

Naghti l-kunsens tieghi.

(L.S.)

EDWARD FENECH ADAMI
President

7 ta' Diċembru, 2006

ATT Nru. XIX ta' l-2006

ATT li jkompli jemenda l-Att dwar is-Sigurtà Soċjali.

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-2006 li jemenda l-Att dwar is-Sigurtà Soċjali (Emenda Nru. 2), u dan l-Att għandu jinqara u jiftiehem haġa wahda ma' l-Att dwar is-Sigurtà Soċjali, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehh.

Kap. 318.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-politika soċjali jista', b'avviż fil-Gazzetta, jistabbilixxi u jistgħu jiġu hekk stabbiliti dati differenti għal għanijiet u disposizzjonijiet differenti ta' dan l-Att.

TAQSIMA I

EMENDI FL-ATT PRINĊIPALI

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) minflok it-tifsira "età tal-pensjoni" għandu jidhol dan li ġej:

“ “età tal-pensjoni” tfisser l-età ta’ hamsa u sittin sena:

Iżda:

(i) (a) salvi d-disposizzjonijiet tal-paragrafu (ii) ta’ din it-tifsira, fil-każ ta’ persuna mwiela fil-31 ta’ Diċembru 1951 jew qabel, l-età tal-pensjoni tkun wiehed u sittin sena;

(b) fil-każ ta’ persuna mwiela fis-snin kalendarji 1952 sa 1955, l-età tal-pensjoni tkun tnejn u sittin sena;

(c) fil-każ ta’ persuna mwiela fis-snin kalendarji 1956 sa 1958, l-età tal-pensjoni tkun tlieta u sittin sena;

(d) fil-każ ta’ persuna mwiela fis-snin kalendarji 1959 sa 1961, l-età tal-pensjoni tkun erbgħa u sittin sena;

(ii) fil-każ ta’ mara mwiela fil-31 ta’ Diċembru 1951 jew qabel, l-età tal-pensjoni tkun sittin sena;”;

(ii) fit-tifsira “Pensjoni tas-Servizz” fil-proviso li hemm magħha, minflok il-kliem “għall-ewwel darba;” għandhom jidhlu l-kliem “għall-ewwel darba:” u minnufih wara għandu jżied dan il-proviso ġdid li ġej:

“Iżda wkoll it-Tieni Pensjoni jew it-Tielet Pensjoni li persuna tista’ tirċievi m’għandhiex titqies bħala Pensjoni tas-Servizz għall-finijiet ta’ dan l-Att;”;

(iii) minnufih wara t-tifsira “telf ta’ fakultà rilevanti” għandha tiżdied din it-tifsira ġdida li ġejja:

““It-Tielet Pensjoni” tfisser il-pjan ta’ pensjoni volontarja msemmi fl-artikolu 64D ta’ dan l-Att;”;

(iv) minnufih wara t-tifsira ġdida “it-Tielet Pensjoni” għandha tiżdied din it-tifsira ġdida li ġejja:

““it-Tieni Pensjoni” tfisser l-iskema mandatorja ta’ pensjoni msemmija fl-artikolu 64C ta’ dan l-Att.”;

(b) fis-subartikolu (3) tieghu, minflok il-kliem minn “Ghall-finijiet ta’ l-ghoti ta’ Pensjoni ta’ Superstiti,” sal-kliem “kif ikun il-każ, kienet persuna assicurata,” ghandhom jidhlu dawn il-kliem li ġejjin:

“Ghall-finijiet li tinghata:

(i) pensjoni lir-romol jew pensjoni lil min jirtira, skond dan l-Att, persuna li tkun imwiolda fil-31 ta’ Dicembru 1961 jew qabel u li matul l-ahhar ghaxar snin li jintemmu fl-ahhar jum tas-sena kalendarja li tiġi minnufih qabel ma tirtira jew qabel ma ssir armla; jew

(ii) pensjoni għal invalidità, skond dan l-Att, persuna li matul l-ahhar ghaxar snin li jintemmu fl-ahhar jum tas-sena kalendarja li tiġi minnufih qabel ma tkun saret invalida,

kienet persuna assicurata.”.

3. L-artikolu 16 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta’
l-artikolu 16
ta’ l-Att prinċipali.

(a) is-subartikolu (2) tieghu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (b) tieghu, minflok il-kliem “u ma jkunx għadu lahaq l-età tal-pensjoni; u” għandhom jidhlu l-kliem “u ma jkunx għadu lahaq l-età tal-pensjoni;” ;

(ii) fil-proviso li hemm mal-paragrafu (ċ) tieghu, minflok il-kliem “perijodi konsekuttivi li jibdw mis-6 ta’ Jannar, 1991 lura.” għandhom jidhlu l-kliem “perijodi konsekuttivi li jibdw mis-6 ta’ Jannar 1991 lura;” ;

(iii) minnufih wara l-proviso li hemm mal-paragrafu (ċ) tieghu, għandu jżidied dan il-paragrafu ġdid li ġej:

“(d) missier jew omm, li jkunu għalqu t-tmintax-il sena u li jkunu imweldin fl-1 ta’ Jannar 1962 jew wara, li jkollhom il-kura u l-kustodja legali ta’ iben jew bint li jkunu għadhom ma għalqux l-età ta’ sitt snin, jew l-età ta’ ghaxar snin fil-każ ta’ iben jew bint li jkunu ġew ċertifikati minn konsulent mediku li, għal dak il-perijodu li għalih qed jintalab il-kreditu, kienu jbatu minn xi disabilità gravi:

Iżda s-somma totali ta’ dawk il-kontribuzzjonijiet akkreditati li jistghu jinghataw għar-rigward ta’ kull iben jew bint, lill-ġenitur jew liż-żewġ ġenituri flimkien ma

ghandhiex tkun iżjed minn 104 kontribuzzjoni f'xi perijodu ta' sentejn:

Iżda wkoll fil-każ ta' xi ġenitur li, ghas-sodisfazzjon tad-Direttur, jippreżenta ċertifikat minn konsulent mediku illi l-iben jew il-bint kienu jbatu minn xi disabilità gravi f'dak il-perijodu li ghalih qed jintalab il-kreditu, is-somma totali ta' dawk il-kontribuzzjonijiet akkreditati li jistgħu jingħataw għar-rigward ta' kull tali iben jew bint ma ghandhiex tkun iżjed minn 208 kontribuzzjoni f'xi perijodu ta' erba' snin:

Iżda wkoll dawk il-kreditu ghandhom jingħataw biss kemm-il darba, qabel l-età tal-pensjoni dak il-missier jew dik l-omm, kif ikun il-każ, jagħmlu xogħol bi qligħ għal perijodu minimu li jkun ekwivalenti għal dak il-perijodu li ghalih ikun ingħata dak in-numru ta' kreditu; b'dan illi, fil-każ ta' mewt ta' xi tali ġenitur, dawk il-kreditu ghandhom jibqgħu jingħataw minkejja li ma jkunx ġie sodisfatt il-perijodu minimu mehtieg skond dan il-proviso sabiex ikunu jistgħu jingħataw dawk il-kreditu.”;

(b) fis-subartikolu (4) tiegħu, minflok il-paragrafu (b) ghandu jidhol dan li ġej :

“(b) kontribuzzjoni ta' l-Ewwel Klassi jew tat-Tieni Klassi jekk tingħata skond il-paragrafu (d) tas-subartikolu (2) ta' dan l-artikolu, kif ikun il-każ;

(ċ) kontribuzzjoni ta' l-Ewwel Klassi f'kull każ iehor:

Iżda kreditu mogħti skond il-paragrafu (d) tas-subartikolu (2) ta' dan l-artikolu ikun biss validu għall-finijiet li tingħata pensjoni skond it-Taqsima IV u t-Taqsima V ta' dan l-Att.” .

Emenda ta'
l-artikolu 26
ta' l-Att prinċipali.

4. L-artikolu 26 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minnufih wara l-kliem “jew għal Pensjoni Minima Nazzjonali” ghandhom jidhlu l-kliem “skond l-artikolu 50 jew għal Pensjoni Minima Nazzjonali Garantita skond l-artikolu 50A, kif ikun il-każ,”;

(b) minflok il-paragrafu (iv) tas-subartikolu (2) tieghu, ghandu jidhol dan li ġej :

“(iv) jekk il-Pensjoni tas-Servizz taghha flimkien mar-rata tal-Pensjoni ghal Invalidità jew tal-Pensjoni Miżjuda ghal Invalidità applikabbli fil-każ taghha tkun inqas mir-rata tal-Pensjoni Minima Nazzjonali skond l-artikolu 50 ta’ dan l-Att jew tal-Pensjoni Minima Nazzjonali Garantita skond l-artikolu 50A ta’ dan l-Att applikabbli fil-każ taghha, ghalhekk minkejja d-disposizzjonijiet tal-paragrafi ta’ qabel ta’ dan is-subartikolu, dik il-persuna jkollha d-dritt ghall-Pensjoni Minima Nazzjonali jew il-Pensjoni Minima Nazzjonali Garantita, kif ikun il-każ, imnaqqa bil-Pensjoni tas-Servizz taghha.” ;

(ċ) fis-subartikolu (6) tieghu, minflok il-kliem “Persuna li ma tkunx intitolata ghal Pensjoni tas-Servizz” ghandhom jidhlu l-kliem “Persuna mwielda fil-31 ta’ Diċembru 1961 jew qabel li ma tkunx intitolata ghal Pensjoni tas-Servizz” ;

(d) minnufih wara s-subartikolu (6) tieghu, ghandu jżied dan is-subartikolu (7) ġdid li ġej:

“(7) Persuna mwielda fl-1 ta’ Jannar 1962 jew wara, li ssir invalida skond dan l-Att u li ma tkunx intitolata ghal Pensjoni tas-Servizz tkun intitolata ghal Pensjoni Minima Nazzjonali Garantita skond l-artikolu 50A ta’ dan l-Att.” ;

(e) is-subartikoli (7) u (8) tieghu ghandhom jiġu enumerati mill-ġdid bhala s-subartikoli (8) u (9).

5. Fis-subartikolu (8) ta’ l-artikolu 30 ta’ l-Att prinċipali, minflok il-kliem “mara” u “il-mara” kull fejn jinsabu fl-artikolu mhux fil-proviso ghandhom jidhlu l-kliem “persuna” u “il-persuna” rispettivament u minflok il-kliem “missier jew omm ir-raġel, jew hu jew oht ir-raġel,” ghandhom jidhlu l-kliem “missier jew omm ir-raġel jew il-mara, jew hu jew oht ir-raġel jew il-mara,”.

Emenda ta’
l-artikolu 30 ta’
l-Att prinċipali.

6. Fl-artikolu 44 ta’ l-Att prinċipali minnufih wara l-kliem “jew Pensjoni Minima Nazzjonali jew Pensjoni Minima Nazzjonali Miżjuda” ghandhom jidhlu l-kliem “jew Pensjoni Minima Nazzjonali Garantita, skond il-każ,”.

Emenda ta’
l-artikolu 44 ta’
l-Att prinċipali.

Emenda ta' l-artikolu 45 ta' l-Att prinċipali.

7. Minflok l-artikolu 45 ta' l-Att prinċipali ghandu jidhol dan li ġej:

“45. (1) Persuna taht l-età ta' hamsa u sittin sena, imwielda fil-31 ta' Diċembru 1961 jew qabel, ghandha tkun skwalifikata milli tirċievi pensjoni taht din it-Taqsima matul kull perijodu li jiġi wara l-età tal-pensjoni fil-każ ta' dik il-persuna u li fih tkun qieghda tahtem bi qligh jekk:

(a) hija tonqos li ġġib prova ghas-sodisfazzjon tad-Direttur li l-qligh taghha minn dak ix-xoghol bi qligh ma jkunx iżjed minn medja fil-ġimgħa li tkun daqs il-Paga Minima Nazzjonali kif din tapplika għal persuni ta' l-età ta' tmintax-il sena jew iżjed stabbilita b'Ordni ta' *Standard* Nazzjonali mahruġ taht l-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali; u

(b) il-Korporazzjoni tax-Xoghol u Tahriġ tkun ġiet avzata kif imiss li tkun qieghda hekk tahtem bi qligh.

(2) Għall-finijiet tas-subartikolu (1) ma jiġi kkalkolat ebda qligh li jinkiseb minn persuna bhala membru ta' xi bord, kumitat, kummissjoni jew kunsill imwaqqaf bis-sahha ta' xi liġi jew kif iddikjarat mill-Ministru f'ordni li tiġi ppubblikata fil-Gazzetta jew dawk il-klassijiet ta' qligh li l-Ministru jista' jiddikjara b'ordni li tiġi ppubblikata fil-Gazzetta.”.

Emenda ta' l-artikolu 50 ta' l-Att prinċipali.

8. Fl-artikolu 50 ta' l-Att prinċipali minflok il-kliem “persuna li ma jkollhiex dritt għal Pensjoni tas-Servizz” ghandhom jidhlu l-kliem “persuna mwielda fil-31 ta' Diċembru 1961 jew qabel li ma jkollhiex dritt għal Pensjoni tas-Servizz” .

Żjieda ta' l-artikolu 50A ma' l-Att prinċipali.

9. Minnufih wara l-artikolu 50 ta' l-Att prinċipali ghandu jizjed dan l-artikolu ġdid li ġej:

“Pensjoni Minima Nazzjonali Garantita.

50A. Bla hsara għad-disposizzjonijiet ta' dan l-Att, persuna mwielda fl-1 ta' Jannar 1962 jew wara li ma jkollhiex dritt għal Pensjoni tas-Servizz tkun intitolata għal Pensjoni Minima Nazzjonali Garantita li ghandha tithallas b'dik ir-rata li ma tkunx anqas minn sittin fil-mija tal-Qligh Medju Nazzjonali skond ma l-Ministru jista' , bi ftehim mal-Ministru responsabbli għall-finanzi, b'ordni taht dan l-artikolu jstabbilixxi minn żmien għal żmien u f'kull każ, dik il-Pensjoni Minima Nazzjonali Garantita m'għandhiex tkun inqas minn dik stabbilita ghas-sena ta' qabel.” .

10. Fl-artikolu 51 ta' l-Att prinċipali minflok il-kliem “inqas mir-rata tal-Pensjoni Minima Nazzjonali applikabbli fil-każ tagħha, dik il-persuna għandu jkollha dritt għall-Pensjoni Minima Nazzjonali kif imnaqqsa bil-Pensjoni tas-Servizz tagħha.” għandhom jidhlu l-kliem “inqas mir-rata tal-Pensjoni Minima Nazzjonali skond l-artikolu 50 ta' dan l-Att jew il-Pensjoni Minima Nazzjonali Garantita skond l-artikolu 50A ta' dan l-Att skond ma japplika fil-każ tagħha, dik il-persuna għandu jkollha dritt għall-Pensjoni Minima Nazzjonali jew għall-Pensjoni Minima Nazzjonali Garantita skond ma japplika, kif imnaqqsa bil-Pensjoni tas-Servizz tagħha.” .

Emenda ta'
l-artikolu 51
ta' l-Att prinċipali.

11. L-artikolu 53 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta'
l-artikolu 53
ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-paragrafu (i) għandu jidhol dan li ġej:

“(i) ta' tletin sena fil-każ ta' persuna mwiela fil-31 ta' Diċembru 1951 jew qabel; jew

(ii) ta' hamsa u tletin sena fil-każ ta' persuna mwiela fis-snin kalendarji 1952 sa 1961; jew

(iii) ta' erbgħin sena fil-każ ta' persuna mwiela fl-1 ta' Jannar 1962 jew wara; jew” ;

(b) fis-subartikolu (1) tiegħu, il-paragrafi (ii) u (iii) għandhom jiġu enumerati mill-ġdid bħala l-paragrafi (iv) u (v);

(ċ) fil-paragrafu (a) ta' l-ewwel proviso li hemm mas-subartikolu (1) tiegħu, minflok il-kliem “il-perijodu ta' snin li għandu jitqies skond dan l-artikolu” għandhom jidhlu l-kliem “fil-każ ta' persuna mwiela fil-31 ta' Diċembru 1961 jew qabel il-perijodu ta' snin li għandu jitqies skond dan l-artikolu” ;

(d) fis-subartikolu (3) tiegħu, minflok il-kliem “Għall-finijiet ta' dan l-artikolu, u b'seħħ mit-22 ta' Jannar, 1979,” għandhom jidhlu l-kliem “Għall-finijiet ta' dan l-artikolu, fil-każ ta' persuna mwiela fil-31 ta' Diċembru 1961 jew qabel u b'seħħ mit-22 ta' Jannar 1979,” ;

(e) minnufih wara s-subartikolu (3) tiegħu, għandu jiżdied dan is-subartikolu (4) ġdid li ġej:

“(4) Għall-finijiet ta' dan l-artikolu, fil-każ ta' persuna mwiela fl-1 ta' Jannar 1962 jew wara, bil-ghan li tiġi

kalkolata medja fis-sena ta' kontribuzzjonijiet skond is-subartikolu (1) ta' dan l-artikolu, il-medja fis-sena ta' kontribuzzjonijiet mehtieġa taht dan l-Att għall-finijiet li tinghata Pensjoni ta' Żewġ Terzi għandha tiġi stmata fuq perijodu, ikun li jkun, ta' erbghin sena bejn l-ewwel ġurnata tas-sena ta' kontribuzzjoni li fiha hija tagħlaq l-età ta' tmintax-il sena u l-aħħar ġurnata ta' l-aħħar sena ta' kontribuzzjoni tagħha mitmuma qabel il-bidu tas-sena ta' benefiċċju tagħha li tinkludi l-ġurnata meta jkunu mehtieġa li jiġu sodisfatti l-kundizzjonijiet.” .

Emenda ta'
l-artikolu 54
ta' l-Att prinċipali.

12. Fl-artikolu 54 ta' l-Att prinċipali, minflok il-paragrafu (a) għandu jidhol dan li ġej :

“(a) inqas mir-rata shiha tal-Pensjoni Minima Nazzjonali; inkluża l-*allowance* addizzjonali, li tithallas skond jekk dik il-persuna tkunx miżżewġa jew le, skond ma hemm speċifikat fit-Tnax-il Skeda li tinsab ma' dan l-Att; jew il-Pensjoni Minima Nazzjonali Garantita li tithallas skond l-artikolu 50A ta' dan l-Att, kif ikun il-każ; jew” .

Emenda ta'
l-artikolu 59
ta' l-Att prinċipali.

13. L-artikolu 59 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu, għandu jidhol dan li ġej:

“(1) Għar-rigward ta' persuni mwiela fil-31 ta' Diċembru 1961 jew qabel, kull pensjoni li tinhareġ taht din it-Taqsima għandha terġa' tiġi stmata mill-ġdid ta' kull sena b'seħħ mill-ewwel Sibt ta' Jannar tas-sena meta terġa' tiġi stmata mill-ġdid kif provdut fis-subartikoli (2) sa (6) ta' dan l-artikolu.” ;

(b) minnufih wara s-subartikolu (6) għandu jiżdied dan is-subartikolu ġdid li ġej:

“(7) Għar-rigward ta' persuni mwiela fl-1 ta' Jannar 1962 jew wara, pensjonijiet taht din it-Taqsima, b'seħħ mill-ewwel Sibt ta' Jannar ta' kull sena, għandhom jiżdiedu ta' kull sena b'dak l-ammont li jkun jikkorrispondi għal sebghin fil-mija miż-żjieda perċentwali fil-paga medja nazzjonali kif pubblikata mill-Uffiċċju Nazzjonali ta' l-Istatistika mwaqqaf bis-saħħa ta' l-artikolu 9 ta' l-Att dwar l-Awtorità ta' l-Istatistika ta' Malta għas-sena kalendarja ta' qabel miżjuda

bi tletin fil-mija tar-rata ta' l-inflazzjoni kif pubblikata mill-imsemmi Uffiċċju Nazzjonali ta' l-Istatistika ghas-sena kalendarja ta' qabel; u d-disposizzjonijiet ta' l-artikolu 90A ta' dan l-Att m'għandhomx ikunu japplikaw għal dawk il-pensjonijiet.”.

14. Minnufih wara l-artikolu 64 ta' l-Att prinċipali għandhom jiddiedu dawn l-artikoli 64A sa 64D ġodda li ġejjin:

Żjieda ta' l-artikoli 64A sa 64D ġodda ma' l-Att prinċipali.

“Min jirtira qabel l-età tal-pensjoni.

64A. Minkejja d-disposizzjonijiet ta' din it-Taqsima, persuna li tkun lahqet l-età ta' wiehed u sittin sena imma li ma tkunx lahqet l-età tal-pensjoni, tista' wara li taghlaq l-età ta' wiehed u sittin sena titlob li tinghata pensjoni li tithallas taht din it-Taqsima qabel ma tilhaq l-età tal-pensjoni jekk dik il-persuna ma tkunx għadha qegħda tagħmel xogħol bi qligh u jkollha sa minn meta tkun għalqet it-tmintax-il sena total ta':

(i) 2080 kontribuzzjonijiet mhallsa jew akkreditati fil-każ ta' persuna mwielda fl-1 ta' Jannar 1962 jew wara; jew

(ii) 1820 kontribuzzjonijiet mhallsa jew akkreditati fil-każ ta' persuna mwielda fis-snin kalendarji 1952 sa 1961.

Revizjoni ta' kull hames snin.

64B. (1) Il-Ministru għandu f'intervalli li ma jaqbżux il-perijodu ta' hames snin iqieghed fuq il-Mejda tal-Kamra rapport fuq kif tkun ġiet imhaddma t-Taqsima V ta' dan l-Att matul il-hames snin ta' qabel flimkien ma' kull rakkomandazzjoni li tista' ssir, jekk ikun il-każ, bil-għan li jintlahqu l-miri ta' aktar adegwatezza, sostenibilità u solidarjetà soċjali:

Izda l-ewwel rapport m'għandux jiġi pprezentat aktar tard mill-31 ta' Diċembru 2010.

(2) Ir-rapport imsemmi fis-subartikolu (1) ta' dan l-artikolu għandu jiġi diskuss mill-Kumitat għall-Affarijiet Soċjali tal-Kamra jew minn kull kumitat iehor li jidhol minflok.

It-Tieni Pensjoni li tkun wahda mandatorja.

64C. (1) Il-Ministru jista', bi ftehim mal-Ministru responsabbli għall-finanzi u minn żmien għal żmien, jagħmel u meta jkun għamel, ivarja regolamenti taht dan l-artikolu li

jkunu jehtieġu lil persuni li ma jkunux laħqu l-età tal-pensjoni u lill-prinċipal tagħhom kif ikun il-każ, jagħmlu kontribuzzjonijiet għal fondi tat-Tieni Pensjoni li jkunu jipprovdu għall-ħlas ta' qligħ regolari jew benefiċċji oħra lil dawk il-persuni u, jew lid-dipendenti tagħhom wara jew meta jilħqu l-età tal-pensjoni u jista' partikolarment b'dawk ir-regolamenti jipprovdi dwar ir-rata ta' kontribuzzjonijiet li tithallas kif ukoll il-metodu u ż-żmien meta jkunu jistgħu jsiru dawk il-ħlasijiet.

(2) Kull somma jew benefiċċju iehor li jithallas minn fondi tat-Tieni Pensjoni li dawk ir-regolamenti jistgħu jkunu jirreferu għalihom m'għandhiex titqies bhala xi Pensjoni tas-Servizz għall-finijiet ta' dan l-Att.

Kap. 450. (3) Fondi tat-Tieni Pensjoni jkunu fondi regolati mill-Att li jirregola Fondi Speċjali.

(4) Ebda regolament, jew emenda jew sostituzzjoni jew revoka ta' dak ir-regolament, li jsiru taħt dan l-artikolu m'għandhom jibdew isehħu kemm-il darba ma tkunx inġhatat l-approvazzjoni minn qabel tal-Kamra permezz ta' risoluzzjoni.

It-Tielet
Pensjoni li
tkun
wahda
volontarja.

64D. (1) Il-Ministru jista', bi ftehim mal-Ministru responsabbli għall-finanzi, jipprovdi dwar eżenzjonijiet mit-taxxa fuq l-*income* għar-rigward ta' kontribuzzjonijiet li jsiru minn persuna fil-fondi tat-Tielet Pensjoni li jipprovdu għall-ħlas ta' dhul regolari jew benefiċċji oħra lil dawk il-persuni u, jew lid-dipendenti tagħhom wara jew meta jilħqu l-età tal-pensjoni.

(2) Kull somma jew benefiċċju iehor li jithallsu mill-fondi tat-Tielet Pensjoni msemija f'dan l-artikolu m'għandhomx jitqiesu bhala xi Pensjoni tas-Servizz għall-finijiet ta' dan l-Att.

Kap. 450.
Kap. 403. (3) Fondi tat-Tielet Pensjoni jkunu fondi regolati mill-Att li jirregola Fondi Speċjali jew Att dwar il-Kummerċ ta' l-Assigurazzjoni, skond ma jkun japplika." .

Emenda ta'
l-artikolu 116
ta' l-Att prinċipali.

15. Fl-artikolu 116 ta' l-Att prinċipali, fil-paragrafu (ii) tas-subartikolu (5) tiegħu minflok il-kliem "miż-żmien li r-rata xierqa ta' kontribuzzjoni kienet dovuta, liema tiġi qabel." għandhom jidhlu l-kliem

“miż-żmien li r-rata xierqa ta’ kontribuzzjoni kienet dovuta, liema tiġi qabel:” u minnufih wara għandu jiżdied dan il-proviso ġdid li ġej:

“Iżda fil-każ ta’ persuna mwiela fl-1 ta’ Jannar 1962 jew wara, kontribuzzjoni li tithallas skond dan l-artikolu għandha tithallas bir-rata li biha l-kontribuzzjoni suppost li tithallas meta attwalment tithallas.” .

16. It-Tleltax-il Skeda li tinsab ma’ l-Att prinċipali għandha tiġi emendata kif ġej:

Emenda
tat-Tleltax-il Skeda
li tinsab ma’ l-Att
prinċipali.

(a) minflok il-paragrafu (1) tiegħu għandu jidhol dan li ġej:

“(1) Fil-każ ta’ persuna:

(a) imwiela fil-31 ta’ Dicembru 1951 jew qabel li għandha titqies bhala persuna impjegata, il-medja fis-sena tal-paga jew salarju bażiku tagħha matul l-ahjar tliet snin kalendarji konsekuttivi fi żmien l-ahhar għaxar snin kalendarji konsekuttivi li jiġu minnufih qabel ma hi tirtira jew issir invalida skond dan l-Att, kif ikun il-każ; jew

(b) imwiela fis-snin kalendarji 1952 sa 1955 li għandha titqies bhala persuna impjegata, il-medja fis-sena tal-paga jew salarju bażiku tagħha matul l-ahjar tliet snin kalendarji konsekuttivi fi żmien l-ahhar haxx-il sena kalendarja konsekuttiva li jiġu minnufih qabel ma hi tirtira jew issir invalida skond dan l-Att, kif ikun il-każ; jew

(c) imwiela fis-snin kalendarji 1956 sa 1958 li għandha titqies bhala persuna impjegata, il-medja fis-sena tal-paga jew salarju bażiku tagħha matul l-ahjar tliet snin kalendarji konsekuttivi fi żmien l-ahhar tmax-il sena kalendarja konsekuttiva li jiġu minnufih qabel ma hi tirtira jew issir invalida skond dan l-Att, kif ikun il-każ; jew

(d) imwiela fis-snin kalendarji 1959 sa 1961 li għandha titqies bhala persuna impjegata, il-medja fis-sena tal-paga jew salarju bażiku tagħha matul l-ahjar tliet snin kalendarji konsekuttivi fi żmien l-ahhar tleltax-il sena kalendarja konsekuttiva li jiġu minnufih qabel ma hi tirtira jew issir invalida skond dan l-Att, kif ikun il-każ,

li dwarhom il-kontribuzzjoni dovuta tkun thallset jew titqies li thallset skond dan l-Att jew, jekk kienet impjegata ghal inqas minn tliet snin kalendarji konsekuttivi fi żmien l-imsemmija l-ahhar ghaxar, hdax, tnax jew tlettax-il sena kalendarja, kif applikabbli skond dan il-paragrafu, matul dak in-numru ta' xhur kalendarji konsekuttivi li jistghu jkunu l-ahjar fil-każ taghha fl-imsemmija perijodu, kif jistghu jiżdienu biż-żidiet fil-paga applikabbli mehtieġa bil-liġi sabiex jinghataw b'mod ġenerali dwar kull sena sussegwenti ta' kull wahda mill-imsemmija l-ahhar ghaxar, hdax, tnax jew tlettax-il sena kalendarja, kif applikabbli.”;

(b) minflok il-paragrafu (2) tieghu ghandu jidhol dan li ġej:

“(2) Fil-każ ta' persuna:

(a) imwielda fil-31 ta' Diċembru 1951 jew qabel li ghandha titqies bhala persuna li timpjega lilha nnifisha, il-medja fis-sena tad-dhul nett taghha li dwarha l-kontribuzzjoni dovuta tkun thallset matul l-ahhar ghaxar snin kalendarji, jew parti minnhom jekk hi ma kenitx timpjega lilha nnifisha għaż-żmien kollu msemmi ta' ghaxar snin minnufih qabel ma tirtira jew issir invalida skond dan l-Att, kif ikun il-każ, jew

(b) imwielda fis-snin kalendarji 1952 sa 1955 li ghandha titqies bhala persuna li timpjega lilha nnifisha, il-medja fis-sena tad-dhul nett taghha li dwarha l-kontribuzzjoni dovuta tkun thallset matul l-ahjar ghaxar snin kalendarji konsekuttivi fl-ahhar hdax-il sena kalendarja, jew parti minnhom jekk hi ma kenitx timpjega lilha nnifisha għaż-żmien kollu msemmi ta' hdax-il sena minnufih qabel ma tirtira jew issir invalida skond dan l-Att, kif ikun il-każ; jew

(ċ) imwielda fis-snin kalendarji 1956 sa 1958 li ghandha titqies bhala persuna li timpjega lilha nnifisha, il-medja fis-sena tad-dhul nett taghha li dwarha l-kontribuzzjoni dovuta tkun thallset matul l-ahjar ghaxar snin kalendarji konsekuttivi fl-ahhar tnax-il sena kalendarja, jew parti minnhom jekk hi ma kenitx timpjega lilha nnifisha għaż-żmien kollu msemmi ta' tnax-il sena minnufih qabel ma tirtira jew issir invalida skond dan l-Att, kif ikun il-każ; jew

(d) imwielda fis-snin kalendarji 1959 sa 1961 li ghandha titqies bhala persuna li timpjega lilha nnifisha, il-medja fis-sena tad-dhul nett taghha li dwarha l-kontribuzzjoni dovuta tkun thallset matul l-ahjar ghaxar snin kalendarji konsekuttivi fl-ahhar tlettax-il sena kalendarja, jew parti minnhom jekk hi ma kenitx timpjega lilha nnifisha ghaż-żmien kollu msemmi ta' tlettax-il sena minnufih qabel ma tirtira jew issir invalida skond dan l-Att, kif ikun il-każ,

kif jista' jizdied biż-żidiet fil-paga applikabbli li jkunu mehtieġa bil-liġi li jinghataw lil kulhadd sakemm kull zieda bhal dik tkun inqas miż-żieda netta li tinkiseb minn sena ghal sena bejn dhul nett u iehor dwar kull sena sussegwenti ta' kull wahda mill-ahhar ghaxar, hdax, tnax jew tlettax-il sena kalendarja msemmija, kif applikabbli skond dan il-paragrafu, jew parti minnhom li fihom kienet timpjega lilha nnifisha; b'mod illi, meta matul l-imsemmija perijodu tkun hallset kontribuzzjoni fuq dhul nett li kien oghla minn dak li fil-fatt kienet irċeviet, id-dhul nett mehud sabiex jinhadem dan il-kalkolu dwar xi sena wahda kalendarja partikolari jkun l-iktar wiehed gholi minn dan id-dhul nett kollu.”;

(ċ) minflok il-paragrafu (3) tieghu ghandu jidhol dan li ġej:

“(3) Fil-każ ta' persuna:

(a) imwielda fil-31 ta' Diċembru 1951 jew qabel li ghandha titqies bhala persuna li taħdem ghalha nnifisha, il-medja fis-sena tad-dhul nett taghha li dwarha l-kontribuzzjoni dovuta tkun thallset matul l-ahhar ghaxar snin kalendarji, jew parti minnhom jekk hi ma kenitx taħdem ghalha nnifisha ghaż-żmien kollu msemmi ta' ghaxar snin minnufih qabel ma tirtira jew issir invalida skond dan l-Att, kif ikun il-każ; jew

(b) imwielda fis-snin kalendarji 1952 sa 1955 li ghandha titqies bhala persuna li taħdem ghalha nnifisha, il-medja fis-sena tad-dhul nett taghha li dwarha l-kontribuzzjoni dovuta tkun thallset matul l-ahjar ghaxar snin kalendarji konsekuttivi fl-ahhar hdax-il sena kalendarja, jew parti minnhom jekk hi ma kenitx taħdem ghalha nnifisha ghaż-żmien kollu msemmi ta' hdax-il sena minnufih qabel ma tirtira jew issir invalida skond dan l-Att, kif ikun il-każ; jew

(c) imwielda fis-snin kalendarji 1956 sa 1958 li ghandha titqies bhala persuna li tahdem ghaliha nnifisha, il-medja fis-sena tad-dhul nett taghha li dwarha l-kontribuzzjoni dovuta tkun thallset matul l-ahjar ghaxar snin kalendarji konsekuttivi fl-ahhar tnax-il sena kalendarja, jew parti minnhom jekk hi ma kenitx tahdem ghaliha nnifisha ghaż-żmien kollu msemmi ta' tnax-il sena minnufih qabel ma tirtira jew issir invalida skond dan l-Att, kif ikun il-każ; jew

(d) imwielda fis-snin kalendarji 1959 sa 1961 li ghandha titqies bhala persuna li tahdem ghaliha nnifisha, il-medja fis-sena tad-dhul nett taghha li dwarha l-kontribuzzjoni dovuta tkun thallset matul l-ahjar ghaxar snin kalendarji konsekuttivi fl-ahhar tlettax-il sena kalendarja, jew parti minnhom jekk hi ma kenitx tahdem ghaliha nnifisha ghaż-żmien kollu msemmi ta' tlettax-il sena minnufih qabel ma tirtira jew issir invalida skond dan l-Att, kif ikun il-każ,

kif jista' jizdied biż-żidiet fil-paga applikabbli li jkunu mehtieġa bil-liġi li jinghataw lil kulhadd sakemm kull zieda bhal dik tkun inqas miż-żieda netta li tinkiseb minn sena għal sena bejn dhul nett u iehor dwar kull sena sussegwenti ta' kull wahda mill-ahhar ghaxar, hdax, tnax jew tlettax-il sena kalendarja msemmija, kif applikabbli skond dan il-paragrafu, jew parti minnhom li fihom kienet tahdem ghaliha nnifisha. Hekk iżda li, għall-finijiet ta' dan il-paragrafu, fil-każ ta' persuna li qabel l-1 ta' Jannar 1996, kienet tahdem bi qligh bhala persuna li timpjega lilha nnifisha, id-dhul nett fis-sena għal kull sena kalendarja qabel id-data hawn fuq imsemmija jitqies bhala l-qligh nett ta' dik il-persuna.”; u

(d) paragrafu (4) tiegħu ghandu jithassar u minnufih wara l-paragrafu (3) għandhom jizdiedu dawn il-paragrafi (4) u (5) ġodda li ġejjin:

“(4) Fil-każ ta' persuna mwielda fl-1 ta' Jannar 1962 jew wara l-medja fis-sena tal-paga bażika jew tas-salarju bażiku, jew dhul nett jew il-qligh nett, kif ikun il-każ, matul l-ahjar ghaxar snin kalendarji fl-ahhar erbghin sena kalendarji li jiġu minnufih qabel ma tirtira jew issir persuna invalida skond dan l-Att, kif ikun il-każ, li dwarhom tkun thallset jew titqies li tkun thallset il-kontribuzzjoni dovuta skond dan l-Att jew jekk hija kienet impjegata jew timpjega lilha nnifisha

jew kienet taħdem għaliha nnifisha għal inqas minn għaxar snin kalendarji matul l-aħħar erbghin sena kalendarja, matul dak in-numru ta' xhur kalendarji bħal ma jistgħu jkunu l-aħjar fil-każ tagħha fl-aħħar erbghin sena kalendarja msemija, skond ma jistgħu jżiedu biż-żjodiet fil-paga applikabbli li jkunu meħtieġa bil-liġi li jingħataw lil kulhadd għar-rigward ta' kull sena sussegwenti ta' kull waħda mill-aħħar erbghin sena kalendarja msemija:

Iżda għall-finijiet ta' dan il-paragrafu, fil-każ ta' persuna li taħdem għaliha nnifisha li qabel l-1 ta' Jannar 1996, kienet taħdem bi qligh bħala persuna li timpjega lilha nnifisha, id-dhul nett fis-sena għal kull sena kalendarja qabel id-data hawn fuq imsemija jitqies bħala l-qligh nett ta' dik il-persuna.

(5) (a) Għall-finijiet ta' dan l-Att, fil-każ ta' persuna mwiġda fil-31 ta' Diċembru 1961 jew qabel, li tirtira fl-1 ta' Jannar 2007 jew wara, il-paga bażika jew is-salarju bażiku jew id-dhul nett jew il-qligh nett kif ikun il-każ, u d-dhul pensjonabbli li jirriżulta jew kull ammont li jiġi sostitwit għalih taħt id-disposizzjonijiet ta' dan l-Att m'għandhomx ikunu iżjed minn Lm6,958 li magħhom tiżdied dik is-somma li l-Gvern jista' jagħti bħala żjieda għall-gholi tal-hajja, fir-rata tal-Paga Minima Nazzjonali li tithallas lil persuni li jkunu għalqu l-età ta' tmintax-il sena jew li jkunu ta' età akbar taħt id-disposizzjonijiet ta' l-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali; hawn iżjed 'il quddiem f'dan il-paragrafu msejja bħala ż-“żjieda għall-gholi tal-hajja” mid-data effettiva ta' żjieda bħal dik:

Kap. 452.

Iżda fil-każ ta' persuna mwiġda fil-31 ta' Diċembru 1951 jew qabel, id-dhul pensjonabbli li jirriżulta inkluża kull żjieda għall-gholi tal-hajja bħal dik m'għandhiex tkun iżjed mill-ammont ta' Lm7,500:

Iżda wkoll fil-każ ta' persuna mwiġda fis-snin kalendarji 1952 sa 1961, id-dhul pensjonabbli li jirriżulta inkluża kull żjieda għall-gholi tal-hajja bħal dik m'għandux ikun iżjed mill-ammont ta' Lm9,000.

(b) Għall-finijiet ta' dan l-Att, fil-każ ta' persuna mwiġda fl-1 ta' Jannar 1962 jew wara, li tirtira fl-1 ta' Jannar 2007 jew wara, il-paga bażika jew is-salarju bażiku jew id-dhul nett jew il-qligh nett kif ikun il-każ, u d-dhul pensjonabbli

li jirriżulta jew kull ammont sostitwit ghalihom taht d-disposizzjonijiet ta' dan l-Att m'għandhomx ikunu iżjed:

(i) minn Lm6,958 miżjuda b' dik is-somma li l-Gvern jaghti bhala żjieda għall-gholi tal-hajja, għar-rigward tas-snin bejn l-2007 u l-2010 mid-dati effettivi ta' dawk iż-żjiediet;

(ii) mill-ammont imsemmi fil-paragrafu (i) miżjud fl-1 ta' Jannar ta' kull sena, bejn l-2011 u l-2013 b'terz tad-differenza bejn l-ammont imsemmi fil-paragrafu (i) u Lm9,000;

(iii) b' sehh mill-1 ta' Jannar 2014, minn Lm9,000 miżjuda ta' kull sena b' dak l-ammont li jikkorrispondi għal sebgħin fil-mija miż-żjieda percentwali fil-paga medja nazzjonali għas-sena kalendarja ta' qabel kif pubblikata mill-Uffiċċju Nazzjonali ta' l-Istatisika stabbilit bis-sahha ta' l-artikolu 9 ta' l-Att dwar l-Awtorità ta' l-Istatisika ta' Malta, u iktar flimkien ma' tletin fil-mija tar-rata ta' l-inflazzjoni kif pubblikata minn dak l-Uffiċċju Nazzjonali ta' l-Istatisika għas-sena kalendarja ta' qabel.” .

Kap. 422.

TAQSIMA II

EMENDI KONSEGWENZJALI

Emenda ta' l-Ordinanza Dwar il-Pensjonijiet, Kap. 93.

17. L-Ordinanza dwar il-Pensjonijiet għandha tiġi emendata kif ġej:

(a) l-artikolu 2 shih tagħha għandu jiġi enumerat mill-ġdid bhala s-subartikolu (1) ta' l-artikolu u minnufih wara għandu jidhol is-subartikolu (2) ġdid li ġej:

“(2) Ebda haġa f'din l-Ordinanza jew f'xi emenda li ssir fiha minn żmien għal żmien m'għandha, kemm-il darba ma tiġix esplicitament imsemmija intenzjoni kuntrarja, tkun interpretata bhala li tagħti, jew bhala li qatt tat, xi dritt, lil xi persuna li kienet fis-servizz ta' Malta jew lir-rappreżentanti legali jew qraba tiegħu, għal pensjoni, gratwità jew xi *allowance* ohra taht din l-Ordinanza, li ma tkunx, jew li ma kienet f'ebda waqt, kwalifikata bil-htieġa li t-twettiq tal-hidma

ta' dik il-persuna kienet ikkunsidrata bhala wahda meritevoli.”; u

(b) fis-subartikolu (1) ta' artikolu 8E taghha, minnufih wara l-kliem “msemmi fis-subartikolu (2)” ghandhom jidhlu l-kliem “wara li jkun serva ghal minn ta' l-inqas tnax-il xahar f'dak l-ufficju”, u minnufih wara l-kliem “kull hlas pensjonabbli ta' dak l-ufficjal meta jirtira ghandu” ghandhom jidhlu l-kliem “, meta l-hidma li jaghmel dak l-ufficjal tkun ikkunsidrata wahda meritevoli,”.

18. Fis-subartikolu (14) ta' l-artikolu 36 ta' l-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali, minflok it-tieni proviso li hemm mieghu ghandu jidhol dan li gej :

Emenda ta' l-Att
dwar l-Impiegi u
r-Relazzjonijiet
Industrijali,
Kap. 452.

“Izda ukoll:

(a) salvi d-disposizzjonijiet tal-paragrafu (b) ta' dan il-proviso, il-principal jista' jtemm l-impjeg ta' impjegat meta l-impjegat jilhaq l-età tal-pensjoni kif imfisser fl-Att dwar is-Sigurtà Soċjali;

(b) minkejja d-disposizzjonijiet tal-paragrafu (a) ta' dan il-proviso, principal ma jistax jitermina l-impjeg ta' impjegata mara mwiilda fil-31 ta' Diċembru 1951 jew qabel, qabel ma hija tilhaq l-età ta' wiehed u sittin sena.”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 474 tal-5 ta' Diċembru, 2006.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skriivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

7th December, 2006

ACT No. XIX of 2006

AN ACT to further amend the Social Security Act.

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) (No. 2) Act, 2006 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 come into force on such date as the Minister responsible for social policy may, by notice in the Gazette, appoint and different dates may be so appointed for different purposes and provisions of this Act.

PART I

AMENDMENTS TO THE PRINCIPAL ACT

Amendment
to article 2
of the principal
Act.

2. Article 2 of the principal Act shall be amended as follows:

(a) sub-article (1) thereto shall be amended as follows:

(i) for the definition “pension age” there shall be substituted the following:

“ “pension age” means sixty five years of age:

Provided that:

(i) (a) saving the provisions of paragraph (ii) hereof, in the case of a person born on or before the 31st December 1951, pension age shall be sixty one years;

(b) in the case of a person born during the calendar years 1952 to 1955, pension age shall be sixty two years;

(c) in the case of a person born during the calendar years 1956 to 1958, pension age shall be sixty three years;

(d) in the case of a person born during the calendar years 1959 to 1961, pension age shall be sixty four years;

(ii) in the case of a woman born on or before the 31st December 1951, pension age shall be sixty years;”;

(ii) immediately after the definition “retirement” there shall be inserted the following new definition:

“ “Second Pension” means the mandatory pension scheme referred to in article 64C of this Act;”;

(iii) in the definition “Service Pension” in the proviso thereto, for the words “of such Service Pension;” there shall be substituted the words “of such Service Pension:” and immediately thereafter there shall be added the following new proviso:

“Provided further that the Second Pension or the Third Pension which a person may receive shall not be considered as a Service Pension for the purposes of this Act;”;

(iv) immediately after the definition “single parent” there shall be inserted the following new definition:

“ “Third Pension” means the voluntary pension plan referred to in article 64D of this Act;”;

(b) in sub-article (3) thereof, for the words from “For the purposes of awarding a Survivors’ Pension,” to the words “as the

case may be, was an insured person,” there shall be substituted the following words:

“For the purposes of awarding:

(i) a widows’ pension or a retirement pension, in terms of this Act, a person born on or before the 31st December 1961 and who, during the last ten years ending on the last day of the calendar year immediately preceding such person’s retirement or widowhood; or

(ii) an invalidity pension, in terms of this Act, a person who, during the last ten years ending on the last day of the calendar year immediately preceding such person’s becoming an invalid,

was an insured person,”.

Amendment
to article 16
of the principal
Act.

3. Article 16 of the principal Act shall be amended as follows:

(a) sub-article (2) thereto shall be amended as follows:

(i) in paragraph (b) thereto, for the words “and has not yet reached pension age; and” there shall be substituted the words “and has not yet reached pension age;”;

(ii) in the proviso to paragraph (c) thereto, for the words “consecutive periods starting from the 6th January, 1991 backwards.” there shall be substituted the words “consecutive periods starting from the 6th January 1991 backwards;”;

(iii) immediately after the proviso to paragraph (c) thereto, there shall be inserted the following new paragraph:

“(d) the father or the mother, who have attained the age of eighteen years and born on or after the 1st January 1962, has the legal care and custody of a child who has not attained the age of six years, or the age of ten years in the case of a child who has been certified by a medical consultant as suffering, during the period for which the credit is being requested, from a serious disability:

Provided that the sum total of such credited contributions which may be given with regard of each

child to a parent or to both parents together shall not exceed 104 contributions in any period of two years:

Provided further that in the case of a parent who, to the satisfaction of the Director, presents a certificate from a medical consultant of a child suffering from a serious disability during such period for which credits are requested, the sum total of such credited contributions that may be awarded in respect of each and every such child shall not exceed 208 contributions in any period of four years:

Provided also that such credits shall only be awarded insofar as, prior to the pension age, such father or mother, as the case may be, resumes gainful occupation for a minimum period equivalent to that period for which such number of credits would have been awarded; so however that, in the event of the death of any such parent, such credits shall still be awarded notwithstanding that the minimum period required in terms of this proviso for the award of such credits has not been satisfied.”;

(b) in sub-article (4) thereto, for paragraph (b) there shall be substituted the following:

“(b) a Class One or a Class Two contribution if awarded in terms of paragraph (d) of sub-article (2) of this article, as the case may be;

(c) a Class One contribution in any other case:

Provided that a credit awarded in terms of paragraph (d) of sub-article (2) of this article shall only be valid for the purposes of awarding a pension in terms of Part IV and Part V of this Act.”.

4. Article 26 of the principal Act shall be amended as follows:

Amendment
to article 26
of the principal
Act.

(a) in sub-article (1) thereof, immediately after the words “or the National Minimum Pension” there shall be substituted the words “in terms of article 50 or to the Guaranteed National Minimum Pension in terms of article 50A, as the case may be,”;

(b) for paragraph (iv) of sub-article (2) thereto, there shall be substituted the following:

“(iv) if his Service Pension together with the rate of Invalidity Pension or Increased Invalidity Pension applicable in his case is less than the rate of the National Minimum Pension in terms of article 50 of this Act or the Guaranteed National Minimum Pension in terms of article 50A of this Act as is applicable in his case, then notwithstanding the provisions of the foregoing paragraphs of this sub-article, such person shall be entitled to the National Minimum Pension or the Guaranteed National Minimum Pension, as the case may be, abated by his Service Pension.”;

(c) in sub-article (6) thereto, for the words “A person who is not entitled to a Service Pension” there shall be substituted the words “A person born on or before the 31st December 1961 who is not entitled to a Service Pension”;

(d) immediately after sub-article (6) thereto, there shall be inserted the following new sub-article (7):

“(7) A person born on or after the 1st January 1962 who becomes invalid in terms of this Act and who is not entitled to a Service Pension shall be entitled to a Guaranteed National Minimum Pension in terms of article 50A of this Act.”;

(e) sub-articles (7) and (8) thereto shall be renumbered as sub-articles (8) and (9).

Amendment of article 30 of the principal Act.

5. In sub-article (8) of article 30 of the principal Act, for the word “female” wherever it occurs, there shall be substituted the word “person”.

Amendment of article 44 of the principal Act.

6. In article 44 of the principal Act, immediately after the words “or the National Minimum Pension or Increased National Minimum Pension” there shall be added the words “or the Guaranteed National Minimum Pension, as the case may be,”.

Amendment of article 45 of the principal Act.

7. For article 45 of the principal Act there shall be substituted the following:

“45. (1) A person under the age of sixty-five years, born on or before the 31st December 1961, shall be disqualified from receiving a pension under this Part during any period falling after his pension age and in which he is gainfully occupied if:

(a) he fails to prove to the satisfaction of the Director that his earnings from such gainful occupation do not exceed

a weekly average equivalent to the National Minimum Wage as is applicable to persons of eighteen years of age or over established by a National Standard Order issued under the Employment and Industrial Relations Act; and

(b) the Employment and Training Corporation had been duly informed of such gainful occupation.

(2) For the purposes of sub-article (1) no account shall be taken of earnings derived by such person from membership of any board, committee, commission or council established by or under any law or as the Minister may declare by order published in the Gazette or such classes of earnings as the Minister may declare by order published in the Gazette.”.

8. In article 50 of the principal Act for the words “a person who is not entitled to a Service Pension” there shall be substituted the words “a person born on or before the 31st December 1961 who is not entitled to a Service Pension”.

Amendment of article 50 of the principal Act.

9. Immediately after article 50 of the principal Act there shall be inserted the following new article:

Addition of new article 50A to the principal Act.

“Guaranteed National Minimum Pension.

50A. Subject to the provisions of this Act, a person born on or after the 1st January 1962 who is not entitled to a Service Pension shall be entitled to a Guaranteed National Minimum Pension which shall be payable at such rate being not less than sixty percent of the National Median Income as the Minister may, with the concurrence of the Minister responsible for finance, by order under this article from time to time establish and in any case, such Guaranteed National Minimum Pension shall not be less than that established for the preceding year.”.

10. In article 51 of the principal Act for the words “less than the rate of National Minimum Pension applicable in his case, such a person shall be entitled to the National Minimum Pension abated by his Service Pension.” there shall be substituted the words “less than the rate of the National Minimum Pension in terms of article 50 of this Act or the Guaranteed National Minimum Pension in terms of article 50A of this Act as is applicable in his case, such person shall be entitled to the National Minimum Pension or the Guaranteed National Minimum Pension as applicable, abated by his Service Pension.”.

Amendment of article 51 of the principal Act.

11. Article 53 of the principal Act shall be amended as follows:

Amendment of article 53 of the principal Act.

(a) in sub-article (1) thereto, for paragraph (i) there shall be substituted the following:

“(i) of thirty years in the case of a person born on or before the 31st December 1951; or

(ii) of thirty five years in the case of a person born during calendar years 1952 to 1961; or

(iii) of forty years in the case of a person born on or after the 1st January 1962; or”;

(b) in sub-article (1) thereto, paragraphs (ii) and (iii) shall be renumbered as paragraphs (iv) and (v);

(c) in paragraph (a) of the first proviso to sub-article (1) thereto, for the words “the period of years to be taken into account in accordance with this article” there shall be substituted the words “in the case of a person born on or before the 31st December 1961 the period of years to be taken into account in accordance with this article”;

(d) in sub-article (3) thereto, for the words “For the purposes of this article, and with effect from the 22nd January 1979,” there shall be substituted the words “For the purposes of this article, in the case of a person born on or before the 31st December 1961 and with effect from the 22nd January 1979,”;

(e) immediately after sub-article (3) thereto, there shall be inserted the following new sub-article (4):

“(4) For the purposes of this article, in the case of a person born on or after the 1st January 1962, in arriving at the yearly average of contributions in terms of sub-article (1) of this article, the yearly average of contributions required under this Act for the purposes of awarding a Two Thirds Pension shall be assessed on any period of forty years between the first day of his contribution year in which he reaches the age of eighteen and the last day of his last complete contribution year before the beginning of his benefit year which includes the day on which the conditions are required to be satisfied.”.

12. In article 54 of the principal Act, for paragraph (a) there shall be substituted the following:

“(a) less than the full rate of the National Minimum Pension, inclusive of the additional allowance, payable according to such person’s marital status, as is specified in the Twelfth Schedule to this Act; or the Guaranteed National Minimum Pension payable in terms of article 50A of this Act, as the case may be; or”.

13. Article 59 of the principal Act shall be amended as follows: Amendment of article 59 of the principal Act.

(a) for sub-article (1) thereto, there shall be substituted the following:

“(1) In respect of persons born on or before the 31st December 1961, any pension issued under this Part shall be reassessed annually with effect from the first Saturday in January of the year of the reassessment as provided for in sub-articles (2) to (6) of this article.”;

(b) immediately after sub-article (6) there shall be inserted the following new sub-article:

“(7) In respect of persons born on or after the 1st January 1962, pensions under this Part with effect from the first Saturday of January of each year, shall be increased annually by such sum as corresponds to seventy percent of the percentage increase in the national average wage as published by the National Statistics Office established by virtue of article 9 of the Malta Statistics Authority Act, for the previous calendar year plus thirty percent of the inflation rate as published by the said National Statistics Office for the previous calendar year; and the provisions of article 90A of this Act shall not apply to such pensions.”. Cap. 422.

14. Immediately after article 64 of the principal Act there shall be inserted the following new articles 64A to 64D: Addition of new articles 64A to 64D in the principal Act.

“Retirement before pension age.

64A. Notwithstanding the provisions of this Part, a person who has attained the age of sixty one years but has not yet attained pension age, may after attaining sixty one years of age claim a pension payable under this Part before attaining pension age if such person is no longer gainfully occupied and has since reaching his eighteenth birthday had a total of:

(i) 2080 paid or credited contributions in the case of a person born on or after the 1st January 1962; or

(ii) 1820 paid or credited contributions in the case of a person born during calendar years 1952 to 1961.

Five
yearly
review.

64B. (1) The Minister shall within intervals not exceeding the period of five years lay on the Table of the House a report reviewing the workings of Part V of this Act within the previous five years together with recommendations, if any, with a view of achieving further adequacy, sustainability and social solidarity:

Provided that the first report shall not be submitted later than the 31st December 2010.

(2) The report mentioned in sub-article (1) of this article shall be discussed by the Social Affairs Committee of the House or any other committee substituting the same.

Mandatory
Second
Pension.

64C. (1) It shall be lawful for the Minister, in concurrence with the Minister responsible for finance, from time to time, to make and when made vary any regulations under this article requiring persons who have not reached pension age and their employers as the case may be, to make contributions into Second Pension funds which provide for the payment of a regular income or other benefits to such persons and, or their dependants after or upon reaching pension age and may in particular by such regulations provide for the rate of contributions payable as well as the method and times when such payments are to be made.

(2) Any sum or other benefit payable by Second Pension funds to which such regulations may refer shall not be considered as Service Pensions for the purposes of this Act.

Cap. 450.

(3) Second Pension funds shall be funds governed by the Special Funds (Regulation) Act.

(4) No regulation, or any amendment thereto or any substitution or revocation thereof, made under this article shall have effect unless it has received the prior approval of the House signified by resolution.

Voluntary
Third
Pension.

64D. (1) The Minister may, with the concurrence of the Minister responsible for finance, provide for exemptions from income tax in respect of contributions made by any person to Third Pension funds which provide for the payment

of a regular income or other benefits to such persons and, or their dependants after or upon reaching pension age.

(2) Any sum or other benefit payable by Third Pension funds referred to in this article shall not be considered as Service Pensions for the purposes of this Act.

(3) Third Pension funds shall be funds governed by the Special Funds (Regulation) Act, or the Insurance Business Act, as applicable.”.

15. In article 116 of the principal Act, in paragraph (ii) of sub-article (5) thereto for the words “from the time when the proper rate of contribution was due, whichever is the earlier.” there shall be substituted the words “from the time when the proper rate of contribution was due, whichever is the earlier:” and immediately after there shall be inserted the following new proviso:

Amendment of article 116 of the principal Act.

“Provided that in the case of a person born on or after the 1st January 1962, any contribution payable in terms of this article shall be payable at the rate at which the contribution will be payable at the time of payment.”.

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

Amendment of the Thirteenth Schedule of the principal Act.

