L.N. 422 of 2002

SOCIAL SECURITY ACT
(CAP. 318)

Increase in the Rates of Benefits Order, 2002

IN exercise of the powers conferred by article 84 of the Social Security Act, hereinafter referred to as "the Act", the Deputy Prime Minister and Minister for Social Policy, with the concurrence of the Minister of Finance, has made the following Order:-

Citation and commencement.

1. (1) The title of this Order is the Increase in the Rates of Benefits Order, 2002.

(2) This Order shall come into force :-

(a) in the case of the Tenth Schedule with effect from the 6th January, 2003; and

(b) in the case of Second, Third, Sixth, Eighth, Ninth, Twelfth and Fourteenth Schedules with effect from the 4th January, 2003.

Substitutes of Schedules to the Act.

2. For the Second, Third, Sixth, Eighth, Ninth, Tenth, Twelfth, and Fourteenth Schedules to the Act, there shall be substituted the following Second, Third, Sixth, Eighth, Ninth, Tenth Twelfth and Fourteenth Schedules respectively:-

"SECOND SCHEDULE
Articles 12, 20, 23, 27, 30, 66, 68, 73, 76 and 76A

Calculation of means for the purposes of an exemption from the payment of Class Two Contributions and for the award of Social Assistance, Sickness Assistance, Free Medical Aid, an Age Pension, a Disability Pension, a Pension for the Visually Impaired, a Carer's Pension, Children's Allowance, a Supplementary Allowance, and a Disabled Child Allowance.

PART I

Exemption from the payment of Class Two Contributions

1. In calculating means for the purposes of article 12 of this Act, account shall be taken of -

(a) the value of any property (excluding the house of residence) belonging to that person which is, or could be, invested or put to profitable use, excluding furniture, jewellery and other personal effects:

Provided that, where the cash at Bank and in hand (including any liquid assets, time deposits, bonds, stocks, shares or other securities) and the capital value of any urban immovable property (excluding the house of residence) which is not being put to profitable use, together exceed Lm4,000 in the case of a single or widowed person or Lm7,000 in the case of a married man, the person requesting an exemption from the payment of a Class Two contribution shall be deemed not to be entitled to such an exemption; and

(b) save as provided for in paragraph 3 of this Part, any income or privilege which is or could be received or enjoyed by that person.

2. Where the total capital resources referred to in sub-paragraph (a) of paragraph 1 of this Part do not exceed the limits laid down therein -

(a) the first Lm250 of such capital resources shall be ignored; and

(b) the value of any urban immovable property as is referred to in the proviso to the aforesaid sub-paragraph (a) shall be treated as producing an annual income equivalent to 5 $^{1}/_{2}$% of its capital value.

3. In calculating the income or privilege which is or could be received or enjoyed by the person requesting an exemption from the payment of a Class Two contribution, no account shall be taken of -

(a) any assistance, pension, benefit or allowance payable under this Act;

(b) any sickness benefit from a friendly society or a trade union;

(c) any sum paid out of a charitable fund;

(d) any other pension other than a pension payable in virtue of article 16A of the Malta Dockyard Act paid apart from this Act; and Cap. 207.

(e) the first Lm200 by way of earnings derived by any person from the carrying out of hand knitting, lace making, crochet and embroidery activities, at home, and the manufacture of which does not involve any mechanical processes.

PART II

Sickness Assistance

1. In calculating means for the purposes of section 20 of this Act, account shall be taken of -

(a) save as provided for in paragraph 3 of this Part, the value of any property (excluding the house of residence) belonging to all the members of the household who are neither employed persons nor self-employed or self-occupied persons in terms of this Act, which is or could be, invested or put to a profitable use excluding furniture, jewellery or other personal effects:

Provided that, where the cash at Bank and in hand (including liquid assets, time deposits, bonds, stocks, shares and other securities) and the capital value of any urban immovable property (excluding the house of residence) which is not being put to profitable use, together exceed -

(i) Lm6,000 in the case of a household consisting of one member only or a number of members headed by a single person or a single parent; or

(ii) Lm10,000 in the case of a household consisting of at least the head of household and his wife;

the person claiming Sickness Assistance shall not be deemed to be entitled to such assistance; and

(b) save as provided for in paragraph 4 of this Part, any income or privilege which is or could be received or enjoyed by any member of the household who are neither employed persons nor self-employed or self-occupied persons in terms of this Act:

Provided that any such property or 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 property or income which any member of the household as aforesaid in this Part had directly or indirectly deprived himself in order to become entitled to Sickness Assistance or to become so entitled at a more advantageous rate:

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Provided further that, where a member, not being the head of household and his wife, is an employed person or a self-employed or self-occupied person, if his gross wage or gross income, as the case may be, does not exceed 35% of 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 Conditions of Employment (Regulation) Act during the period in respect of which such assistance is due, such a member shall, for the purpose of this paragraph, not be deemed to be an employed person or a self-employed or self-occupied person.

2. Where the total capital resources referred to in sub-paragraph (a) of paragraph 1 of this Part do not exceed the limit laid down therein -

(a) the first Lm250 of such capital resources shall be ignored; and

(b) the value of any urban immovable property as is referred to in the proviso to the aforesaid sub-paragraph (a) shall be treated as producing an annual income equivalent to 5 1/2% of its capital value.

3. Where any member as aforesaid in this Part of the household, other than the head of household and his wife, is in possession of any property as is referred to in sub-paragraph (a) of paragraph 1 of this Part -

(a) the entire value of any future house of residence or part thereof belonging to such member in view of marriage shall be ignored;

(b) one-half of the value of any other such property shall be disregarded unless such property had been transferred or donated to him by the head of the household or his wife within the twelve months immediately preceding the claim for Sickness Assistance.

4. In calculating the income or privilege which is or could be received or enjoyed by any member as aforesaid in this Part of the household, no account shall be taken of -

(a) the first Lm40 arising out of the use of property;

(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;

(c) any Supplementary Allowance, Children's Allowance, Care Allowance, Disabled Child Allowance or Maternity Benefit payable under this Act; and

(d) 81.4% of the total net income or of any privilege, benefit or allowance or of any excess pension which is being or could be received or enjoyed by such member of the household, other than the head of household or his wife, and, for this purpose, the total net income, privilege, benefit, allowance or excess pension shall be reduced by any income tax payments made by the person concerned in accordance with the Income Tax Act, and the term "excess pension" means any pension over the National Minimum Pension as indicated in sub-paragraph (b) of this paragraph; and Cap. 123.

(e) any amounts as are referred to in sub-paragraph (b) and (c) of paragraph 3 of Part I of this Schedule;

(f) any stipend received by any member of the household, other than the head of the household or the spouse of such head of household during a full-time course of studies or instruction under any scheme which is run by Government, whether involving or not distinct work and study periods; and, for this purpose, "stipend" does not include any wage or other remuneration which may be payable to the person concerned during any work phase which may form part of such a scheme;

(g) the first Lm200 by way of earnings derived by any person from the carrying out of hand knitting, lace making, crochet and embroidery activities, at home, and the manufacture of which does not involve any mechanical processes.

5. For the purposes of this part, "wife" shall include 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 Sickness Assistance is being, or could be, paid to the head of the household under the provisions of this Act.

6. Where a head of household is in receipt of Sickness Assistance under this Act, any increase, taking effect at any time after the 6th January, 1989, to which he or any member as aforesaid in this Part of his household may become entitled in respect of any pension, benefit, assistance or allowance as is payable to him or to any member of his household under this Act during the same period within which he is in receipt of the aforesaid Sickness Assistance, shall not be taken into account in calculating the means of that household for the purposes of establishing the continued right or otherwise to such Sickness Assistance.

PART III

Free Medical Aid

1. In calculating means for the purposes of article 23 of this Act, account shall be taken of -

(a) save as provided for in paragraph 3 of this Part, the value of any property (excluding the house of residence) belonging to all the members of the household, which is or could be, invested or put to a profitable use excluding furniture, jewellery or other personal effects:

Provided that, where the cash at bank and in hand (including liquid assets, time deposits, bonds, stocks, shares and other securities) and the capital value of any urban immovable property (excluding the house of residence) which is not being put to profitable use, together exceed -

(i) Lm4,000 in the case of a household consisting of one member only or a number of members headed by a single person or a single parent; or

(ii) Lm7,000 in the case of a household consisting of at least the head of household and his wife;

the person claiming Free Medical Aid shall not be deemed to be entitled to such aid; and

(b) save as provided for in paragraph 4 of this Part, any income or privilege which is or could be received or enjoyed by any member of the household:

Provided that any such property or 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 property or income which any member of the household had directly or indirectly deprived himself in order to become entitled to Free Medical Aids.

2. Where the total capital resources referred to in sub-paragraph (a) of paragraph 1 of this Part do not exceed the limit laid down therein -

(a) the first Lm250 of such capital resources shall be ignored; and

(b) the value of any urban immovable property as is referred to in the proviso to the aforesaid sub-paragraph (a) shall be treated as producing an annual income equivalent to 5.5% of its capital value.

3. Where any member of the household, other than the head of household and his wife, is in possession of any property as is referred to in sub-paragraph (a) of paragraph 1 of this Part,

(a) the entire value of any future house of residence or part thereof belonging to such member in view of marriage shall be ignored;

(b) one-half of the value of any other such property shall be disregarded unless such property had been transferred or donated to him by the head of the household or his wife within the twelve months immediately preceding the claim for Free Medical Aid.

4. In calculating the income or privilege which is or could be received or enjoyed by any member of the household, no account shall be taken of -

(a) the first Lm40 arising out of the use of property;

(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;

(c) any Supplementary Allowance, Children's Allowance, Disabled Child Allowance or Maternity Benefit payable under this Act; and

(d) 81.4% of the total net income, or of any wage or salary or of any privilege, benefit or allowance or of any excess pension which is being or could be received or enjoyed by any member of the household, other than the head of household or his wife; and for this purpose, the total net income, wage, salary or pension shall be taken as the total gross income, wage, salary or pension less any payment made by the person concerned by way of -

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(i) income tax under the Income Tax Act;

(ii) expenses incurred for travelling by public transport, or by any other form of transport as may be provided by the employer of the person concerned, to and from the place of work; and

(iii) any expenses incurred by the person concerned in generating that income, and the term "excess pension" means any pension over the National Minimum Pension as indicated in sub-paragraph (b) of this paragraph;

(e) any amounts as are referred to in sub-paragraphs (b) and (c) of paragraph 3 of Part I of this Schedule;

(f) any weekly allowance payable by any employer in terms of the Weekly Allowance National Standard Order, 1988;

(g) any benefit, income, privilege or grant accruing to any member of the household under and in accordance with the provisions of any of the Manpower Incentive Schemes announced by Government, for the first 12 weeks of entitlement;

(h) any stipend received by any member of the household, other than the head of the household or the spouse of such head of household during a full-time course of studies or instruction under any scheme which is run by Government, whether involving or not distinct work and study periods; and, for this purpose, "stipend" does not include any wage or other remuneration which may be payable to the person concerned during any work phase which may form part of such a scheme;

(i) contributions under this Act; and

(j) the first Lm200 by way of earnings derived by any person from the carrying out of hand knitting, lace making, crochet and embroidery activities, at home, and the manufacture of which does not involve any mechanical processes.

5. For the purposes of this Part, "wife" shall include 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 Free Medical Aid is being, or would be, accorded to the head of household under the provisions of this Act.

PART IV

Age Pension and Carer's Pension

1. In calculating means for the purpose of sections 66 and 68 of this Act, account shall be taken of any property (excluding the house of residence) income or privilege as is indicated in paragraph 1 of Part 1 of this Schedule; and, save as provided for in paragraph 3 of this Part, where the limits laid down in the proviso to sub-paragraph (a) of paragraph 1 of Part I of this Schedule are exceeded, the person making a claim for an Age Pension or a Carer's Pension, as the case may be, shall be deemed not to be entitled to such pension:

Provided that in calculating the means in terms of this paragraph, in lieu of the limits laid down in the proviso to sub-paragraph (a) of paragraph 1 of Part I of this Schedule, Lm6,000 in the case of a single or widowed person or Lm10,000 in the case of a married man shall instead be taken in the calculation of means.

2. The means accruing, or which could accrue, from any property, income or privilege as is described under Part I of this Schedule shall be calculated in the manner laid down in paragraphs 2 and 3 (with the exclusion of sub-paragraphs (a) and (d)) of paragraph (3) of the said Part I; sohowever that, no account shall be taken of -

(a) the first Lm165 of such means, in the case of a married couple; or

(b) the first Lm115 of such means, in the case of a single or widowed person; and

(c) any Medical Assistance, any Supplementary Allowance, Children's Allowance, Care Allowance, Disabled Child Allowance or Maternity Benefit payable under this Act;

(d) the first Lm200 by way of earnings derived by any person from the carrying out of hand knitting, lace making, crochet and embroidery activities, at home, and the manufacture of which does not involve any mechanical processes.

3. Any such property or income that has to be taken into account for the purposes of this Part in accordance with the foregoing provisions of this Part shall include any property or income which the person concerned had directly or indirectly deprived himself in order to become entitled to an Age Pension, or a Carer's Pension, as the case may be, or to become so entitled at a more advantageous rate; sohowever that, where the income that the person concerned had directly or indirectly deprived himself of is connected with some other scheme of financial aid or subsidy for pensioners that is run by the Government of Malta or on its behalf, the provisions of this paragraph shall not apply in respect of such aid or subsidy.

4. In calculating the means of a married couple for the purposes of awarding an Age Pension, account shall be taken of the property (excluding the house of residence) belonging to the couple or the income that is being received or that could be received, by each of the couple:

Provided that, where there is no community of acquests between them either because such community of acquests was excluded by contract or because it was dissolved as a result of their legal separation, account shall only be taken of the property belonging to, or the income that is being received or that could be received by each of the couple, so however that in the case where such married couple is *'de facto'* separated, account shall be taken of (a) the property belonging to the community of acquests, and (b) only the income that is being received or that could be,received by the claimant:

Provided further that each of the couple in respect of whom the foregoing proviso applies shall be entitled to receive the rate applicable to a single or widowed person in accordance with Part II of the Sixth Schedule to this Act as abated by the weekly means attributable to each one of them.

5. Where a married man who is legally or *'de facto'* separated from his wife proves to the satisfaction of the Director that he is paying any sum to his wife as an integral condition of their separation, that sum shall be deducted when calculating his means.

PART V

Disability Pension and Pension for the Visually Impaired

1. In calculating the means for the purposes of section 27 of this Act, account shall be taken of -

(a) the value of any property (excluding the house of residence) belonging to that person which is, or could be, invested or put to profitable use, excluding furniture, jewellery and other personal effects; and

(b) save as provided for in paragraph 3 of this Part, any income or privilege which is or could be received or enjoyed by that person, calculated on a weekly basis.

2. The means which could accrue from any property as is described under sub-paragraph (a) of paragraph 1 of this Part, which is not being put to profitable use shall be calculated as follows:

(a) the first Lm250 of such property shall be ignored; and

(b) the value of any such property in excess of Lm250 shall be deemed as producing a weekly income equivalent to 0.11% of its capital value.

3. In calculating the income or privilege as is described under sub-paragraph (b) of paragraph 1 of this Part, no account shall be taken of -

(a) any sickness benefit from a friendly society or a trade union;

(b) any sum paid out of a charitable fund; and

(c) any Medical Assistance, Children's Allowance, Disabled Child Allowance or Maternity Benefit payable under this Act;

(d) the first Lm200 by way of earnings derived by any person from the carrying out of hand knitting, lace making, crochet and embroidery activities, at home, and the manufacture of which does not involve any mechanical processes.

4. In calculating the means of a married couple for the purposes of awarding a Disability Pension or a Pension for the Visually Impaired, account shall be taken of the property (excluding the house of residence) belonging to the couple or the income that is being received or that could be received, by each of the couple:

Provided that, where there is no community of acquests between them either because such community of acquests was excluded by contract or because it was dissolved as a result of their legal separation, account shall only be taken of the property belonging to, or the income that is being received or that could be received be each of the couple, sohowever that in the case where such married couple is '*de facto*' separated, account shall be taken of (a) the community of acquests, and (b) only the income that is being received or that could be received by the claimant;

Provided further that each of the couple in respect of whom the foregoing proviso applies shall be entitled to receive the rate applicable to a single or widowed person in accordance with Part III of the Sixth Schedule to this Act as abated by the weekly means attributable to each one of them.

5. Where a married man who is legally or *de facto* separated from his wife proves to the satisfaction of the Director that he is paying any sum to his wife as an integral condition of their separation, that sum shall be deducted when calculating his means.

PART VI

Social Assistance

1. In calculating means for the purposes of article 30 of this Act, account shall be taken of any property, income or privilege as is indicated in paragraph 1 of Part II of this Schedule; so however that, no account shall be taken of the first Lm200 by way of earnings derived by any person from the carrying out of hand knitting, lace making, crochet and embroidery activities, at home, and the manufacture of which does not involve any mechanical processes; and where the limit laid down in the proviso to sub-paragraph (a) of paragraph 1 of Part II of this Schedule is exceeded, the person making a claim for Social Assistance shall be deemed not to be entitled to such assistance.

2. The means accruing or which accrue from any property, income or privilege as is described under Part II of this Schedule shall be calculated in the manner laid down in paragraphs 2 to 5 of the said Part II; sohowever that, notwithstanding the provisions of sub-paragraph (b) of paragraph 4 thereof, account shall be taken of any Social Assistance and/or pension, if any, already being paid under this Act to the same head of household and his wife, if any, at the time when the claim for such assistance is made.

PART VII

Children's Allowance and Disabled Child Allowance

1. (a) In calculating the means for the purposes of article 76 of this Act, account shall be taken of the income derived from any property, which is invested or put to profitable use, excluding furniture, jewelry and other personal effects 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 pre-tax profits, whether distributed or not, held in 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 pre-tax profits could not reasonably be made available or enjoyed by the head of the household and his or her spouse.

(b) In calculating the means for the purposes of article 77 of this Act, account shall be taken of the income derived from any property, which is invested or put to profitable use, excluding furniture, jewelry and other personal effects 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 income shall include any pre-tax profits, whether distributed or not, 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 pre-tax profits could not reasonably be made available or enjoyed by the head of household or his or her spouse:

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.

2. In calculating the income or privilege which is or could be received or enjoyed by the head of household and his wife, no account shall be taken of:-

(a) an allowance paid under articles 69, 76 and 77 of this Act,

(b) any medical assistance paid under articles 20, 21 and 22 of this Act,

(c) any injury grant or any injury pension paid under article 29 of this Act,

(d) an allowance paid to a widow or widower in terms of the provisions of section 31 of this Act,

(e) contributions paid under this Act as from the 1st January, 1996,

(f) in the case of a first child any income or privilege which is received or enjoyed prior to the date of marriage or the date of co-habitation, so however that, in the case of single parents the period of assessment shall commence as from the first day of the month preceding the date of birth of the child by nine months.

3. A head of household who is in receipt of social assistance or of an age pension under this Act, shall be deemed not to have any means for the purposes of calculating any income in terms of this Part.

4. (a) For the purposes of this Part the means taken for income assessment purposes shall be those accruing during the calendar year preceding the first Saturday in July of the year in which the claim is made; and

(b) Notwithstanding any change in circumstances, such means shall be deemed to satisfy the conditions of the applicable scale rates in accordance with the Fourteenth Schedule to this Act, up to the last Friday preceding the first Saturday in July of the year following the calendar year in respect of which such means were taken for assessment purposes:

Provided that, in the event of the demise of the head of household or his spouse, the surviving spouse, or the person deemed to be so in terms of subarticle (2) of article 82 of this Act, shall be entitled to elect if it is more beneficial to him or her that for the purposes of this Part, his or her entitlement to an allowance is re-assessed with effect from the first Saturday following the demise of such spouse, and that such re-assessment shall take into consideration only the current means and income. So however that, such request for a re-assessment may only be made within six months from the date of the demise of the spouse:

Provided further that in the case of a person who is in receipt of a pension (whether paid under this Act or not) and who is not gainfully occupied, the yearly means taken for the purposes of this Part shall be the current yearly means accruing to him and to his wife, if any:

Provided further that in the case of a married couple, where any of the spouses is no longer gainfully occupied, the head of household shall be entitled to elect, if it is more beneficial to him or her, that for the purposes of this Part, his or her entitlement to an allowance is re-assessed with effect from the first Saturday following the cessation from a gainful occupation of the other spouse, and that such re-assessment shall take into consideration only the current means and income of such household. So however that such request for a re-assessment may only be made within six months from the date of the cessation from such gainful occupation by the spouse.

(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.

PART VIII

Supplementary Allowance

1. In calculating the means for the purposes of article 73 of this Act, account shall be taken of the income derived from any property which is invested or put to profitable use, excluding furniture, jewelry and other personal effects, and any income or privilege which is received or enjoyed by the head of household and his wife, if any.

2. In calculating the income or privilege which is or could be received or enjoyed by the head of household and his wife, no account shall be taken of:-

(a) any medical assistance paid under articles 20, 21 and 22 of this Act;

(b) any injury grant or any injury pension paid under article 29 of this Act;

(c) contributions paid under this Act;

(d) 81.4 % of the total net income or of any privilege, benefit or allowance or of any excess pension which is being or could be received or enjoyed by a member of the household, other than the head of household or his wife, and for this purpose, the total net income, privilege, benefit, allowance or excess pension shall be reduced by any income tax payments made by the person concerned in accordance with the Income Tax Act, and the terms "excess pension" means any pension over the national minimum pension, inclusive of the additional allowance, according to claimant's marital status as is specified in the Twelfth Schedule to this Act.

3. A head of household who is in receipt of social assistance or of an age pension under this Act, shall be deemed not

to have any means for the purposes of calculating any income in terms of this Part.

4. For purposes of this Part, in the case of a head of household who is in receipt of a pension (whether paid under this Act or not), any income, or any privilege, benefit or allowance derived by any member, not being the head of household or his wife, shall not be taken into account.

5. (a) For the purposes of this Part the means taken for income assessment purposes shall be those accruing during the calendar year preceding the first Saturday in July of the year in which the claim is made; and

(b) Notwithstanding any change in circumstances, such means shall be deemed to continue to satisfy the conditions of the applicable scale rates in accordance with the Fourteenth Schedule to this Act, up to the last Friday preceding the first Saturday in July of the year following the calendar year in respect of which such means were taken for assessment purposes:

Provided that, in the event of the demise of the head of household, the surviving spouse, or the person deemed to be so in terms of subarticle (2) of article 82 of this Act, shall be entitled to elect, if it is more beneficial to him or to her, that for the purposes of this Part, entitlement to an allowance is re-assessed with effect from the first Saturday following the spouse's demise, and that such re-assessment shall take into consideration only the current means and income, so however that such request for a re-assessment may only be made within six months from the date of the demise of the spouse:

Provided further that in the case of a person who is in receipt of a pension (whether paid under this Act or not), and who is not gainfully occupied, the yearly means taken for the purposes of this Part shall be the current yearly means accruing to him and to his wife, if any.

THIRD SCHEDULE

Sections 18, 28, 29, 30

PART I

Rates of Sickness, Unemployment, Special Unemployment and Injury Benefits, Injury Grant and Injury Pension

	Daily Rate of Benefit	
Type of Benefit	**A Single Parent or a Married Person maintaining a Spouse who is not employed on a full-time basis**	**Any other person**
	Lm c m	Lm c m
Sickness Benefit	6.23	4.03
Injury Benefit	9.36	7.04
Unemployment Benefit	3.79	2.46
Special Unemployment Benefit	6.35	4.14

PART II

Amounts of Injury Grant

Degree of Disablement	Amount of Grant
%	Lm c
1	76.48
2	152.95
3	229.43
4	305.91
5	382.37
6	458.85
7	535.32
8	611.80
9	688.28
10	764.75
11	841.23
12	917.71
13	994.18
14	1070.66
15	1147.13
16	1223.59
17	1300.07
18	1376.54
19	1453.02

PART III

Highest Rate of Injury Pension

Weekly Rate
Lm c
22.04

PART IV

Orphan's Allowance

Weekly Rate
Lm c 13.69

PART V

Orphan's Supplementary Allowance

Weekly Rate
Lm c 30.49

SIXTH SCHEDULE

Sections 27, 30, 66 and 68

PART I

Scale Rates of Social Assistance per week, inclusive of any measures under the provisions of Section 90A of this Act

A household of ONE eligible Member only
Lm c
30.97

Where the number of eligible members in the household exceeds the number indicated in the above column the respective weekly rates indicated therein shall be increased by Lm3.50 per week in respect of every other eligible member in that household.

PART II

Highest Rate of Age Pension per week, inclusive of any increases under the provisions of article 90A of this Act

Category of Pensioner	Highest Rate of Age Pension per week
1. A married man whose wife:-	
(i) also qualifies for a pension in her own right under articles 27 or 66 of this Act.	42.50
(ii) does not qualify for a pension in her own right under articles 27 or 66 of this Act.	25.15
2. A married woman whose husband does not qualify for a pension in his own right under articles 27 or 66 of this Act.	25.15
3. Widowed or single persons.	32.71

PART III

Highest Rate of Disability Pension and Blindness Pension per week, inclusive of any increases under the provisions of Section 90A of this Act

Category of Pensioner	Highest Rate of Disability Pension or Blindness Pension per week
1. A married man whose wife:-	
(i) also qualifies for a pension in her own right under articles 27 or 66 of this Act.	39.63
(ii) does not qualify for a pension in her own right under articles 27 or 66 of this Act.	25.05
2. A married woman whose husband does not qualify for a pension in his own right under articles 27 or 66 of this Act.	25.05
3 Widowed or single persons.	30.49

PART IV

Highest Rate of Carer's Pension per week inclusive of any increases under the provisions of Section 90A of this Act

Highest Rate of Carer's Pension per week
Lm c
32.61

PART V

House Rent

The rates in Parts I, II, III and IV of this Schedule shall be increased by 50c per week if the household is paying rent for its normal place of habitation:

Provided that, where more than one household live within the same premises, the rent allowance shall be paid only once and shall be paid to the head of household responsible for the payment of such rent to third parties.

The groundrent payable by the household in respect of premises which are held in emphyteusis for a period not exceeding twenty-five years shall be deemed to be the house rent for the purposes of this paragraph if such premises are used exclusively by the household and solely as residence.

PART VI

Rate per week of Allowance in lieu of an Age Pension, a Disability Pension and a Blindness Pension

Lm c
5.37

EIGHTH SCHEDULE
Section 23

PART I

Scale rates of means governing Free Medical Aid where the head of household is in insurable employment or self-occupied

Number of Persons in household	Scale Rate
1 person only	Lm 45.13

Where the number of members in the household exceeds 1, the weekly rate indicated above shall be increased by Lm3.50 per week in respect of every other member in that household.

PART II

Scale rates of means governing Free Medical Aid where the head of household is neither in insurable employment nor self-occupied

Number of Persons in household	Scale Rate
1 person only	Lm 11.75

Where the number of members in the household exceeds 1, the weekly rate indicated above shall be increased by Lm3.50 per week in respect of every other member in that household.

NINTH SCHEDULE

Section 25

Amounts of Sickness Assistance, Milk Grant, Leprosy Assistance and Tuberculosis Assistance.

Type of Assistance	Weekly Rate
1. Sickness Assistance:-	
(i) in respect of the first member of the household	7.05
(ii) in respect of any other member of the same household	4.85
2. Milk Grant	5.25
3. Leprosy Assistance:-	
(i) in respect of the head of a household who is a leper	11.40
(ii) in respect of any other member of the household who is a leper and not gainful occupied:-	
(a) if under 16 years of age	5.25
(b) if 16 years of age or over	11.40
(iii) in respect of any other member of the household who is not gainfully occupied	5.25
4. Tuberculosis Assistance:-	
(i) basic amount of tuberculosis assistance payable in respect of a household one member of which is affected by tuberculosis	8.25
(ii) allowance payable in respect of each additional member of the household affected by or particularly vulnerable to tuberculosis	3.85

TENTH SCHEDULE
Sections 7 and 10

Rates of Contributions
Part I

Class One Contributions
(Employed Persons)

Category	Type of Employed Persons	Weekly Rate of Contribution payable by employed person	Weekly Rate of Contribution payable by the employer
A	Persons under eighteen years of age (other than those falling under category 'E' below of this Part) whose basic weekly wage or the weekly equivalent of their basic monthly salary does not exceed Lm53.13	Lm2.84	Lm2.84
B	Persons over eighteen years of age (other than those falling under category 'F' of this Part) whose basic weekly wage or the weekly equivalent of their basic monthly salary does not exceed Lm53.13	Lm5.31	Lm5.31
C	Persons (other than those falling under Categories 'E' and 'F' of this Part) whose basic weekly wage or the weekly equivalent of their basic monthly salary exceeds Lm53.13 but does not exceed Lm129.02	10% calculated to the nearest cent, of their basic weekly wage or the weekly equivalent of their basic monthly salary	10% calculated to the nearest cent, of their basic weekly wage or the weekly equivalent of their basic monthly salary
D	Persons (other than those falling under Categories 'E' and 'F' of this Part) whose basic weekly wage or the weekly equivalent of their basic monthly salary exceeds Lm129.02	Lm12.90	Lm12.90
E	Persons under eighteen years of age who are following a full-time course of studies or instruction under the Student-Worker Scheme, or other similar schemes (including the Extended Skills Training Schemes, but excluding the Worker-Student Schemes) involving distinct work and study periods for which they are receiving remuneration	10% calculated to the nearest cent, of the basic weekly remuneration or the weekly equivalent of their basic monthly remuneration up to a maximum rate of contribution of Lm1.88	10% calculated to the nearest cent, of the basic weekly remuneration or the weekly equivalent of their basic monthly remuneration up to a maximum rate of contribution of Lm1.88
F	Persons over eighteen years of age who are following a full-time course of studies or instruction under the Student-Worker Scheme, or other similar schemes (including the Extended Skills Training Schemes, but excluding the Worker-Student Schemes) involving distinct work and study periods for which they are receiving remuneration	10% calculated to the nearest cent, of the basic weekly remuneration or the weekly equivalent of their basic monthly remuneration up to a maximum rate of contribution of Lm3.41	10% calculated to the nearest cent, of the basic weekly remuneration or the weekly equivalent of their basic monthly remuneration up to a maximum rate of contribution of Lm3.41

Part II

Class Two Contributions
(Self Employed Persons)

Category	Type of Self Employed Persons	Weekly Rate of Contributions payable by a self-employed person
	Persons whose annual net income (excluding Maternity Benefit, Children's Allowance and any Ex-gratia Benefit payable under article 88 of this Act) during the calendar year immediately preceding the contribution year in which the contribution is being paid:—	
SP	exceeds Lm430 but does not exceed Lm2672 (this category is applicable ONLY to single persons who are not self-occupied).....	Lm7.70
SA	is less than Lm3288.....	Lm9.49
SB	exceeds Lm3288 but does not exceed Lm6709	The weekly equivalent of 15% of their annual income calculated to the nearest cent.
SC	exceeds Lm6709.....	Lm19.35

Part III

Class Two Contributions
(Self Occupied Persons)

Category	Type of Self-Occupied Person	Weekly Rate of Contributions payable by a Self-Occupied person
	Persons whose annual net earnings (excluding Maternity Benefit, Children's Allowance and any Ex-gratia Benefit payable under article 88 of this Act) during the calendar year immediately preceding the contribution year in which the contribution is being paid :-	
SA	is less than Lm3288.....	Lm9.49
SB	exceeds Lm3288 but does not exceed Lm6709	The weekly equivalent of 15% of their annual net earnings calculated to the nearest cent
SC	Exceeds Lm6709.....	Lm19.35

TWELFTH SCHEDULE

Sections 26, 31, 44, 50, 54, 63, 64, 67

A. Full Rates of Retirement Pension per week, inclusive of any increases under the provisions of Section 90A of this Act, where the yearly average of contributions paid or credited is 50 or more

Persons who are also in receipt of a Service Pension that is payable by or on behalf of the Government of the United Kingdom		**Persons who are also in receipt of a Service Pension that is NOT payable by or on behalf of the Government of the United Kingdom**	
Married man who is maintaining his wife	Any other person	Married man who is maintaining his wife	Any other person
Lm c	Lm c	Lm c	Lm c
35.79	27.10	33.33	25 98

B. Full Rates of Increased Retirement Pension, Invalidity Pension, Increased Invalidity Pension, National Minimum Pension and Increased National Minimum Pension per week, inclusive of any increases under the provisions of Section 90A of this Act, where the yearly average of contributions paid or credited is 50 or more.

Type of Pension	**Married man who is maintaining his wife**	**Any other person**
Increased Retirement Pension.	50.62	40.13
Invalidity Pension.	28.08	22 43
Increased Invalidity Pension.	42.79	32.79
National Minimum Pension *	42.51	35.42
Increased National Minimum Pension.	50.62	40.13

* **N.B.** The full rates of the National Minimum Pension are calculated at four-fifths (to the nearest whole cent) of the National Minimum Wage in the case of a married man who is maintaining his wife and at two-thirds (to the nearest whole cent of the National Minimum Wage) in the case of any other person, as provided for in article 50 of this Act.

C. Full Rate of Widow's Pension per week, inclusive of any increases under the provisions of article 90A of this Act, where the yearly average of contributions paid or credited is 50 or more.

Lm c
38.61

D. Reduced Rates of Retirement Pension, Increased Retirement Pension, Invalidity Pension, Increased Invalidity Pension, National Minimum Pension and Increased National Minimum Pension per week, inclusive of any increases under the provisions of article 90A of this Act, where the yearly average of contributions paid or credited is between 20 and 49.

Yearly average of contributions paid or credited	**Rate of pension payable per week (calculated to the nearest whole cent)**
40 – 49	[{FAP - INC} x 0.89] – INC
30 – 39	[{FAP - INC} x 0.69] – INC
20 – 29	[{FAP - INC} x 0.49] – INC

For the purposes of the above table, "FAP" means the full rate of the applicable weekly rate of pension in accordance with tables A or B, as the case may be, of this Schedule, and "INC" means all increases granted in terms of article 90A of this Act taking effect from 1st January, 1994 and subsequent years.

E. Rates of National Minimum Pension Additional Allowance per week.

Yearly average of contributions paid or credited	Married man who is maintaining his wife	Any other person
	Lm c	Lm c
50 (full rate)	2.05	3.19
40 - 49	1.83	3.68
30 - 39	1.42	4.60
20 - 29	2.42	5.50

F. Reduced Rates of Widows' Pension per week, inclusive of any increases under the provisions of article 90A of this Act, where the yearly average of contributions paid or credited is between 20 and 49.

Yearly average of contributions paid or credited	Rate of pension payable per week (calculated to the nearest whole cent)
40 – 49	[{FWP - (INC + 7.63)} x 0.89] + INC + 7.63
30 - 39	[{FWP - (INC + 7.63)} x 0.69] + INC + 7.63
20 – 29	[{FWP - (INC + 7.63)} x 0.49] + INC + 7.63

For the purposes of the above table, "FWP" means the full rate of Widow's Pension in accordance with table C of this Schedule, and "INC" means all increases granted in terms of article 90A of this Act taking effect from 1st January, 1994 and subsequent years; whilst the amount of LM7.63 represents the weekly rate of Widow's Supplementary Pension which up to the year 1990 was payable to widows who were in receipt of a Widow's Pension irrespective of the yearly average of contributions paid or credited, which weekly amount was, with effect from the year 1991, incorporated with the rates payable by way of a Widow's Pension.

G. Rate of Parent's Pension per week, inclusive of any increases under the provisions of article 90A of this Act.

Married man who is maintaining his wife	**Any other person**
Lm c	Lm c
42.51	35.52

H. Rate of Widows' and Survivors' Pensions Additional Allowance per week.

Where Widow or Survivor is entitled to an allowance under article 31(a)	**Where Widow or Survivor is entitled to an Allowance under article 31(b)**
Lm c	Lm c
1.95	4.00

I. Highest Rate per week of a Two-Thirds pension

Lm c
86.03

FOURTEENTH SCHEDULE

Sections 30,70,72,73,76, 76A, 77

Rates of several kinds of Allowances, Maternity Benefit and a Marriage Grant

A. **PART I**

Rate per week of Allowance paid to residents of a therapeutic community in terms of Section 30(9)

Lm c
10.00

B. **PART II**

Rate per week of Allowance paid to residents of a state owned Institution in terms of Section 30(10)

Lm c
5.37

C. PART III

Lump sum paid by way of a Marriage Grant in terms of Section 70

Lm c
87.00

D. **PART IV**

Rate per week of Maternity Benefit paid in terms of Section 72(1)

Lm c
19.25

E. **PART V**

Supplementary Allowance

STATUS	**Maximum annual reckonable income that can be taken for entitlement purposes. (So however any reckonable income below Lm2,270 shall be deemed to be equivalent to Lm2,270)**	**Allowance payable**	**Maximum amount of annual allowance payable**
Married man who is maintaining his wife and is not entitled to an allowance under article 76 or single parent who is not entitled to an allowance under article 76	Lm4,200	Lm140	Equivalent to 1.75% of the difference obtaining between Lm10,270 and actual reckonable Income
Single person	Lm3,270	Lm75	Equivalent to 1.25% of the difference obtaining between Lm8,270 and actual reckonable Income

No entitlement to an Allowance under this part is acquired where the annual reckonable income exceeds the maximums indicated above as the case may be.

F.

PART VI

Children's Allowance

Maximum annual reckonable income that can be taken for entitlement Purposes - Lm10,270. (So however any reckonable income below Lm2,770 shall be accepted to be equivalent to Lm2,770)	
Number of children in household under 16 years of age	Percentage rate payable, by way of an Allowance, on difference obtaining between reckonable annual income and Lm10,270
1	6%
2	9%
3	12%
4	14%
5th. And other subsequent child	2% for each such child
Over 16 years but under 21 years and still undergoing full time education or training in an educational institution recognised by the government in terms of the Education Act (Cap 327) and who is not receiving any form of remuneration or allowance or is registered unemployed under the part I register and has never been gainfully occupied.	2% for each such child
over 16 years but under 21 years and is registered as unemployed under Part I of the employment register kept in accordance with the provisions of the Employment Service Act (Cap 343) and who has never been gainfully occupied, and who is not in receipt of any benefit pension or assistance payable under this Act.	2% for each such child

An Allowance payable to a household under this part shall in no case be less than Lm52 per annum. No entitlement to an Allowance under this part is acquired where the annual reckonable income exceeds the maximum annual reckonable income indicated above. So however that, where in a household there are four or more children, entitlement to an Allowance is still acquired by such household, notwithstanding that the income of such household exceeds the maximum annual reckonable income indicated, as long as such reckonable income does not exceed Lm13,270.

G. **PART VII**

Disabled Child Allowance

Maximum Annual reckonable income that can be taken for entitlement Purposes – Lm13,270	
	Rate of disabled Child Allowance per week
Where annual reckonable income does not exceed Lm 9,270	Lm 5.00

When annual reckonable income exceeds Lm9,270 but does not exceed Lm13,270 the weekly rate of Lm5, by way of an allowance is to be deducted by 6.5% of the difference obtaining between the reckonable income and Lm13,270.

An Allowance payable to a household under this part shall in no case be less than Lm52 per annum. No entitlement to an allowance under this part is acquired where the annual reckonable income exceeds the maximum annual reckonable income indicated above.

H. **PART VIII**

Rate per week per child, of Care Allowance paid in terms of Article 76A

Lm c
12.00

An Allowance payable under this part shall continue in payment when the child is over 16 years but under 18 years and still not gainfully occupied.".