
Nru. 33

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MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Dolores Cristina, M.P., Ministru għall-Familja u Solidarjetà Soċjali u moqri għall-Ewwel darba fis-Seduta tas-27 ta' Lulju, 2004.

A BILL introduced by the Honourable Dolores Cristina, M.P., Minister for the Family and Social Solidarity and read the First time at the Sitting of the 27th July, 2004.

ATT biex jemenda l-Att dwar is-Sigurtà Soċjali. (Kap. 318)

AN ACT to amend the Social Security Act. (Cap. 318)

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Att dwar is-Sigurtà Soċjali, Kap. 318.

IL-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) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2004 li jemenda l-Att dwar is-Sigurtà Soċjali, u għandu jinqara u jiftiehem haġa wahda ma' l-Att dwar is-Sigurtà Soċjali, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehh.

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(2) Dan l-Att għandu jitqies li dahal fis-sehh kif ġej:-

(a) id-disposizzjonijiet ta' l-artikolu 9 b'seħh mit-3 ta' Jannar, 2004;

(b) id-disposizzjonijiet ta' l-artikoli 3 u 4 b'seħh mill-5 ta' Jannar, 2004; u

(ċ) id-disposizzjonijiet li jifdal meta dan l-Att isir liġi.

2. Is-subartikolu (1) ta' l-artikolu 2 ta' l-Att prinċipali għandu jigi emendat kif ġej:-

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

(a) fit-tifsira “Direttur”, fil-proviso relattiva, minflok il-kliem, “skond ma jkun mehtieg il-każ;” ghandhom jidhlu l-kliem “skond ma jkun jehtieg il-każ:” u minnufih wara dak il-proviso ghandu jizdied dan il-proviso gdid li ġej:

“Izda wkoll ghar-rigward tad-disposizzjonijiet tas-subartikolu (1) ta’ l-artikolu 93 ta’ dan l-Att, u salv kif xort’ohra provdut, il-kelma Direttur tfisser id-Direttur responsabbli ghad-Dipartiment għall-Anzjani u Servizi fil-Komunità, u tinkludi kull ufficjal pubbliku fid-dipartiment tieghu li jissemma minnu;”;

(b) fit-tifsira “Ministru” minflok il-kliem, “jew għal serje ta’ għanijiet;” ghandhom jidhlu l-kliem “jew klassi ta’ għanijiet:” u minnufih wara dik it-tifsira ghandu jizdied dan il-proviso li ġej:

“Izda għar-rigward tad-disposizzjonijiet ta’ l-artikolu 93, 130 u 131, u salv kif xort’ohra provdut, il-kelma Ministru tfisser il-Ministru responsabbli għall-anzjani u tinkludi kull ufficjal pubbliku li jissemma minn dak il-Ministru għal xi għan partikolari jew klassi ta’ għanijiet;”; u

(ċ) fit-tifsira “persuna gravament disabilitata” fil-paragrafu (ċ) tagħha, minflok il-kliem “*TC II Deficiency*; jew” ghandhom jidhlu l-kliem “*TC II Deficiency*” u minnufih wara dawk il-kliem ghandhom jizdiedu l-kliem “*Cerebellar Ataxia*; jew”;

(d) minflok it-tifsira “sena ta’ benefiċċju” ghandu jidhol dan li ġej:-

““sena ta’ benefiċċju” tfisser il-perjodu li jibda fl-ewwel Tnejn ta’ Jannar u jtemm fl-ahhar Hadd qabel l-ewwel Tnejn ta’ Jannar tas-sena ta’ wara;”.

Emenda ta’ l-artikolu 3 ta’ l-Att prinċipali.

3. Fis-subartikolu (2) ta’ l-artikolu 3 ta’ l-Att prinċipali, minnufih wara l-proviso relattiva, ghandu jizdied dan il-proviso iehor li ġej:-

“Izda wkoll fil-każ ta’ persuna mizzewġa li ma tkunx legalment separata jew ma tkunx ġiet abbandunata mill-konjuġi tagħha u li fl-4 ta’ Jannar, 2004 kellha impjeg assigurabbli u li wara dik id-data tkun temmet l-impjeg tagħha biex tibbenefika minn skema ta’ rtirar kmieni mix-xogħol, skond ma jista’ jkun approvat mill-Ministru responsabbli għall-finanzi, jew tkun qabel dik id-data rikonoxxuta bħala tali mid-Direttur, dik il-persuna ghandha titqies, jekk hekk tagħzel, bħala persuna li timpjega lilha

nnifisha jekk meta ttemm l-impjieg taghha hija tkun tissodisfa l-kondizzjonijiet ta' kontribuzzjonijiet minimi mehtiega skond il-paragrafu 2 tal-Hdax-il Skeda, kif kalkolati minn meta tkun ghalqet it-tmintax-il sena sad-data meta tkun temmet l-ahhar impjieg taghha.”.

4. Artikolu 12 ta' l-Att prinċipali ghandu jigi emendat kif ġej:-

Emenda ta' l-artikolu 12 ta' l-Att prinċipali.

(a) is-subartikolu (2) ghandu jigi enumerat mill-ġdid bhala s-subartikolu (3); u

(b) minnufih wara s-subartikolu (1), ghandu jizdied dan is-subartikolu ġdid li ġej:

“(2) Jekk persuna li dwarha japplika s-subartikolu (1) ta' dan l-artikolu tkun persuna miżżewġa li tkun legalment separata u li ma tkunx qed taħdem ghalha nnifisha, allura dik il-persuna tista' tagħzel li jkollha l-manteniment li jinghatalha mill-konjuġi l-iehor eskluż mill-kalkolu ta' mezz magħmul skond id-disposizzjonijiet tat-Taqsima I tat-Tieni Skeda li tinsab ma' dan l-Att.” .

5. Fis-subartikolu (6) ta' l-artikolu 28 ta' l-Att prinċipali, minflok il-kliem “fl-artikolu 18(6)(a), (b) u (ċ)” ghandhom jidhlu l-kliem:

Emenda ta' l-artikolu 28 ta' l-Att prinċipali.

“fl-artikolu 18(6) (a), (b) u (ċ) ta' dan l-Att, u meta tkun ingiebet prova li l-persuna involuta tkun aġġixiet b'mod negligenti billi ma tkunx tat każ tal-prekawzzjonijiet ta' sigurtà li kienet dovuta taghti każ taghhom skond ma hemm fl-Att dwar l-Awtorità ghas-Sahha u s-Sigurtà fuq il-Post tax-Xoghol, u b'hekk tkun ikkaġunat l-inċident li jkun wassal ghall-korriment:

Izda meta tingieb prova li l-prinċipal kien qieghed jikser xi disposizzjoni ta' l-Att dwar l-Awtorità ghas-Sahha u s-Sigurtà fuq il-Post tax-Xoghol, id-Direttur jista' jitlob lura minghand il-prinċipal kull benefiċċju li jkun ġie mhallas lill-persuna assicurata dwar dak l-inċident.”.

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6. L-artikolu 31 ta' l-Att prinċipali ghandu jigi emendat kif ġej:-

Emenda ta' l-artikolu 31 ta' l-Att prinċipali.

(a) fil-paragrafu (a), il-kliem “meta dwar dak l-iben jew dik il-bint tkun qed tithallas *allowance* taht l-artikolu 76” ghandhom jithassru; u

(b) fil-paragrafu (b), il-kliem, “meta tkun qed tithallas *allowance* taht l-artikolu 76 dwar dak l-iben jew bint” ghandhom jithassru.

Emenda ta' l-artikolu 58 ta' l-Att prinċipali.

7. L-artikolu 58 ta' l-Att prinċipali ghandu jigi emendat kif ġej:-

(a) fil-paragrafu (a), fis-subparagrafu (ii), minflok il-kliem “kontribuzzjoni; u” ghandha tidhol il-kelma “kontribuzzjoni;”;

(b) fil-paragrafu (b), minflok il-kliem “*bona fide*.” ghandhom jidhlu l-kliem “*bona fide*; u”;

(ċ) minnufih wara l-paragrafu (b), ghandu jizdied dan il-paragrafu ġdid li ġej:

“(ċ) kull inkriment aċċelerat.”.

Emenda ta' l-artikolu 84 ta' l-Att prinċipali.

8. Fl-artikolu 84 ta' l-Att prinċipali, minnufih wara s-subartikolu (2) ghandu jizdied dan is-subartikolu ġdid li ġej:

“(3) Il-Ministru responsabbli ghal l-Anzjani jista', minn żmien ghal żmien u bi ftehim mal-Ministru responsabbli ghall-finanzi, jagħmel regolamenti bil-ghan li jistabbilixxi l-kontribuzzjoni dovuta minn residenti ta' Servizzi Residenzjali Finanzjali mill-Istat skond l-artikolu 93 ta' dan l-Att.”.

Emenda ta' l-artikolu 93 ta' l-Att prinċipali.

9. Fl-artikolu 93 ta' l-Att prinċipali, minnufih wara s-subartikolu (4), ghandu jizdied dan is-subartikolu ġdid li ġej:-

“(5) Meta ebda benefiċċju, pensjoni, *bonus*, għajnuna jew *allowance* ma jkunu dovuti lil resident ta' Servizz Residenzjali Finanzjat mill-Istat, u sew jekk tali benefiċċju, pensjoni, *bonus*, għajnuna jew *allowance* ikunux jithallsu taht dan l-Att sew jekk minn xi sorsi oħra, jew meta tali benefiċċju, pensjoni, *bonus*, għajnuna jew *allowance* ikunu inqas mill-ammont dovut bhala kontribuzzjoni, kif speċifikat skond is-subartikolu (1) ta' dan l-artikolu, id-Direttur tad-Dipartiment għall-Anzjani u Servizzi fil-Komunità jkollu s-setgħa li jagħmel kuntratt ma' dak ir-resident u, jew kull parti oħra, skond il-htieġa tal-każ, dwar kull kontribuzzjoni li tista' tkun dovuta lill-Gvern skond id-disposizzjonijiet ta' dan l-artikolu.”.

Emenda ta' l-artikolu 130 ta' l-Att prinċipali.

10. Fis-subartikolu (1) ta' l-artikolu 130 ta' l-Att prinċipali, minflok il-kliem “Dipartiment għall-Harsien ta' l-Anzjani” ghandu jidhol il-kliem “Dipartiment għall-Anzjani u Servizzi fil-Komunità”.

11. Fis-subartikolu (1) ta' l-artikolu 132 ta' l-Att prinċipali, minnufih wara l-kliem “fil-Kummissarju tat-Taxxi Interni” għandhom jiżdiedu l-kliem “, jew fid-Direttur tad-Dipartiment għall-Anzjani u Servizzi fil-Komunità”. Emenda ta' l-artikolu 132 ta' l-Att prinċipali.

Għanijiet u Raġunijiet

L-għan ta' l-Abbozz hu dak li jimplimenta ċerti miżuri amministrattivi u oħrajn li huma meħtieġa skond l-Att dwar is-Sigurtà Soċjali, Kap. 318, u biex jikkonforma disposizzjonijiet oħra ma' l-istruttura amministrattiva korrenti tal-Ministeru responsabbli għall-anzjani.

**A BILL
entitled**

AN ACT to amend the Social Security Act, Cap. 318.

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.

Cap. 318.

1. (1) The short title of this Act is the Social Security (Amendment) Act, 2004, and this Act shall be read and construed as one with the Social Security Act, hereinafter referred to as “the Principal Act”.

(2) This Act shall be deemed to have come into force as follows:-

(a) the provisions of Article 9 with effect from the 3rd January, 2004;

(b) the provisions of Articles 3 and 4 with effect from the 5th January, 2004; and

(c) the remaining provisions upon enactment of this Act.

Amendment of
article 2 of the
principal Act.

2. Sub-article (1) of article 2 of the principal Act shall be amended as follows:-

(a) for the definition “benefit year” there shall be substituted the following:-

“ “benefit year” means the period starting from the first Monday in January and ending on the last Sunday before the first Monday in January of the following year;”;

(b) in the definition “Director”, in the proviso thereto, for the words, “as the case may require;” there shall be substituted the words “as the case may require:” and immediately thereafter there shall be added the following new proviso:

“Provided further that in respect of the provisions of sub-article (1) of article 93 of this Act, and save as otherwise provided, the word Director means the Director responsible for the Department of the Elderly and Community Services, and includes any public officer in his department designated by him;”;

(c) in the definition “Minister” for the words, “or class of purposes;” there shall be substituted the words “or class of purposes:” and immediately thereafter there shall be added the following proviso:

“Provided that in respect of the provisions of article 93, 130 and 131, and save as otherwise provided, the word Minister means the Minister responsible for the elderly and includes any officer designated by the said Minister for a particular purpose or class of purposes;”; and

(d) in the definition “severely disabled person” in paragraph (c) thereof, for the words “TC II Deficiency; or” there shall be substituted the words “TC II Deficiency” and immediately thereafter there shall be added the words “Cerebellar Ataxia; or”.

3. In sub-article (2) of article 3 of the principal Act, immediately after the proviso thereto, there shall be added the following further proviso:-

Amendment of article 3 of the principal Act.

“Provided further that in the case of any married person who is not legally separated or who has not been abandoned by his spouse and who on the 4th January, 2004 was in insurable employment and who after that date terminated his employment so as to partake of an early retirement scheme, as may be approved by the Minister responsible for finance, or is prior to the said date recognized as such by the Director, such person shall, if he so

elects, be deemed to be a self-employed person if on his termination from his employment he satisfies the minimum contribution conditions required in terms of paragraph 2 of the Eleventh Schedule, calculated from his eighteenth birthday up to the date of his termination of his last employment.”.

Amendment of article 12 of the principal Act.

4. Article 12 of the principal Act shall be amended as follows:-

(a) sub-article (2) thereof shall be renumbered as sub-article (3); and

(b) immediately after sub-article (1) thereof, there shall be added the following new sub-article:

“(2) If a person in respect of whom sub-article (1) of this article applies is a married person who is legally separated and who is not gainfully occupied, then such person may opt to have any maintenance paid to him by the other spouse excluded from the calculation of means made in accordance with the provisions of Part I of the Second Schedule to this Act.” .

Amendment of article 28 of the principal Act.

5. In sub-article (6) of article 28 of the principal Act, the words “article 18(6)(a), (b) and (c).” shall be substituted by the words:

“article 18(6) (a), (b) and (c) of this Act, and where it has been proven that the person concerned has acted negligently by disregarding any safety precautions that he was obliged to take in terms of the Occupational Health and Safety Authority Act, thereby causing the accident that resulted in the injury:

Cap. 424.

Provided that where it is proven that the employer was in breach of any of the provisions of the Occupational Health and Safety Authority Act, the Director may claim from the employer any benefit paid to the insured person relating to such accident.”.

Amendment of article 31 of the principal Act.

6. Article 31 of the principal Act shall be amended as follows:-

(a) in paragraph (a) thereof, the words “where an allowance under article 76 is being paid in respect of such child” shall be deleted; and

(b) in paragraph (b) thereof, the words, “where an allowance under article 76 is being paid in respect of such son or daughter” shall be deleted.

7. Article 58 of the principal Act shall be amended as follows:- Amendment of article 58 of the principal Act.

(a) in paragraph (a) thereof, in sub-paragraph (ii), for the words “was payable; and” there shall be substituted the words “was payable;”;

(b) in paragraph (b) thereof, for the words “bona fide.” there shall be substituted the words “bona fide; and”;

(c) immediately after paragraph (b) thereof, there shall be added the following new paragraph:

“(c) any accelerated increment.”.

8. In article 84 of the principal Act, immediately after sub-article (2) thereof there shall be added the following new sub-article: Amendment of article 84 of the principal Act.

“(3) The Minister responsible for the elderly may, from time to time and with the concurrence of the Minister responsible for finance, make regulations for the purpose of establishing the contribution due by residents of State Financed Residential Services in terms of article 93 of this Act.”.

9. In article 93 of the principal Act, immediately after sub-article (4) thereof, there shall be added the following new sub-article:- Amendment of article 93 of the principal Act.

“(5) Where no benefit, pension, bonus, assistance or allowance is due to a resident of a state financed residential service, and whether such benefit, pension, bonus, assistance or allowance is payable under this Act or from any other source, or where such benefit, pension, bonus, assistance or allowance is less than the amount that is due by way of a contribution, as specified in terms of sub-article (1) of this article, the Director of the Department for the Elderly and Community Services shall be empowered to enter into a contract with such resident and, or any other party, as the case may require, for any contribution that may be due to Government in accordance with the provisions of this article.”.

10. In sub-article (1) of article 130 of the principal Act, for the words “Department for the Welfare of the Elderly” there shall be substituted the words “Department for the Elderly and Community Services”. Amendment of article 130 of the principal Act.

Amendment of
article 132 of the
principal Act.

11. In sub-article (1) of article 132 of the principal Act, immediately after the words “in the Commissioner of Inland Revenue” there shall be added the words “, or in the Director of the Department for the Elderly and Community Services”.

Objects and Reasons

The object of the Bill is to implement certain administrative and other measures necessary in terms of the Social Security Act, Cap. 318, and to bring other provisions in line with the current administrative structure of the Ministry responsible for the elderly.