċjat miegħu, jew minn xi tabib ieħor li jkollu relazzjoni simili miegħu.".

4. Minflok l-artikolu 11 ta' l-Att prinċipali għandu jidħol dan li ġej: Sostituzzjoni ta' l-artikolu 11 ta' l-Att prinċipali.

"11. (1) M'għandhiex titħallas pensjoni taħt dan l-Att meta min jagħmel it-talba jkun qed jirċievi jew jista' jirċievi xi pensjoni oħra mingħand xi persuna jew awtorità tkun li tkun jekk l-ammont ta' dik il-pensjoni jew it-total ta' iktar minn pensjoni waħda bħal dawk ikun iżjed mill-pensjoni massima li titħallas taħt dan l-Att:

Iżda —

(a) meta l-mezzi ta' min jagħmel it-talba ma jkunux iżjed mill-ammont stabbilit fl-Iskeda li tinsab ma' dan l-Att, il-pensjoni li għandha titħallas taħt dan l-Att għandha titnaqqas bl-ammont jew bit-total ta' l-ammont ta' dik il-pensjoni jew ta' dawk il-pensjonijiet l-oħra, skond il-każ;

(b) fil-każ ta' raġel u martu, mhux mifrudin skond id-disposizzjonijiet tal-Kodiċi Ċivili, ir-raġel u l-mara jitqiesu li għandhom jedd għal nofs kull wieħed ta' l-imsemmija pensjoni l-oħra jew in-nofs tat-total ta' l-imsemmija pensjonijiet l-oħra li xi waħda minn dawk il-persuni tkun qed tirċievi jew li tista' tirċievi. Cap. 23

(2) Fil-kalkolu tal-mezzi ta' persuna li tagħmel talba, ma tiġix meqjusa l-pensjoni jew it-total tal-pensjonijiet li jitħallsu xort'oħra taħt dan l-Att.

(3) Ebda ħaġa f'dan l-artikolu ma għandha tolqot il-jedd ta' xi persuna milli tibqa' tirċievi l-pensjoni sħiħa li titħallas lilha taħt dan l-Att minkejja li tkun intitolata li tirċievi pensjoni mogħtija taħt l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, taħt l-Iskim ta' l-1941 għal Malta dwar il-Korrimenti fil-Persuna li jiġru lil Pajżani, jew bħala konsegwenza ta' korrimenti jew mewt li jkunu ġraw minħabba gwerra, jekk hi kienet tikkwalifika għal dak il-jedd qabel is-7 ta' Marzu, 1977.".

5. 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-paragrafi 1 u 2 għandu jidħol dan li ġej:

"1. Meta l-mezzi fis-sena ta' raġel u martu (mhux 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 £100	£5.40,0
ikunu iżjed minn £100 iżda mhux iżjed minn £200	£4.50,0
ikunu iżjed minn £200 iżda mhux iżjed minn £300	£3.60,0
ikunu iżjed minn £300 iżda mhux iżjed minn £400	£2.70,0
ikunu iżjed minn £400	Ebda pensjoni

2. 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 £50	£6.50,0
ikunu iżjed minn £50 iżda mhux iżjed minn £100	£5.50,0
ikunu iżjed minn £100 iżda mhux iżjed minn £150	£4.50,0
ikunu iżjed minn £150 iżda mhux iżjed minn £200	£3.50,0
ikunu iżjed minn £200	Ebda pensjoni",

u

(b) minflok il-proviso li hemm għas-sub-paragrafu (ċ) tal-paragrafu 3 għandu jidħol dan li ġej:

"Iżda ma jitqies ebda ammont li ddaħħal persuna jew ir-raġel jew il-mara ta' persuna, skond il-każ, —

(i) bħala benefiċċju ta' mard minn xi xirka ta' benefiċċju jew *trade union;*

(ii) bħala għajnuna (barra minn għajnuna għal-lebrużi) taħt l-Att ta' l-1956 dwar l-Għajnuna Nazzjonali;

(iii) bħala pensjoni mogħtija taħt l-Iskim ta' l-1941 għal Malta dwar il-Korrimenti fil-Persuna li jiġru lil Pajżani, jew bħala konsegwenza ta' korrimenti jew mewt li jkunu ġraw minħabba gwerra;

(iv) bħal *allowance* mogħtija taħt it-Taqsima VIII ta' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali;

(v) bħala kontribuzzjoni lejn l-ispiża tal-familja ta' persuna jew tar-raġel jew tal-mara ta' persuna, skond il-każ, mill-ulied subien, ulied bniet, il-missier, l-omm jew mill-aħwa subien jew bniet ta' dik il-persuna, jew

(vi) bħala pensjoni mogħtija taħt l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema qabel is-sebgħa ta' Marzu, 1977.".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 40 tad-9 ta' Marzu, 1977.

Speaker

Skrivan tal-Kamra tad-Deputati

I assent.

Anton Buttigieg

President

11 March, 1977

ACT No. VI of 1977

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, 1977, 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 be deemed to have come into force on the 7th day of March, 1977.

Amendment of of section 3A of the principal Act.

2. In subsection (1) of section 3A of the principal Act, for the words "seventy three cents" there shall be substituted the words "ninety cents".

Amendment of section 5 of the principal Act.

3. Section 5 of the principal Act shall be amended as follows:

(a) for the words "sixty-five pounds, sixty-two cents and five mils" in paragraph (c) of subsection (1) thereof there shall be substituted the words "two hundred pounds", and

(b) immediately after subsection (2A) thereof there shall be inserted the following new subsection:

"(2B) Where a claim for a pension under this Act is to be accompanied by a medical certificate, no such certificate shall be accepted as valid if it is signed by a medical practitioner who is also a member of the House of Representatives or by his partner or associate, or by any other medical practitioner having a similar relationship with him.".

4. For section 11 of the principal Act there shall be substituted the following:

Substitution of section 11 of the principal Act.

"11. (1) A pension under this Act shall not be payable where the claimant is receiving or may receive any other pension from any person or authority whatsoever if the amount of such pension or the total of more than one such pension exceeds the maximum pension payable under this Act:

Provided that —

(a) when the means of a claimant do not exceed the amount laid down in the Schedule to this Act, the pension payable under this Act shall be reduced by the amount or the total amount of such other pension or pensions, as the case may be;

(b) in the case of a married couple, not separated in accordance with the provisions of the Civil Code, either member of the couple shall be deemed to be entitled to one half of the said other pension or of the total of the said other pensions which any of the said persons is or may be receiving.

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(2) In assessing the means of a claimant, no account shall be taken of the pension or of the total pensions payable otherwise than under this Act.

(3) Nothing in this section shall affect the right of any person to continue to receive the full pension payable to him under this Act notwithstanding that he is also entitled to receive a pension granted under the Widows' and Orphans' Pensions Act, under the Personal Injuries (Civilians) Scheme, 1941, or in consequence of injuries or death sustained as a result of war action, if he had qualified for such right before the 7th day of March, 1977.".

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

Amendment of the Schedule of the principal Act.

(a) for paragraphs 1 and 2 there shall be substituted the following:

"1. 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 £100	£5.40,0
exceed £100 but do not exceed £200 ...	£4.50,0
exceed £200 but do not exceed £300 ...	£3.60,0
exceed £300 but do not exceed £400 ...	£2.70,0
exceed £400	No pension

2. 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 £50	£6.50,0
exceed £50 but do not exceed £100 ...	£5.50,0
exceed £100 but do not exceed £150 ...	£4.50,0
exceed £150 but do not exceed £200 ...	£3.50,0
exceed £200	No pension",

and

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

"Provided that no account shall be taken of any amount received by a person or by the husband or wife of a person, as the case may be, —

(i) as sickness benefit from a friendly society or a trade union;

(ii) as assistance (other than leprosy assistance) under the National Assistance Act, 1956;

(iii) as a pension granted under the Personal Injuries (Civilians) Scheme, 1941, or in consequence of injuries or death sustained as a result of war action;

(iv) as allowance granted under Part VIII of the National Insurance Act, 1956;

(v) as contribution towards the household expenditure of a person or the husband or the wife of a person, as the case may be, by the sons, daughters, father, mother, brothers or sisters of such person, or

(vi) as a pension granted under the Widows' and Orphans' Pensions Act before the seventh day of March, 1977.".

Passed by the House of Representatives at Sitting No. 40 of the 9th March, 1977.

Speaker

Clerk to the House of Representatives