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

“(1) In the case of a person:

(a) born on or before the 31st December 1951 who is to be treated as an employed person, the yearly average of the basic wage or salary during the best three consecutive calendar years within the last ten consecutive calendar years immediately preceding his retirement or invalidity in terms of this Act, as the case may be; or

(b) born during the calendar years 1952 to 1955 who is to be treated as an employed person, the yearly average of the basic wage or salary during the best three consecutive calendar years within the last eleven consecutive calendar years immediately preceding his retirement or invalidity in terms of this Act, as the case may be; or

(c) born during the calendar years 1956 to 1958 who is to be treated as an employed person, the yearly average of the basic wage or salary during the best three consecutive calendar years within the last twelve consecutive calendar years immediately preceding his retirement or invalidity in terms of this Act, as the case may be; or

(d) born during the calendar years 1959 to 1961 who is to be treated as an employed person, the yearly average of the basic wage or salary during the best three consecutive calendar years within the last thirteen consecutive calendar years immediately preceding his retirement or invalidity in terms of this Act, as the case may be,

on which the required contribution had been paid or deemed to have been paid in terms of this Act or, if he has been in employment for less than three consecutive calendar years within the said last ten, eleven, twelve or thirteen calendar years, as applicable in terms of this paragraph, during any such number of consecutive calendar months as may be the best in his case within the said period, as may be increased by the applicable wage increases required by law to be awarded generally in respect of each subsequent year of each of the said last ten, eleven, twelve or thirteen years, as applicable.”;

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

“(2) In the case of a person:

(a) born on or before the 31st December 1951 who is to be treated as a self-employed person, the yearly average of his net income on which the required contribution has been paid during the last ten calendar years, or part thereof if he has not been in self-employment for the whole said ten year period, immediately preceding his retirement or invalidity in terms of this Act, as the case may be; or

(b) born during the calendar years 1952 to 1955 who is to be treated as a self-employed person, the yearly average of his net income on which the required contribution has been paid during the best ten consecutive calendar years of the last eleven calendar years, or part

thereof if he has not been in self-employment for the whole said eleven year period, immediately preceding his retirement or invalidity in terms of this Act, as the case may be; or

(c) born during the calendar years 1956 to 1958 who is to be treated as a self-employed person, the yearly average of his net income on which the required contribution has been paid during the best ten consecutive calendar years of the last twelve calendar years, or part thereof if he has not been in self-employment for the whole said twelve year period, immediately preceding his retirement or invalidity in terms of this Act, as the case may be; or

(d) born during the calendar years 1959 to 1961 who is to be treated as a self-employed person, the yearly average of his net income on which the required contribution has been paid during the best ten consecutive calendar years of the last thirteen calendar years, or part thereof if he has not been in self-employment for the whole said thirteen year period, immediately preceding his retirement or invalidity in terms of this Act, as the case may be,

as may be increased by the applicable wage increases required by law to be awarded generally, as long as each such increase is less than the net increase obtaining from year to year between one net income and another in respect of each subsequent year of each of the said last ten, eleven, twelve or thirteen calendar years, as applicable in terms of this paragraph, or part thereof during which he was in self-employment; so however that, where during the said last ten, eleven, twelve or thirteen calendar years he had paid a contribution on a net income that was higher than that actually received, the net income taken for the purposes of this calculation in respect of any such particular calendar year shall be the higher of such net income.”;

(c) for paragraph (3) thereto there shall be substituted the following:

“(3) In the case of a person:

(a) born on or before the 31st December 1951 who is to be treated as a self-occupied person, the yearly

average of his net earnings on which the required contribution has been paid during the last ten calendar years, or part thereof if he has not been in self-occupation for the whole said ten year period, immediately preceding his retirement or invalidity in terms of this Act, as the case may be; or

(b) born during the calendar years 1952 to 1955 who is to be treated as a self-occupied person, the yearly average of his net earnings on which the required contribution has been paid during the best ten consecutive calendar years of the last eleven calendar years, or part thereof if he has not been in self-occupation for the whole said eleven year period, immediately preceding his retirement or invalidity in terms of this Act, as the case may be; or

(c) born during the calendar years 1956 to 1958 who is to be treated as a self-occupied person, the yearly average of his net earnings on which the required contribution has been paid during the best ten consecutive calendar years of the last twelve calendar years, or part thereof if he has not been in self-occupation for the whole said twelve year period, immediately preceding his retirement or invalidity in terms of this Act, as the case may be; or

(d) born during the calendar years 1959 to 1961 who is to be treated as a self-occupied person, the yearly average of his net earnings on which the required contribution has been paid during the best ten consecutive calendar years of the last thirteen calendar years, or part thereof if he has not been in self-occupation for the whole said thirteen year period, immediately preceding his retirement or invalidity in terms of this Act, as the case may be,

as may be increased by the applicable wage increases required by law to be awarded generally, as long as each such increase is less than the net increase obtaining from year to year between one net earning and another in respect of each subsequent year of each of the said ten, eleven, twelve or thirteen calendar years, as applicable in terms of this paragraph, or part thereof during which he was in self-occupation. So however that for the purposes of this paragraph, in the case of a person who prior to the 1st January 1996, was

a gainfully occupied self-employed person, his annual net income for each calendar year prior to the aforementioned date shall be deemed to be as if it were his net earnings.”; and

(d) paragraph (4) thereto shall be deleted and immediately after paragraph (3) there shall be inserted the following new paragraphs (4) and (5):

“(4) In the case of a person born on or after the 1st January 1962 the yearly average of the basic wage or salary, or the net income or the net earnings, as the case may be, during the best ten calendar years within the last forty calendar years immediately preceding his retirement or invalidity in terms of this Act, as the case may be, on which the required contribution has been paid or deemed to have been paid in terms of this Act or if he has been in employment or self-employment or has been self-occupied for less than ten calendar years within the last forty calendar years, during any such number of calendar months as may be the best in his case within the said last forty calendar years, as may be increased by the applicable wage increases required by law to be awarded generally in respect of each subsequent year of each of the said last forty calendar years:

Provided that for the purposes of this paragraph, in the case of a self-occupied person who prior to the 1st January 1996, was a gainfully occupied self-employed person, his annual net income for each calendar year prior to the aforementioned date shall be deemed to be as if it were his net earnings.

(5) (a) For the purposes of this Act, in the case of a person born on or before the 31st December 1961 whose retirement occurs on or after the 1st January 2007, the basic wage or salary or the net income or the net earnings as the case may be, and the resultant pensionable income or any amount substituted therefor under the provisions of this Act shall not exceed Lm6,958 increased by such sum that the Government may award as a cost of living increase, in the rate of the national minimum wage as is payable to persons of eighteen years of age or over under the provisions of the Employment and Industrial Relations Act; hereinafter in this paragraph referred to as the “cost of living increase” as from the effective date of such increase: Cap. 452.

Provided that in the case of a person born on or before the 31st December 1951, the resultant pensionable income including any such cost of living increase shall not exceed the sum of Lm7,500:

Provided further that in the case of a person born during calendar years 1952 to 1961, the resultant pensionable income including any such cost of living increase shall not exceed the sum of Lm9,000.

(b) For the purposes of this Act, in the case of a person born on or after the 1st January 1962 whose retirement occurs on or after the 1st January 2007, the basic wage or salary or the net income or the net earnings as the case may be, and the resultant pensionable income or any amount substituted therefor under the provisions of this Act shall not exceed:

(i) Lm6,958 increased by such sum that the Government awards as a cost of living increase, in respect of the years 2007 to 2010 as from the effective dates of such increases;

(ii) the sum referred to in (i) increased as on the 1st January of each year, between 2011 and 2013 by one third of the difference between the sum referred to in (i) and Lm9,000;

(iii) with effect from the 1st January 2014, Lm9,000 increased annually by such sum as corresponds to seventy percent of the percentage increase in the national average wage for the previous calendar year as published by the National Statistics Office established by virtue of article 9 of the Malta Statistics Authority Act, plus thirty percent of the inflation rate as published by the said National Statistics Office for the previous calendar year.”.

Cap. 422.

PART II

CONSEQUENTIAL AMENDMENTS

Amendment of the
Pensions Ordinance,
Cap. 93.

17. The Pensions Ordinance shall be amended as follows:

(a) the whole article 2 thereof shall be renumbered as sub-article (1) of the article and immediately thereafter there shall be added the following new sub-article (2):

“(2) Nothing in this Ordinance or in any amendment made thereto from time to time shall, unless the contrary intention is explicitly stated, be interpreted as granting, or as ever having granted, a right, to any person who has been in the service of Malta or to his legal representatives or dependants, to a pension, gratuity or other allowance under this Ordinance, that is not, or that was not at any time, qualified by the requirement of a creditable performance by such person.”; and

(b) in sub-article (1) of article 8E thereof, immediately after the words “referred to in sub-article (2)” there shall be inserted the words “after having served for at least twelve months in such an office”, and immediately after the words “the pensionable emoluments of such officer on retirement shall be,” there shall be inserted the words “, when such officer accomplishes a creditable performance,”.

18. In sub-article (14) of article 36 of the Employment and Industrial Relations Act, for the second proviso thereto there shall be substituted the following:

Amendment
to the
Employment
and Industrial
Relations Act,
Cap. 452.

“Provided further that:

(a) saving the provisions of paragraph (b) hereof, the employer can terminate the employment of an employee when the employee reaches pension age as defined in the Social Security Act;

(b) notwithstanding the provisions of paragraph (a) hereof, an employer may not terminate the employment of a female employee born on or before the 31st December 1951 before she reaches the age of sixty one years.”.

A 898

Passed by the House of Representatives at Sitting No. 474 of 5th December, 2006.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives