

Naghti l-kunsens tieghi.

(L.S.)

GEORGE HYZLER
Aġent President

8 ta' Marzu, 2005

ATT Nru. III ta' l-2005

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-2005 li jemenda l-Att dwar is-Sigurtà Soċjali, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar is-Sigurtà Soċjali, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali". Titolu fil-qosor u bidu fis-sehh. Kap. 318.

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

(a) id-disposizzjonijiet ta' l-artikolu 11 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 ta' l-artikoli 5 u 7 b'seħh mill-1 ta' Jannar, 2005; u

(d) 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) minflok it-tifsira “Arbitru” ghandu jidhol dan li ġej:-

““Arbitru” tfisser kull arbitru mahtur taht l-artikolu 107 ta’ dan l-Att.”;

(b) fit-tifsira ta’ “Direttur”, fil-proviso relattiv, minflok il-kliem “sew id-Direttur (Sigurtà Soċjali) sew il-Kummissarju tat-Taxxi Interni” ghandhom jidhlu l-kliem “id-Direttur (Sigurtà Soċjali) jew il-Kummissarju tat-Taxxi Interni” u 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 jżied dan il-proviso ġdid 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 Servizzi fil-Komunità, u tinkludi kull ufficjal pubbliku fid-dipartiment tieghu li jissemma minnu;”;

(ċ) 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 jżied dan il-proviso li ġej:

“Izda ghar-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

(d) 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 jżiedu l-kliem “*Cerebellar Ataxia*; jew”;

(e) 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 jżied dan il-proviso ieħor li ġej:-

“Iżda wkoll fil-każ ta’ persuna miżżewġa li ma tkunx legalment separata jew ma tkunx giet abbandunata mill-konjuġi tagħha u li fl-4 ta’ Jannar, 2004 kellha impjieg assigurabbli u li wara dik id-data tkun temmet l-impjieg 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 bhala tali mid-Direttur, dik il-persuna għandha titqies, jekk hekk tagħzel, bhala persuna li timpjega lilha nnifisha jekk meta ttejjem l-impjieg tagħha hija tkun tissodisfa l-kondizzjonijiet ta’ kontribuzzjonijiet minimi mehtieġa skond il-paragrafu 2 tal-Hdax-il Skeda, kif kalkolati minn meta tkun għalqet it-tmintax-il sena sad-data meta tkun temmet l-ahhar impjieg tagħha.”.

4. Artikolu 12 ta’ l-Att prinċipali għandu jigi emendat kif ġej:-

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

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

(b) minnufih wara s-subartikolu (1), għandu jizjed 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 għaliha nnifisha, allura dik il-persuna tista’ tagħzel li jkollha l-manteniment li jingħatalha mill-konjuġi l-iehor eskluż mill-kalkolu ta’ mezzi magħmul skond id-disposizzjonijiet tat-Taqsima I tat-Tieni Skeda li tinsab ma’ dan l-Att.” .

5. Fl-artikolu 27 ta’ l-Att prinċipali –

Emenda ta’ l-artikolu 27 ta’ l-Att prinċipali.

(a) fis-subartikolu (1), minflok is-subparagrafu (ii) tal-paragrafu (ċ) sal-kliem “tas-subartikolu (3).” tal-paragrafu sussegwenti, għandu jidhol dan li ġej:-

“(ii) il-mezzi tagħha fil-ġimgħa, kalkolati skond id-disposizzjonijiet tat-Taqsima V tat-Tieni Skeda li tinsab ma’ dan l-Att, ma jeċċedux il-paga minima nazzjonali kif applikabbli lil persuni ta’ tmintax-il sena jew iżjed kif stabbilita b’Ordni ta’ Standard Nazzjonali taht l-Att dwar l-Impiegi u r-Relazzjonijiet Industrijali;

tkun intitolata għal Pensjoni għal Dizabilità taht dan l-Att u l-ogħla rata tagħha, inklużi kull żidiet skond id-disposizzjonijiet ta’ l-artikolu 90 li jinsab ma’ dan l-Att, għandha tkun dik

skond it-Taqsima III tas-Sitt Skeda ta' dan l-Att u skond id-disposizzjonijiet tas-subartikolu (3) ta' dan l-artikolu.”; u

(b) fis-subartikolu (3), minflok il-proviso bil-kliem minn “Izda b’ dak il-mod illi,” sal-kliem “dik il-pensjoni li tithallas lill-mara ma tibqax tinghatalha.” ghandhom jidhlu dawn il-provisos li ġejjin:–

“Izda b’dan illi, salvi d-disposizzjonijiet ta’ l-artikolu 96 ta’ dan l-Att u tat-tieni proviso li hemm fil-paragrafu 4 ta- Taqsima V tat-Tieni Skeda li tinsab ma’ dan l-Att, meta persuna miżżewġa u l-konjuġi jkunu t-tnejn jikkwalifikaw ghal pensjoni taht id-disposizzjonijiet ta’ dan l-artikolu jew ta’ l-artikolu 66 ta’ dan l-Att, dik il-pensjoni li tithallas lil wahda mill-konjuġi ma tibqax tinghatalha:

Izda wkoll b’effett mill-1 ta’ Jannar, 2005, meta persuna miżżewġa tkun tikkwalifika ghal pensjoni taht id-disposizzjonijiet ta’ dan l-artikolu, ir-rata applikabbli tkun dik kif indikata f’Taqsima III tas-Sitt Skeda li tinsab ma’ dan l-Att.”.

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

6. 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:

“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 tagħhom 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 għall-korriment:

Kap. 424.

Izda meta tingieb prova li l-prinċipal kien qiegħed 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 assigurata dwar dak l-inċident.”.

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

7. Fis-subartikolu (11) ta’ l-artikolu 30 ta’ l-Att prinċipali, minflok il-kliem minn “skond id-disposizzjonijiet tal-Kodiċi Ċivili;” sal-kliem “u d-Direttur ghandu jqis kif dovut dawk ir-rapporti fl-eżerċizzju tad-diskrezzjoni tiegħu skond dan is-subartikolu.” ghandhom jidhlu l-kliem “skond id-disposizzjonijiet tal-Kodiċi Ċivili:”.

8. L-artikolu 31 ta' l-Att prinċipali għandu 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” għandhom jithassru; u

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

9. L-artikolu 58 ta' l-Att prinċipali għandu jigi emendat kif ġej:- Emenda ta' l-artikolu 58 ta' l-Att prinċipali.

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

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

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

“(ċ) kull inkrement aċċelerat.”.

10. Fl-artikolu 84 ta' l-Att prinċipali, minnufih wara s-subartikolu (2) għandu jiżdied dan is-subartikolu ġdid li ġej: Emenda ta' l-artikolu 84 ta' l-Att prinċipali.

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

11. Fl-artikolu 93 ta' l-Att prinċipali, minnufih wara s-subartikolu (4), għandu jiżdied dan is-subartikolu ġdid li ġej:- Emenda ta' l-artikolu 93 ta' l-Att prinċipali.

“(5) Meta ebda benefiċċju, pensjoni, *bonus*, għajjuna jew *allowance* ma jkunu dovuti lil resident ta' Servizz Residenzjali Finanzjali mill-Istat, u sew jekk tali benefiċċju, pensjoni, *bonus*, għajjuna jew *allowance* ikunux jithallsu taht dan l-Att sew jekk minn xi sorsi oħra, jew meta tali benefiċċju, pensjoni, *bonus*, għajjuna 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 107 ta' l-Att prinċipali.

12. L-artikolu 107 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:—

(a) minflok in-nota marginali li hemm ma' l-artikolu ghandhom jidhlu l-kliem “Hatra ta' Arbitri.”;

(b) minflok is-subartikolu (1) ghandu jidhol dan li ġej:—

“(1) Għall-finijiet ta' dan l-Att, il-Ministru jista' jahtar persuna jew aktar sabiex iservu ta' Arbitri fil-każijiet kif jistgħu jiġu riferuti lilhom minn żmien għal żmien, b'dan illi:

(a) f'kull każ il-persuna mahtura irid ikollha *warrant* biex teżercita l-professjoni ta' avukat f'Malta għal mill-anqas seba' snin; u

(b) il-hatra tkun għal żmien sena.”;

(ċ) is-subartikolu (5) ghandu jiġi mhassar; u

(d) is-subartikolu (6) ghandu jiġi enumerat mill-ġdid bhala s-subartikolu (5).

Żieda ta' l-artikolu 116B ġdid ma' l-Att prinċipali.

13. Minnufih wara l-artikolu 116A ta' l-Att prinċipali ghandu jidhol dan l-artikolu 116B ġdid li ġej:—

“Ġbir ta' arretrati ta' kontribuzzjonijiet mhux imhallsa.

116B. (1) Minghajr preġudizzju għad-disposizzjonijiet ta' dan l-Att, u b'effett mit-3 ta' Jannar, 2005, arretrati dovuti dwar kontribuzzjonijiet ta' l-Ewwel Klassi jew tat-Tieni Klassi mhux imhallsa għal xi perjodu qabel l-1 ta' Jannar, 1998, ghandhom ikunu dovuti u ghandhom jithallsu lill-Kummissarju tat-Taxxi Interni.

(2) Għall-fini ta' l-eżekuzzjoni tal-ġbir ta' arretrati dwar dawk il-kontribuzzjonijiet mhux imhallsa kif imsemmi fis-subartikolu (1) ta' dan l-artikolu, il-poteri mogħtija lid-Direttur tas-Sigurtà Soċjali fit-Taqsima X ta' dan l-Att jistgħu jiġu eżercitati wkoll mill-Kummissarju tat-Taxxi Interni.”.

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

14. Fis-subartikolu (1) ta' l-artikolu 130 ta' l-Att prinċipali, minflok il-kliem “wiehed mid-Dipartiment għall-Harsien ta' l-Anzjani, wiehed mid-Dipartiment tal-*Welfare* u” ghandhom jidhlu l-kliem

“wiehed mid-Dipartiment għall-Anzjani u Servizzi fil-Komunità, wiehed mid-Dipartiment tas-Sigurtà Soċjali u”.

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

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 244 tat-2 ta' Marzu, 2005.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE HYZLER
Acting President

8th March, 2005

ACT No. III of 2005

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, 2005, 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 11 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 provisions of articles 5 and 7 with effect from the 1st January, 2005; and

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

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

Amendment of article 2 of the principal Act.

(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, “either the Director (Social Security) of the Commissioner of Inland Revenue” there shall be substituted the words “the Director (Social Security) or the Commissioner of Inland Revenue” and 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;”;

(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”; and

(e) for the definition “Umpire” there shall be substituted the following:-

““Umpire” means any umpire appointed under article 107 of this Act.”.

Amendment of article 3 of the principal Act.

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

“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) subarticle (2) thereof shall be renumbered as subarticle (3); and

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

“(2) If a person in respect of whom subarticle (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 27 of the principal Act.

5. In article 27 of the principal Act –

(a) in subarticle (1), for sub-paragraph (ii) of paragraph (c) to the words “of subarticle (3)” of the subsequent paragraph, there shall be substituted the following:-

“(ii) his weekly means, calculated in accordance with the provisions of Part V of the Second Schedule to this Act, do not exceed the national minimum wage as applicable to persons of eighteen years of age or over

established by a National Standard Order under the Employment and Industrial Relations Act;

shall be entitled to a Disability Pension under this Act and the highest rate of which, including any increases in terms of the provisions of article 90 of this Act, shall be such in accordance with Part III of the Sixth Schedule to this Act and with the provisions of subarticle (3) of this article.”; and

(b) in subarticle (3), for the proviso starting with the words “sohowever that save as provided for” to the words “payable to the wife shall cease to be payable.” there shall be substituted the following provisos:–

“Sohowever that, saving the provisions of article 96 of this Act and of the second proviso to paragraph 4 of Part V of the Second Schedule to this Act, where a married person and the spouse both qualify for a pension under the provisions of this article or of article 66 of this Act, any such pension as is payable to one of the spouses shall cease to be payable:

Provided further that with effect from the 1st January, 2005, where a married person qualifies for a pension under the provisions of this article, the applicable rate shall be that payable in accordance with Part III of the Sixth Schedule to this Act.”.

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

“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:

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.”. Cap. 424.

7. In subarticle (11) of article 30 of the principal Act, for the words from “in accordance with the provisions of the Civil Code;” to the words “and the Director shall take due account of such reports in the exercise of his discretion under this subarticle.” there shall be Amendment of article 30 of the principal Act.

substituted the words “in accordance with the provisions of the Civil Code:”.

Amendment of article 31 of the principal Act.

8. 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.

Amendment of article 58 of the principal Act.

9. Article 58 of the principal Act shall be amended as follows:-

(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.”.

Amendment of article 84 of the principal Act.

10. In article 84 of the principal Act, immediately after subarticle (2) thereof there shall be added the following new subarticle:

“(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.”.

Amendment of article 93 of the principal Act.

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

“(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 subarticle (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.”.

12. Article 107 of the principal Act shall be amended as follows:— Amendment of article 107 of the principal Act.

(a) for the marginal note there shall be substituted the following words “Appointment of Umpires.”;

(b) for subarticle (1) thereof there shall be substituted the following:—

“(1) For the purposes of this Act, the Minister may appoint one or more persons to serve as Umpires in cases that may be referred to them from time to time, so however that:—

(a) in all cases the person so appointed shall have held a warrant to practise the profession of advocate in Malta for at least seven years; and

(b) the appointment shall be for a period of one year.”;

(c) subarticle (5) thereof shall be deleted; and

(d) subarticle (6) shall be renumbered as subarticle (5) thereof.

13. Immediately after article 116A of the principal Act there shall be added the following new article 116B:— Addition of new article 116B to the principal Act.

“Collection of arrears of unpaid contributions.

116B. (1) Without prejudice to the provisions of this Act, and with effect from the 3rd January, 2005, any arrears due in respect of any unpaid Class One or Class Two contributions for any period prior to the 1st January, 1998, shall be due and payable to the Commissioner of Inland Revenue.

(2) For the purpose of enforcing the payment of such arrears of unpaid contributions as mentioned in subarticle (1) of this article, the powers vested in the Director of Social Security by Part X of this Act may also be exercisable by the Commissioner of Inland Revenue.”.

Amendment of
article 130 of the
principal Act.

14. In subarticle (1) of article 130 of the principal Act, for the words “one from the Department for the Welfare of the Elderly, one from the Department of Welfare and” there shall be substituted the words “one from the Department for the Elderly and Community Services, one from the Department of Social Security and”.

Amendment of
article 132 of the
principal Act.

15. In subarticle (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”.

Passed by the House of Representatives at Sitting No. 244 of 2nd March, 2005.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives