

MALTA

ATT Nru. VII ta' l-1981

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

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

ACT No. VII of 1981

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

V. SCERRI
Aġent President

20 ta' Frar, 1981

ATT Nru. VII ta' l-1981

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-sehħ.

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 haġa 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 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 jidhlu 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 jżiedied 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.

Att VI
ta' 1-1956

(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' 1-1956 dwar is-Sigurtà Nazzjonali.

Att XI
ta' 1-1952

(4) Il-*bonus* li jiġihallas 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' 1-1952 li Jirregola l-Kondizzjonijiet ta' l-Impieg dwar kull parti tal-perijodu ta' sitt xhur li jispicċa fl-aħħar jum ta' Ġunju jew Diċembru, meta l-*bonus* li jiġihallas 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.

(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 jispicċa fl-aħħar ġurnata tax-xahar 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.

Att VIII
ta' 1-1956

(6) L-ammont imnaqqas mill-*bonus* skond id-disposizzjonijiet tas-subartikolu (5) ta' dan l-artikolu għandu jiġihallas lil-Kumitat dwar Għajnuna Soċjali mwaqqaf taħt l-Att ta' 1-1956 dwar l-Għajnuna Nazzjonali.

(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:

(a) minflok il-paragrafu (1) tagħha għandu jidhrol 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 —

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

	Rata ta' Pensjoni fil-Gimgha 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-koppja miżżewġa jew it-tnejn li għalihom japplika dan il-paragrafu jkunu proprjetarji tad-dar ta' residenza tagħhom jew parti minnha, u l-valur kapitali tagħha jkun għe eskluż skond is-sub-paragrafu (b) tal-paragrafu (3) ta' din l-Iskeda u jkun iżjed minn £4,600 ir-rati fil-gimgha murija f'dan il-paragrafu għandhom jitnaqqsu b'50c.”;

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

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

	Rata ta' Pensjoni fil-Gimgha
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 għet 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 jidhol dan li ġej:

“(b) Meta d-dar tar-residenza ta' persuna li titlob pensjoni ma tkunx għet 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.”;

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 469 tat-18 ta' Frar, 1981.

C. AGIUS
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

V. SCERRI
Acting President

20th February, 1981

ACT No. VII of 1981

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:—

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”.

Short title
and
commencement.

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

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”.

Amendment of
section 3A of
the principal
Act.

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

Addition of
new section
11B to the
principal Act.

“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.

Act VI
of 1956

(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 XI
of 1952

(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.

(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.

Act VIII
of 1956

(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.

(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.”.

Passed by the House of Representatives at Sitting No. 469 of the 18th February, 1981.

C. AGIUS
Speaker

C. MIFSUD
Clerk to the House of Representatives