

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

23rd February, 1999

ACT No. II of 1999

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..

1. (1) This Act may be cited as the Social Security (Amendment) Act, 1999, and shall be read and construed as one with the Social Security Act, hereinafter referred to as “the principal Act”.

(2) (a) Paragraph (a) of section 2 and sections 4, 5, 17, 18 and 19 shall come into force on such date as the Minister responsible for Social Policy may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of the said paragraphs or the said sections.

(b) Paragraphs (b), (c) and (d) of section 2, sections 7, 8, 10, 11, 12, 15 and section 20 shall be deemed to have come into force on the 3rd January, 1998.

(c) Section 9 shall be deemed to have come into force on the 6th January, 1996.

(d) Section 3 and section 6 shall be deemed to have come into force on the 5th January, 1998.

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

Amendment of section 2 of the principal Act.

(a) for the definition of "Director" there shall be substituted the following definition:-

" "Director" in or in respect of the provisions of this Act, other than those of sections 3 to 11, both inclusive, sections 13, 14, 15 and 116, sub-section (2) of section 117, section 123 and subsections (1) and (2) of section 124, and save as otherwise provided, means the Director (Social Security) and includes any officer of the Department designated by him or any public officer designated by the Minister for a particular purpose or class of purposes; and in or in respect of the provisions of this Act excepted as aforesaid, and save as otherwise provided, Director means the Commissioner of Inland Revenue and includes any public officer in his department designated by him:

Provided that in or in respect of the provisions of subsection (2) of section 114 and of sections 119, 120, 121, 122, 125 and 133, the word Director means either the Director (Social Security) or the Commissioner of Inland Revenue, or each of them, as the case may require;" ;

(b) the definition of "blind person" shall be deleted;

(c) in the definition of "severely disabled person", in paragraph (c) immediately after the words "Huntington's Chorea," there shall be added the words, " Cystic Fibrosis;" and "T C II Deficiency ;";

(d) immediately after the definition of "Umpire", there shall be added the following new definitions :-

" "visually impaired person" means a person whose visual acuity has been certified by an ophthalmologist to be so low as to render such person unable to perform any work for which eyesight is essential;

" widow" means the surviving spouse, whether a widow or a widower, of a married couple who immediately prior to

widowhood had a legal right to be maintained by the other spouse and in relation to widow, wherever it appears, husband shall include wife.”.

Amendment of section 7 of the principal Act.

Cap. 343.

3. In subsection (2) of section 7 of the principal Act, immediately after the words “paid by the employee and his employer.” there shall be added the following words, “So however that, where an employer binds himself, with the Employment and Training Corporation established under the Employment and Training Services Act, to employ a person who is over the age of forty years and who has been registering for more than one year under Part One of the Register kept in accordance with the provisions of the Employment and Training Services Act, such employer shall be entitled to retrieve from the said corporation a sum equivalent to twenty five per cent of the rate of contribution paid by the employer, as his share in respect of such employee, in accordance with Part I of the Tenth Schedule to this Act.”.

Amendment of section 9 of the principal Act.

4. In section 9 of the principal Act, for the words “as may be determined by the Director in consultation with the Commissioner of Inland Revenue or in such other manner as the Minister may from time to time determine with the concurrence of the Minister responsible for finance” there shall be substituted the words “ as may from time to time be determined by the Director”.

Amendment of section 11 of the principal Act.

5. In section 11 of the principal Act, for the words “as may be determined by the Director in consultation with the Commissioner of Inland Revenue or in such other manner as the Minister may from time to time determine with the concurrence of the Minister responsible for finance”, there shall be substituted the words “as may from time to time be determined by the Director”.

Amendment of section 15 of the principal Act.

6. In section 15 of the principal Act, immediately after sub-section (3) there shall be added the following new sub-section (4):-

Cap. 135.

“(4) With effect from the 5th January, 1998 a self-occupied person who is engaged as a casual social assistant by the Department for the Care of the Elderly, shall be entitled to retrieve from the Director Care of the Elderly the equivalent of the increase in the rate of the Social Security contribution payable by such person as a result of the cost-of-living increase awarded by Government 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 Conditions of Employment (Regulation) Act.”.

Amendment of section 27 of the principal Act.

7. In subsection (2) of section 27 of the principal Act:-

(a) for the words "a blind person" there shall be substituted the words "a visually impaired person";

(b) for the words "his blindness" there shall be substituted the words "his visual impairment"; and

(c) for the words "shall be entitled to a Blindness Pension" there shall be substituted the words "shall be entitled to a Pension for the Visually Impaired".

8. In subsection (1) of section 28 of the principal Act, for the words from "Provided further that-" up to the words "(b) where a person-" there shall be substituted the words, "Provided further that where a person:-".

Amendment of section 28 of the principal Act.

9. Section 33A of the principal Act, shall be amended as follows:—

Amendment of section 33A of the principal Act.

(a) in subsection (1) thereof, for the words "two-thirds of her husband's pensionable income." there shall be substituted the words "the Two-Thirds Pension that was or would have been payable to the deceased husband in accordance with Part V of this Act."; and

(b) in subsection (2) thereof, for the words "two-thirds of her husband's pensionable income." there shall be substituted the words "the Two-Thirds Pension that was or would have been payable to the deceased husband in accordance with Part V of this Act.".

10. In section 43 of the principal Act, from the words "The foregoing provisions of this Part," up to the words "that form part of his household." there shall be substituted the words "The foregoing provisions of this Part shall also apply, mutatis mutandi, in the case of a widower.".

Amendment of section 43 of the principal Act.

11. Subsection (1) of section 53 of the principal Act shall be amended as follows:-

Amendment of section 53 of the principal Act.

(a) in paragraph (ii) thereof, for the words "smaller number of years less than thirty years," there shall be substituted the words "smaller number of years, or"; and

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

“(iii) in awarding a Survivor’s pension in accordance with the proviso to section 34 of this Act, for such other smaller number of years as may correspond to the number of years since the eighteenth birthday of the deceased spouse and the date of his death,”.

Amendment of section 77 of the principal Act.

12. In section 77 of the principal Act, for the words “ or a blind person in accordance with the provisions of this Act.” there shall be substituted the words “ or a visually impaired person in accordance with the provisions of this Act.” and, in the proviso thereto for the words “ a blind child” there shall be substituted the words “a visually impaired child” and, in the further proviso thereto for the words “in the case of a blind child” there shall be substituted the words “in the case of a visually impaired child” .

Amendment of section 84 of the principal Act.

13. Section 84 of the principal Act shall be amended as follows:-

(a) the present provision shall be renumbered as subsection (1) thereof; and

(b) immediately after subsection (1) as renumbered there shall be added the following subsection:-

“ (2) For the purposes of subsection (1) of this section the Minister may by such regulations amend or substitute any of the schedules to this Act or index thereto.”.

Addition of new section 84A to the principal Act.

14. Immediately after section 84 of the principal Act there shall be added the following new section:-

“Subsidies to Day Care Centres .

84A. The Minister may from time to time by regulations under this section, establish schemes, whereby subsidies may be paid by the Director, in respect of children attending Child Day Care Centres run by Government or any other institution as may be specified in the regulations, and may by such regulations prescribe the amount of subsidy, the person in respect of whom such subsidy is to be paid, and the manner in which the entitlement of such person is assessed. Such subsidy shall in each case be paid directly to the institution running the centre and shall not be taken into account in calculating the income of the head of household of which the child forms part for the purposes of this or any other law.”.

15. In paragraph (ii) of the further proviso to subsection (2) of section 97 of the principal Act, for the words "received in good time if such a delay does not exceed a period of four weeks." there shall be substituted the words "received in good time, either

Amendment of
section 97 of the
principal Act.

(a) if such a delay does not exceed a period of one hundred and four weeks, or

(b) in the case of a Disabled Child Allowance if the delay was due in the time taken to process conclusive medical evidence of such disability, or

(c) in the case of a Children's Allowance, if such allowance was in payment prior to the first Saturday of July, 1996 and the Director is satisfied that the beneficiary had not been requested to submit a declaration in accordance with the provisions of Part VII of the Second Schedule to this Act."

16. Immediately after subsection (3) of section 102 of the principal Act, there shall be added the following new sub-section (4):—

Amendment of
section 102 of the
principal Act.

"(4) Where any person who is in receipt of any benefit, pension, allowance or assistance payable under this Act has received any sum by way of benefit, pension, allowance or assistance under this Act to which he was not entitled in terms of the provisions of this Act, and subsequently becomes entitled to a lump sum by way of any arrears of benefit, pension, allowance or assistance payable under this Act as a result of any revision, re-assessment or entitlement to new benefit, pension or allowance under this Act, then any sum still due to be refunded in terms of subsection (1) of this section shall, to the extent that such sum can be so deducted, be deducted from any arrears to which he may subsequently become entitled as aforesaid."

17. In section 125 of the principal Act the words "or to the Commissioner of Inland Revenue on behalf of the Director" shall be deleted.

Amendment of
section 125 of the
principal Act.

18. For section 132 of the principal Act there shall be substituted the following:-

Substitution of
section 132 of the
principal Act.

"132. (1) The Administration of this Act is vested in the Director (Social Security) or, as the case may require, in the Commissioner of Inland Revenue.

(2) In addition to any other functions or duties assigned to him by or under any other law, the Director (Social Security) shall, subject to the supervision and control of the Minister, carry out such functions and duties as may from time to time, be assigned to him by the Government.”.

Amendment of
section 133 of the
principal Act.

19. Section 133 of the principal Act shall be amended as follows:-

(a) in paragraph (a) thereof, for the words “the Department” there shall be substituted the words “his Department”; and

(b) in the second proviso to paragraph (b) thereof, after the words “the Department” there shall be added the word “concerned”.

Amendment of the
Second Schedule to
the principal Act.

20. The Second Schedule to the principal Act shall be amended as follows:-

(a) for sub-paragraph (b) of paragraph 4 of Part II thereof, there shall be substituted the following:-

“(b) any Social Assistance, Leprosy Assistance, Tuberculosis Assistance, Milk Grant and Sickness Assistance payable under this Act and any pension or pensions (whether paid under this Act or not) up to a maximum aggregate amount equivalent to the aggregate of the highest rate of the National Minimum Pension, inclusive of the Additional Allowance payable according to the claimant’s marital status as is specified in the Twelfth Schedule to this Act;”;

(b) in sub-paragraph (d) of paragraph 4 of Part II, in sub-paragraph (d) of paragraph 4 of Part III, and in sub-paragraph (d) of paragraph 2 of Part VIII respectively thereof for the words “76.8%” there shall be substituted the words “78.3%” wherever they appear;

(c) for sub-paragraph (b) of paragraph 4 of Part III thereof, there shall be substituted the following:-

“(b) any Social Assistance, Leprosy Assistance, Tuberculosis Assistance, Milk Grant and Sickness Assistance payable under this Act and any pension or pensions (whether paid under this Act or not) up to a maximum aggregate amount equivalent to the aggregate of the highest rate of the National Minimum Pension, inclusive of the Additional Allowance payable according to the claimant’s marital status as is specified in the Twelfth Schedule to this Act;”;

(d) in paragraph 4 of Part V thereof for the words "Blindness Pension" there shall be substituted the words "Pension for the Visually Impaired";

(e) in sub-paragraph (a) of paragraph 1 of Part VII thereof for the words "and any income or privilege which is received or enjoyed by the head of household and his wife." there shall be substituted the words "and any income or privilege, which is or could be received or enjoyed by the head of household and his or her spouse. And for this purpose such privilege shall include any retained profits held by any company or other commercial enterprise of which the head of household and his or her spouse are shareholders or owners, unless the Director is satisfied that such retained profits could not reasonably be made available or enjoyed by the head of the household and his or her spouse.";

(f) in sub-paragraph (b) of paragraph 1 of Part VII thereof, for the words "and any income or privilege which is received or enjoyed by the head of household or his wife, whichever is the greater income." there shall be substituted the words "and any income or privilege, which is or could be received or enjoyed by the head of household or his or her spouse, whichever is the greater income. And for this purpose such privilege shall include any retained profits held by any company or other commercial enterprise of which the head of household or his or her spouse are shareholders or owners, unless the Director is satisfied that such retained profits could not reasonably be made available or enjoyed by the head of household or his or her spouse.";

(g) immediately after sub-paragraph (b) of paragraph 1 of Part VII thereof, there shall be added a new proviso:

" Provided that any such income that has to be taken into account for the purposes of this Part in accordance with the foregoing provisions of this paragraph, shall include any income or privilege which the head of household and, his or her spouse, as the case may be, and as aforesaid in this Part, had directly or indirectly deprived himself or deprived themselves in order to become entitled to an allowance or to become so entitled at a more advantageous rate.";

(h) sub-paragraph (e) of paragraph 2 of the said Part VII thereof shall be deleted, and sub-paragraphs (f) and (g) thereof shall be renumbered as (e) and (f) respectively; and

(i) immediately after paragraph 4 of Part VII thereof, there shall be added the following paragraph:

“(5) For the purpose of this Part “spouse” includes such woman who in the opinion of the Director, is living with the head of household as if she were his lawful wedded wife and in the case where a female is in the opinion of the Director, the head of household, a male who in the opinion of the Director is living with such head of household as if he were her lawful wedded husband, during any period in which an allowance under this Part is being, or could be, paid to the head of household under the provisions of this Act.”.

Passed by the House of Representatives at Sitting No. 64 of 16th February, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives