



MALTA

ATT Nru. XXX ta' l-1977

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

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

ACT No. XXX of 1977

AN ACT enacted by the Parliament of Malta.

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



Nagħti l-kunsens tiegħi.

Anton Kullier
President

7 ta' Ottubru, 1977

ATT Nru. XXX ta' l-1977

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

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

Titolu fil-qosor
u bidu fis-sehh.

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1977 li jemenda l-Att dwar is-Sigurtà Nazzjonali (Emenda Nru. 3), u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

(2) Dan l-Att għandu jibda jsehh fil-15 ta' Ottubru, 1977.

Emenda ta'
l-artikolu 35
ta' l-Att
prinċipali.

2. Fis-subartikolu (2) ta' l-artikolu 35 ta' l-Att prinċipali, minflok il-kelma "Erbgħa" u minflok il-kelma "Tlieta" kull fejn jinsabu għandhom jidhlu rispettivament il-kelma "Sibt" u l-kelma "Ġimgha".

Sostituzzjoni
tal-Parti VIII
ta' l-Att
prinċipali.

3. Minflok il-Parti VIII ta' l-Att prinċipali għandu jidhul dan li ġej:

"PARTI VIII

Tifsir.

70. F'din il-Parti, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'oħra —

"allowance" tfisser waħda mill-allowances imsem-mija fl-artikolu 71 li jithallsu skond id-disposizzjonijiet ta' din il-Parti;

"jippreskrivi" tfisser jippreskrivi b'regolamenti.

Xorta ta'
allowance.

71. Allowance li tithallas skond din it-Taqsima tkun waħda mix-xorta li ġejjin:

- (a) allowance tat-tfal;
- (b) allowance addizzjonali tat-tfal, u
- (c) allowance speċjali.

Hlas ta' allowance tat-tfal.

72. Bla hsara ghad-disposizzjonijiet l-oħra ta' din il-Parti, ghandha tithallas *allowance* tat-tfal lil kull familja dwar kull tifel jew tifla sa massimu ta' tliet itfal, minkejja li f'dik il-familja jkun hemm iktar minn tliet itfal:

Izda, meta t-tifel jew tifla tkun persuna mpjegata jew tkun tikseb qliegħ minn xi xogħol bi qliegħ matul xi perijodu, dik il-persuna ma tkunx meqjusa matul dak il-perijodu bhala tifel jew tifla għall-finijiet ta' dan l-artikolu.

Hlas ta' allowance addizzjonali tat-tfal.

73. Bla hsara ghad-disposizzjonijiet l-oħra ta' din il-Parti, *allowance* addizzjonali tat-tfal tithallas lil kull familja dwar ir-raba' tifel jew tifla u tfal oħrajn warajhom:

Izda, meta t-tifel jew tifla tkun persuna mpjegata jew tkun tikseb qliegħ minn xi xogħol bi qliegħ matul xi perijodu, dik il-persuna ma tkunx meqjusa matul dak il-perijodu bhala tifel jew tifla għall-finijiet ta' dan l-artikolu.

Hlas ta' allowance speċjali.

74. Bla hsara ghad-disposizzjonijiet l-oħra ta' din il-Parti, *allowance* speċjali tithallas lil kull familja dwar kull persuna ta' l-età ta' 16-il sena jew fuqhom li tipprova għas-soddisfazzjon tad-Direttur li tkun għadha qed tagħmel edukazzjoni jew taħriġ *full time* f'istitut ta' l-edukazzjoni magħruf mill-Gvern skond l-Att ta' l-1974 dwar l-Edukazzjoni:

Att Nru. XXXIX ta' l-1974.

Izda meta dik il-persuna tkun persuna mpjegata jew tkun tikseb qliegħ minn xi xogħol bi qliegħ matul xi perijodu, dik il-persuna ma jkollhiex dritt, matul dak il-perijodu, għal *allowance* speċjali.

Għall-finijiet ta' dan l-artikolu, "persuna" tinkludi ulied il-mara jew ir-raġel, iben jew bint adottata u iben jew bint illegittima.

Impieg u qliegħ.

75. Għall-finijiet ta' l-artikoli 72, 73 u 74 ta' dan l-Att, persuna ma titqiesx li hi persuna mpjegata jew li tikseb qliegħ minn impieg bi qliegħ jekk il-qliegħ li jinkiseb minn hekk ma jkunx iżjed minn, dwar kull jum, 100 ċenteżmu dwar persuna ta' età assigurabbli jew 40 ċenteżmu dwar persuna taħt l-età assigurabbli jew, meta l-qliegħ ikun dwar perijodu itwal minn jum, ma jkunx, fuq medja ta' kull jum, iktar minn dawk l-ammonti rispettivament.

Rata ta' allowance.

76. Ir-rata ta' *allowance* tkun —

(a) fil-każ ta' *allowance* tat-tfal —

(i) dwar l-ewwel tifel jew tifla eligibbli 140 ċenteżmu fil-gimgha;

(ii) dwar it-tieni tifel jew tifla eligibbli 120 ċenteżmu fil-gimgha, u

(iii) dwar it-tielet tifel jew tifla eligibbli 80 ċenteżmu fil-gimgha;

(b) fil-każ ta' *allowance* addizzjonali tat-tfal, 30 ċenteżmu fil-gimgha dwar kull tifel jew tifla eligibbli, u

(ċ) fil-każ ta' *allowance* speċjali 50 ċenteżmu fil-gimgha dwar kull persuna eliġibbli.

Limitazzjoni ta' applikabbiltà.

77. (1) Hlief kif jista' jiġi preskritt mill-Ministru, meta raġel u mara miżżewġin ikunu jgħixu flimkien ma għandha tithallas ebda *allowance* lill-ġenituri dwar tifel jew tifla jew persuna meta dak it-tifel jew tifla jew persuna tkun qed tgħix ma' persuna oħra u tkun mantnuta minn dik il-persuna l-oħra.

(2) Hlief kif jista' jiġi preskritt mill-Ministru, *allowance* ma tithallasx dwar tifel jew tifla jew persuna li ma tkunx qed tgħix f'Malta.

Att Nru. XXV ta' 1-1948

(3) *Allowance* ma tithallasx dwar tifel jew tifla jew persuna li dwarha tithallas pensjoni taht l-Att ta' 1-1948 dwar il-Pensjonijiet għax-Xjuh.

(4) Hlief kif jista' jiġi preskritt mill-Ministru, *allowance* ma tingħatax jekk ir-rikorrent —

(a) ma jkunx ċittadin ta' Malta;

(b) ma jirrisjedix f'Malta u ma jkunx hekk irrisjeda kontinwament fit-tnax-il xahar minnufih qabel id-data li fiha tkun saret it-talba għall-*allowance*, u

(ċ) ma jkunx persuna assigurata.

(5) Ma tithallasx *allowance* dwar tifel jew tifla jew persuna li missierha jkun mejjet kemm-il darba, fil-ġurnata ta' mewtu, hu —

(a) ma kienx ċittadin ta' Malta jew, jekk miet qabel il-21 ta' Settembru, 1964, ma kienx isir, kieku ma mietx, ċittadin bħal dak f'dik id-data b'jeddi;

(b) ma kienx jirrisjedi kontinwament f'Malta fit-tnax-il xahar minnufih qabel id-data ta' mewtu, u

(ċ) ma kienx persuna assigurata:

Izda d-disposizzjonijiet ta' dan is-subartikolu ma japplikawx dwar tifel jew tifla jew persuna li ommha tkun —

(a) ċittadina ta' Malta;

(b) tirrisjedi f'Malta u tkun ilha hekk tirrisjedi kontinwament fit-tnax-il xahar minnufih qabel id-data tat-talba, u

(ċ) persuna assigurata jew persuna li dwarha japplikaw id-disposizzjonijiet tas-subartikolu (2) ta' l-artikolu 9 ta' dan l-Att.

Limitazzjoni ta' l-applikabbiltà ta' *allowance* tat-tfal.

78. (1) *Allowance* tat-tfal ma tithallasx dwar tifel jew tifla mwielda jew li xort'oħra bdew jagħmlu parti mill-familja wara l-ewwel ta' Novembru, 1974, kemm-il darba dak it-tifel jew dik it-tifla ma tkunx l-ewwel, it-tieni jew it-tielet tifel jew tifla hajjin li jagħmlu parti minn, jew li kienu jagħmlu parti minn, dik il-familja magħduda tfaal ta' l-età ta' sittax-il sena jew fuqhom.

(2) Meta tifel jew tifla ta' familja tkun qed tgħix mhux mal-familja tagħha, ebda *allowance* tat-tfal ma tit-

hallas dwar dak it-tifel jew dik it-tifla jekk il-ġenituri tagħha jkunu diġà bid-dritt għal dik l-*allowance* dwar tliet itfal.

Waqfien ta' *allowance* addizzjonali tat-tfal. 79. *Allowance* addizzjonali tat-tfal dwar tifel jew tifla tieqaf li tithallas minnufih malli dak it-tifel jew dik it-tifla tkun eliġibbli għal *allowance* tat-tfal.

Temm ta' dritt. 80. Bla hsara għal kull disposizzjoni oħra ta' din il-Parti *allowance* mogħtija dwar tifel jew tifla jew persuna tintemm —

(a) meta xi waħda mill-htigiet taht din il-Parti jew xi regolamenti magħmula bis-saħħa tagħha biex tkun tista' tittiehed dik l-*allowance* ma tibqax iktar soddisfatta, jew

(b) meta dak it-tifel jew tifla jew persuna ma tkunx iktar tagħmel parti mill-familja li minnha dak it-tifel jew tifla jew persuna kienet tagħmel parti meta l-*allowance* kienet ingħatat.

L-*allowance* tieqaf f'ċerti ċirkostanzi. 81. Bla hsara għal kull disposizzjoni oħra ta' din il-Parti, *allowance* li tithallas lil benefiċjarju dwar tifel jew tifla jew persuna tieqaf milli tithallas —

(a) jekk il-benefiċjarju ma jibqax ikollu l-kustodja, il-kura u l-kontroll tat-tifel jew tifla jew persuna, jew, jekk dik il-persuna tkun laħqet l-età ta' tmintax-il sena jew fuqhom, jekk l-imsemmija persuna ma tibqax normalment tirisjedi mal-benefiċjarju, jew

(b) jekk il-benefiċjarju ma jibqax jirisjedi f'Malta, hliet jekk temporanjament biss.

Benefiċjarju ta' l-*allowance*. 82. (1) *Allowance* li għandha tithallas skond id-disposizzjonijiet ta' din il-Parti għandha tithallas lill-missier tat-tifel jew tifla jew persuna meta l-ġenituri ta' dak it-tifel jew tifla jew persuna jkunu jgħixu flimkien u, hliet kif jista' jippreskrivi l-Ministru, it-tifel jew tifla jew persuna tkun qed titrabba fil-familja tal-ġenituri; meta l-ġenituri jkunu qed igħixu separatament jew ikunu separat legalment, l-*allowance* tithallas lil dak mill-ġenituri jew lil dik il-persuna l-oħra, barra minn istitut, li, fil-fehma tad-Direttur, ikollha l-kustodja effettiva tat-tifel jew tifla jew persuna, jew li magħha, fil-każ ta' persuna ta' l-età ta' tmintax-il sena jew fuqhom, il-persuna ta' l-aħħar normalment tirisjedi.

(2) L-iltiema minn missierhom u ommhom ikollhom dritt jitolbu *allowance* jekk ebda *allowance* bħal dik dwarhom ma tkunx tithallas lil xi persuna oħra, kemm-il darba —

(a) għall-anqas wieħed mill-ġenituri kien ċittadin ta' Malta jew, jekk iż-żewġ ġenituri jkunu mietu qabel il-21 ta' Settembru, 1964, għall-anqas wieħed minnhom kien isir, kieku ma mietx, b'jedd ċittadin ta' Malta minn dik id-data, u

(b) dawk it-tfal iltiema jkunu jirisjedu f'Malta kontinwament fit-tmax-il xahar minnufih qabel id-data tat-talba.

Għall-finijiet ta' dan is-subartikolu, "iltiema minn missierhom u ommhom" tfisser persuna li missierha u ommha jkunu mietu, ikunu abbandunaw lil uliedhom, jew ma jkunux maghrufa.

(3) *Allowance* dwar tifel jew tifla jew persuna partikolari tingħata lil applikant wiehed biss.

Talbiet u
hlasijiet.

83. (1) *Allowance* tkun dovuta —

(a) jekk it-talba ssir fi żmien tliet xhur mid-data li fiha jkun hemm jedd għaliha, minn dik id-data, jew

(b) jekk it-talba ssir wara li jghaddu tliet xhur mid-data li fiha jkun hemm jedd għaliha, minn tliet xhur li jiġu minnufih qabel id-data li fiha ssir it-talba.

(2) Meta l-gurnata li fiha persuna jkollha jedd għal *allowance* jew ikollha jedd għal *allowance* b'rata għdida, ma tkunx is-Sibt, il-ħlas għandu jsir, jew ir-rata l-għdida tibda tghodd biss mis-Sibt li jkun imiss wara, u meta l-gurnata li fiha persuna ma jibqax ikollha l-jedd għal *allowance* jew, meta ikollha jedd għall-*allowance*, tmut, ma tkunx il-Gimgha, il-ħlas għandu jsir għall-gimgha kollha li tispicċa l-Gimgha li jkun imiss.

(3) Il-ħlas ta' *allowance* jsir bil-quddiem kull tant żmien (li ma jkunx żmien itwal minn tlettax-il gimgha) kif il-Ministru jistabbilixxi minn żmien għal żmien.

(4) Meta xi persuna bi htija tagħha stess ma tkunx tħallset xi somma li jkollha titħallas lilha bhala *allowance* fi żmien sitt xhur mid-data li fiha dik is-somma kellha titħallas, id-dritt għal dik is-somma jintilef.

(5) Hlief kif jista' jippreskrivi l-Ministru, *allowance* ma titħallasx barra minn Malta.

(6) Id-disposizzjonijiet tal-paragrafi (a) u (b) tas-subartikolu (1) ta' l-artikolu 34 ta' dan l-Att japplikaw għall-egħmil ta' talbiet taht din il-Parti.

Finanzja-
ment.

84. L-*allowances* għandhom jiġihallu mill-Fond tas-Sigurtà Nazzjonali mwaqqaf skond id-disposizzjonijiet ta' l-artikolu 50 ta' dan l-Att.

Pieni.

85. Jekk xi persuna, sabiex tikseb *allowance*, kemm għaliha stess jew għal xi persuna oħra, —

(a) xjentement jew bi traskuraġni kbira tagħmel dikjarazzjoni falza jew turi haġa b'oħra, jew

(b) iġġib jew tagħti, jew iġġieghel jew xjentement tħalli li jingiebi jew jingħata, xi dokument jew tagħrif li tkun taf li hu falz f'xi haġa materjali,

tkun hatja ta' reat u tehel, meta tinsab hatja, multa ta' mhux inqas minn għoxrin lira iżda mhux iżjed minn mitt lira jew prigunerija għal żmien ta' mhux iżjed minn tliet xhur, jew dik il-multu u prigunerija flimkien.

Applikab-
bilità ta'
artikoli
oħra.

86. Id-disposizzjonijiet ta' l-artikoli 37 u 38, ta' l-artikoli mill-41 sal-45 u ta' l-artikolu 65 ta' dan l-Att għandhom japplikaw għal *allowances* u għal talbiet dwarhom.

Setgħa
għall-
egħmil ta'
regolamenti.

87. Il-Ministru jista' jagħmel regolamenti biex jippreskrivi kull haġa li tista' tiġi preskritta taħt din il-Parti u, b'mod ġenerali, biex iseħħu d-disposizzjonijiet ta' din il-Parti, u b'mod partikolari, iżda bla ħsara għall-ġeneralità ta' dak li ntqal qabel —

(a) biex jippreskrivi l-kondizzjonijiet dwar nazjonalità, residenza u post tat-twelid li applikant għandu jissoddisfa, u l-kondizzjonijiet li japplikaw għal tifel jew tifla jew persuna li dwarha tintalab *allowance*;

(b) biex jippreskrivi ċ-ċirkostanzi li taħthom tifel jew tifla jew persuna li ma tgħix ma' familja tista' titqies li tagħmel parti minn dik il-familja jew minn familja oħra;

(ċ) biex jippreskrivi ċ-ċirkostanzi li fihom persuna, barra mill-ġenituri ta' tifel jew tifla jew persuna, tista' titlob *allowance* dwar dak it-tifel jew dik it-tifla jew dik il-persuna.”.

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

(a) minflok il-Parti I u IA għandu jidhol dan li ġej:

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

“PARTI I

Rata ta' benefiċċju, barra minn benefiċċju għal korriment

<i>Xorta ta' Benefiċċju</i>	<i>Rata fil-Ġimgħa</i>
	£ c m
(a) benefiċċju għal mard — persuni fuq l-età assigurabbli	7.40,0
(b) benefiċċju għal disimpieg — persuni fuq l-età assigurabbli	7.40,0
(ċ) pensjoni ta' armla	7.40,0
(d) <i>allowance</i> speċjali ta' armla	2.75,0
(e) pensjoni għal invalidità	7.40,0
(f) pensjoni għal min jirtira	7.40,0
(g) <i>allowance</i> għal tutur	1.73,0
(h) benefiċċju għal mewt —	
(i) benefiċċju ta' armla	8.55,0
(ii) benefiċċju ta' armel	8.55,0
(iii) <i>allowance</i> ta' armla	3.25,0
(iv) <i>allowance</i> ta' ltiema	2.71,0
(v) <i>allowance</i> tal-ġenituri	7.40,0

PARTI IA

Rata ta' benefiċċju għal korriment

Età ta' Benefiċjarju	Rata ta' k'uljum
	£ c m
Persuni ta' l-età assigurabbli	2.30,0
Persuni taħt l-età assigurabbli	1.05,0".

(b) minflok il-Parti IV, V u VI għandu jidhol dan li ġej:

"PARTI IV

Rati ta' pensjoni għal inkapaċità

Grad ta' Inkapaċità	RATI FIL-GIMGHA	
	Persuni taħt l-età assigurabbli	Persuni fuq l-età assigurabbli
%	£ c m	£ c m
100	3.70,0	7.40,0
90	3.25,0	6.50,0
80	2.90,0	5.80,0
70	2.58,0	5.16,0
60	2.20,0	4.40,0
50	1.97,0	3.94,0
40	1.58,0	3.16,0
30	1.24,0	2.48,0
20	0.88,0	1.76,0

PARTI V

Zieda ta' benefiċċju, barra minn benefiċċju għal korriment

	£ c m
Zieda ta' mara miżżewġa ta' rata fil-gimgha ta' —	
(a) benefiċċju għal mard	4.70,0
(b) benefiċċju għal disimpieg	4.70,0
(c) pensjoni għal invalidità	4.70,0
(d) pensjoni għal min jirtira	4.70,0
(e) pensjoni għal inkapaċità	4.70,0
(f) <i>allowance</i> għal ġenituri	4.70,0
Zieda għal tifel jew tifla bir-rata fil-gimgha ta' —	
(a) pensjoni ta' armla	0.85,0
(b) benefiċċju ta' armla	0.85,0
(c) benefiċċju ta' armel	0.85,0

PARTI VI

Zieda fil-benefiċċju għal korriment

Zieda għal mara miżżewġa	Rata kuljum
	£ c m
Benefiċċju għal korriment	0.80,0".

5. Minflok il-Parti II tal-Hames Skeda li tinsab ma' l-Att prinċipali għandu jidhol dan li ġej:

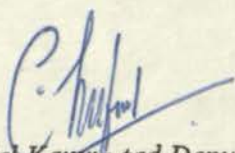
Emenda tal-Hames Skeda li tinsab ma' l-Att prinċipali.

"PARTI II

Rati mnaqqsa ta' benefiċċji oħra

Xorta ta' Benefiċċju	Rata Shifa	RATI MNAQQSA		
		Numru ta' kontribuzzjonijiet imħallsa jew akkreditati fis-sena ta' kontribuzzjoni relattiva jew imħallsa jew akkreditati minn sena għal sena.		
		40—49	30—39	20—29
	£ c m	£ c m	£ c m	£ c m
Benefiċċju għal Mard	7.40,0	6.66,0	5.10,0	3.72,0
Benefiċċju għal Disimpieg	7.40,0	6.66,0	5.10,0	3.72,0
Pensjoni ta' armla	7.40,0	6.66,0	5.10,0	3.72,0
Pensjoni għal Invalidità	7.40,0	6.66,0	5.10,0	3.72,0
Pensjoni għal min Jirtira	7.40,0	6.66,0	5.10,0	3.72,0
Zieda ta' benefiċċju għal mara miżżewġa —				
Benefiċċju għal Mard	4.70,0	4.32,0	3.24,0	2.40,0
Benefiċċju għal Disimpieg	4.70,0	4.32,0	3.24,0	2.40,0
Pensjoni għal Invalidità	4.70,0	4.32,0	3.24,0	2.40,0
Pensjoni għal min Jirtira	4.70,0	4.32,0	3.24,0	2.40,0".

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 86 tal-5 ta' Ottubru, 1977.



Skrivan tal-Kamra tad-Deputati

H. P. Pereira.
Speaker



I assent.

Andrés Balthazar

President

7th October, 1977

ACT No. XXX of 1977

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

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

Short title and commencement.

1. (1) This Act may be cited as the National Insurance (Amendment) (No. 3) Act, 1977, and shall be read and construed as one with the National Insurance Act, 1956, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on the 15th day of October, 1977.

Amendment of section 35 of the principal Act.

2. In subsection (2) of section 35 of the principal Act, for the word "Wednesday" and for the word "Tuesday" wherever they occur there shall be substituted respectively the word "Saturday" and the word "Friday".

Substitution of Part VIII of the principal Act.

3. For Part VIII of the principal Act there shall be substituted the following:

"PART VIII

Inter-pretation.

70. In this Part, unless the context otherwise requires —

"allowance" means any one of the allowances referred to in section 71 payable in accordance with the provisions of this Part;

"prescribe" means prescribe by regulations.

Kinds of allowance.

71. An allowance payable under this Part shall be of the following kinds:

- (a) child allowance;
- (b) additional child allowance, and
- (c) special allowance.

Payment of child allowance.

72. Subject to the other provisions of this Part, a child allowance shall be payable to every family in respect of each child up to a maximum of three children, notwithstanding that such family includes more than three children:

Provided that, where a child is an employed person or is deriving earnings from any gainful occupation during any period, such person shall not during that period be deemed to be a child for the purposes of this section.

Payment of additional child allowance.

73. Subject to the other provisions of this Part, an additional child allowance shall be payable to every family in respect of the fourth and of each subsequent child:

Provided that, where a child is an employed person or is deriving earnings from any gainful occupation during any period, such person shall not during that period be deemed to be a child for the purposes of this section.

Payment of special allowance.

74. Subject to the other provisions of this Part, a special allowance shall be payable to every family in respect of each person aged 16 years of age or over who proves to the satisfaction of the Director that he is still undergoing full time education or training in an educational institution recognized by the Government in terms of the Education Act, 1974:

Act No. XXXIX of 1974

Provided that where such person is an employed person or is deriving earnings from any gainful occupation during any period, such person shall not, during that period, be entitled to a special allowance.

For the purposes of this section, "person" includes a step-son, a step-daughter, an adopted son or daughter and an illegitimate son or daughter.

Employment and earnings.

75. For the purposes of sections 72, 73 and 74 of this Act, a person shall not be deemed to be an employed person or to be deriving earnings from a gainful occupation if the earnings derived therefrom do not exceed, in respect of any day, 100 cents in respect of a person of insurable age of 40 cents in respect of a person under insurable age or, where the earnings are earned in respect of a period longer than a day, do not, on a daily average, exceed those amounts respectively.

Rate of allowance.

76. The rate of the allowance shall be —

- (a) in the case of a child allowance —
 - (i) in respect of the first eligible child 140 cents per week;

(ii) in respect of the second eligible child 120 cents per week, and

(iii) in respect of the third eligible child 80 cents per week;

(b) in the case of an additional child allowance, 30 cents per week in respect of each eligible child, and

(c) in the case of a special allowance 50 cents per week in respect of each eligible person.

Limitation
of appli-
cability.

77. (1) Except as may be prescribed by the Minister, where a husband and wife are living together no allowance shall be payable to the parent in respect of a child or person where such child or person is living with another person and maintained by such other person.

(2) Except as may be prescribed by the Minister, an allowance shall not be payable in respect of a child or person not living in Malta.

Act
No. XXV
of 1948

(3) An allowance shall not be payable in respect of a child or person to whom a pension is payable under the Old Age Pensions Act, 1948.

(4) Except as may be prescribed by the Minister, an allowance shall not be granted unless the claimant —

(a) is a citizen of Malta;

(b) resides in Malta and has so resided continuously in the twelve months immediately preceding the date on which the claim for the allowance is made, and

(c) is an insured person.

(5) An allowance shall not be payable in respect of a child or person whose father is dead unless, on the date of his death, he —

(a) was a citizen of Malta or, if he died before the 21st day of September, 1964, would, but for his death, have become on that date such a citizen as of right;

(b) had resided continuously in Malta in the twelve months immediately before the date of his death, and

(c) was an insured person:

Provided that the provisions of this subsection shall not apply in respect of a child or person whose mother —

(a) is a citizen of Malta;

(b) resides in Malta and has so resided continuously in the twelve months immediately preceding the date of the claim, and

(c) is an insured person or a person in relation to whom the provisions of subsection (2) of section 9 of this Act apply.

Limitation
of appli-
cability to
a child
allowance.

78. (1) A child allowance shall not be payable in respect of a child born or otherwise beginning to form part of a family after the first day of November, 1974, unless such child is the first, second or third living child forming part, or who formed part, of that family including children of the age of sixteen years or over.

(2) Where a child of a family is living otherwise than with his parents, no child allowance shall be payable in respect of such child if his parents are already entitled to such allowance for three children.

Cessation
of
additional
child
allowance.

79. An additional child allowance in respect of a child shall cease to be payable immediately such child becomes eligible to a child allowance.

Termination
of
entitlement.

80. Saving any other provision of this Part, an allowance awarded in respect of a child or person shall be terminated —

(a) when any of the requirements under this Part or any regulations made thereunder for the entitlement to such allowance ceases to be satisfied, or

(b) when that child or person does no longer form part of the family of which such child or person formed part when the allowance was awarded.

Payment of
allowance
to cease
in certain
circum-
stances.

81. Saving any other provision of this Part, an allowance payable to a beneficiary in respect of a child or person ceases to be payable —

(a) if the beneficiary ceases to have the custody, care and control of the child or person, or, where such person is of the age of eighteen years or over, if the said person no longer normally resides with the beneficiary, or

(b) if the beneficiary ceases to reside in Malta, unless it be only temporarily.

Beneficiary
of
allowance.

82. (1) An allowance payable in accordance with the provisions of this Part shall be paid to the father of the child or person where the parents of such child or person are living together and, except as may be prescribed by the Minister, the child or person is brought up in the parents' family; where the parents are living apart or are legally separated, the allowance shall be paid to such parent or to such other person, other than an institution, who, in the opinion of the Director, has the effective custody of the child or person, or with whom, in the case of a person of the age of eighteen years or over, the latter person normally resides.

(2) Full orphans shall be entitled to claim an allowance if no such allowance is payable in respect of them to any other person, provided —

(a) at least one of the parents was a citizen of Malta or, if both parents died before the 21st day of

September, 1964, at least one of them would, but for his death, have become on that date such a citizen as of right, and

(b) such orphans reside in Malta and have so resided continuously in the twelve months immediately preceding the date of the claim.

For the purposes of this subsection, "full orphan" means a person whose father and mother have died, have abandoned their children, or are unknown.

(3) An allowance in respect of any particular child or person shall be granted to one claimant only.

Claims
and
payments.

83. (1) An allowance shall begin to accrue —

(a) if the claim is made within three months from the date of entitlement thereto, as from the date of entitlement, or

(b) if the claim is made after the lapse of three months from the date of entitlement thereto, as from three months immediately prior to the date on which the claim is made.

(2) Where the day on which a person becomes entitled to an allowance or becomes entitled to an allowance at a new rate, is not a Saturday, payment shall be made, or the new rate shall take effect, only as from the next following Saturday, and where the day on which a person ceases to be entitled to an allowance or, being entitled to an allowance, dies, is not a Friday, payment shall be made for the whole of the week which ends on the following Friday.

(3) Payment of an allowance shall be made in advance at such intervals (being intervals not longer than thirteen weeks) as the Minister may from time to time determine.

(4) Where any person through his own fault has not obtained payment of any sum payable to him by way of allowance within six months from the date at which that sum became payable, the right to that sum shall be extinguished.

(5) Except as may be prescribed by the Minister, an allowance shall not be payable outside Malta.

(6) The provisions of paragraphs (a) and (b) of subsection (1) of section 34 of this Act shall apply to the making of claims under this Part.

Financing.

84. Allowances shall be paid out of the National Insurance Fund established in accordance with the provisions of section 50 of this Act.

Penalty.

85. If any person, for the purpose of obtaining an allowance, whether for himself or for any other person, —

(a) knowingly or recklessly makes any false statement or false representation, or

(b) 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 guilty of an offence and shall be liable, on conviction, to a fine (*multa*) of not less than twenty pounds but not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Applicability of other sections.

86. The provisions of sections 37 and 38, sections 41 to 45 and section 65 of this Act shall apply to allowances and to claims therefor.

Power to make regulations.

87. The Minister may make regulations for prescribing anything which may be prescribed under this Part and, generally, for carrying the provisions of this Part into effect, and in particular, but without prejudice to the generality of the foregoing —

(a) for prescribing the 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 the circumstances in which a child or person not living with a family may be treated as forming part of that family or of another family;

(c) for prescribing the 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.”.

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

Amendment of the Third Schedule to the principal Act.

(a) For Parts I and IA there shall be substituted the following:

“PART I

Rate of benefit, other than injury benefit

Kind of Benefit	Weekly Rate
	£ c m
(a) sickness benefit —	
persons over insurable age	7.40,0
(b) unemployment benefit —	
persons over insurable age	7.40,0
(c) widow's pension	7.40,0
(d) widow's special allowance	2.75,0
(e) invalidity pension	7.40,0

(f) retirement pension	7.40,0
(g) guardian's allowance	1.73,0
(h) death benefit —	
(i) widow's benefit	8.55,0
(ii) widower's benefit	8.55,0
(iii) widow's allowance	3.25,0
(iv) orphan's allowance	2.71,0
(v) parent's allowance	7.40,0

PART IA

Rate of injury benefit

Age of Beneficiary	Daily Rate
	£ c m
Persons of insurable age	2.30,0
Persons under insurable age	1.05,0"

(b) For Parts IV, V and VI there shall be substituted the following:

"PART IV

Rates of disablement pension

Degree of Disablement	WEEKLY RATES	
	Persons under insurable age	Persons over insurable age
%	£ c m	£ c m
100	3.70,0	7.40,0
90	3.25,0	6.50,0
80	2.90,0	5.80,0
70	2.58,0	5.16,0
60	2.20,0	4.40,0
50	1.97,0	3.94,0
40	1.58,0	3.16,0
30	1.24,0	2.48,0
20	0.88,0	1,76,0

PART V

Increase of benefit, other than injury benefit

	£ c m
Increase for a wife of the weekly rate of —	
(a) sickness benefit	4.70,0
(b) unemployment benefit	4.70,0
(c) invalidity pension	4.70,0
(d) retirement pension	4.70,0
(e) disablement pension	4.70,0
(f) parent's allowance	4.70,0
Increase for a child of the weekly rate of —	
(a) widow's pension	0.85,0
(b) widow's benefit	0.85,0
(c) widower's benefit	0.85,0

PART VI

Increase of injury benefit

Increase for a Wife	Daily Rate
	£ c m
Injury benefit	0.80,0".

5. For Part II of the Fifth Schedule to the principal Act there shall be substituted the following:

Amendment
of the
Fifth Schedule
to the
principal Act.

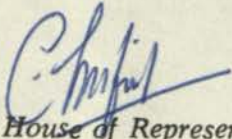
"PART II

Reduced rates of other benefits

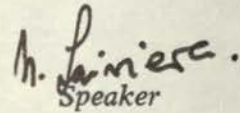
Kind of Benefit	Full Rate	REDUCED RATES		
		Number of contributions paid or credited in the relevant contribution year or yearly average of contributions paid or credited		
		40—49	30—39	20—29
	£ c m	£ c m	£ c m	£ c m
Sickness Benefit	7.40,0	6.66,0	5.10,0	3.72,0
Unemployment Benefit	7.40,0	6.66,0	5.10,0	3.72,0
Widow's Pension	7.40,0	6.66,0	5.10,0	3.72,0
Invalidity Pension	7.40,0	6.66,0	5.10,0	3.72,0

Kind of Benefit	Full Rate	REDUCED RATES		
		Number of contributions paid or credited in the relevant contribution year or yearly average of contributions paid or credited		
		40—49	30—39	20—29
	£ c m	£ c m	£ c m	£ c m
Retirement Pension	7.40,0	6.66,0	5.10,0	3.72,0
Increase of benefit for a wife —				
Sickness Benefit	4.70,0	4.32,0	3.24,0	2.40,0
Unemployment Benefit	4.70,0	4.32,0	3.24,0	2.40,0
Invalidity Pension	4.70,0	4.32,0	3.24,0	2.40,0
Retirement Pension	4.70,0	4.32,0	3.24,0	2.40,0".

Passed by the House of Representatives at Sitting No. 86 of the 5th October, 1977.



Clerk to the House of Representatives



M. Laine
Speaker