CHAPTER 318

SOCIAL SECURITY ACT

To establish a scheme of social security and to consolidate with amendments existing provisions concerning the payment of social insurance benefits, pensions and allowances, social and medical assistance, non-contributory pensions and the payment of social insurance contributions by employees, employers, self-employed and the State.

1st January, 1987

ACT X of 1987, as amended by Acts XX of 1987, XIV of 1988, XVI of 1989, VIII, XVI of 1990, XIII of 1991, VIII of 1992, XXIV of 1993, XXV of 1994, XXVII of 1995, XXI of 1996, XVI, XXII of 1997, VII of 1998, II of 1999; Legal Notices 56, 84 of 1999, 10 of 2000; Act XI of 2000; Legal Notice 21 of 2001; Act VI of 2001; Legal Notices 4, 422 of 2002; Acts II of 2002, XI of 2003; Legal Notice 436 of 2003; Acts II of 2004, III, XIII of 2005, II, VI, XIX of 2006; Legal Notices 100, 101 of 2006, 62, 318, 424 of 2007; Act XXXII of 2007; Legal Notices 105, 149 of 2008; Act II of 2009; Legal Notices 143 of 2009, 437 of 2010; Act IV of 2011; Legal Notices 330, 455 of 2011; Acts I, V of 2012; Legal Notices 117, 218, 342 of 2012; Act IX of 2013; Legal Notices 355 of 2013, 62, 79 of 2014; Acts XII, XXXVI of 2014, XIII, XXXIX of 2015; Legal Notices 123, 258, 302 of 2015; Acts XV, XXVII of 2016; Legal Notices 309, 337 of 2016, XVI of 2017 and Legal Notices 6 of 2018, 44of 2018 and Act VII of 2018 and Legal Notice 195 of 2018 and Act VII and XXIX of 2019 and Legal Notice 94 and 183 of 2019and 251 of 2020, 307 of 2021 and 331 of 2021, Act VIII of 2020, XVIII of 2021 and VII of 2022 and V and XII of 2023 and Legal Notices 55,232 and 257 of 2023 and Acts XIII and XXXIII of 2024 and Legal Notices 10,56 and 282 of 2025 and Act IX and XXX of 2025 and Act III of 2026.

ARRANGEMENT OF ACT

SCHEDULES

PART I

PRELIMINARY

1. The short title of this Act is the Social Security Act. Short title.

2. (1) In this Act, unless the context otherwise requires - Interpretation. *Amended by: XX. 1987.2; XIV. 1988.3; XVI.1989.3; XVI. 1990.3; VIII. 1992.3; XXIV. 1993.3; XXV. 1994.2,3; XXI. 1996.2; XXII. 1997.2; II. 1999.2; XI. 2000.13; II. 2002.60; II. 2004.17; III. 2005.2; II. 2006.11; VI. 2006.2; XIX. 2006.2; L.N. 424 of 2007; XXXII. 2007.40; L.N. 105 of 2008; II. 2009.22; IV. 2011.28; V. 2012.25; L.N. 218 of 2012; IX. 2013.2; XII. 2014.33; XXXVI. 2014.2; XIII. 2015.82; XV. 2016.47; XVI. 2017.24; VII. 2018.30; VII.2019.27; XVIII.2021.21; VII.2022.31; XIII.2024.16; XI.2025.20; III.2026.21.*

"allowance" means any allowance payable under this Act;

"assistance" means assistance which may be given under this Act;

"basic weekly wage" and "basic salary" mean the gross wage or salary that is payable to an employed person by or on behalf of his employer excluding any remuneration for overtime, any form of bonus, any extra allowances, any remuneration in kind and commissions;

"beneficiary" in relation to any benefit, pension, assistance or allowance means the person entitled to that benefit, pension, assistance or allowance;

"benefit" means benefit which is payable under this Act and includes Bonus, Additional Bonus and Marriage Grant;

"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;

"care allowance" means an allowance payable under article 76A;

"child" means a person who is under the age of sixteen years and includes a stepchild, an adopted child and a child born out of wedlock;

"children's allowance" means an allowance payable under article 76;

"claimant" means a person claiming a benefit, pension, assistance or allowance under this Act;

"Class One contribution" means a contribution which an insured person pays as an employed person;

"Class Two contribution" means a contribution which an insured person pays either as a self-employed person, or as a self-occupied person;

"Committee" means the Welfare Committee established by article 130;

"Consolidated Fund" means the Consolidated Fund established by article 102 of the Constitution;

"contract of service" means an agreement between two persons, whether written, oral or implied, whereby one of the parties (herein called the "employee") who shall always be a physical person, shall be under an obligation to render to the other party (herein called the "employer") services by way of master and servant relationship for definite hours at a specified wage, salary, remuneration in kind or any other benefit or privilege, subject to the right of the employer to exercise control, supervision, direction, and any form of disciplinary action over the employee as to the method of performance of his duties;

Cap. 147 - Repealed.

"contribution" means a contribution payable under this Act or which was payable under the provisions of the National Insurance Act before the date of its repeal;

"contribution 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;

"credited contribution" means a contribution which is not paid by a person but is nonetheless accredited *ope legis* to him for the purposes of this Act;

"Department" means the Social Security Division;

"Director" in or in respect of the provisions of this Act, other than those of articles 3 to 11, both inclusive, articles 13, 14, 15, 93(1), 112, 113, 117(2), 123 124(1) and (2), and save as otherwise provided, means the Director General (Social Security) and includes any public 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 articles 3 to 11 both inclusive, articles 13, 14, 15, 117(2), 123 and 124(1) and (2) and save as otherwise provided, Director means the Commissioner for Tax and Customs and includes any public officer in his Department designated by him; and in or in respect of the provisions of article 93(1), and save as otherwise provided, 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; and in or in respect of the provisions of articles 112 and 113 and save as otherwise provided, Director means the Director responsible for the Benefit Fraud and Investigation Directorate and includes any public officer in his Directorate designated by him:

Provided that in or in respect of the provisions of articles 114(2), 116, 119, 120, 121, 122 and 125, the word Director means the Director General (Social Security) or the Commissioner for Tax and Customs, or each of them as the case may require; and in or in respect of the provisions of article 133, the word Director means the Director General (Social Security), or the Commissioner for Tax and Customs, or the Director responsible for the Benefit Fraud and Investigation Directorate or the Director responsible for the Department of the Elderly and Community Services, or each of them, as the case may require;

"earnings" means the income derived by a self-occupied person from any economic activity (including the exercise of any trade or profession), and is to be taken net of expenses directly incurred in generating that income, and does not include:

(i) any income derived by way of any interests on any bank deposits (including any liquid assets, time deposits, bonds, stocks, shares or other securities), rents or groundrents receivable on any property, or

(ii) any other income, if any, which is not directly related to such economic activity, or

(iii) in any case, any income belonging to the spouse of such person;

"employed person" means a person who has not yet passed his sixty-fifth birthday and who is employed in insurable employment;

"employer" includes a body of persons being a partnership, company, fellowship or society of persons whether corporated or unincorporated and whether vested with legal personality or not, and a body corporate established by law;

"father" includes a stepfather and an adoptive father;

"Fixed Children's Allowance" shall be that specified in the Fourteenth Schedule;

"full-time basis and regularly" means physically available at home in a way as will ensure unfailing attendance and attention to and the caring of -

(*a*) for the purposes of article 30(8) -

(i) a relative suffering from mental severe subnormality; or

(ii) a severely disabled relative; or

(iii) a relative who is aged 60 years or over; and

(*b*) for the purposes of article 68, a relative who by reason of infirmity is bedridden or confined to a wheel-chair;

"gainfully occupied" means employed in insurable employment or self-occupied;

"head of household" in relation to a household consisting of two or more persons means such person as is in the opinion of the Director the head of household;

"household" means one person who in the opinion of the Director is living alone or two or more persons who in the opinion of the Director are living together as a family:

Provided that -

(*a*) for the purposes of Sickness Assistance claimed in respect of a person who is over the age of sixty years, together with his wife or husband, if any, as the case may be, and children and none of whom is in insurable employment or self-occupied; and

(*b*) for the purposes of Sickness Assistance in respect of chronic schizophrenia in respect of any member of the household who is not the head of household or his wife, if any,

such persons or such couples shall, if it is to their advantage, be considered as forming a household of their own:

Provided further that for the purposes of a Free Medical Aid awarded under this Act, the Director may, if he feels that the circumstances of the household so require, exclude from the composition of the household any person or persons who would otherwise form part of it;

"insurable employment" has the meaning assigned to it by article 5;

"insured person" means an employed person or a self-employed person or a self-occupied person in terms of Part II of this Act;

"medical treatment" means medical, surgical or rehabilitative treatment including any course or diet or other regimen, and any surgical and pharmaceutical aid;

"mental severe subnormality" means arrested or incomplete development of mind, resulting in a marked lack of intelligence which in turn renders the person affected incapable of living an independent life or of guarding himself against serious exploitation or will render him so incapable when of age to do so;

"Minister" means the Minister from time to time in charge of the Department and includes any officer designated by the Minister for a particular purpose or class of purposes:

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;

"mother" includes a stepmother and an adoptive mother;

"net income" means total income net of expenses directly incurred in generating that income;

"parent" includes a step-parent and an adoptive parent;

"pension" means a pension payable under this Act;

"pension age" means sixty-five years of age:

Provided that;

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

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

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

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

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

"pensionable income" means the average annual basic wage or salary or the net income, or earnings, calculated in accordance with the Thirteenth Schedule to this Act;

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Minister under this Act and published in the Gazette;

"relevant accident" and "relevant injury" mean respectively, in relation to Injury Benefit, Injury Grant or Injury Pension, the accident or injury in respect of which any of the said benefits is claimed or payable;

"relevant loss of faculty" means the loss of faculty resulting from the relevant injury;

"retirement" means attainment of pension age:

Provided that in respect of a person over pension age who is not in receipt of a pension and is still in insurable employment, or is self-occupied or is self-employed, retirement means the date on which he applies for a pension under Part V of this Act or on which he reaches the age of sixty-five years, whichever is the earlier:

Provided further that -

(*a*) in respect of a person who at any time is or was in receipt of a pension under this Act payable on or after pension age, retirement means -

(i) the date taken as his date of retirement for the purposes of awarding a pension payable after pension age, or

(ii) pension age in the case of any other person;

(*b*) in the case of a man who dies before reaching pension age and his wife becomes entitled to a Survivor's Pension in terms of the proviso to article 34, retirement means the date on which such death occurs, or, if such death occurs at a time when he was in receipt of a pension in respect of invalidity under this Act, retirement means the day on which he became such an invalid;

"Second Pension" means the mandatory pension scheme referred to in article 64C;

"self-employed person" means a person who has not yet passed his sixty-fifth birthday, is ordinarily resident in Malta, and is not an employed person nor a self-occupied person;

"self-occupied" means a self-employed person who is engaged in any activity through which earnings exceeding €910 *per annum* are being derived;

"self-occupied homeworker" means a self-occupied person who is engaged by an individual, for the purposes of that individual's business, solely for the execution of manual work which requires no particular trade to be done by the self-occupied homeworker at his home such as the assembly of already finished products which work gives no added value to such products, provided that such self-occupied homeworker is not so engaged by any other individual and is not otherwise gainfully occupied;

"Service Pension", means -

(i) with effect from the 1st day of April, 1978, a pension or other allowance awarded to a person at any time before or after the aforesaid date that is payable by or on behalf of his employer in respect of past services in Malta or abroad and shall in each and every case be considered on an uncommuted basis, and

(ii) with effect from the 4th January, 1992, where a person is in receipt of two or more Service Pensions, only the higher or highest, as the case may be, of such Service Pensions shall be deemed to be a Service Pension for the purpose of assessing, revising or re-assessing a pension in respect of retirement or invalidity under this Act; so however that, and solely for the purpose of assessing, revising or re-assessing a Retirement Pension in accordance with article 44 and article 47(1)(i), where a person who is in receipt of two or more such Service Pensions one of which is payable by or on behalf of the United Kingdom Government, the Director shall have the right to elect, on behalf of the person, which of such Service Pensions as aforesaid is to be deemed to be the Service Pension for this latter purpose. So however that the right to such election shall be exercised only once:

Provided that, with effect from the 4th January 1992, and solely for the purpose referred to in the foregoing paragraph of this definition, where a Service Pension as aforesaid in this definition has been -

(*a*) commuted in part only and the pensioner has reached his 72nd birthday, 50% of the commuted part only of such Service Pension shall be taken into account:

Provided that, with effect from 5th January 2019, and solely for the purpose referred to in paragraph (a), where a Service Pension has been commuted in part only and the pensioner has reached the age of seventy-two (72), twenty-five per cent (25%) of the commuted part only of such Service Pension shall be taken into account:

Provided also that, with effect from 1st January 2022, and solely for the purpose referred to in paragraph (a), where a Service Pension has been commuted in part thereof only and the pensioner has reached the age of seventy-two (72) years, the commuted part shall not still be taken into account when calculating the contributory pension for the purposes of this Act:

Provided also that, with effect from 1st January 2024, and solely for the purpose referred to in paragraph (a), where a Service Pension has been commuted in part thereof only and the pensioner has reached the age of seventy-two (72) years, or after twelve (12) years from when the Service Pension is paid, whichever is the earlier, the commuted part shall not still be taken into account when calculating the contributory pension for the purposes of this Act; and

(*b*) commuted in whole, only 50% of such Service Pension shall be taken into account, so however that with effect from the 4th October, 1997, where such Service Pension has been commuted in whole, it shall no longer be taken into account for the purposes of this Act; and

(iii) with effect from January 6, 1996, net of increases in the amount payable of such Service Pension by way of cost of living increases awarded after January 7, 1995, and

(iv) with effect from October 4, 1997, a pension or other allowance, other than a pension or other allowance which has been commuted in whole, or which does not exceed €466 per annum, net of increases in the amount payable of such Service Pension by way of cost of living increases awarded after the initial award of such Service Pension; and

(v) with effect from the 5th January 2008, for the purposes of calculating the rate of a pension under this Act, a Service Pension net of four hundred and sixty-six euro (€466);

(vi) with effect from the 3rd January 2009, for the purposes of calculating the rate of a pension under this Act, a service pension net of another two hundred euro (€200);

(vii) with effect from 1st January 2011, for the purpose of calculating the rate of a pension under this Act, a service pension net of another two hundred euro (€200);

(viii) with effect from 7th January, 2012, for the purpose of calculating the rate of a pension under this Act, a service pension net of another two hundred euro (€200);

(ix) with effect from the 5th January 2013, for the purpose of calculating the rate of a pension under this Act, a service pension net of another two hundred euro (€200);

(x) with effect from the 4th January 2014, for the purpose of calculating the rate of a pension under this Act, a service pension net of another two hundred euro (€200);

(xi) with effect from the 3rd January, 2015, for the purpose of calculating the rate of a pension under this Act, a service pension net of another two hundred euro (€200);

(xii) with effect from the 2nd January 2016, for the purpose of calculating the rate of a pension under this Act, a service pension net of another two hundred euro (€200) and a further €200 shall be deducted with effect from the first Saturday of every calendar year after such date; and

(xiii) the Second Pension or the Third Pension which a person may receive shall not be considered as a Service Pension for the purposes of this Act;

"severely disabled person" means a person who still has a reasonable expectancy of life or who will be rendered so incapable when of age to do so, owing to a disability arising from -

(*a*) total deafmutism; or

(*b*) achondroplasia, hypopituitarism, osteogenesis imperfecta or other forms of dwarfism; or

(*c*) one of the following diseases, namely:
Multiple Sclerosis
Muscular Dystrophy
Neuro Myelitis Optica
Spina Bifida
Systemic Lupus Erythematosus
Haemophilia or any other similar permanent disorder of the blood characterised by chronic or repeated bleeding
Hydrocephalus
Huntington's Chorea
Cystic Fibrosis
T C II Deficiency;
Cerebellar Ataxia;
Chronic-Granulomatous Disease;
Leopard's Syndrome;
Amyotrophic Lateral Sclerosis (ALS);
Immotile Cilia Syndrome; or

(*d*) permanent total paralysis or permanent total severe malfunction or permanent total disease, whether through amputation or otherwise, of both upper or lower limbs; or

(*e*) epilepsy with a frequency of attacks exceeding four per month, which condition is confirmed by appropriate investigations including an electroencephalogram and so certified by a Government neurologist or psychiatrist provided that the person concerned is not in possession of a driving licence; or

(*f*) congenital indifference to pain; or

(*g*) an impairment or condition not listed in any of the previous paragraphs, and that which, in conjunction with any difficulties in terms of the meaning of disability as laid down in this article, produces a disabling effect equivalent to, or greater than the percentage specified in the Fifteenth Schedule, and as confirmed by the interprofessional panel established by article 106(g);

"single parent" means a parent who is widowed, separated (whether *de facto* or *de jure*), divorced or unmarried who is solely and entirely responsible for the upkeep and upbringing of his or her dependant sons or daughters who have not yet reached 18 years of age;

"terminally-ill person" means a person who is medically certified to be suffering from a serious illness whose life is not expected to go beyond twenty four months at the maximum from the date of diagnosis of the same illness;

"Third Pension" means a retirement scheme set up as a personal retirement scheme in terms of the Special Funds (Regulation) Act or the Retirement Pensions Act; Cap. 450. Cap. 514.

"Umpire" means any umpire appointed under article 107;

"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:

(*a*) the surviving spouse, whether a widow or a widower, of a married couple who immediately prior to widowhood was married to the deceased spouse and had a legal right to be maintained by the other spouse;

(*b*) surviving cohabitant who immediately prior to the death of the other cohabitant was in a cohabitation registered under the provisions of the Cohabitation Act; Cap. 614.

(*c*) surviving partner who immediately prior to the death of the other partner was in a civil union registered under the provisions of the Civil Unions Act; and Cap. 530.

(*d*) persons who prove to the satisfaction of the Director, by providing the necessary documentation, that they have been living together in similar circumstances to marriage, civil union or cohabitation for at least ten (10) years immediately prior to the death of one (1) of the couple living in similar circumstances to marriage, civil union or cohabitation and that the marriage, civil union or cohabitation was not contracted and registered because of such death of one (1) of the couple, which death occurred between 1st January 2017 and 31st December 2020, and in relation to an actual widow, wherever it appears, husband shall include wife.

(2) For the purposes of this Act -

(*a*) a person shall be deemed to be over or under any age if he has or has not reached that age;

(*b*) a person shall be deemed to be between two ages if he has reached the lower but has not reached the upper of these two ages;

(*c*) a person shall be deemed not to have reached any particular age until the beginning of the anniversary of the date of his birthday relevant to that particular age.

(3) For the purposes of awarding -

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

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

was an insured person, shall be treated as an employed person, or as a self-employed person, or as a self-occupied person according to the number of years, or part thereof, he spent in insurable employment or as a self-employed person, or as a self-occupied person and where the greater number of years, or part thereof, were spent in insurable employment, he shall be treated as an employed person; and where the greater number of years, or part thereof, were spent as a self-employed person, he shall be treated as a self-employed person; and where the greater number of years, or part thereof, were spent as a self-occupied person, he shall be treated as a self-occupied person:

Provided that a person who, in accordance with this sub-article is to be treated as a self-employed person, shall, if it is to his advantage, be treated as an employed person if immediately before the fifteenth year prior to his retirement or invalidity, as the case may be, he was an employed person for not less than twenty years and has continued to be so employed for any period within the said last fifteen years and has not after such period become self-occupied.

PART II

INSURED PERSONS AND CONTRIBUTIONS

Classes of insured persons.
Amended by: XXI. 1996.3.
Substituted by: XI. 2003.2.
Amended by: III. 2005.3.

3. (1) Subject to the provisions of this Act, and save as provided for in sub-article (2), every person who has passed his sixteenth birthday, but not yet reached his retirement, shall become insured under this Act either as an employed person, or as a self-employed person or as a self-occupied person.

(2) With effect from 5th January, 2004, a married person who is not legally separated or who has not been abandoned by his spouse shall not be deemed to be a self-employed person:

Provided that, with effect from the 3rd October, 2003, any married person who is not legally separated or who has not been abandoned by his spouse, and who prior to the 5th January, 2004 was deemed to be a self-employed person, shall, if he so elects, continue to be considered as a self-employed person:

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.

Extension of Class Two contributions.

Cap. 147 - Repealed.

4. Subject to the provisions of this Act, a contribution paid prior to the 3rd day of April, 1978, by a non-employed person under the provisions of the National Insurance Act, as in force up to that date, shall be deemed, for the purposes of this Act, to be a contribution payable by a self-employed person who is not self-occupied.

Insurable employment. *Amended by: IX. 2013.3.*

5. For the purposes of this Act, every employment specified in Part I of the First Schedule to this Act, unless excepted under Part II of that Schedule, shall be an insurable employment:

Provided that, with effect from the 5th January 2013, the provisions of this article shall also not apply where the disabled person entered into marriage on or before the 6th of January 2007.

Persons who are deemed not to be self-employed. *Amended by: XX. 1987.3; XVI. 1990.4; XXV. 1994.2,4; XXI. 1996.4; XI. 2003.3; XXXII. 2007.41; XXIX.2019.71.*

6. (1) For the purposes of this Act, a person who is not an employed person shall also not be deemed to be a self-employed person or a self-occupied person if such person is -

(*a*) (*deleted by Act XI. 2003.3.*)

(*b*) receiving full-time education or training in an educational institution recognised by the Government in terms of the Education Act, whether or not any form of remuneration or allowance is being paid to him during such time in direct or indirect relationship to such education or training unless such remuneration is being paid to him as a self-occupied person; or

Cap. 605.

(*c*) a person who was born before the 1st day of January, 1927, and who, prior to the 1st day of April, 1978, was not liable to pay a contribution under the National Insurance Act, as in force prior to the date of the commencement of this Act, and who, at any time after the said 1st day of April, 1978, was not self-occupied; or

Cap. 147 - Repealed.

(*d*) with effect from the 5th January 2008, a person in receipt of a pension (other than an Injury Pension) payable under this Act and who is not gainfully occupied:

Provided that a widow who, notwithstanding the fact that she is still self-occupied, retains her right to Widows' Pension under this Act by virtue of sub-article (2) of article 32 and article 41, shall, nonetheless, be considered as a self-occupied person for the purposes of this Act; or

(*e*) a person in excepted employment in terms of paragraph 8 of Part II of the First Schedule;

(*f*) in receipt of Social Assistance payable under this Act.

(2) For the purposes of this Act where any of the categories of persons mentioned in paragraphs (*a*), (*b*) and (*e*) of sub-article (1) are self-occupied, such persons shall be considered as self-occupied persons.

Class One contributions and apportionment thereof.
Amended by|:
II. 1999.3;
XXXII. 2007.42;
XXVII. 2016.6.
VII. 2018.31;
VII.2022.32.

7. (1) For every person who is employed in insurable employment, three contributions per week shall be payable, in accordance with the provisions of this Act, one by the employed person, one by his employer, and one out of the Consolidated Fund:

Provided that for the purposes of this Act, a person who is employed in more than one insurable employment shall be deemed to be employed in that insurable employment which carries the higher or highest basic wage or salary.

(2) Subject to the provisions of this Act:

(*a*) the weekly rates of contributions payable under this Act by an employed person and by his employer respectively shall be those specified in Part 1 of the Tenth Schedule:

Provided that, with effect from the 1st January 2007, an employed person whose weekly basic earnings from his employment are less than the equivalent of the National Minimum Wage as is applicable to persons of eighteen years of age or over as established by a National Standard Order issued under the Employment and Industrial Relations Act, shall have the right to elect to pay a contribution at a rate of 10% of his actual basic weekly wage instead of the category B contribution in Part I of the Tenth Schedule payable by the employed person, where applicable, sohowever that with effect from 1st January 2018, the provisions of sub-article (2)(a) shall only be applicable to part-time employees whose weekly basic earnings from such part-time employment do not exceed the National Minimum Wage:

Cap. 452.

Provided further that, and subject to the provisions of this Act, with effect from 1st January 2022, an employed person who is not in a full-time employment but who has more than one (1) part-time employment, shall have the right to elect to pay the Social Security Contribution, in accordance with Part I of the Tenth Schedule, on the income from all part-time employments up to a maximum of forty (40) hours work per week; and

(*b*) the contributions payable under this Act out of the Consolidated Fund shall be 50% of the combined weekly contributions paid by the employee and his employer:

So however that, where an employer binds himself with Jobsplus, 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 in 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. Cap. 594.

(3) For the purposes of sub-article (2), where any insurable employment is terminated with one employer during a particular week and is commenced with another employer during that same particular week, the contribution payable in respect of that week shall be paid by the former employer.

(4) The sum to be contributed out of the Consolidated Fund under this article and under article 10, shall be paid in such manner as the Minister responsible for finance may, from time to time, determine.

Contributions by employed persons and employers. (Class One contributions). *Amended by: XVI.1990.5; V.2023.2.*

8. (1) The employer shall, in the first instance, be liable to pay both the contribution payable by himself and also, on behalf of and to the exclusion of the employed person, the contribution payable by that person and, for the purposes of this Act, contributions paid by the employer on behalf of the employed person shall be deemed to be contributions paid by the employed person.

(2) Notwithstanding any contract or agreement to the contrary, an employer shall not be entitled to deduct from the wages or other remuneration of any person employed by him, or otherwise to recover from such a person the contribution payable by him in respect of that person; and any employer who deducts or attempts to deduct the whole or any part of the contribution payable by him in respect of any such person from the wages or other remuneration of that person, shall be guilty of an offence under this Act and shall be liable, on conviction in respect of each such offence, to a fine (*multa*).

(3) Where an employed person receives any wages or other pecuniary remuneration from his employer, the amount of any contribution paid by the employer on behalf of the employed person shall, notwithstanding the provisions of any law or any contract or agreement to the contrary, be recoverable by means of deductions from the wages of that person or from any other remuneration due from the employer to that person and not otherwise:

Provided that no such deduction may be made from any wages or remuneration other than such as are paid wholly or partly in respect of the contribution week or part of the contribution week for which the contribution is payable.

(4) Where an employed person does not receive any wages or other pecuniary remuneration from his employer but receives such remuneration from some other person, the amount of any contribution paid by the employer on behalf of the employed person shall (without prejudice to any other means of recovery) be recoverable by the said employer as a civil debt from the other person from whom the employed person was receiving his wages or other pecuniary remuneration provided proceedings for this purpose are instituted within twelve months from the date on which the contribution was payable.

(5) Notwithstanding the foregoing provisions of this article, where an employer has failed or neglected to pay any Class One contributions which he is liable to pay under this Act, upon the lapse of the ten days referred to in article 116(2), and if the employer concerned is still failing or neglecting to pay any current contributions due under this Act, the Director may, by notice served on the employer, and on any person employed by such employer, direct that the contributions payable by such employed person shall not, from such date as may be indicated in the notice, be withheld and paid by the employer, and that thereupon such contributions due after that date shall be payable directly by such employed person to the Director in such manner and at such times as the Director may determine.

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(6) When the Court is acting in accordance with its powers conferred to it by articles 54(5) and 59 of the Civil Code, it may order or empower, as the case may be, that part of the contributions paid by an insured person be transferred to the person indicated by the said Court, and such contributions are to be considered, for the purposes of this Act, as having been paid as an employed person by the person to whom they are transferred.

Payment of Class One contributions.
Amended by: II.1999.4.

9. Every employer liable to pay any contribution in respect of an employed person shall, unless with the approval of the Director he has made other arrangements, pay in arrears at monthly intervals at the Department of Inland Revenue, all contributions which are payable by him under articles 7 and 8, within such time and in such form and manner as may from time to time be determined by the Director.

Contributions by self-employed persons. (Class Two contributions).
Amended by: XIV.1988.4; XXI.1996.5; V.2023.3

10. (1) Every self-employed or self-occupied person, unless otherwise exempted under the provisions of this Act, shall pay a contribution in accordance with the provisions of this Act.

(2) For every contribution payable by a self-employed or self-occupied person under this Act, another contribution shall be payable out of the Consolidated Fund.

(3) The rates of contributions payable under this Act by a self-employed or self-occupied person shall be those specified in Part II and Part III respectively of the Tenth Schedule to this Act for the four months ending on the last day of April, August and December of each year: except where the self-employed person concerned had, up to the 3rd January, 1988, elected to pay a higher rate of

contribution than that which would otherwise have been payable by him as aforesaid; sohowever that, such election shall, nonetheless, cease to have effect from the 4th January, 1988.

(4) The contribution payable out of the Consolidated Fund under this article shall be equivalent to 50% of the contribution paid by the self-employed or self-occupied person concerned.

(5) When the Court is acting in accordance with its powers conferred to it by articles 54(5) and 59 of the Civil Code, it may order or empower, as the case may be, that part of the contributions paid by a self-occupied person or a self-employed person be transferred to the person indicated by the said Court, and such contributions are to be considered, for the purposes of this Act, as having been paid as a self-occupied or a self-employed person by the person to whom they are transferred.

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Payment of Class Two contributions.
Amended by: XXI.1996.6; II.1999.5; III.2026.22.

11. Every self-employed or self-occupied person liable to pay a Class Two contribution in accordance with article 10 shall, unless with the approval of the Director he has made other arrangements, pay his contributions in arrears at intervals of four months ending on the last day of April, August and December of each year. Payment shall be made at the Malta Tax and Customs Administration in such form and manner as may from time to time be determined by the Director.

Exemption from payment of Class Two contributions.
Amended by: XXI. 1996.7; III. 2005.4; L.N. 424 of 2007; XXXII. 2007.42; XXXIX. 2015.2; VII.2018.32.

12. (1) A self-employed person who satisfies the Director that he is not self-occupied and whose yearly means calculated in accordance with the provisions of Part I of the Second Schedule to this Act, do not exceed -

(i) €1470 in the case of a married person who is wholly maintaining a spouse and who is not self-occupied or in insurable employment; or

(ii) €1,005 in the case of any other person;

shall be entitled, on making an application to the Director, to receive a certificate of low income valid for twelve months and while he holds such a certificate, and as long as there is no relevant change in circumstances, he shall be exempted from the payment of Class Two contributions. So however, that such self-employed person may opt to pay a Class Two contribution at the SP category in the case of a single person, and at the SA category in the case of a married person, in lieu of a certificate of low income.

(2) If a person in respect of whom sub-article (1) 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.

(3) If a person in respect of whom sub-article (1) applies fails to renew such certificate within three months of its expiry, such person may, at the discretion of the Director, become liable to pay a Class Two contribution at the SP category in the case of a single person, and at the SA category in the case of a married person,

payable within such time as may be fixed by the Director.

(4) A self-occupied person who, in accordance with the provisions of this Act, is liable to pay a Class Two contribution on his net earnings may, if such person so elects, be exempted from the payment of a Class Two contribution on earnings derived from the provision of services as a host family:

S.L. 409.10
Cap. 409.

Provided that for the purposes of this sub-article, the term "host family" shall have the meaning assigned to it by the Host Family Accommodation Regulations made by virtue of the Malta Travel and Tourism Services Act.

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(5) A self-occupied homeworker as defined in article 2 who, in accordance with the provisions of this Act, is liable to pay a Class Two contribution as a self-occupied person on his net earnings may, if such person so elects, be exempted from the payment of a Class Two contribution on earnings derived if such net earnings do not exceed 50% of the National Minimum Wage as is applicable to persons of eighteen years of age or over as established by a National Standard Order issued under the Employment and Industrial Relations Act.

Payment of the Class One contribution by persons employed outside Malta.
Amended by: XIII.1991.3.

13. (1) A person who -

(*a*) is employed under a contract of service outside Malta in such manner that he is not in insurable employment, and

(*b*) retains his ordinary residence in Malta,

may, at his request and with effect from such date, not being later than the date of such request, as the Director may determine, instead of paying a Class Two contribution, pay a Class One contribution; and, for this purpose, no contribution shall be payable by or on behalf of or in respect of his employer.

(2) The contribution payable under sub-article (1) of the article shall be paid in the same form and manner and at the same intervals as for contributions payable by self-employed persons in accordance with article 11; and such contributions shall remain payable in respect of any period during which the conditions specified in sub-article (1)(*a*) and (*b*), continue to apply.

Payment of a Class Two contribution in lieu of a Class One contribution.
Amended by: XXI.1996.8.

14. A person who is liable to pay a Class One contribution under articles 7, 8 and 9 and who is also self-occupied, may, at his request and with the approval of the Director, pay a Class Two contribution instead of a Class One contribution; thereafter such person may not revert to a Class One contributor unless and until he ceases to be self-occupied and informs the Director of such change:

Provided that the Director shall not give his approval unless the applicable rate of Class Two contributions as payable by the self- occupied person himself exceeds the aggregate applicable rate of Class One contribution payable by the employer and by the employed person; and he shall revoke such approval with effect from such date which he determines to be the date on which the said condition ceases to be satisfied.

15. (1) A self-occupied person who is liable to pay a Class Two contribution under the provisions of this Act, other than those of article 14, and who is engaged by another person to perform services as an outworker or as a tourist guide or as a driver of a Government impressed vehicle shall be entitled to receive from such person or from Government, as the case may be, in addition to the remuneration due to him under the terms of his agreement, an amount corresponding to 1/16 of the remuneration payable for such services, towards the payment of Class Two contributions payable under this Act by such a self-occupied person.

Contributions by certain categories of persons.
Amended by: XIII. 1991.4; VIII. 1992.4; XXI. 1996.9' II. 1999.6; II. 2004.18; XXXII. 2007.44; XII. 2014.34; IX.2025.21.

(2) *Repealed by Act II. 2004.18.*

(3) For the purposes of sub-article (1), "outworker" means a person engaged to perform services in the physical manufacture of any article in his own time and in a place not provided by the person with whom he is so engaged, and who is remunerated at piece rates, and "Government impressed vehicle" means any vehicle which is impressed by Government in accordance with any procedure which is laid down by Government for this purpose.

(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 Employment and Industrial Relations Act.

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(5) With effect from the 7th January 2008, an employer who employs a severely disabled person or a visually impaired person in terms of this Act, shall be entitled to receive from the Government an amount corresponding to the share of social security contributions paid by the said employer in terms of this Act for the first 156 weeks of employment of the said person.

(6) With effect from the 7th January 2008, a person who is a severely disabled person and who employs a person as a carer shall be entitled to receive from the Government an amount corresponding to the share of social security contributions paid by such person as an employer in terms of this Act:

Provided that, notwithstanding the provisions of this article, with effect from the 6th January 2014, an old person and, or a person who is certified to have a disability upon the advice given by the medical panel in accordance with article 106, who employs another person to take care of him or her, shall be exempted from the payment of the employer's part of the Social Security contributions payable according to this Act.

(7) With effect from the 7th January 2008, a person who -

(*a*) is over 45 years of age; and

(*b*) has not been in gainful occupation for a minimum of five consecutive years; and

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(*c*) has obtained a licence in accordance with the Trading Licences Act to carry out a self-occupation,

shall be entitled to receive from the Government an amount corresponding to the amount of contributions payable under this Act from such self-occupation for the first 52 weeks.

Crediting of contributions.
Amended by:
XX. 1987.4;
XVI. 1990.6;
XIII. 1991.5;
VIII. 1992.5;
XXI. 1996.10;
II. 2002.61;
XIX. 2006.3;
XXXII. 2007.45;
V. 2012.26;
L.N. 218 of 2012;
IX. 2013.4;
XV. 2016.48;
XVI. 2017.25;
VIII.2020.27;
V.2023.4;
XII.2023.24;
XIII.2024.17;
IX.2025.22.
Cap. 147.

16. (1) When a person pays his first contribution under this Act he shall become entitled to a credited contribution for every calendar week falling between the first day of the contribution year immediately preceding the one in which he paid his first contribution and the last day of the calendar week immediately preceding the week in respect of which his first contribution had been paid; and, for this purpose, if the first contribution had been paid under the provisions of the National Insurance Act, as in force prior to the commencement of this Act, such contribution shall be deemed to have been paid under the provisions of this Act.

(2) Contributions shall be credited to -

(*a*) an actual widow, where such actual widow is not gainfully occupied, and whether she is entitled to a pension in respect of widowhood or not, for any period during which she does not remarry and provided her deceased husband had paid 156 contributions prior to his death;

(*b*) with effect from the 5th January, 1987, an ex-member of the Malta Police Force or of the Armed Forces of Malta who retires or has retired from the service on a full pension from Government as his employer on completion of service prior to reaching pension age, for any period during which he is not gainfully occupied and has not yet reached pension age;

(*c*) any citizen of Malta who goes abroad as a volunteer worker on projects in the areas of human welfare and development and environmental protection which are recognized as such by the Minister in advance, for any period during which he is performing such volunteer work and has not yet reached pension age; sohowever that, for this purpose, any such number of credited contributions shall in no case exceed an aggregate of 260 in any period of 10 years in such volunteer work, provided that:

(i) where any such volunteer work as aforesaid in this paragraph was performed between the 5th January, 1981 and the 6th January, 1991 the foregoing provisions of this paragraph shall also apply if the Minister is satisfied that the projects on which such volunteer work was performed were restricted to the areas aforesaid in this paragraph; sohowever that any credited contributions that have to be awarded in accordance with the foregoing provisions of this paragraph shall cover consecutive periods starting from the 6th January, 1991 backwards;

(ii) where any such volunteer work is carried out in Malta or abroad, by young persons who have not yet reached 25 years of age, the maximum number of weeks in credited contributions shall be awarded for a maximum period of 260 weeks in so far as the young person returned in insurable employment or self-occupation for a period of not less than five years;

(*d*) the father or the mother, who have attained the age of eighteen years and born on or after the 1st January 1952, has the legal care and custody of a child who has not attained the age of six years, or the age of ten years in the case of a child who has been certified by a medical consultant as, during the period for which the credit is being requested having a serious disability, or suffering from a rare condition or disease:

Provided that the sum total of such credited contributions which may be given with regard of each child to a parent or to both parents together shall not exceed 104 contributions in any period of two years such that on the first three children, the accredited contributions which may be given to a parent or to both parents together who were born between 1st January 1952 and 31st December 1961, shall not exceed 312 contributions in any period of six years; whilst the sum total of such credited contributions which may be given with regard of each child to a parent or to both parents together who were born on or after 1st January 1962 shall not exceed 208 contributions in any period of four years sohowever that the maximum of credited contributions which may be given on the first three children to a parent or to both parents together who were born on or after 1st January 1962 shall not exceed 624 contributions in any period of twelve years:

Provided further that in the case of a parent who, to the satisfaction of the Director, presents a certificate from a medical consultant of a child having a serious disability during such period for which credits are requested, the sum total of such credited contributions that may be awarded in respect of each and every such child shall not exceed 208 contributions in any period of four years where the parent was born between 1st January 1952 and 31st December 1961, and shall not exceed 416 contributions in any period of eight years where the parent was born on or after 1st January 1962:

Provided further that in the case of a parent who proves to the Director that he is taking care of a child suffering from a rare disease or disorder which affects less than one (1) in two thousand (2,000) Maltese residents, as certified by a medical consultant or practitioner specialising in such field and that such condition requires constant care and attention in a manner that such parent is unable to maintain full-time or part-time employment, during such period of which contribution credits are requested, the sum total of such credited contributions that may be awarded in respect of each and every such child shall not exceed two hundred and eight (208) contributions in any period of four (4) years where the parent was born between 1st January 1952 and 31st December 1961, and shall not exceed four hundred and sixteen (416) contributions in any period of eight (8) years where the parent was born on or after 1st January 1962:

Provided also that any period of credited contributions that may be awarded from the fourth child onwards, which total sum for each child shall not exceed 52 credited contributions to that parent or parents together who were born between the 1st January 1952 and the 31st December 1961, and 104 credited contributions for each child to that parent or parents together who were born on or after 1st January 1962, shall only be awarded insofar as, prior to the pension age, such father or mother, as the case may be, resumes gainful occupation for a minimum period equivalent to that period for which such number of credits would have been awarded for the fourth child onwards, sohowever that, in the event of the death of any such parent, such credits shall still be awarded notwithstanding that the minimum period required according to this proviso for the award of such credits shall not have been satisfied;

(*e*) persons who were born after the 1st January 1952 for periods during which the Social Security contribution due was not paid because they were undergoing a period of study according to Part V of the Tenth Schedule and qualified of such level;

(*f*) persons in insurable employment who terminate their employment so as to partake of an early retirement scheme, as may be approved by the Minister responsible for Finance, or are prior to the said date recognized as such by the Director, from the age of 60 until they reach pension age;

(*g*) a person born on the 1st January 1962 or after, who did not engage in any gainful occupation between the age of eighteen (18) years and thirty (30) years and proves to the satisfaction of the Director that during this period he has been undergoing regular treatment by a psychiatrist who is or was consultant in Government employment, the sum total of such credited contributions that may be awarded for such period, which shall not exceed one hundred and four (104) contributions:

Provided that the total of such credited contributions that may be awarded for such period, shall not exceed one hundred and four (104) contributions in the case of a person who successfully concludes a programme in a therapeutic community centre for the rehabilitation of drug or alcohol addicts in Malta, as may from time to time be recognised by the Minister and starts working.

(3) A contribution shall also be credited to any insured person -

(*a*) for any calendar week for each day of which in terms of articles 18, 28 and 30 he is entitled to Sickness Benefit, or Injury Benefit, or Unemployment Benefit, or Special Unemployment Benefit, or for any calendar week during which he is entitled to Invalidity Pension, Increased Invalidity Pension or, prior to reaching pension age, a National Minimum Pension under article 26, or for any calendar week during which he is entitled to a Carer's Allowance or Increased Carer's Allowance under article 68 and at any time prior to his becoming entitled to a Carer's Allowance or Increased Carer's Allowance as aforesaid in this paragraph was employed in insurable employment or was self-occupied and immediately prior to his becoming entitled to such Carer's Allowance or Increased Carer's Allowance had -

(i) paid a total of 156 contributions; and

(ii) paid or been credited with an average of at least fifteen (15) contributions per annum; since attaining his 18th birthday:

So however that, with effect from the 5th January 2013, the provisions of this sub-article shall also apply to persons who are not entitled to a Carer's Allowance who who fail to satisfy the conditions of Part IV of the Second Schedule but fulfil the criteria stipulated by the provisions of article 106(a):

Provided that, notwithstanding the provisions of this sub-article, with effect from 1st January 2023, a person entitled to a Carers Allowance or an Increased Carers Allowance in accordance with the provisions of article 68 and who fails to satisfy the conditions mentioned in this sub-article, shall be entitled to a total of two hundred and eight (208) credited contributions:

Provided that with effect from 1st January 2025, the provisions of this sub-article shall also apply to persons entitled for the Carers Grant in accordance with the provisions of article 68.

(*b*) if he is normally employed in insurable employment or self-occupied and normally relies on such employment or self-occupation for his livelihood, for any calendar week each day of which is for him a day of incapacity for work or, a day of unemployment and either registered in the Register kept in accordance with the provisions of the Employment and Training Services Act, or certified by the Corporation established by the Act aforesaid to be unemployable and for this reason is registered in the said Register:

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Provided that the provisions of this paragraph shall not apply where -

(i) had such person not been self-occupied immediately prior to his incapacity for work, he would not have become entitled to a certificate of low income under and in accordance with the provisions of article 12;

(ii) such person had not been in insurable employment of self-occupation or registered in the Register kept in accordance with the provisions of the Employment and Training Services Act, or certified by the Corporation established by the Act aforesaid to be unemployable, and for this reason is registered in the said Register, immediately before his entitlement to a credit in terms of this paragraph;

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(iii) that person was born on or after the 1st January 1969 and reaches the amount of credited contributions for every calendar week during which each day thereof is a day of unemployment for such person according to paragraph (*b*), which is equivalent to the amount of contributions which such person will have paid during the preceding period;

(*c*) for any calendar week falling between 1st April, 1978, and 5th January, 1990, during which he would have been entitled to an Invalidity Pension were it not for the fact that such pension had been fully abated in accordance with the provisions of that Act as in force up to the 5th January, 1990;

(*d*) for any calendar week, with effect from the 7th January 2008 where such insured person ceases to register in the Register established under the Employment and Training Services Act, to take up temporary work for a period not exceeding thirteen consecutive weeks and where, for such period of temporary work, a contribution in terms of this Act is not due;

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(*e*) for any calendar week, with effect from the 2nd January, 2012, for which according to article 72 such person would be entitled to Maternity Leave Benefit and for which a contribution in terms of this Act was not due.

(4) A contribution credited under this article for any calendar week shall be -

(*a*) a Class Two contribution if it is credited on the ground that the person -

(i) is an actual widow to whom sub-article (2)(*a*) applies; or

(ii) is entitled to Sickness Benefit or to Injury Benefit or to an Invalidity Pension or to an Increased Invalidity Pension or, prior to reaching pension age, to a National Minimum Pension, or to a Carer's Pension, and when last gainfully occupied prior to becoming entitled to such benefit or pension as aforesaid in this sub-paragraph was a self-occupied person;

(iii) is entitled to such a credited contribution in virtue of sub-article (3)(*c*) and (*d*) and immediately prior to his becoming an invalid was a self-occupied person;

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

(*c*) a Class One contribution in any other case;

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

(5) Where a contribution is credited under this article only one contribution shall be credited to a person for any one calendar week, and no contribution shall be credited for any one calendar week for which a Class One or a Class Two contribution is payable by or in respect of him under this Act.

(6) A contribution which prior to the 3rd day of April, 1978 had been credited as a Class Three contribution under the provisions of the National Insurance Act, as in force up to that date shall be deemed to be a credited Class Two contribution in respect of a person who was not self-occupied.

Cap. 147 - Repealed.

(7) Part of the contributions credited to any person under this article, may be transferred to another person by order, decree or sentence of the Court when it is acting in accordance with its powers conferred to it by articles 54(5) and 59 of the Civil Code, and such contributions are to be considered, for the purposes of this Act, as credited to the person to whom they are transferred.

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(8) Notwithstanding the provisions of sub-article (1), a mother who commences insurable employment after the birth of a child shall be entitled to credited contributions for every calendar week in accordance with the provisions of sub-article (2)(d).

Contributions vis-à-vis entitlement to certain benefits and pensions.
Amended by:
XIII. 1991.6;
VIII. 1992.6;
XXXII. 2007.46;
IV. 2011.29;
VII.2019.28.

17. (1) The contribution conditions for the payment of Sickness Benefit, Unemployment Benefit and Special Unemployment Benefit payable in accordance with articles 18 and 30 shall be as set out in the Eleventh Schedule to this Act.

(2) The contribution conditions for the payment of a pension under article 26, Part IV (other than a Survivor's Pension) and Part V (other than a Two-Thirds Pension) of this Act shall be as set out in the Eleventh Schedule to this Act.

(3) For the purposes of determining whether a person is entitled to any one of the benefits referred to in sub-article (1), insofar as contributions are concerned -

(*a*) Class One contributions paid at any time in respect of fictitious employment and any Class One contributions credited in accordance with article 16(4)(*b*) in virtue of sub-article (2)(*b*) of the said article 16 shall not be taken into account;

(*b*) Class Two contributions, whether paid or credited, shall not be taken into account in connection with -

(i) any claim for Unemployment Benefit, or Special Unemployment Benefit:

Provided that, with effect from the 5th January 2019, the provisions of sub-paragraph 3(b)(i) shall cease to apply; and

(ii) any claim for Sickness Benefit, unless the Director is satisfied that such contributions had been paid in respect of periods during which the person concerned was self-occupied;

(*c*) Class One and Class Two contributions paid, for any period following January 7, 2008, by any person in receipt of a pension under Part V of this Act shall not be taken into account.

(4) For the purpose of determining whether a person is entitled to any one of the pensions referred to in sub-article (2), insofar as contributions are concerned -

(*a*) Class Two contributions deemed to be so by virtue of article 4 and of article 16(5), Class Two contributions which have not been paid from a gainful activity, Class One contributions credited in accordance with article 16(4)(*b*) in virtue of sub-article (2)(*b*) of the said article 16 and Class Two contributions credited in accordance with article 16(4)(*a*)(i) shall not be taken into account in connection with any claim for a pension under article 26;

(*b*) Class One contributions paid at any time in respect of fictitious employment shall not be taken into account in connection with any claim for a pension (other than a pension payable under Part IV of this Act) referred to in sub-article (2) save as provided for in article 55;

(c) Class One and Class Two contributions paid for any period following January 7, 2008 by any person in receipt of a pension under Part V of this Act shall not be taken into account for the reassessment of any pension under Part IV and Part V of this Act.

(5) Where a person would be entitled to a pension payable under the articles referred to in sub-article (2) but for the fact that the relevant contribution conditions are not satisfied as regards the yearly average of contributions paid or credited, that person shall nevertheless be entitled, if the said yearly average is not less than 20, to a pension of that kind at the reduced rate specified for a pension of that kind in the Twelfth Schedule to this Act.

(6) For the purposes of this article, insofar as contributions are concerned, any Class One contributions paid by an insured person in any contribution year under the proviso to article 7(2)(*a*) shall be multiplied by:

(*a*) the proportion of the actual total value of contributions paid by the employee and the employer during a contribution year, in accordance with Category B of Part 1 in the Tenth Schedule to this Act, bears to the full value of contributions that would have been due under the provisions of this Act during the said contribution year, had the employee concerned not opted to pay his contributions according to article 7(2)(*a*); and

(*b*) for the purposes of determining entitlement to any benefit, pension, grant or allowance, the resulting number of such weighted contributions for that contribution year as calculated in terms of paragraph (*a*) of this sub-article, shall be considered as the actual number of contributions paid by and in respect of the employee during the said contribution year for such benefit, pension, grant or allowance under this Act.

(7) For the purposes of this article, insofar as contributions are concerned, any Class Two contributions paid by an insured part-time female self-occupied person in any contribution year after the 3rd January 2011 at a rate which is below the maximum rate for category SA established in Part III of the Tenth Schedule, shall be multiplied:

(*a*) by the proportion of the actual total value of pro-rata SA contributions paid by the part-time self-occupied person during a contribution year, in accordance with Part III in the Tenth Schedule, bears to the full value of contributions that would have been due under the provisions of this Act during the said contribution year, had the self-occupied person concerned not opted to pay a *pro-rata* contribution according to the Tenth Schedule; and

(*b*) for the purposes of determining entitlement to any benefit, pension, grant or allowance, by the resulting number of such weighted contributions for that contribution year as calculated in terms of paragraph (*a*), and shall be considered as the actual number of contributions paid by and in respect of the self-occupied person during the said contribution year for such benefit, pension, grant or allowance under this Act.

PART III

BENEFITS, ALLOWANCES AND PARTICULAR PENSIONS

Sickness Benefit.
Amended by:
XX. 1987.5;
XVI. 1989.4;
XIII. 1991.7;
VIII. 1992.7;
XXV. 1994.2;
XXVII. 1995.2;
XXI. 1996.11;
VI. 2006.3;
I. 2012.2;
VII.2018.34;
VIII.2020.28;
XII.2023.25;
XIII.2024.18.

18. (1) Subject to the provisions of this Act, an insured person who has not yet reached his retirement age and who satisfies the relevant contribution conditions, shall be entitled to Sickness Benefit in accordance with Part I of the Third Schedule for any day of incapacity for work, excluding any day in which, whether incapacitated or not, such person would not have been required to attend to work in the normal course of his duties, sohowever that, and notwithstanding the provisions of article 90, with effect from 1st January 2018, the provisions of this article will also apply to a widow who is in receipt of a Pension under Part IV of this Act, who is in an insurable employment, who has not yet reached pension age, and who has dependent children under the age of 23:

Provided that and notwithstanding the provisions of article 90, with effect from 1st January 2023, the provisions of this article shall also apply to a widow who is in receipt of a Pension under Part IV of this Act, who is in an insurable employment, and who has not yet reached pension age:

Provided further that in any uninterrupted period of incapacity for work, the maximum number of consecutive days in respect of which Sickness Benefit may be paid shall, in no case, exceed six:

Provided further that where an insured person becomes entitled to benefit as aforesaid in this sub-article, if his spell of incapacity for work extends into a new benefit year which is related, in terms of the Eleventh Schedule, to two consecutive contribution years during which less than twenty contributions had been paid or credited in his respect, such person shall, nonetheless, but save as provided for in sub-articles (5) and (6), remain entitled to Sickness Benefit as aforesaid in this sub-article till the last day of such spell of incapacity for work.

(2) Such Sickness Benefit shall not be paid for the first three days of each spell of incapacity for work in respect of which it would otherwise be payable in terms of sub-article (1) hereof:

Notwithstanding the provisions of sub-article (2), for a person who proves to the satisfaction of the Director that he is under ongoing treatment in or by means of the Sir Anthony Mamo Oncology Centre, the payment of sickness benefit may be approved by the Director for any further number of days, including the first three (3) days of each spell of incapacity for work, during an effective period not exceeding one (1) year from commencement of such treatment, however such effective period may be extended for more than one (1) year following medical advice obtained from the Sir Anthony Mamo Oncology Centre:

Furthermore, for a person who is certified by a multi-disciplinary panel, appointed as provided by article 106, to be suffering from *Fibromyalgia* or *Myalgic Encephalomyelitis*, and satisfies the medical eligibility criteria, as updated from time to time by the Ministry responsible for Health, the payment of sickness benefit may be approved by the Director for any further number of days, including the first three (3) days of each spell of incapacity for work, during an effective period not exceeding the calender year (1) in which the first claim for sickness benefit is submitted.

(3) A self-employed person shall not be entitled to Sickness Benefit unless the Director is satisfied that the person making the claim for such benefit is normally self-occupied and would have been self-occupied but for that incapacity.

(4) For the purposes of this article, a day shall not be treated as a day of incapacity for work unless the person concerned proves to the satisfaction of the Director that he is incapable for work on that day by reason of some specific disease or bodily or mental impairment or that he is under treatment or observation for a disease or a bodily or mental impairment as aforesaid.

(5) Save as provided for in paragraph (*d*) of the proviso to article 106, Sickness Benefit shall be paid for any day of incapacity for work but shall not exceed in the aggregate a maximum of 156 days in any calendar year; sohowever that where the person making a claim for such benefit -

(*a*) undergoes any major surgical operation or intervention or suffers a severe injury or is afflicted by some serious disease which requires a long treatment before such person may resume work, payment of Sickness Benefit as aforesaid in this sub-article may be approved by the Director for any further number of days, not exceeding 156, beyond the limit aforesaid in this sub-article as may be deemed fit by the Director in the circumstances of the case and provided that in any such case the aggregate maximum number of days payable by way of Sickness Benefit within any two-year period, calculated on a calendar basis, shall not exceed 468:

Provided that, with effect from 1st Janaury 2024 and notwithstanding the provisions of this Act, where the person making a claim for such benefit undergoes any major surgical operation or intervention or suffers a severe injury or is afflicted by some serious disease which requires a long treatment before such person may resume work, payment of Sickness Benefit as aforesaid in this sub-article may be approved by the Director for any further number of days, not exceeding one hundred fifty-six (156) days, beyond the limit aforesaid in this sub-article as may be deemed fit by the Director in the circumstances of the case, and provided that in any such case the aggregate maximum number of days payable by way of Sickness Benefit within any two (2) year period, calculated on a calendar basis, shall not exceed four hundred sixty-eight (468) days, so however that, with the exception of the first one hundred fifty-six (156) days, the person shall be entitled to the Increased Sickness Benefit equivalent to the rate of the National Minimum Invalidity Pension as specified in the Twelfth Schedule;

(*b*) has previously been paid any benefit under the provisions of this article or any Unemployment Benefit or Special Unemployment Benefit under the provisions of article 30, the grand total of benefit days by way of these benefits added together shall, in no case, exceed at any time the grand total number of reckonable contributions paid by the person concerned:

Provided that if the person making a claim for such benefit is disqualified from receiving such benefit in accordance with sub-article (6), such person shall have his entitlement to Sickness Benefit for that calendar year during which the disqualification is imposed reduced by the number of days of such disqualification.

(6) A person shall be disqualified from receiving Sickness Benefit for any period as may be decided by the Director -

(*a*) if he has refused medical examination as may have been required by the Director or, without good cause, failed to attend for, or to submit himself to, such medical examination as may have been required by the Director or, without a good medical reason, failed to submit himself to such medical treatment as may have been appropriate in his case; or

(*b*) if he has behaved in a manner likely to retard his recovery; or

(*c*) if he is absent without good cause from his place of residence.

Types of Medical Assistance.

19. Medical Assistance shall be of the following kinds:

(*a*) Sickness Assistance;

(*b*) Leprosy Assistance;

(*c*) Tuberculosis Assistance;

(*d*) Free Medical Aid;

(*e*) Milk Grant.

Sickness Assistance.
Amended by:
XVI. 1989.5;
XVI. 1990.7;
XXV. 1994.5;
XXI. 1996.12;
II. 2004.19;
XV. 2016.49;
XVI. 2017.26;
VII.2019.29;
VII.2022.33.

20. (1) Subject to the provisions of this Act, a person who is the head of household shall be entitled to Sickness Assistance under this article if he proves to the satisfaction of the Director that -

(*a*) he, or a member of his household, is suffering from a disease, or is in a condition, mentioned in Part I of the Fifth Schedule to this Act, which could be alleviated or cured by a special diet or regimen which requires an expenditure not normally incurred by the household, and the person in respect of whom such assistance is claimed is neither an employed person nor a self-occupied person; sohowever that, in the case of a person who on the date of claim for such assistance is suffering from chronic schizophrenia, whether or not this condition could be alleviated or cured by a special diet or regimen, entitlement to Sickness Assistance would still accrue if the person who is suffering from such a condition proves to the satisfaction of the Director that he has been undergoing regular treatment for such a condition for at least 3 years and that within the 3 months immediately prior to his claim for such assistance his condition had been investigated by a psychiatrist who is or was a consultant psychiatrist in Government employment and certified by the said psychiatrist to be suffering from such a condition;

(*b*) with effect from 1st January 2016 an unmarried person who lives with his or her parents, where none of the parents is gainfully occupied and one of the parents is in receipt of a pension under Parts IV and V and under articles 26 and 66, who on the date of the claim for such assistance is medically certified:

(i) as suffering from a terminal disease, or

(ii) as suffering from a bi-polar disorder or psychotic depression,

entitlement to Sickness Assistance shall still accrue, provided that in the case of the condition referred to in sub-paragraph (ii), the person suffering from that condition proves to the satisfaction of the Director that he or she has been undergoing regular treatment for such a condition for at least three years and that within the three months immediately prior to his or her claim for such assistance his or her condition had been investigated by a psychiatrist who is or was a consultant psychiatrist in Government employment and certified by the said psychiatrist to be suffering from such a condition:

Provided that, with effect from 1st January 2019, a person who is the head of household shall be entitled to Sickness Assistance under this article if he proves to the satisfaction of the Director that he or a member of his household who on the date of the claim for such assistance is medically certified as suffering from a terminal disease, bi-polar disorder or psychotic depression, provided that the person suffering from that condition proves to the satisfaction of the Director that he has been undergoing regular treatment for such a condition for at least three (3) years and that within the three (3) months immediately prior to his claim for such assistance his condition had been investigated by a psychiatrist who is or was a consultant psychiatrist in Government employment and certified by the said psychiatrist to be suffering from such a condition:

Provided further that, with effect from 1st January 2022, an unmarried person who lives with his parents, who on the date of the claim for such assistance is in receipt of an Invalidity Pension under the provisions of article 26, shall not be considered as a member of that household, but is to be considered as forming a household of his own for the purposes of the provisions of Part II of the Second Schedule;

(*c*) the total weekly means of all the members of his household calculated in accordance with the provisions of Part II of the Second Schedule to this Act do not exceed the scale rate for that household as determined by the Seventh Schedule to this Act.

(2) A head of household who is in receipt of Social Assistance or an Age Pension or a Carer's Allowance under this Act, shall be deemed not to have means exceeding the scale rate for that household as aforesaid.

(3) The right of any member in respect of whom Sickness Assistance is payable shall be extinguished:

(i) from the first day of admission to a State Financed Residential service, wherein the resident is being provided with level 2 care as specified by the Minister by notice in the Gazette; and

(ii) from the first day following the day on which, notwithstanding the fact that he has been medically discharged from such an institution as specified by the Minister in the Gazette, he becomes a resident of any other state financed institution.

Leprosy Assistance.

21. (1) Subject to the provisions of this Act, a person who is the head of household shall be entitled to Leprosy Assistance if he shows to the satisfaction of the Director that he or any member of his household is receiving treatment for leprosy.

(2) Where such head of household has been continuously in receipt of Leprosy Assistance since the 14th April, 1975 at the rate applicable on that date, he shall continue to receive such assistance at that rate, as long as he is not entitled to a higher rate of Leprosy Assistance in terms of the provisions of this Act.

(3) Sub-article (2) shall not apply where there has been a

change of circumstances in the household.

Tuberculosis Assistance. *Amended by: II. 2002.62.*

22. Subject to the provisions of this Act, a person who is the head of household shall be entitled to Tuberculosis Assistance if he shows to the satisfaction of the Director that he or any member of his household is suffering from tuberculosis.

Free Medical Aid. *Amended by: XIII. 1991.8; XXV. 1994.2,6; I. 2012.3; XVI. 2017.27; VII.2019.30; VII.2022.34; III.2026.23.*

23. (1) Subject to the provisions of this Act and the provisions in the Health Act, a person who is the head of household shall be entitled to such Free Medical Aid as is specified hereunder, that is the supply of such drugs, spectacles, dentures, and other prosthetic aids or other additional Free Medical Aid as indicated by regulations made under this Act as in the opinion of the Chief Medical Officer to Government are indicated in his case according to protocols which may be issued by him from time to time and are available, if he shows to the satisfaction of the Director that -

(*a*) on account of bodily or mental impairment, sickness or disease, which does not require treatment in a hospital, he or any member of his household is in need of medical, surgical or pharmaceutical aid; and

(*b*) the total weekly means of all the members of his household calculated in accordance with the provisions of Part III of the Second Schedule to this Act do not exceed the scale rate for that household, as determined by the Eighth Schedule to this Act:

Provided that the Chief Medical Officer to Government shall consult, before forming his opinion, with one or more medical consultants drawn from a panel appointed by the Minister:

Provided further that, where the person concerned is suffering from Auto-Immune Enteropathy as certified by a consultant Paediatrician, the Free Medical Aid referred to above shall include Total Parenteral Nutrition or any other medical conditions as may be indicated by regulations under this Act.

(2) Where the person in need of such aid is not the head of household or his wife, the head of such household shall not be entitled to Free Medical Aid if the weekly means of the person in respect of whom such aid is required, calculated as if he formed a household of his own, exceed the scale rate for one person as determined by the aforementioned Eighth Schedule.

(3) A person suffering from one of the diseases or conditions specified in Part II of the Fifth Schedule shall be entitled to such Free Medical Aid as in the opinion of the Chief Medical Officer to Government are indicated in his case according to protocols which may be issued by him from time to time and are available within the national health service.

(4) With effect from the 1st January 2017, a person who qualifies for an Increased Severe Disability Assistance in accordance with the provisions of article 27, shall be eligible for Free Medical Aid without the need to satisfy the means test as per provisions of Part III of the Second Schedule.

(5) With effect from the 1st January 2017, any income from gainful employment or self-occupation of the person qualifying for a Severe Disability Assistance in accordance with the provisions of article 27, shall not be considered for the calculation of the income or privilege as explained in Part III of the Second Schedule.

(6) With effect from 1st January 2022, a person who reached the age of eighty (80) years and is receiving Supplementary Allowance in accordance with the provisions of article 73, shall be eligible for the Free Medical Aid without the need to satisfy the means test as per provisions of Part III of the Second Schedule.

(7) With effect from 1st January 2026, a person who reached the age of sixty-five (65) years and is benefitting from a Supplementary Allowance in accordance with the provisions of article 73, shall be eligible for the Free Medical Aid without the need to satisfy the means test according to the provisions of Part III of the Second Schedule.

Milk Grant.

24. Subject to the provisions of this Act, a head of household who is in receipt of Social or Tuberculosis Assistance under this Act, shall be entitled to a Milk Grant if he shows to the satisfaction of the Director that he or any member of his household has the care or custody of a child under forty weeks of age who requires weaning or complementary feeding or who cannot be breast-fed for health reasons, and such grant shall continue to be paid until such child reaches forty weeks of age.

Amounts payable by way of assistance.
Amended by:
II. 2002.63.

25. The weekly amounts payable under the provisions of this Act by way of Sickness Assistance, Leprosy Assistance, Tuberculosis Assistance and Milk Grant shall be those set out in the Ninth Schedule to this Act.

Pensions in respect of invalidity.
Amended by:
XVI. 1990.8;
XIII.1991.9;
VIII.1992.8;
XXV.1994.2;
XI.2000.14;
VI. 2006.4;
XIX. 2006.4;
XXXIX. 2015.3;
VII.2018.35;
VIII.2020.29;
XIII.2024.19;
III.2026.24.

26. (1) Subject to the provisions of this Act, a person shall be entitled to an Invalidity Pension or Increased Invalidity Pension or National Minimum Pension in terms of article 50 or to the Guaranteed National Minimum Pension in terms of article 50A, as the case may be, at one of the rates specified in the Twelfth Schedule if:

(*a*) such person has been incapable, in accordance with this Act, for suitable full-time or regular part-time employment or self-occupation by reason of a serious disease or bodily or mental impairment (other than mild mental disorder or disturbance) for not less than six months immediately before his claim or where such person is not entitled to a benefit payable in terms of article 18, for such shorter period immediately before such claim as the Director may determine; and

(*b*) his incapacity as aforesaid is considered by the Director, acting upon the advice of one or more persons holding the warrant to practise the medical profession appointed by the Minister for the purpose of advising on such cases in accordance with article

106, to be of a permanent nature or, if its permanency cannot be conclusively established, is considered by the Director after consultation as provided for in article 106, as prohibiting such person from suitable full-time or regular part-time employment or self-occupation for not less than one year from the date of claim for such pension and such person shall only be entitled to receive a pension under this article for such number of years as the Director may determine; and

(*c*) before his incapacity as aforesaid, he has been continuously in full-time or regular part-time employment or self-occupation for a period of not less than twelve months, or he was subsequently registered in the Register kept in accordance with the provisions of the Employment and Training Services Act, such person was so registered for a period of not less than twelve months; and Cap. 594.

(*d*) on the day immediately preceding his claim for a pension in respect of invalidity, such person satisfies the relevant contribution conditionsas specified in article 17, sohowever that with effect from 1st January 2018, a person who is certified as terminally-ill as provided in article 2, shall be entitled to the full rate of an Invalidity Pension, an Increased Invalidity Pension, or a National Minimum Pension, as the case may be, in accordance to the provisions of the Twelfth Schedule to this Act, provided the contribution conditions as provided in article 17, are satisfied:

Provided that, with effect from 6th January 2020, a person who is awarded the highest impairment rating, as per Impairment Tables Regulations, by the medical panel appointed under article 106, shall be entitled to a rate equivalent to the rate of the Increased Severe Disability Assistance, as specified in Part III of the Sixth Schedule, provided that the contribution conditions are specified in article 17, are satisfied and such person has a contribution average of not less than fifty (50): S.L. 318.21.

Provided further that with effect from 3rd January 2026, a person who is awarded the highest impairment rating, in accordance with the Impairment Tables Regulations by the medical panel appointed under article 106, shall be entitled to a rate equivalent to the two thirds pension in accordance with the contribution conditions as referred to in the provisions of this Act and if the entitlement is more advantageous: S.L. 318.21.

Provided further that, in case of a person who has a contribution average of less than fifty (50), a pro-rata payment may be awarded as specified in item E of the Twelfth Schedule:

Provided further that, with effect from 1st Janaury 2024, in the case of a person who is certified to be suffering from mental health and if the person who is suffering from such a condition proves to the satisfaction of the Director that he has been undergoing regular treatment for such a condition for at least three (3) years and that, within the three (3) months immediately prior to his claim, his condition had been investigated by a psychiatrist who is or was a consultant psychiatrist in Government employment and certified by the said psychiatrist to be suffering from such a condition, and the contribution conditions as provided in article 17 are satisfied, shall be entitled to the full rate of an Invalidity Pension, an Increased Invalidity Pension, or a National Minimum Pension, as the case may be, in accordance with the Twelfth Schedule:

Provided further that with effect from 1st January 2026, in the case of a person who is certified to be suffering from the bi-polar condition, depression by psychosis or acute depression, and if the person who is suffering from such a condition proves to the satisfaction of the Director that he has been undergoing regular treatment for such a condition for at least three (3) years and that, within the three (3) months immediately prior to his claim, his condition had been evaluated by a psychiatrist who is, or was a consultant psychiatrist in Government employment and certified by the said psychiatrist to be suffering from such condition, and the contribution conditions as provided in article 17 are satisfied, shall be entitled to the full rate of an Invalidity Pension, an Increased Invalidity Pension, or a National Minimum Pension, as the case may be, in accordance with the Twelfth Schedule and may participate in insurable employment on part-time basis as advised by the psychiatrist and confirmed by the medical panel appointed in accordance with article 106.

(2) Where a person is entitled to a Service Pension -

(i) with effect from the first Saturday of January, 1992, if his Service Pension and the rate of Invalidity Pension applicable in his case together exceed two-thirds of his pensionable income, such a person shall be entitled to an Invalidity Pension; or

(ii) if his Service Pension and the rate of Invalidity Pension applicable in his case together do not exceed two-thirds of his pensionable income, such a person shall be entitled to an Increased Invalidity Pension or such part thereof as shall ensure that the aforementioned two-thirds are not exceeded; or

(iii) if the date of first entry in insurable employment of such person falls on or after the 1st day of April, 1978, such person shall not be entitled to an Invalidity Pension but to an Increased Invalidity Pension or such part thereof as shall ensure that his Increased Invalidity Pension and Service Pension combined shall not exceed two-thirds of his pensionable income; or

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

(3) For the purposes of sub-article (2), when a person has been in employment for less than thirty years in the aggregate prior to his becoming an invalid, the references to the proportion of two-thirds shall be substituted by references to the proportion that the number of completed months of service bears to 540. When however the proportion which the Service Pension of a person bears to his wage or salary and other pensionable emoluments immediately before his becoming an invalid is higher than the proportion computed as aforesaid, the references to the proportion of two-thirds shall be substituted by references to such higher proportion, but shall in no case be substituted by a proportion higher than two-thirds.

(4) Where any of the posts on which the pensionable income of a person is to be computed no longer exist, it shall be substituted by such analogous post in the Government service or in any parastatal organization which carried a wage or salary most nearly corresponding to that of the post in question at the time when it was last occupied by the pensioner.

(5) For the purposes of this article, in calculating the pensionable income referred to in sub-article (2)(i), (ii) and (iii), the provisions of article 58 shall also apply.

(6) A person born on or before the 31st December 1961 who is not entitled to a Service Pension shall be entitled under this article to a National Minimum Pension, the highest rate of which shall be equivalent to -

(*a*) in the case of a married person whose spouse is not in receipt of a social security pension, four-fifths, and

(*b*) in the case of any other person, two-thirds,

of the national minimum wage as is applicable to persons of 18 years of age or over established by a National Standard Order issued under the Employment and Industrial Relations Act during the period in respect of which the pension is due. Cap. 452.

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

(8) Any pension arrived at in accordance with the provisions of this article, shall, where the pensioner concerned or his wife, as the

case may be, is an inmate of a state-owned hospital or institution in accordance with article 93, be apportioned in such form and manner as provided for in the said article 93.

(9) Any pension payable under this article shall be reassessed annually from the first Saturday of the year of the reassessment by substituting for the pensionable income the aggregate of such pensionable income and such other amount as indicated in paragraphs (i) or (ii), as the case may be, of article 59(3); and for this purpose the word "retirement" therein shall have the same meaning as the words "his becoming an invalid in terms of this Act".

(10) Save as provided for in article 110, a pension payable under this article shall be reviewed on the medical aspect every three years or earlier as the Director may determine.

Increased Severe Disability Assistance, Severe Disability Assistance, Disability Assistance and Assistance for the Visually Impaired.
Amended by: XX. 1987.6; XIV. 1988.5; XVI. 1989.6; XVI. 1990.9; XIII. 1991.10; VIII. 1992.9; XXIV. 1993.4; XXV. 1994.2,7; XXVII. 1995.3; XXI. 1996.13; II. 1999.7; II. 2004.20; III. 2005.5.
Substituted by: V. 2012.27.
Amended by: XV. 2016.50; XVI. 2017.28; VII.2018.36; VII.2018.31; VIII.2020.30; XVIII.2021.22.

27. (1) Save as provided for in article 96 and subject to the other provisions of this Act, a person who -

(*a*) has attained the age of sixteen years; and

(*b*) is certified to be suffering from a mental severe subnormality or to be a severely disabled person in accordance with the provisions of this Act, or to be suffering from cerebral palsy; and

(*c*) shows to the satisfaction of the Director that he is a citizen of Malta and normally resides in Malta,

shall be entitled to a Severe Disability Assistance under this Act and the highest rate of which, including any increases in terms of the provisions of article 90, shall be such in accordance with Part III of the Sixth Schedule and with the provisions of sub-article (5).

(2) Subject to the provisions of this Act, a visually impaired person who -

(*a*) has attained the age of fourteen years; and

(*b*) produces such certificates regarding his visual impairment, as the Director may, in particular cases, require; and

(*c*) shows to the satisfaction of the Director that he is a citizen of Malta and normally resides in Malta,

shall be entitled to an Assistance for the Visually Impaired under this Act in accordance with Part III of the Sixth Schedule and and with the provisions of sub-article (5).

(3) Save as provided for in article 96 and subject to the other provisions of this Act, a person who -

(*a*) has attained the age of sixteen years; and

(*b*) is certified to be suffering from a mental severe sub-normality or to be a severely disabled person in accordance with the provisions of this Act, or to be suffering from cerebral palsy and absolutely cannot work; and

(*c*) satisfies the Barthel Index score 0 - 4, after the

Director will have acted in accordance with the advice given by the multi-disciplinary panel appointedunder article 106(f):

Provided that, notwithstanding the provisions of this paragraph (c), with effect from 1st January 2018, a person who satisfies the Barthel Index score 0 - 8, after the Director will have acted in accordance with the advice given by the multi-disciplinary panel appointed under article 106(f): or

Provided that the person achieves a score of fourteen (14) or more in accordance with Table 10 of the Impairment Tables Regulations, after the Director will have acted in accordance with the advice given by the multi-disciplinary panel appointed under article 106(f): or S.L. 318.21.

Provided further that, notwithstanding the provisions of this paragraph (c), with effect from 1st January 2021, a person who satisfies the Barthel Index score 0 - 9, after the Director shall have acted in accordance with the advice given by the multi-disciplinary panel appointed under article 106(f): or

Provided further that, with effect from 1st January 2021, if the person achieves a score of thirteen (13) or more in accordance with Table 10 of the Impairment Tables Regulations, after the Director shall have acted in accordance with the advice given by the multi-disciplinary panel appointed under article 106(f); and S.L. 318.21.

(*d*) shows to the satisfaction of the Director that he is a citizen of Malta and normally resides in Malta,

shall be entitled to an Increased Severe Disability Assistance under this Act in accordance with Part III of the Sixth Schedule.

(4) Save as provided for in article 96 and subject to the other provisions of this Act, a person who -

(*a*) has attained the age of sixteen years; and

(*b*) is certified to be suffering from a permanent total paralysis or permanent total severe malfunction or permanent total disease, whether through amputation or otherwise of one of the upper or lower limbs; or

(*c*) is certified to be totally and permanently mute or permanently deaf to a degree of no less than seventy (70) decibels; and

(*d*) shows to the satisfaction of the Director that he is a citizen of Malta and normally resides in Malta,

shall be entitled to a Disability Assistance under this Act in accordance with Part III of the Sixth Schedule and with the provisions of sub-article (5).

(5) (*a*) The rate of assistance of a person who becomes entitled to such under sub-articles (1) or (2) or (4) shall be such weekly amount as will bring the total weekly means of the person with the

disability, calculated in accordance with Part V of the Second Schedule, up to the scale rate applicable to that person, as determined by Part III of the Sixth Schedule.

(*b*) Saving the provisions of article 96 and of the second proviso to paragraph 4 of Part V of the Second Schedule, where a married person and the spouse both qualify for an assistance under the provisions of this article or of article 66, any such assistance as is payable to one of the spouses shall cease to be payable.

(*c*) With effect from the 1st January 2005, where a married person qualifies for an assistance under the provisions of this article, the applicable rate shall be that payable in accordance with Part III of the Sixth Schedule.

(*d*) With effect from the 1st January 2016, when a person who qualifies for an assistance under sub-articles (1) and (2) reaches the age of sixty years, the applicable weekly rate shall be that indicated in Part II of the Sixth Schedule.

Injury Benefit.
Amended by:
II. 1999.8;
III. 2005.6;
XII.2023.26.
XXXIII.2024.
First Schedule.

28. (1) Subject to the provisions of this Act, where an insured person who has not yet reached his retirement age suffers personal injury caused by accident arising out of or in the course of his employment or self-occupation, or has developed any of the diseases specified in the first column of the Fourth Schedule to this Act (being a disease due to the nature of his work), then Injury Benefit shall be payable to him in accordance with Part I of the Third Schedule to this Act if within a period of twelve months from the date of the accident or the onset of the disease, he is, as a result of the injury or disease, incapable of work:

Provided that notwithstanding the fact that any such disease may not be specified in the said Fourth Schedule to this Act, Injury Benefit may nonetheless be payable if the Director is satisfied that the disease developed due to the nature of his work:

Provided that and notwithstanding the provisions of article 90, with effect from 1st January 2023, the provisions of this article shall also apply to a widow who is in receipt of a Pension under Part IV of this Act, who is in an insurable employment, and who has not yet reached pension age:

Provided further that where a person -

(i) is disqualified from receiving Injury Benefit in accordance with sub-article (6), he shall have his entitlement to such benefit reduced by the number of days of disqualification;

(ii) is found to be suffering from pneumoconiosis, accompanied by pulmonary tuberculosis, the effect of tuberculosis shall be treated, for the purposes of the disease specified in the Fourth Schedule to this Act, as if they were the effects of the pneumoconiosis.

(2) Subject to the provisions of article 92, Injury Benefit shall not be payable in respect of an accident happening to a person while he is outside Malta, unless the accident arises out of or in the course of his employment or self-occupation as is specified in article 13 or in the proviso to paragraph 1 of Part I of the First Schedule to this Act or in paragraph 2 of the said Part I of the First Schedule.

(3) An accident happening to a person while he is -

(*a*) travelling as a passenger to or from his place of work in any vehicle (including a ship, vessel or aircraft) which is in any way provided or paid for directly by his employer; or

(*b*) anywhere within the precincts of the premises or place where he is usually employed or self-occupied, and the cause of the accident is directly connected with the work being carried out in those premises or in that place;

shall be deemed to arise out of or in the course of his employment or self-occupation.

(4) An accident happening to a person in or about any place of work at which he is for the time being employed for the purposes of his employer's trade or business or self-occupied shall be deemed to arise out of or in the course of his employment or self-occupation if it happens while he is taking steps on an actual or supposed emergency at that place of work to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property.

(5) The Injury Benefit payable under this article shall be paid in respect of any day (excluding any day on which, whether incapacitated or not, such person would not have been required to attend to work in the normal course of his duties) and during which as a result of the relevant injury, the person concerned is incapable of work during the period referred to in sub-article (1):

Provided that no Injury Benefit shall be paid for the first three days of every spell of such incapacity for work:

Provided further that in any uninterrupted period of incapacity for work, the maximum number of consecutive days in respect of which Injury Benefit may be paid shall, in no case, exceed six.

(6) A person shall be disqualified from receiving Injury Benefit for any period as may be deemed fit by the Director in the circumstances of the case for the same reasons as indicated in article 18(6)(*a*), (*b*) and (*c*), 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 Health and Safety at Work Act, thereby causing the accident that resulted in the injury: Cap. 646.

Cap. 646.

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

(7) For the purposes of sub-article (2) to (6) -

(i) "injury caused by accident" includes the development of any one of the diseases specified as aforesaid in this article; and

(ii) "accident arising out of or in the course of his work" includes the onset of any such disease which is due to the nature of one's employment or self-occupation.

Injury Grant and Injury Pension.
Amended by:
XX. 1987.7;
XXV.1994.2;
XIII. 2015.83.

29. (1) Where the accident or industrial disease, as is referred to in article 28, results in the permanent loss of physical or mental faculty, the person concerned shall be entitled to Injury Grant or Injury Pension in accordance with the following sub-articles of this article:

Provided that a person shall not be entitled to receive an Injury Grant or Injury Benefit under this article and Injury Benefit under article 28 at the same time:

Provided further that for the purposes of this article there shall be deemed not to be any loss of faculty at any time when the extent of the resulting bodily or mental impairment would be assessed in accordance with the following provisions of this article at less than 1%.

(2) In assessing the extent of the bodily or mental impairment aforesaid in this article, the medical panel or the medical officer appointed by the Minister for this purpose, from time to time, shall take account of all such bodily or mental impairments (whether or not involving loss of earning power or additional expense) to which the claimant may be expected to be subject as compared with a person of the same age whose physical and mental condition is normal, but excluding any other particular circumstances with regard to his financial means or resources.

(3) An assessment shall state the degree of bodily or mental impairment in the form of a percentage which shall be determined by the aforesaid medical panel or the medical officer, and where the extent of such bodily or mental impairment is assessed at less than 20%, the insured person concerned shall be entitled to Injury Grant in accordance with Part II of the Third Schedule to this Act, and where the extent of such bodily or mental impairment is assessed at 20% or more, but not exceeding 89%, the insured person concerned shall be entitled to Injury Pension, the highest rate of which shall be paid in accordance with Part III of the said Third Schedule to this Act; sohowever that, for any extent of such bodily or mental impairment between 20% and 89% the rate of pension payable shall be calculated in a proportionate manner, to the nearest whole cent, as the degree of such bodily or mental impairment bears to 89%:

Provided that with effect from 6th January, 2015 persons certified to be suffering from mesothelioma in accordance with the provisions of the Fourth Schedule and who have reached pensionable age or are in receipt of a pension by virtue of article 26, are entitled to a Disablement Grant in accordance with the highest percentage degree of disability according to the provisions of Part II of the Third Schedule.

(4) Where the degree of bodily or mental impairment as is referred to in sub-article (3) is assessed at 90% or more the person concerned shall neither be entitled to an Injury Grant nor to an Injury Pension but shall instead be automatically entitled to the full rate of Invalidity Pension or Increased Invalidity Pension or National Minimum Pension, as the case may be, in accordance with the Twelfth Schedule to this Act.

(5) A person shall be disqualified from receiving any pension under this article for any period as may be deemed fit in the circumstances of the case by the Director for the same reason indicated in article 18(6)(*a*) and (*b*).

Unemployment Benefit, Special Unemployment Benefit and Social Assistance.
Amended by: XVI. 1989.7; XVI. 1990.10; XIII. 1991.11; VIII. 1992.10; XXIV. 1993.5; XXV. 1994.2,8; XXVII. 1995.4; XXI. 1996.14; II. 2002.64; II. 2004.21; III. 2005.7; XIII. 2005.32; XIX. 2006.5; II. 2009.23; I. 2012.4; L.N. 218 of 2012; XII. 2014.35; XIII. 2015.84; XV. 2016.51.
Cap. 594;
XVI. 2017.29; VII. 2018.37; VII. 2019.32; XII.2023.27; IX.2025.23.

30. (1) Subject to the provisions of this Act, a person who satisfies the relevant contribution conditions and who has not yet reached pension age, shall be entitled to Unemployment Benefit in accordance with Part I of the Third Schedule to this Act for any day of unemployment, excluding Sundays, provided he is registered in the Register kept in accordance with the provisions of the Employment and Training Services Act; sohowever that where the insured person is the head of household whose total weekly means (taking account of all the members of the household) calculated in accordance with Part VI of the Second Schedule to this Act do not exceed the scale rate for that household, as determined by the relevant column of Part I of the Sixth Schedule to this Act, such insured person shall be entitled to Special Unemployment Benefit in accordance with Part I of the Third Schedule to this Act in lieu of Unemployment Benefit; and whether such head of household has been in insurable employment or not, he shall nonetheless be entitled to Social Assistance in accordance with the provisions of this article:

Provided that -

(i) where a person in respect of whom this sub-article applies becomes self-occupied under and in accordance with the provisions of any of the Manpower Incentive Schemes announced by Government, he shall nonetheless remain entitled to the assistance aforesaid during the first twenty-eight weeks of his becoming self-occupied if -

(*a*) on the day of his becoming self-occupied he is over eighteen years of age but under sixty years of age; and

(*b*) during the twelve consecutive months immediately prior to the day on which he becomes self-occupied he had been registered under Part One of the Register as aforesaid in this sub-article;

(ii) where a person becomes entitled to Unemployment

Benefit or Special Unemployment Benefit as aforesaid in this sub-article, if his spell of unemployment extends into a new benefit year which is related in terms of the Eleventh Schedule to this Act to two consecutive contribution years during which less than 20 contributions had been paid or credited in his respect, such person shall, nonetheless, but save as provided for in sub-article (2), remain entitled to Unemployment Benefit or Special Unemployment Benefit, as the case may be, till the last day of such spell of unemployment;

(iii) where a person in respect of whom this article applies, becomes engaged in voluntary community work or engaged in any public works under any scheme announced by Government for persons who are registering for work, such person shall, nonetheless, remain entitled to the assistance for the duration of such engagement;

(iv) with effect from 1st January, 2015, a person in respect of whom sub-article (1) applies, who has not yet reached the age of 23 years, is obliged to participate in the Youth Guarantee Scheme under the supervision of the Ministry responsible for Employment:

Provided further that and notwithstanding the provisions of article 90, with effect from 1st January 2023, the provisions of this article shall also apply to a widow who is in receipt of a pension under Part IV of this Act, who is in an insurable employment, and who has not yet reached pension age;

(2) Subject to the provisions of this Act, a person in respect of whom sub-article (1) applies shall only be entitled to receive Unemployment Benefit or Special Unemployment Benefit under this article up to a maximum of 156 benefit days; sohowever that, the grand total of benefit days by way of such benefit or Sickness Benefit added together shall, in no case, exceed at any time the grand total number of reckonable contributions paid by the person concerned:

Provided that -

(i) where his entitlement to such benefit is exhausted he shall not requalify for such benefit before the lapse of an aggregate period of thirteen calendar weeks in insurable employment since the last day of his receiving such benefit; and

(ii) when his entitlement to such benefit is not exhausted but is less than 156 days and he has not been in insurable employment thereafter for at least an aggregate period of thirteen calendar weeks, he shall only be entitled to receive the difference resulting between his original entitlement and the number of benefit days already received by way of such benefit.

(3) For the purposes of this article a person shall not be deemed to be unemployed on any day (even though he may be, on any such day, registered in the Register kept in accordance with the provisions of the Employment and Training Services Act)- Cap. 594.

(*a*) if he is following any gainful occupation on that day or has done work for which remuneration is ordinarily payable, whether or not any remuneration has in fact been received;

(*b*) if he is on holiday;

(*c*) if, notwithstanding that his employment has come to an end or has been interrupted, he receives, in respect of that day, wages or any payment by way of compensation for the loss of the remuneration which he would have received for that day if the employment had not come to an end or been interrupted;

(*d*) if he does not ordinarily work on every day of the week (excluding Sundays and public holidays) and has, in the week in which the said day falls, been employed or self-occupied to the full extent normal in his case.

(4) A person who is the head of household and who is -

(*a*) incapable of work by reason of a serious disease or bodily or mental impairment and would, but for this incapacity, have been gainfully occupied or registered as unemployed in the Register kept in accordance with the provisions of the Employment and Training Services Act: Cap. 594.

Provided that such disability or condition is confirmed by the medical panel appointed in accordance with the dispositions of article 106 in accordance with the Impairment Tables Regulations, the payment shall increase in accordance with the dispositions of Part I of the Sixth Schedule; or S.L. 318.21.

(*b*) certified by the Corporation established by the Employment and Training Services Act, to be unemployable; or Cap. 594.

(*c*) over pension age,

shall also be entitled to receive Social Assistance under and in accordance with the provisions of this article notwithstanding the fact that he is not registered as an unemployed person as aforesaid in sub-article (1).

(5) A head of household who -

(*a*) is registered in the Register kept in accordance with the provisions of the Employment and Training Services Act; or Cap. 594.

(*b*) has in terms of article 13(3) of the Employment and Training Services Act, forfeited his right to register in Cap. 594.

the said Register,

and who, had he been registered in the said Register, would have been entitled in accordance with this article to social assistance, shall nonetheless be entitled to apply for social assistance and have his application referred by the Director to the Board established under article 128, and if the Board shall determine that social assistance is due to any person on behalf of that household as provided in article 129, then the person so designated by the Board shall become entitled to social assistance at such rate as the Board may, in accordance with the provisions of the said article 129, determine:

Provided that, no such claim will be accepted unless the head of household proves to the satisfaction of the Director, in such manner as the Director may determine, that such head of household is not gainfully occupied.

(6) Subject to the provisions of this Act, the Social Assistance to which a head of household is entitled shall be such weekly amount as will bring the total weekly means of all the members of his household, who are neither employed persons nor self-occupied persons in terms of this Act, calculated in accordance with Part VI of the Second Schedule to this Act, up to the scale rate of that household, as determined by Part I of the Sixth Schedule to this Act; sohowever that -

(*a*) where in the household there are members, not being the head of household and his wife, who are either employed persons or self-occupied persons in terms of this Act, such weekly amount of Social Assistance shall be reduced by the difference obtaining between the scale rate that would otherwise had been applicable to the household had such members not been employed persons or self-occupied persons as aforesaid in this sub-article and the scale rate that is in fact applicable to the household in respect of all the other members of the household:

Sohowever that the provisions of this sub-paragraph do not apply in respect of an insurable employment with effect from 2nd January, 2016 or thereafter; and

(*b*) where the head of household is entitled to Social Assistance by reason of his being registered under Part One of the Register referred to in sub-article (1), such Social Assistance shall be payable on a daily basis; and, for this purpose, such daily rate of assistance shall be arrived at by dividing the aforesaid weekly rate of such assistance by six, but no such assistance shall be payable in respect of Sundays:

Provided that -

(i) if there are special circumstances in any household the weekly amount of Social Assistance may be increased by the Director as may be appropriate to meet those circumstances;

and

(ii) a head of household in receipt of Social Assistance in accordance with the provisions of this article, who is engaged as a trainee by the Corporation established under the Employment and Training Services Act on a rehabilitation programme for ex-substance abusers shall, in addition to the allowance paid by the Corporation during the programme of training, be entitled to receive such rate of Social Assistance so as to ensure that the total amount received does not exceed the National Minimum Wage as is applicable to a person of eighteen years of age or over in accordance with a National Order issued under the Employment and Industrial Relations Act; Cap. 594. Cap. 452.

(iii) a head of household, reaching the age of twenty-three (23) or over, who is in receipt of Social Assistance in accordance with the provisions of this article, who is enrolled in the University of Malta or MCAST course of studies, shall be entitled to receive such rate of Social Assistance and stipend so as to ensure that the total amount received does not exceed the National Minimum Wage as is applicable to a person of eighteen (18) years of age or over in accordance with a National Order issued under the Employment and Industrial Relations Act; Cap. 452.

(iv) where two or more persons have been housed together in the community as part of a rehabilitation programme for ex-inmates of a state-owned hospital for mental diseases on the recommendation of the Mental Health Review Tribunal established under the Mental Health Act, the Director shall consider each of such persons as forming a household on his own; sohowever that, where any such person is gainfully occupied notwithstanding the foregoing provisions of this sub-article, he shall be entitled to social assistance in accordance with the provisions of this article even if he is not registered as an unemployed person as aforesaid in sub-article (1); and where such person is gainfully occupied, notwithstanding the provisions of the foregoing provisions of this sub-article, he shall be entitled to such weekly amount by way of social assistance so as to ensure that his total weekly means, calculated in accordance with Part VI of the Second Schedule to this Act, together with the scale rate as applicable in terms of this paragraph and as determined by Part I of the Sixth Schedule to this Act do not exceed the national minimum wage as is applicable to persons of 18 years of age or over established by a National Standard Order issued under the Employment and Industrial Relations Act during the period in respect of which assistance is due; and

Cap. 262.

Cap. 452.

(v) where a member, other than the head of household and his wife, is an employed person or a self-employed person or a self-occupied person, if his gross wage or gross income or his gross earnings, as the case may be, does not exceed 35% of the national minimum wage as is applicable to persons of 18 years of age or over established by a National Standard Order issued under the Employment and Industrial Relations Act, during the period in respect of which Social Assistance is due, such a member shall, for the purposes of this sub-article, not be deemed to be an employed person or a self-employed person or a self-occupied person; and

Cap. 452.

(vi) where the head of household is engaged under a scheme in accordance with paragraph (iii) of the proviso to sub-article (1), then the rate of assistance for such household in accordance with Part I of the Sixth Schedule is to be increased to seventy-five percent (75%) of the national minimum wage as applicable to persons of eighteen years of age or over as established by a National Standard Order issued under the Employment and Industrial Relations Act:

Cap. 452.

Provided further that, where any member of the household becomes gainfully occupied as a result of any of the Manpower Incentive Schemes announced by Government, such member shall not, for the purposes of awarding and calculating any Social Assistance due to the head of household under this article, be deemed to be an employed person or a self-employed person as aforesaid in this article during the first 28 weeks of his entitlement to any benefit, income, privilege or grant accruing to him under any of the Schemes as aforesaid, and any such benefit, income, privilege or grant shall not be taken into account during the aforesaid 28-week period;

(vii) where a person, who is in receipt of Social Assistance for a minimum of two years in the three years preceding the claim, partakes in insurable employment, the entitlement for Social Assistance shall not cease, and that person shall be entitled to 65% of the rate for the first year, to 45% of the rate for the second year and 25% of the rate for the third year. The employer shall be entitled to 25% of the rate for every year for a maximum of three years. The differences of 10% for the first year, 30% for the second year and 50% for the third year shall be transferred to a training fund set up for this purpose:

Provided that, notwithstanding the provisions of this sub-paragraph (vi), with effect from 1st January, 2015, where the head of household is a single parent with children under the age of 23 living in the same household, the said head of household shall not have to satisfy the requisite of being in receipt of Social Assistance for two years in the last three years:

Provided further that, notwithstanding the provisions of this sub-paragraph (vi), with effect from 1st January 2018 where a person, who is in receipt of Social Assistance for a minimum of one year in the three years preceding the claim, partakes in insurable employment, the entitlement for Social Assistance shall not cease, and that person shall be entitled to 65% of the rate applicable for the first year, to 45% of the rate applicable for the second year and 25% of the rate applicable for the third year. The employer shall be entitled to 25% of the rate applicable for every year for a maximum of three (3) years:

Provided further that notwithstanding the provisions of this sub-paragraph, with effect from 1st January 2023 when a person, who has been in receipt of Social Assistance for more than one (1) year in the three (3) years preceding the claim, and partakes in insurable employment, the entitlement for Social Assistance shall not cease immediately, however that person shall still be entitled to seventy-five percent (75%) of the rate applicable for the first (1) year, to fifty-five percent (55%) of the rate applicable for the second (2) year and thirty-five percent (35%) of the rate applicable for the third (3) year. The employer shall be entitled to twenty-five percent (25%) of the rate applicable for every year for a maximum of three (3) years;

(viii) with effect from 1st January, 2015, a person who is in receipt of Social Assistance for a minimum of two years in the three years preceding the claim and who contracts a marriage or a civil union with a person engaged in a gainful occupation, shall not forfeit the right for Social Assistance but will be entitled to 65% of the rate for the first year, 45% of the rate for the second year and 25% of the rate for the third year:

Provided that, notwithstanding the provisions of this sub-paragraph, with effect from 1st January 2018, a person who is in receipt of Social Assistance for a minimum of one year in the three years preceding the claim and who contracts a marriage or a civil union or a cohabitation in accordance with the terms and provisions of the Cohabitation Act, with a person engaged in an insurable occupation, shall not forfeit the right for Social Assistance but will be entitled to 65% of the rate applicable for the first year, 45% of the rate applicable for the second year and 25% of the rate applicable for the third (3) year:

Cap. 571

Provided further that notwithstanding the provisions of this sub-paragraph, with effect from 1st January 2023, a person who is has been in receipt of Social Assistance for more than one (1) year in the three (3) years preceding the claim and who contracts a marriage or a civil union or a cohabitation in accordance with the terms and provisions of the Cohabitation Act with a person engaged in an insurable employment, the entitlement for Social Assistance shall not cease immediately, however that person shall be entitled to seventy-five percent (75%) of the rate applicable for the first (1) year, to fifty-five percent (55%) of the rate applicable for the second (2) year and to thirty-five percent (35%) of the rate applicable for the third (3) year.

Cap. 614.

(7) Where the head of household is a single parent who is unable to take up a full time gainful occupation as he has to take care of his own child, he shall be entitled to social assistance in accordance with the provisions of this article even if he is not registered as an unemployed person as aforesaid in sub-article (1); and where such single parent is gainfully occupied, notwithstanding the provisions of sub-article (6), he shall be entitled to such weekly amount by way of social assistance so as to ensure that his total weekly means, calculated in accordance with Part VI of the Second Schedule to this Act, together with the scale rate as applicable to a household of two persons, as determined by Part 1 of the Sixth Schedule to this Act do not exceed the national minimum wage as is applicable to persons of 18 years of age or over established by a national standing order issued under the Employment and Industrial Relations Act during the period in respect of which assistance is due. Cap. 452.

(7A) (i) Notwithstanding the provisions of sub-article (7), with effect from 1st January, 2015, the head of household who is a single parent with children under the age of 23 living in the same household, will be able to participate in a gainful occupation and benefit from the provisions of sub-article (6)(vi), sohowever that the difference of 10% in the first year, 30% in the second year and 50% in the third year shall not be transferred to the Training Fund.

(ii) With effect from 1st January, 2015, where the child is over the age of one year, the head of household who is a single parent under the age of 23 and not engaged in a gainful occupation, is obliged to participate in the Youth Guarantee under the supervision of the Ministry responsible for Employment, in order to maintain the right for Social Assistance.

(8) *Deleted by: XVI. 2017.29.*

(9) Any member of a household who is admitted into a therapeutic community centre for the rehabilitation of drug or alcohol addicts in Malta as may from time to time be recognised by the Minister for the purpose of this sub-article, and who as a result of such admittance into such a therapeutic centre becomes entitled to assistance under this article, shall be entitled to receive an allowance at the applicable rate in accordance with Part 1 of the Fourteenth Schedule of this Act for as long as he is resident of a centre as aforesaid and provided no change of circumstances takes place in this respect.

(10) *Revoked by Act II. 2004.21.*

(11) The Director may, if he so deems fit in the circumstances of the case, take proceedings before the competent Civil Court against any of the following persons:

(*a*) any person by whom maintenance is due to any person in respect of whom Social Assistance is claimed or received under this article (other than sub-article (8) thereof); or (*b*) such relatives being the spouse, father, mother, sons or daughters as the case may be, of any person in respect of whom Social Assistance is claimed or received under this article (other than sub-article (8) thereof),

to compel them to refund any such assistance that is paid to or on behalf of such person and the court shall order the refund of any sum paid as Social Assistance up to such sum as would have been due by such relatives or relative had the person to whom Social Assistance is paid had claimed maintenance from such relatives in accordance with the provisions of the Civil Code:

Cap. 16.

Provided that notwithstanding that the person in respect of whom Social Assistance has been paid by the Director may have in a contract of personal separation renounced to the right to maintenance from his or her spouse, the Director may still claim refund under this sub-article from the spouse of the person to whom Social Assistance has been paid, and such spouse shall be liable to refund such Social Assistance to the full extent as if such renunciation had not taken place, unless it is proved to the satisfaction of the Director that the party to whom Social Assistance has been paid has been guilty of adultery or has abandoned the other spouse as provided in articles 38 and 41 of the Civil Code.

Cap. 16.

PART IV

PENSIONS IN RESPECT OF WIDOWHOOD

Pensions in respect of widowhood.
Substituted by: XIII. 1991.12.
Amended by: VIII. 1992.11; XXI. 1996.15; III. 2005.8; XXXII. 2007.47; VIII.2020.31; III.2026.25.

31. A widow whose husband satisfies the relevant contribution conditions as provided under article 17 on the date of his death, or whose husband died as a result of personal injury caused by an accident arising out of or in the course of his employment or self-occupation, or deemed to be so in accordance with the provisions of article 28, or as a result of an industrial disease as is referred to in the said article 28, shall be entitled to a Widow’s Pension at the pertinent rate shown in the Twelfth Schedule to this Act, or to a Survivor’s Pension; and where this widow has the care and custody of a child of her late husband or the care of a child in respect of which an allowance is paid in accordance with article 76A, her rate of pension under this article shall be increased in respect of each such child by -

(*a*) the applicable additional allowance in accordance with the Twelfth Schedule to this Act; or

(*b*) the applicable additional allowance in accordance with the provisions of the Twelfth Schedule and the child or children of the widow or widower concerned have not yet reached the age of twenty-three (23); sohowever that where a widow or widower is entitled to an increase in their pension rate in accordance with this paragraph such widow or widower shall not be entitled to the increase referred to in paragraph (a).

Provided that, notwithstanding the provisions of paragraphs (a) and (b), with effect from the 6th January

2020, the applicable additional allowance in accordance with the provisions of item I of the Twelfth Schedule shall still be paid to a widow or widower, even if such widow or widower is in an insurable employment or self-occupation and such child has not yet reached the age of eighteen (18).

Non-eligibility to a pension in widowhood. *Amended by: XVI. 1990.11; XIII. 1991.13; VIII. 1992.12; XXI. 1996.16; XXXII. 2007.48; XII. 2014.36. XXVII. 2016.6.*

32. (1) Notwithstanding the provisions of article 31, a widow under pension age who is gainfully occupied, shall not be entitled to any pension mentioned in that article unless -

(i) she proves to the satisfaction of the Director that her earnings from any gainful occupation do not exceed a weekly average equivalent to the National Minimum Wage as is applicable to persons of 18 years of age or over established by a National Standard Order issued under the Employment and Industrial Relations Act, and Jobsplus had been duly informed of such gainful occupation: Cap. 452.

Provided that no account shall be taken of the earnings derived from membership of any Board, committee, commission or council established by or under any law or of such classes of earnings as the Minister may declare by order, published in the Gazette; or

(ii) she is over the age of sixty-five years.

(2) Notwithstanding the provisions of sub-article (1), a widow under the age of 60 years who is taking care of her son or daughter in respect of whom an allowance under article 76 is being paid or a fostered child in respect of whom an allowance under article 76A is being paid, and such son or daughter has not yet reached his or her 18th birthday shall still be entitled to a pension payable under this Part whilst she is gainfully occupied, whatever the earnings derived therefrom:

Provided that with effect from the 6th January 2007, where entitlement under the provisions of this article ceases to apply, such widow shall continue to remain entitled to receive a pension under this part, for the period starting from the first Saturday following the date on which the son or daughter reaches the age of sixteen years, or from the 6th January 2007, whichever is the later, and ending on the Friday following the 21st birthday of the child if:

(*a*) such widow is gainfully occupied and the earnings from such gainful occupation exceed a weekly average equivalent to the National Minimum Wage as applicable to persons of eighteen years of age or over established by a National Standard Order made under the Employment and Industrial Relations Act and Jobsplus had been duly informed of such gainful occupation; and Cap. 452.

Cap. 605.

(*b*) such son or daughter is undergoing full time education or training in an educational institution recognized in terms of the Education Act; or

Cap. 594.

(*c*) such son or daughter is registered in the Register established under the Employment and Training Services Act and who has never been gainfully occupied, and who is not in receipt of any benefit, pension or assistance payable under this Act:

Cap. 452.

Provided further that the rate of pension payable under this sub-article shall be abated by the difference obtained between such widow's actual earnings from a gainful occupation and the National Minimum Wage as is applicable to persons of eighteen years of age or over established by a National Standard Order made under the Employment and Industrial Relations Act, but in no case shall receive a rate of pension less than the Widow's Pension rate in terms of article 31 or 33 as may be applicable in her case:

Provided that with effect from the 4th January 2014, entitlement for the full Pension under Part IV shall not cease notwithstanding such widow is gainfully occupied and the earnings from such gainful occupation exceed the national minimum wage.

Widow's Pension to be abated by pension from late husband's employer.
Added by: XIII.1991.14.
Re-numbered by: XXIV. 1993.2.
Amended by: XXII. 1997.3 L.N. 424 of 2007.

33. Where a widow is entitled to receive a Widow's Pension under this Part, her rate of such pension shall be abated by any pension that she is entitled to receive from a former employer of her late husband in connection with his employment. So however that, such abatement shall not exceed the amount that would have been payable to the widow by the employer of her late husband, had her husband died immediately after the date of the initial award of his service pension:

Provided that the amount by which her Widow's Pension under this Part may be abated in accordance with this article shall not exceed €17.77 per week.

Increased Widows' Pension.
Added by: XXI.1996.17.
Amended by: XXII.1997.4; II. 1999.9; XV. 2016.52; VII.2022.35.

33A. (1) With effect from January 6, 1996, the rate of widows' pension as abated in terms of article 33 and the proviso thereto, shall be increased so as to ensure that such rate of pension together with the rate of pension, as adjusted in accordance with the provisions of this Act, such widow receives from a former employer of her deceased husband, if any, is not less than the applicable single rate of an Increased Retirement Pension payable in terms of article 47(1)(ii), provided that such rate of pension does not exceed the two-thirds pension that was or would have been payable to the deceased husband in accordance with Part V of this Act.

(2) With effect from the date mentioned in sub-article (1), where a widow is not entitled to receive a pension from any of her husband's former employers, the rate of widow's pension under this Act to which she is entitled, shall be so increased to ensure that such rate of pension is not less than the applicable rate of the Increased National Minimum Pension payable in terms of article 63, provided that such rate of pension does not exceed five-sixths of the two-thirds pension that was or would have been payable to

the deceased husband in accordance with Part V:

Provided that with effect from the 2nd January 2016, a widow or a widower who, when reaching pensionable age, will be entitled to a pension in his or her own name under Part V, sohowever that such pension is less favourable than the pension due under this article, shall receive the same pensionable rate under Part V which the spouse of the widow or widower would have received or would have been entitled to, at the rate payable to a married person who is maintaining his or her spouse:

Provided further that, with effect from 1st January 2022, a widow or widower who is entitled to a rate of pension under Part IV, calculated on five-sixths of the two-thirds of the pensionable income of the deceased spouse worked out in accordance with the provisions of Part V, the proportion of five-sixths of the two-thirds shall be substituted by the proportion shown in the Twelfth Schedule.".

Survivor's Pension.
Amended by: XVI. 1990.15; XIII. 1991.17; VIII. 1992.13. Re-numbered by: XXIV. 1993.2.; Amended by: XXI. 1996.18; XXXII. 2007.49.

34. Subject to the provisions of this Part, a widow whose husband at the time of his death was or would have been entitled to a Two-Thirds Pension under this Act, shall, if it is to her advantage, be entitled to a Survivor's Pension in lieu of any other pension payable under the foregoing provisions of this Part:

Provided that with effect from the 6th January, 1990, the foregoing provisions of this article shall also apply in the case of a widow whose husband has not yet reached his retirement at the time of his death but who before such death had been an employed person or a self-employed person or a self-occupied person for not less than ten years in the aggregate and had paid the proper rate of contributions under this Act at any time after the 21st day of January, 1979.

Full rate of Survivor's Pension.
Amended by: XX.1987.8; XVI.1990.16; VIII.1992.14. Re-numbered by: XXIV. 1993.2. Amended by: XV. 2016.53.

35. Save as provided for in the proviso to article 37, the full rate of a Survivor's Pension shall be five-sixths of the Two-Thirds Pension that was or would have been payable to the deceased husband in accordance with Part V of this Act:

Provided that with effect from the 1st January, 1987, where the deceased husband had been, prior to reaching pension age, entitled to a pension under article 26, and at any time thereafter ceased to be entitled to such pension as a result of his becoming gainfully occupied, any contributions credited under article 16 while the deceased husband was entitled to such pension shall, for the purpose of assessing her right to a Survivor's Pension, be taken into account; sohowever that any such number of credited contributions as is taken into account shall not exceed the number of contributions paid by the deceased husband between the date of his cessation of entitlement to such pension and the date of his retirement:

Provided further that for the purposes of calculating a Survivor's Pension under the provisions of this Part, the Director shall ignore any increase in any wage, salary or income reckoned for the purpose of assessing the pensionable income of the deceased husband which does not appear to him to be *bona fide*:

Provided that with effect from the 2nd January 2016, a widow or a widower who, when reaching pensionable age, will be entitled to a pension in his or her own name under Part V, sohowever that such pension is less favourable than the pension due under this article, shall receive the same pensionable rate under Part V which the spouse of the widow or widower would have received or would have been entitled to.

Survivor's Pension plus pension from late husband's employer not to exceed two-thirds of pensionable income.
Amended by: VIII.1992.15.
Re-numbered by: XXIV. 1993.2.
Amended by: XXII.1997.5.

36. Where the widow is in receipt of a pension from a former employer of the deceased pensioner which is in any way related to the employment of the deceased pensioner prior to his death, if such pension, as adjusted in accordance with the provisions of this Act, and the rate of Survivor's Pension applicable in her case together exceed two-thirds (or such other fraction as may have been substituted therefor in accordance with article 55) of the pensionable income of the deceased pensioner or, where the latter's pension had been reassessed in accordance with the provisions of article 59, of the amount substituted for such pensionable income at the time of the last such reassessment, the rate of Survivor's Pension shall, save as provided for in the proviso to article 37, be abated by such an amount as will ensure that the aforementioned two-thirds are not exceeded.

Reassessment of Survivor's Pension.
Amended by: XIII.1991.18; VIII.1992.16.
Re-numbered by: XXIV. 1993.2.

37. A Survivor's Pension payable under the foregoing articles shall be reassessed annually in accordance with the provisions of article 59(1); and for the purposes of such reassessment the pension that would have been payable to the deceased pensioner in accordance with article 53 shall be determined as provided in article 59(3):

Provided that any such reassessed Survivor's Pension shall be such as shall ensure to the widow an increase in pension of not less than two-thirds of the wage increase that is required by law to be awarded generally; sohowever that, where the yearly average of contributions paid by or credited to her husband in accordance with the provisions of articles 53 and 55 is less than 50 but not less than 15, the proportion of two-thirds referred to above in this proviso shall be multiplied by the proportion that the yearly average of such contributions bears to 50, and the result of such multiplication shall substitute the said proportion of two-thirds.

Disqualification from certain benefits.
Re-numbered by: XXIV. 1993.2.
Amended by: XXV.1994.2.

38. A widow who is in receipt of a Survivor's Pension may not receive any Sickness, Unemployment, Special Unemployment, or Injury Benefit or any Injury Grant or Injury Pension under this Act.

Entitlement to higher pension.
Amended by: XIII.1991.21.
Re-numbered by: XXIV. 1993.2.

39. A widow who is entitled to a Survivor's Pension and also to a Widow's Pension under this Part, shall only be entitled to the higher of such pensions.

40. (1) Subject to the provisions of sub-article (3), a widow who is in receipt of any pension under this Part shall, upon remarriage, continue to be entitled to receive a Widow's Pension for the period starting from the first Saturday following the date of her remarriage, or the 6th January 2007, whichever is the later, and ending on the Friday of the 260th week following the date of marriage, at a weekly rate equivalent to the rate of Widows Pension specified in the Twelfth Schedule, or, in the case were the rate is assessed under article 42A, such rate as is apportioned under such article, as was applicable in her case until the date of her remarriage in terms of articles 31 or 33 and thereafter such pension shall cease to be payable:

Remarriage grant. *Substituted by: XIII. 1991.22. Amended by: VIII. 1992.17. Re-numbered by: XXIV. 1993.2. Substituted by: XXII. 2007.50. Amended by: V. 2012.28; L.N. 218 of 2012; IX. 2013.5.*

Provided that, with effect from the 7th January, 2012, the period of 260 weeks mentioned in this article shall be increased annually by 52 weeks with effect from the first Saturday in January of each year.

(2) Subject to the provisions of sub-article (1), with effect from the 5th January 2013, a widow who remarried before 6th January 2007 and lost her right to a widows' pension, will be entitled to a widows' pension at a weekly rate equivalent to the rate of Widows Pension specified in the Twelfth Schedule, or, in the case were the rate is assessed under article 42A, such rate as is apportioned under such article, as was applicable in her case until the date of her remarriage in terms of articles 31 or 33.

(3) Entitlement to a Widow's Pension under this article shall also cease in the event of the demise of the spouse or if the widow ceases to remain entitled to a pension in respect of widowhood in terms of article 32, before the lapse of the period of entitlement in accordance with the provisions of sub-article (1).

41. Notwithstanding any other provisions of this Act, a widow who on the 1st day of June, 1979, was in receipt of a Widow's Pension or a Widow's Benefit or a Widow's Allowance or a Widow's Special Allowance in accordance with the provisions of the National Insurance Act, as in force on that date, shall remain entitled under this Act to such pension, benefit or allowance as the case may be, for so long as she would have remained so entitled had those provisions remained operative after the date aforesaid unless with effect from the 5th January 1991 the foregoing provisions of this Part entitle her to a better rate of pension.

Payment of certain benefits under the National Insurance Act. *Amended by: XIII.1991.24. Re-numbered by: XXIV. 1993.2.* Cap. 147 - Repealed.

42. A widow who receives any pension or benefit under this Part of this Act and who is a resident of a State Financed Residential Service as provided under article 93, shall have such pension or benefit apportioned in the manner provided under that article.

Widow in state financed residential service. *Re-numbered by: XXIV. 1993.2. Substituted by: II. 2004.22.*

42A. (1) Where the deceased insured person, as a consequence of having been divorced, has one widow or more, the pension in respect of widowhood shall be apportioned. Each widow, with the exception of the actual widow, shall take a portion of the pension in respect of widowhood which shall be based on her respective period of marriage, meaning:

Apportionment of pension in respect of widowhood where there is more than one widow. *Added by: L.N. 218 of 2012.*

(*a*) in the case where there was a divorce, from the date of the marriage up to the date of divorce; and

(*b*) in the case where there was a personal separation, and where no legal right to maintenance existed in favour of the widow, from the date of marriage up to the date of death of the insured person.

(2) The portion of the pension in respect of widowhood due to the widow under sub-article (1):

(*a*) shall only be with respect to those years of the marriage, as defined in sub-article (1), during which the deceased husband was paying or was credited social security contributions under this Act; and

(*b*) shall be calculated on the period provided for in paragraph (a), which bears to the total period of contribution years on which the contribution average of the deceased husband is assessed for the purpose of establishing his retirement pension in accordance with this Act.

(3) The actual widow shall take such portion of the pension in respect of widowhood as shall remain following apportionment made in accordance with sub-articles (1) and (2).

Maximum rate of pension in respect of widowhood.
Added by: L.N. 218 of 2012.

42B. In case of widows entitled to receive more than one pension in respect of widowhood by virtue of this Part, the aggregate amount payable as a pension in respect of widowhood shall in no case exceed the maximum pension payable under article 35.

Widower's Pension.
Added by: XIII.1991.25.
Re-numbered by: XXIV. 1993.2.
Amended by: II. 1999.10.

43. The foregoing provisions of this Part shall also apply, *mutatis mutandis*, in the case of a widower.

PART V

PENSIONS IN RESPECT OF RETIREMENT

Entitlement to a pension in respect of retirement.
Amended by: XVI.1990.19.
Re-numbered by: XXIV. 1993.2.
Amended by: XIX, 2006.6.

44. Subject to the other provisions of this Act, a person shall be entitled to a Retirement Pension, or Increased Retirement Pension or National Minimum Pension or Increased National Minimum Pension or the Guaranteed National Minimum Pension, as the case may be, at one of the rates specified in the Twelfth Schedule to this Act or a Two-Thirds Pension at such a rate as is established in accordance with the provisions of articles 53 to 57 with effect from the date of his retirement if -

(*a*) on the date of his retirement he satisfies the relevant contribution conditions; and

(*b*) he makes a claim therefor within six months of such date. When he does not make a claim within six months of his retirement the pension shall be payable with effect from the day on which the claim is made.

45. (*Deleted by XXXII. 2007.51*)

Disqualification from a pension in respect of retirement. *Amended by: VIII. 1992.18. Re-numbered by: XXIV. 1993.2. Substituted by: XIX. 2006.7.*

46. When the person applying for a pension under this Part is a widow, she shall be entitled to elect that, in calculating the yearly average of the contributions paid by or credited to her, there shall be treated as so paid or credited either -

Option of widow claiming a pension in respect of retirement. *Amended by: XVI.1990.20. Re-numbered by: XXIV. 1993.2. Amended by: L.N. 218 of 2012.*

(*a*) for each of her contribution years falling wholly or partly before her husband's death, or

(*b*) for each of her contribution years falling wholly or partly during the period of her marriage,

a number of contributions equal to the yearly average of the contributions paid or credited to her husband (being the yearly average which was ascertained in connection with her claim for a pension under Part IV of this Act, or would have been so ascertained if she had made such a claim) instead of the number of contributions actually paid by or credited to her for that year:

Provided that paragraph (*a*) shall only apply to an actual widow and only with respect to those contributions as not already credited to any other widow.

47. (1) Subject to the provisions of this Act, where a person is entitled to a Service Pension -

Entitlement to Retirement Pension and Increased Retirement Pension. *Amended by: XX. 1987. 9; XIII.1991.26. Re-numbered by: XXIV. 1993.2. Amended by: XXI.1996.19.*

(i) with effect from the first Saturday of January, 1991, if his Service Pension and the rate of Retirement Pension applicable in his case together exceed two-thirds of his pensionable income, such person shall be entitled to a Retirement Pension; or

(ii) if his Service Pension and the rate of Retirement Pension applicable in his case in terms of the foregoing provisions of this sub-article together do not exceed two-thirds of his pensionable income, such a person shall be entitled to an Increased Retirement Pension or such part thereof as shall ensure that the aforementioned two-thirds of his pensionable income are not exceeded. So however that, subject to the maximum rate of pension payable as laid down in article 54(*b*), for the purposes of awarding a Two-Thirds pension, such rate of Increased Retirement Pension as may be applicable in his case, utilizing the same yearly average of contributions taken in the award of such pension, may be further increased by one-third of the difference obtaining by deducting the sum total of his service pension and the applicable rate of Increased Retirement Pension payable to him from the amount that is equivalent to two-thirds of his pensionable income.

(2) For the purposes of this article the "current basic weekly wage or basic salary" shall be taken to be that current on the first Saturday of the year in respect of which any payment under this article falls due.

No right to particular pensions after 16th January, 1979.
Amended by: XVI. 1990. 21.
Re-numbered by: XXIV. 1993.2.
Amended by: VII.2018.38.

48. If the date of first entry in insurance of a person falls on or after the 16th day of January, 1979, such a person shall not be entitled to a Retirement Pension or to an Increased Retirement Pension or to a National Minimum Pension or to an Increased National Minimum Pension under this Part, but shall be entitled to the pension mentioned in article 52 under the conditions therein mentioned, sohowever that with effect from 1st January 2018, a person whose first entry in insurance under this Act falls after the 16th of January 1979, shall be eligible to a Retirement Pension or to an Increased Retirement Pension or to a National Minimum Pension or to an Increased National Minimum Pension under this Part.

Proportion of completed months of service.
Re-numbered by: XXIV. 1993.2.

49. For the purposes of article 47, where a person has been in employment for less than thirty years in the aggregate prior to his retirement, the references to the proportion of two-thirds shall be substituted by references to the proportion that the number of completed months of service bears to 540:

Provided that, where the proportion which the Service Pension of a person bears to his wage or salary and other pensionable emoluments on which the said Service Pension was based is higher than the proportion computed as aforesaid, the references to the proportion of two-thirds shall be substituted by references to such higher proportion, but the references to the proportion of two-thirds shall in no case be substituted by a proportion higher than two-thirds.

National Minimum Pension.
Amended by: XVI. 1990. 23; XIII.1991.27.
Re-numbered by: XXIV. 1993.2.
Amended by: XXV.1994.9; XIX. 2006.8. XXXIX. 2015.4. XV. 2016.54.

50. Subject to the provisions of this Act, a person born on or before the 31st December 1961 who is not entitled to a Service Pension shall be entitled under this Part to a National Minimum Pension, the highest rate of which, including any increases in terms of the provisions of article 90A, shall be equivalent to -

(*a*) in the case of a married person whose spouse is not in receipt of a social security pension, four-fifths, and

(*b*) in the case of any other person, two-thirds

of the national minimum wage as is applicable to persons of 18 years of age or over established by a National Standard Order issued under the Employment and Industrial Relations Act during the period in respect of which such pension is due:

Cap. 452.

Provided that with effect from the 1st January 2016, a person born on or after the 31st December 1961 who is not entitled to a Service Pension shall be entitled to the Guaranteed Mininum Level of Pension according to the Twelfth Schedule.

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

Guaranteed National Minimum Pension. *Added by: XIX. 2006.9. Amended by: XV. 2016.55.*

51. Notwithstanding the provisions of articles 47 and 49, where a person is entitled to a Service Pension and his Service Pension together with the rate of Retirement Pension or Increased Retirement Pension applicable in his case is less than the rate of the National Minimum Pension in terms of article 50 or the Guaranteed National Minimum Pension in terms of article 50A as is applicable in his case, such person shall be entitled to the National Minimum Pension or the Guaranteed National Minimum Pension as applicable, abated by his Service Pension.

Decreased National Minimum Pension. *Re-numbered by: XXIV. 1993.2. Amended by: XIX. 2006.10.*

52. A person -

(*a*) who has been an employed or self-employed or self-occupied person for not less than ten years in the aggregate prior to his retirement; and

(*b*) whose retirement occurs on or after the 16th day of January, 1979; and

(*c*) who has paid the proper rate of contribution under this Act at any time after the 21st day of January, 1979,

shall be entitled to a Two-Thirds Pension under and in accordance with the provisions of this Part in lieu of a Retirement Pension, or Increased Retirement Pension or National Minimum Pension or Increased National Minimum Pension, if the rate of such two-thirds Pension is more advantageous to the pensioner.

Qualifying condition for a Two-Thirds Pension. *Amended by: XVI. 1990. 24. Re-numbered by: XXIV. 1993.2. Amended by: XXI. 1996.20; XXXII. 2007.52.*

53. (1) The full rate of the Two-Thirds Pension mentioned under article 52 shall be two-thirds of the pensionable incomes of the insured person who has paid or been credited with a yearly average of fifty contributions over a period -

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

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

(iii) of forty years in the case of a person born during calendar years 1962 to 1968; or

(iv) of forty-one years in the case of a person born on or after the 1st January 1969;

(v) of forty-two years in the case of a person born on or after the 1st January 1976;

(vi) in the case of a person who is entitled to a pension under article 26, for such other smaller number of years, or

(vii) in awarding a Survivor's pension in accordance

Full rate of the Two-Thirds Pension. *Amended by: XIII.1991.29; VIII.1992.19. Re-numbered by: XXIV. 1993.2. Amended by: XXIV.1993.6; XXI.1996.21; II. 1999.11; XIX. 2006.11; XV. 2016.56; IX.2025.24.*

with the proviso to article 34, 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,

as corresponds to the number of years from the 1st day of January, 1956, or if the person so elects, from the 1st day of January, 1965, up to the end of the contribution year immediately preceding his retirement:

Provided that -

(*a*) in the case of a person born on or before the 31st December 1961 the period of years to be taken into account in accordance with this article shall include the last ten consecutive years ending on the last day of the contribution year immediately preceding his retirement; and

(*b*) save as provided for in paragraph (*d*) of this proviso, no account shall be taken of contributions credited under article 16 while the person was entitled to a pension under article 26; and

(*c*) in the case of a self-employed person who has paid less than 156 contributions after the 21st day of January, 1979, where the Director is satisfied that such lack of contributions was due to circumstances beyond the control of the self-employed person concerned, the said proportion of two- thirds shall be substituted by such other proportion as the number of contributions paid after the 21st day of January, 1979, bears to 234; otherwise, such self-employed person shall not be entitled to a Two-Thirds Pension under this article but shall instead be entitled to a pension as is payable under and in accordance with the other provisions of this Part; and

(*d*) with effect from the 1st January, 1987, where a person was, at any time, entitled to a pension under article 26, and thereafter ceased to be entitled to such pension as a result of his becoming gainfully occupied, any contributions credited under article 16 while he was entitled to such pension shall, for the purposes of assessing his right to a Two-Thirds Pension under this Act, be taken into account notwithstanding the provisions of paragraph (*b*) of this proviso; sohowever that, any such number of such credited contributions as is taken into account shall not exceed the number of contributions paid by him between the date of his cessation of entitlement to such pension and the date of his retirement:

Provided further that, where a person had paid contributions after the 21st January 1979 and was at any time thereafter entitled to a pension under article 26, with effect from the 4th January, 1992, any contributions credited under article 16 after the 21st

January 1979 while he was entitled to such pension shall, for the purposes of assessing his right to a Two-Thirds Pension under this Act, be taken into account notwithstanding the fact that thereafter he never ceased to be entitled to such pension as aforesaid in the foregoing proviso of this paragraph; sohowever that, any such number of such credited contributions after the 21st January, 1979 as is taken into account shall not exceed the number of contributions paid by him after the 21st January, 1979.

(2) The provisions of sub-article (1) (other than the provisions of paragraph (*d*) of the first proviso thereto and the provisions of the second proviso thereto and any references to the said paragraph (*d*) in paragraph (*b*) of the said first proviso) shall have effect as from the 22nd day of January, 1979.

(3) For the purposes of this article, in the case of a person born on or before the 31st December 1961 and with effect from the 22nd January 1979, in arriving at the yearly average of contributions referred to in sub-article (1), the yearly average of the contributions as is related to the last ten consecutive years referred to in paragraph (*a*) of the proviso to the aforesaid sub-article (1) and the yearly average of the contributions as is related to the years immediately prior to the said last ten consecutive years shall be assessed separately and the mean of these two yearly averages shall constitute the yearly average of contributions that is required under this Act for the purpose of awarding a Two-Thirds Pension.

(4) For the purposes of this article, in the case of a person born between the 1st January 1962 and the 31st December 1968, in arriving at the yearly average of contributions in terms of sub-article (1), the yearly average of contributions required under this Act for the purposes of awarding a Two Thirds Pension shall be assessed on any period of forty years between the first day of his contribution year in which he reaches the age of eighteen and the last day of his last complete contribution year before the beginning of his benefit year which includes the day on which the conditions are required to be satisfied.

(5) In the case of a person born between the 1st January 1969 and the 31st December 1975, for the purpose of calculating the yearly average of contributions in terms of sub-article (1), the yearly average of contributions required in accordance with this Act for the purposes of awarding a Two Thirds Pension shall be assessed on any period of forty-one years between the first day of his contribution year in which he reaches the age of eighteen and the last day of his last complete contribution year before the beginning of his benefit year which includes the day on which the conditions are required to be satisfied.

(6) In the case of a person born on or after the 1st January 1976, for the purpose of calculating the yearly average of contributions in terms of sub-article (1), the yearly average of contributions required in accordance with this Act for the purposes of awarding a Two Thirds Pension shall be assessed on any period of forty-two years between the first day of his contribution year in which he reaches the age of eighteen and the last day of his last complete contribution year before the beginning of his benefit year which includes the day on which the

conditions are required to be satisfied.

Minimum and maximum rates of the Two-Thirds Pension.
Amended by: XVI. 1990. 26; XIII.1991.30; VIII.1992.20. Re-numbered by: XXIV. 1993.2. Amended by: XXIV.1993.7; XXV.1994.10; XXVII.1995.5. Substituted by: XXI.1996.22. Amended by: XIX. 2006.12.

54. Where a person qualifies for the full Two-Thirds Pension under article 53, then, notwithstanding the provisions of that article, but subject to the provision of paragraph (*c*) of the proviso thereto, that person shall in no case receive -

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

(*b*) more than the highest rate of a Two-Thirds Pension in accordance with the Twelfth Schedule to this Act.

Reduced rates of the Two-Thirds Pension.
Re-numbered by: XXIV. 1993.2.

55. Where a person would be entitled to the full rate of a Two-Thirds Pension but for the fact that the yearly average of 50 contributions required by article 53 is not satisfied, such person shall nonetheless be entitled, if the said average is not less than 15 to a reduced Two-Thirds Pension; and for the purpose of determining such reduced pension the proportion of two-thirds referred to in articles 53 and 54 or any other proportion substituted therefor in accordance with proviso (*c*) of the said article 53 shall be multiplied by the proportion that the yearly average of contributions paid or credited (other than those credited under article 16 while the insured person was entitled to a pension under article 26) bears to 50, and the result of such multiplication shall substitute the said proportion of two-thirds.

Abatement of the Two-Thirds Pension due to Service Pension.
Amended by: XVI.1989.9. Substituted by: XVI.1990.27. Amended by: VIII.1992.21. Re-numbered by: XXIV. 1993.2. Amended by: XXIV.1993.8; XXII.1997.6.

56. Where a person is entitled to a Service Pension, other than a Service Pension which has been commuted, at any time, in whole, any pension arrived at in accordance with the provisions of articles 53 to 55 of this Part shall be abated by the amount of such Service Pension.

Entitlement to more advantageous pension.
Re-numbered by: XXIV. 1993.2.

57. Where a person qualifies for a pension under article 26 and under Part IV of this Act and for a pension under this Part, he shall be entitled to receive the pension which is more advantageous to him, but only such pension; but when in accordance with this Part a Two-Thirds Pension is paid to him, he shall continue to receive only that pension.

58. For the purposes of this Part, in calculating the pensionable income, the Director shall ignore any increase in any wage, salary or income reckoned for the purpose of assessing or reassessing such pensionable income -

Increases not considered in the assessment or re-assessment of a Pensionable Income.
Substituted by: XVI. 1989.10.
Re-numbered by: XXIV. 1993.2.
Amended by: III. 2005.9; II. 2009.24; I. 2012.5.

(*a*) which is meant to substitute -

(i) any form of fringe benefit and/or personal drawings, whether ex-cash or ex-bank, to which the person concerned would have otherwise been entitled from his employer; and

(ii) any other form of income or remuneration which was previously receivable by the person concerned from any source and in respect of which no contribution was payable;

(*b*) any other increase in such wage or salary which does not appear to the Director to be *bona fide*; and

(*c*) any accelerated increment; and

(*d*) any remuneration for overtime, any form of bonus, any extra allowances, any remuneration in kind or commission which did not form part of the basic wage or salary, and which in any manner becomes part of the basic wage or salary during the period on which the pensionable income is to be assessed:

Provided that, where a full-time employee opts to work with reduced hours, the provisions of paragraph (*d*) shall not apply with respect to any extra allowance which in any manner becomes part of the basic wage or salary during the period in which the pensionable income is to be assessed, as long as:

(i) the gross wage or salary, including the said extra allowances, of such employee does not, during the period during which the said employee is working on reduced hours, exceed the full basic wage or salary of the post in which such employee is working; and

(ii) the Director is informed by the employer that he intends implementing a scheme as contemplated in this proviso and the Director gives his written approval of the scheme before such scheme is taken up by one or more of the employees directly employed with the employer making the request:

Provided further that, without prejudice to the provisions of the above proviso, where the Director is satisfied that a person is in receipt of a pension which was calculated on the basis of a pensionable income which includes income as described in this article, the Director shall re-assess the pension payable to such person in such a manner to ensure that the provisions of this article are duly applied with regard to future payments.

Annual reassessment of pensions.
Amended by: XVI.1990.29; XIII. 1991.31; VIII.1992.22. Re-numbered by: XXIV. 1993.2. Amended by: XXIV.1993.9; XXV.1994.11; XXI.1996.23; XIX. 2006.13; XIII. 2015.85; VII.2018.39; XIII.2024.20.

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

(2) In the case of a person whose retirement occurred before the 22nd day of January, 1979 -

(i) if on retirement he was an employed person, such reassessment shall be effected by substituting for the pensionable income the current wage or salary, as on the effective date of the reassessment, of the post he occupied immediately before his retirement or of the post on which the Service Pension was awarded, whichever is the higher;

(ii) if on retirement he was a self-employed or self-occupied person, such reassessment shall be effected by substituting for the pensionable income the current wage or salary, as on the effective date of the reassessment, of the post on which the Service Pension was awarded.

(3) In the case of a person whose retirement occurs on or after the 22nd day of January, 1979, such reassessment shall be effected by substituting for the pensionable income the aggregate of such pensionable income and -

(i) if he is to be treated as an employed person, the amount by which the current wage or salary of the highest post occupied during the best consecutive period on which his pensionable income had been computed exceeds, on the effective date of the reassessment, the wage or salary of the last post on which his pensionable income had been computed on the date of retirement; sohowever that, where the aforesaid highest post was in Government service or so analogued in terms of this sub-article, with effect from the 5th January 1991 the aforesaid current wage or salary pertaining to such highest post shall be that currently paid to the occupier of the current post in terms of and in accordance with the new wage/salary structure for Government employees as implemented by Government with effect from 1st January 1991; and, for this purpose, any service increments that would become payable with effect from 1st January 1994 in accordance with the aforesaid new wage/salary structure to the occupier of such highest post shall only be taken into account if such increments have already been acquired prior to his retirement:

Provided that where the said best consecutive period ends on the last day of the year immediately preceding his retirement or his becoming an invalid in terms of this Act, as the case may be, the reference to the "highest post" in this sub-paragraph shall include any post occupied by the pensioner up to the date of his retirement or invalidity as aforesaid;

(ii) if he is to be treated as a self-employed or self-occupied person, the total wage increases required by law to be awarded generally in respect of the period intervening between the date of retirement and the effective date of the reassessment.

(4) Where any of the posts referred to in the foregoing provisions of this article no longer exists, -

(*a*) if such post was occupied in Malta, there shall be substituted therefor such analogous post in Malta in the service of the Government of Malta or, where such analogous post does not exist in the service of the Government of Malta, in the service of any parastatal organization in Malta, which carried a wage or salary most nearly corresponding to that of the first mentioned post at the time when it was last occupied by the pensioner:

Provided that notwithstanding the provisions of this paragraph, with effect from 1st January, 2015, any salary that should be analogued with the wage/salary structure for Government employees, will be effected from the date of the company's closure or the post at the place of work ceased to exist; or

(*b*) if such post was occupied outside Malta, -

(i) where a Service Pension has been awarded to the pensioner on such post, there shall be substituted therefor such analogous post in the country where such employment existed as is available in the service of the Government of that country or, where such analogous post does not exist in the service of that Government, in the service of any parastatal organization in that country, which carried a wage or salary most nearly corresponding to that of the first mentioned post at the time when it was last occupied by the pensioner; and

(ii) where no Service Pension has been awarded to the pensioner on such post, the provisions of paragraph (*a*) of this proviso shall apply notwithstanding the fact that such post was occupied outside Malta.

(5) For the purposes of this article but save as provided for in article 54, the amount to be substituted for the pensionable income shall be greater than the amount substituted for the pensionable income on the occasion of the previous reassessment by a sum of

not less than that of the total wage increases required by law to be awarded generally in respect of the period following the said last reassessment; and where a reassessment is made for the first time, the amount to be substituted for the pensionable income of a person shall be greater than his pensionable income by not less than the total wage increases as aforesaid in respect of the period following the date of his retirement.

(6) For the purposes of this article, with effect from the 22nd day of January 1979, in establishing the current wage or salary pertaining to a post which had been occupied by the pensioner prior to his retirement, any service incremental stages, if any, within the wage or salary scale pertaining to that post shall only be taken into account if such incremental stages had already been reached by the pensioner prior to his retirement.

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

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Provided that, with effect from the 1st of January 2024, the provisions of this sub-article shall also apply in respect of persons born on the 31st of December 1961 or before.

(8) Notwithstanding the provisions of this article, with effect from 1st January 2018, a pension paid under Part V shall be reassessed also when the pensioner who reaches the age of 65 is receiving a reduced pensioner’s rate due to a deficiency in the average contributions, by considering those contributions paid by the pensioner by virtue of an insurable occupation which occurs after the pensionable age.

(9) Notwithstanding the provisions of this article, with effect from the 1st of January 2024, any pension issued under this Part shall be reassessed, with effect from the first Saturday in January of the year as provided for in sub-articles (2) to (6), and the provisions of sub-article (7) shall apply for the subsequent years.

Pension based on credited contributions.
Re-numbered by: XXIV. 1993.2.

60. A person who during the last ten calendar years immediately preceding his retirement was not liable to pay a contribution under this Act shall not be debarred from receiving a Two-Thirds Pension if, for each contribution week during the said ten years, he was entitled to a credited contribution in accordance with article 16; and, for the purpose of assessing his pensionable income, his date of retirement shall be deemed to be the last day of his employment or self-occupation, as the case may be.

61. The pensionable income of a person who becomes entitled to a Two-Thirds Pension under this Part and who immediately before becoming so entitled was in receipt of a pension under article 26, shall be that specified in the Thirteenth Schedule to this Act or, where the person concerned is entitled to a Service Pension, the current wage or salary of the post on which his Service Pension was awarded, whichever is the higher; and for this purpose the "current wage or salary" shall be taken to be that current on the first Saturday of the year in respect of which any payment under this article falls due.

Persons in receipt of a pension in respect of invalidity.
Re-numbered by: XXIV. 1993.2.

61A. The pensionable income of a person born before the 1st January, 1962 who becomes entitled to a pension in respect of retirement or invalidity in accordance with this Act and who had accepted to partake of an early retirement scheme after 1st January 2008 in anticipation of the privatization or as a part of the process of restructuring of an entity in which the Government, at the time when such person accepted to take up early retirement, was the owner or the majority shareholder, shall be that specified in the Thirteenth Schedule, or the pensionable income which would have otherwise resulted in accordance with the provisions of this Act, had that person's last day of employment following the acceptance of the early retirement arrangement been the date of retirement or invalidity, whichever pensionable income is the higher:

Persons who have partaken of an early retirement as a result of a privatization process.
Added by: I. 2012.6.
Substituted by: IX. 2013.6.
Amended by: VII.2019.33.

Provided that, with effect from 1st January 2019, the provisions of this article shall also apply to a person born before 1st January 1962 who becomes entitled to a pension in respect of retirement or invalidity in accordance with this Act and who had accepted to partake of an early retirement scheme after the 1st January 2003, in anticipation of the privatization or as a part of the process of restructuring of an entity in which the Government, at the time when such person accepted to take up early retirement, was the owner or the majority shareholder.

62. Where a married person becomes invalid or suffers any permanent loss of physical or mental faculty arising out of his employment or self-occupation in accordance with article 29, or reaches pension age on or after the 1st day of April, 1978, and becomes entitled to receive a pension payable under articles 26 or 29 or under Part V (excluding a Two-Thirds Pension) of this Act, then, if his/her spouse is in his/her own right in receipt of any pension payable under the aforementioned articles or to a Two-Thirds Pension in accordance with the provisions of this Part, the pension payable shall be paid at the rate applicable for a single person:

Pension payable to the single rate to a married person.
Re-numbered by: XXIV. 1993.2.
Amended by: XXV.1994.2.
Substituted by: XXXIX. 2015.5.

Provided that if either one of the spouses, being already in receipt of a pension payable under the said articles or Part, shall renounce to the right aforesaid, then the pension payable to the spouse who retains his/her pension right shall be paid at the rate applicable for a married person.

Increased National Minimum Pension.
Amended by: XVI. 1989.11. Substituted by: XVI. 1990. 30. Re-numbered by: XXIV. 1993.2. Amended by: XXI.1996.24.

63. (1) A person who is entitled to a National Minimum Pension in virtue of the provisions of articles 50 and 51 shall, in its stead but subject to and in accordance with the following provisions, be entitled to an Increased National Minimum Pension at one of the rates payable in accordance with the Twelfth Schedule to this Act, or to such part thereof, if any, as shall ensure that his rate of such pension does not exceed two-thirds of his pensionable income. So however, that where such rate of pension does not exceed two-thirds of his pensionable income, subject to the maximum rate of pension payable in terms of article 54 for the purposes of awarding a Two-Thirds Pension, such rate of pension, utilizing the same yearly average of contributions taken for the award of such pension, may be further increased by one-third of the difference obtaining by deducting such rate of pension from the amount taken by way of two-thirds of his pensionable income.

(2) For the purposes of sub-article (1) -

(i) the pensionable income mentioned therein shall, in each and every case, be substituted with effect from the first Saturday of the year in respect of which any payment under this article falls due in the manner provided for by article 59(3), irrespective of the date of retirement; and

(ii) the proportion of two-thirds mentioned therein shall, where the yearly average of contributions ascertained in connection with the claim for a pension under this Part is less than 50, be multiplied by the proportion that such yearly average bears to 50, and the result of such multiplication shall substitute the said proportion of two-thirds.

National Minimum Pension Additional Allowance.
Added by: VIII.1992.23. Re-numbered by: XXIV. 1993.2. Amended by: XXV.1994.12.

64. Any person who is entitled to a National Minimum Pension in virtue of the provisions of articles 50 and 51 shall, in addition to such pension, receive a National Minimum Pension Additional Allowance in accordance with the Twelfth Schedule to this Act, and, for the purposes of this Act, such allowance shall be treated as if it were a pension payable under this Act.

Retirement before pension age.
Added by: XIX. 2006.14. Amended by: XV. 2016.57.

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

(i) 2132 paid or credited contributions in the case of a person born on or after the 1st January 1969 sohowever that -

(*a*) persons born in the calendar year 1969 must have 1612 paid contributions from the total 2132 contributions required,

(*b*) persons born in the calendar year 1970, must have 1664 paid contributions from the total 2132 contributions required,

(*c*) persons born in the calendar year 1971, must have 1716 paid contributions from the total 2132 contributions required,

(*d*) persons born in the calendar year 1972, must have 1768 paid contributions from the total 2132 contributions required,

(*e*) persons born in the calendar year 1973 or later must have 1820 paid contributions from the total 2132 contributions required;

(ii) 2080 paid or credited contributions in the case of a person born between the 1st January 1962 and the 31st December 1968; or

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

Five yearly review. *Added by: XIX. 2006.14. Amended by: XV. 2016.58.*

64B. (1) The Minister shall within intervals not exceeding the period of five years lay on the Table of the House a report reviewing the workings of Part V of this Act within the previous five years together with recommendations, if any, with a view of achieving further adequacy, sustainability and social solidarity in such manner that a stable proportion is kept between the contribution periods as referred to in article 53 and the periods of time during which it is expected that the pension will be paid in accordance with Part V of this Act:

Provided that the first report shall not be submitted later than the 31st December 2020, and subsequent reports shall be submitted at intervals of not more than five years, as provided for in this sub-article, after such date.

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

Mandatory Second Pension. *Added by: XIX. 2006.14.*

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

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

(3) Second Pension funds shall be funds governed by the Special Funds (Regulation) Act. Cap. 450.

(4) No regulation, or any amendment thereto or any substitution or revocation thereof, made under this article shall

have effect unless it has received the prior approval of the House signified by resolution.

Voluntary Third Pension.
Added by: XIX. 2006.14.
Amended by: XXXVI. 2014.3.

Cap. 450.
Cap. 514.

64D. (1) The Minister may, with the concurrence of the Minister responsible for finance, provide for exemptions, deductions against chargeable income, or relief from income tax in respect of contributions made by any person to a Third Pension which provide for the payment of a regular income or other benefits to such persons and, or their dependants in line with the provisions of the Special Funds (Regulation) Act or the Retirement Pensions Act.

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

Cap. 450.
Cap. 403.

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

Pensioners in state financed residential service.
Re-numbered by: XXIV. 1993.2.
Substituted by: II. 2004.23.

65. A pensioner who receives any pension under this Part of the Act and who or whose spouse, as the case may be, becomes a resident of a State Financed Residential Service as provided under article 93, shall have such pension apportioned in the manner provided under that article.

PART VI

OTHER PENSIONS, BENEFITS AND ALLOWANCES

Age Pension.
Substituted by: XVI. 1989.12.
Amended by: XVI. 1990.31; XIII. 1991.32; VIII. 1992.24.
Re-numbered by: XXIV. 1993.2.
Amended by: XXIV. 1993.10; XXV. 1994.13; XXVII. 1995.6; XXI. 1996.25; II. 2004.24; XXXIX. 2015.6.

Cap. 452.

66. (1) Save as provided for in article 96 and subject to the other provisions of this Act, a person who -

(*a*) has attained the age of sixty years; and

(*b*) shows to the satisfaction of the Director that -

(i) he/she is a citizen of Malta and normally resides in Malta; and

(ii) his/her weekly means, calculated in accordance with the provisions of Part IV of the Second Schedule to this Act, do not exceed the highest rate of Age Pension which, in the case of a married couple where both spouses qualify for a pension in their own right, shall be equivalent to 80%, and in the case of widowed or single persons, up to 60% 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 Employment and Industrial Relations Act during the period in respect of which such pension is due, and as is specified in Part II of the Sixth Schedule to this Act according to his category,

shall be entitled to an Age Pension under this Act in accordance with the provisions of sub-article (2).

(2) A person who becomes entitled to a pension under sub-

article (1) shall receive such weekly rate of pension as will bring his total weekly means calculated in accordance with the provisions of sub-article (1) up to the highest rate of pension payable in accordance with Part II of the Sixth Schedule to this Act; sohowever that, save as provided for in article 96 and in the second proviso to paragraph 4 of Part IV of the Second Schedule to this Act, where a married couple both qualify for a pension under the provisions of this article or of article 27, any such pension shall be apportioned equally between each of the spouses.

Parent's Pension. *Re-numbered by: XXIV. 1993.2. Amended by: XXXII. 2007.53; XXXIX. 2015.7.*

67. The parent of a person who dies as a result of a personal injury caused by an accident arising out of or in the course of his employment or self-occupation or deemed to be so in accordance with the provisions of article 28 or as a result of an industrial disease as is referred to in that article shall be entitled for life to a Parent's Pension at the rate set out in the Twelfth Schedule to this Act from the date of the person's death, if at that date he/she -

(i) was being wholly or mainly maintained by him/her or would but for the relevant accident have been so maintained; and

(ii) was either over pension age, or was permanently incapable of self-support:

Provided that if both parents of the deceased person are entitled to a Parent's Pension, any such pension shall be apportioned equally between each of the parents.

Carer's Allowance and Increased Carer's Allowance and Carer's Grant. *Substituted by: XVI. 2017.30. Amended by: VII.2018.40; VII.2019.34; XVIII.2021.23; VII.2022.36; XII.2023.28; IX.2025.25.*

68. (1) (a) Subject to the provisions of this Act, a single person or a married person or a person who proves to the satisfaction of the Director, by providing the necessary documentation, that they have been cohabiting in similar circumstances to marriage, civil union or registered cohabitation for at least ten (10) years immediately prior to the application and that such cohabitation was not registered due to pending legal proceedings who has not yet reached pension age in accordance with the provisions of this Act and who proves to the satisfaction of the Director that he is a citizen of Malta or of the European Union and is regularly residing in Malta, shall be entitled to a Carer's Allowance in accordance with sub-article (2)(a), if such person proves to the satisfaction of the Director that he is taking care, all by himself, on a full-time basis and regularly of his spouse or parent, brother, sister, grandparent, uncle, aunt, father or mother-in-law, or brother or sister-in-law and who is living in the same household as that of such person.

(*b*) Subject to the provisions of this Act, a single or a married person or a person who proves to the satisfaction of the Director, by providing the necessary documentation, that they have been cohabiting in similar circumstances to marriage, civil union or registered cohabitation for at least ten (10) years immediately prior to the application and that such cohabitation was not registered due to pending legal proceedings who has not yet reached pension age in accordance with the provisions of this Act and who proves to the satisfaction of the Director that he is a citizen of Malta or of the European Union and is regularly residing in Malta, shall be entitled to an Increased Carer's Allowance in accordance with sub-article (2)(*b*), if such person proves to the satisfaction of the Director that he is taking care, all by himself, on a full-time basis and regularly of his spouse or parent, brother, sister, grandparent, uncle, aunt, father or mother-in-law, or brother or sister-in-law and who is living in the same household as that of such person.

(*c*) Subject to the provisions of this Act, with effect from 1st January 2021, a single or a married person who has reached pension age and not in receipt of a pension, benefit, assistance or allowance under the provisions of this Act, and certified medically fit and who proves to the satisfaction of the Director that he is a citizen of Malta or of the European Union and is regularly residing in Malta, shall be entitled to a Carer's Allowance or an Increased Carer's Allowance in accordance with paragraphs (a) and (b) of sub-article (2), if such person proves to the satisfaction of the Director that he is taking care, all by himself, on a full-time basis and regularly of his parent, brother, sister, grandparent, uncle, aunt, father or mother-in-law, or brother or sister-in-law and who is living in the same household as that of such person.

(*d*) Subject to the provisions of this Act, with effect from 1st January 2021, a parent who is not in employment or self-occupation and has not yet reached pensionable age and who proves to the satisfaction of the Director that he is a citizen of Malta or of the European Union and is regularly residing in Malta, shall be entitled to a Carer's Grant of three hundred euro (€300) annually, if such parent proves to the satisfaction of the Director that he is taking care, all by himself, on a full-time basis and regularly of a child in receipt of an Increased Severe Disability Assistance under the provisions of this Act;

(*e*) Subject to the provisions of this Act, with effect from 1st January 2022, a parent who is not in employment or self-occupation and has not yet reached pensionable age and who proves to the satisfaction of the Director that he is a citizen of Malta or of country of the European Union and is regularly residing in Malta, shall be entitled to a Carer's Grant of five hundred euro (€500) annually, if such parent proves to the satisfaction of the Director that he is taking care, all by himself, on a full-time basis and regularly of a child in receipt of an Increased Severe Disability Assistance under the provisions of this Act.

(*f*) Subject to the provisions of this Act, with effect from 1st January 2023, a parent who is not in employment or self-occupation and has not yet reached pensionable age and who proves to the satisfaction of the Director that he is a citizen of Malta or of a country of the European Union and is permanently residing in Malta, shall be entitled to a Carer's Grant equivalent to fifty percent (50%) of the net National Minimum Wage annually, where such parent proves to the satisfaction of the Director that he is taking care, all by himself, on a full-time basis and regularly of a child who is in receipt of or children who are in receipt of the Increased Severe Disability Assistance, under the provisions of this Act.

(*g*) Subject to the provisions of this Act, with effect from 1st January 2025, a parent who is unemployed or self-occupied and has not yet reached pensionable age and who proves to the satisfaction of the Director that he is a citizen of Malta or of a country of the European Union and is permanently residing in Malta, shall be entitled to a Carer's Grant equivalent to fifty percent (50%) of the net National Minimum Wage annually, where such parent proves to the satisfaction of the Director that he is taking care by himself, on a full-time basis and regularly of a child or children who are in receipt of the Disabled Child Allowance and the result of the evaluation based on the model of the World Health Organisation International Classification of Functioning, Disability, and Health (ICF), in claims further to the provisions of article 77, is equal to, or exceeds seventy-five percent (75%) in accordance with the provisions of the Fifteenth Schedule.

(2) A person becomes entitled to -

(*a*) a Carer's Allowance, as specified in Part IV of the Sixth Schedule and according to the points referred to in sub-article (3)(i) after the Director will have acted on the advice given by the multi-disciplinary panel appointed under article 106(*f*);

(*b*) an Increased Carer's Allowance, as specified in Part IV of the Sixth Schedule and according to the points referred to in sub-article (3)(ii) after the Director will have acted in accordance with the advice given by the multi-disciplinary panel appointed under article 106(*f*):

Provided further to this sub-paragraph (b) and without prejudice to the provisions of article 90, with effect from 1st January 2018, where a person is in receipt of Social Assistance in accordance with the provisions of article 30, and ceases to be so entitled due to becoming entitled to an Increased Carer's Allowance, such person shall be entitled for the weekly payment of an additional €8.15 for every other member of household as Social Assistance:

Provided further and without prejudice to the provisions of article 90, with effect from 1st January 2023, where a person is in receipt of

Social Assistance in accordance with the provisions of article 30, and ceases to be so entitled due to becoming entitled to a Carer's Allowance because he goes to live with any one (1) of the persons mentioned in sub-article 1(b) to care for said person, such person shall still be entitled to the payment of the difference in rate between the Social Assistance which he was receiving and the Carers Allowance which he becomes entitled to receive, if the rate of the Carers Allowance is lower:

Provided that such a person shall be entitled to a Carers Allowance or the Increased Carers Allowance equivalent to one hundred and fifty percent (150%) of the highest rate that such person is entitled to as specified in Part IV of the Sixth Schedule, in accordance with the provisions of sub-articles (1)(a) and (b), if such person is taking care by himself, on a full-time basis and regularly of more than one relative.

(3) The Allowance referred to in sub-article (2) shall be paid in the following manner:

(i) Carer's Allowance

Barthel Index 9 - 12 (Medium Dependency)

Mini-Mental State Examination 10 - 19 (Medium Weakening)

(ii) Increased Carer's Allowance

Barthel Index 0 - 8 (High Dependency)

Mini-Mental State Examination 0 - 9 (High Weakening).

Orphan's Allowance and Orphan's Supplementary Allowance.
Amended by: XVI. 1990.32; XIII. 1991.33; VIII. 1992.26.
Re-numbered by: XXIV. 1993.2.
Amended by: XXIV. 1993.11; XXV. 1994.15; XXVII. 1995.7; XXI. 1996.27; VII.2018.41.

69. (1) Any person who has the care of a child of another person shall, if both parents of the child are dead and at least one of the parents was an insured person and a citizen of Malta at the time of his death, be entitled to an Orphan's Allowance in accordance with Part IV of the Third Schedule to this Act, in respect of each such child.

(2) Any person who has the care of the son or daughter of another person shall, if both parents of the said son or daughter are dead and at least one of the parents was an insured person and a citizen of Malta at the time of his death, be entitled to an Orphan's Supplementary Allowance in accordance with Part V of the Third Schedule to this Act, in respect of each such son or daughter if such son or daughter is -

(*a*) aged between 16 years and 21 years; and (*b*) not following any gainful occupation the gross earnings of which exceed a weekly average equivalent to the difference between the equivalent of the national minimum wage as is applicable to persons of 18 years of age or over established by a National Standard Order issued under the Employment and Industrial Relations Act during the period in respect of which such Orphan's Supplementary Allowance is due and the aforesaid weekly rate of Orphan's Supplementary Allowance. Cap. 452.

(3) Where the gross earnings referred to in sub-article (2) exceed the weekly average referred to in paragraph (*b*) of the said sub-article (2), the weekly rate of the Orphan's Supplementary Allowance referred to in the said sub-article (2) shall be abated by such an amount as shall ensure that the total of such average weekly gross earnings and any Orphan's Supplementary Allowance payable under this article do not exceed the equivalent of the aforesaid national minimum wage, sohowever that with effect from 1st January 2018, the provisions of sub-article (3) shall cease to be applicable.

(4) Where a person is in receipt of an Orphan's Allowance payable under sub-article (1), such person shall also be entitled to receive the allowance which is payable in terms of article 76 in respect of the same child, as long as he is entitled to such allowance in terms of the articles aforesaid.

(5) For the purposes of this article, the provisions of article 80(2) (excluding its proviso) and of articles 81 and 83 shall apply *mutatis mutandis*.

Marriage Grant.
Amended by:
XVI.1990. 33;
VIII.1992.27.
Re-numbered by:
XXIV. 1993.2.
Amended by:
XXVII.1995.8;
XXI.1996.28.

70. Subject to the provisions of this Act, a person who marries on or after the commencement date of this Act, and who was an employed person or a self-employed or self-occupied person for at least six months at any time prior to his marriage and is ordinarily resident in Malta shall be entitled, by giving notice in writing to the Director, to receive a lump sum payment in accordance with Part III of the Fourteenth Schedule to this Act by way of a Marriage Grant:

Provided that a person who legally contracts marriage on more than one occasion shall be entitled to a Marriage Grant in respect of each such marriage on condition that between one marriage and another he was an employed person or a self-employed or self-occupied person for at least six months.

Maternity Benefit or Maternity Leave Benefit.
Re-numbered by:
XXIV. 1993.2.
Amended by:
V. 2012.29;
XIII. 2015.86.

71. (1) A woman who, at any time on or after the 1st day of January, 1981 is pregnant with child and has entered the eighth month of pregnancy or a person adopting a child after the 1st January, 2015, shall be entitled to Maternity Benefit under and in accordance with the provisions of this article.

(2) A claim for Maternity Benefit shall not be accepted by the Director unless it is made by a citizen of Malta or by a person married to a citizen of Malta, provided the claimant is ordinarily resident in Malta.

(3) Notwithstanding the provisions of sub-article (1), a woman who is entitled to Maternity Leave in accordance with the provisions of the Employment and Industrial Relations Act, and avails herself of such leave, shall not be entitled to any Maternity Benefit payable under this article.

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(4) A woman who, at any time on or after the 1st January, 2012 -

(*a*) is in insurable employment and has a right to maternity leave without pay in accordance with the provisions of the Protection of Maternity (Employment) Regulations; or

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(*b*) is self-occupied and has exhausted her maternity benefit entitlement,

shall qualify for Maternity Leave Benefit.

(5) In the case of a person who is in insurable employment, the Maternity Leave Benefit will be payable only for the period where the leave entitlement is without pay according to the Protection of Maternity (Employment) Regulations.

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(6) A self-occupied person shall not qualify for the Maternity Leave Benefit unless such person proves to the satisfaction of the Director that she has ceased all gainful activities for the duration of her Maternity Benefit and Maternity Leave Benefit.

Payment of Maternity Benefit or Maternity Leave Benefit.
Amended by: XX. 1987.10; XVI. 1990. 34; VIII. 1992.28.
Re-numbered by: XXIV. 1993.2.
Amended by: XXV. 1994.16; XXVII. 1995.9; XXI. 1996.29; XXXII. 2007.54; V. 2012.30; XIII. 2015.87.

72. (1) Maternity Benefit shall be payable in two parts as follows:

(*a*) a first payment at the rate in accordance with Part IV of the Fourteenth Schedule to this Act for eight weeks, upon the submission to the Director of a claim on the form of the Department accompanied by a certificate signed by a person holding the warrant to practise the medical profession in Malta and, if the Director so deems necessary, supported by such other evidence as he may, in accordance with the provisions of this Act, require showing that the claimant has entered the eighth month of pregnancy; and

(*b*) a second payment at the rate in accordance with Part IV of the Fourteenth Schedule to this Act for six weeks, upon production to the Director of a certificate from the Public Registry attesting the birth of the child:

Provided that where a claim is made after the birth of a child, both the first and second payments shall be made on production of the said certificate from the Public Registry:

Provided further that, from 1st January 2015, when a claim follows the adoption of a child, both the first and the second payments shall be made on production of the certificate from the Public Registry confirming the said adoption.

(2) The periods of eight weeks and six weeks referred to in sub-article (1) shall be deemed to cover -

(*a*) in the case of the payment referred to in paragraph (*a*) thereof, the eight weeks immediately preceding the date of birth of the child or, if such day is not a Saturday, the first Saturday following such day;

(*b*) in the case of the payment referred to in paragraph (*b*) thereof, the six weeks commencing on the Saturday immediately following the period referred to in paragraph (*a*); and

(*c*) in the case of a payment made in accordance with the proviso to the said sub-article (1), the eight weeks immediately preceding and the six weeks commencing on the date of birth of the child, or, if such day is not a Saturday, the first Saturday following such day.

(3) The Maternity Leave Benefit according to article 71 shall be payable:

(*a*) with effect from the 7th January, 2012 for not more than two weeks; and

(*b*) with effect from the 5th January, 2013 for a period of not more than four weeks.

(4) The rate of Maternity Leave Benefit according to sub-article (3) shall be:

(*a*) according to the rate mentioned in Part IV of the Fourteenth Schedule; and

(*b*) in the case of an employed person, from the first Saturday immediately following the day on which the paid maternity leave ceases in accordance with the Protection of Maternity (Employment) Regulations; or S.L. 452.91

(*c*) in the case of a self-occupied person from the first Saturday following the date on which the entitlement to Maternity Benefit in terms of article 71 ceases.

Supplementary Allowance.
Added by: XIV. 1988.8.
Amended by: XVI. 1989. 13; XVI. 1990. 35; XIII.1991.34; VIII.1992.29.
Re-numbered by: XXIV. 1993.2.
Amended by: XXIV.1993.12; XXV.1994.17; XXVII.1995.10; XXI.1996.30.
Substituted by: XXI.1996.31.
Amended by: II. 2002.65; XVI. 2017.31.

73. Subject to the provisions of this Act, a head of household who proves to the satisfaction of the Director that his yearly means, calculated in accordance with Part VIII of the Second Schedule to this Act, do not exceed the income limits laid down in Part V of the Fourteenth Schedule to this Act and is not entitled to an allowance under article 76 and 76A, shall be entitled to a supplementary allowance payable at the rates specified in the aforementioned Fourteenth Schedule:

"Sohowever that with effect from the 1 January 2017, the provisions of this article are also applicable in the case of a person who is not a head of household and who is also in an insurable employment earning the national minimum wage.

Limitation of applicability of Parental Allowance.
Added by: XIV. 1988. 8. Re-numbered by: XXIV. 1993.2.

74. *Repealed by Act XXI of 1996.*

Extension of Parental Allowance to other persons other than the mother.
Added by: XIV. 1988. 8. Re-numbered by: XXIV. 1993.2.

75. *Repealed by Act XXI of 1996.*

Children's Allowance.
Amended by: XX.1987. 11. Re-numbered by: XXIV. 1993.2. Amended by: XXV. 1994.18; XXI. 1996.33; XI. 2000.15; XXXII. 2007.55. VII.2018.42.

76. (1) Subject to the provisions of this Act, it shall be the right of every child in any household to have an allowance paid out in his respect to the head of household who has the care and custody of such child, as long as such child is the son or daughter of the head of household or the spouse, and where neither the head of household nor the spouse are the parents of such child, the Director is satisfied that it is in the best interest of the child to accept such head of household as being the effective custodian of such child, and for such purpose the Director may request from the Director (Social Welfare Standards), who is to submit within a month, a report as to whether such child is best considered to form part of the relative household:

Provided that with effect from 1st January 2018, the payment of this allowance shall be paid to the parent who has the effective care and custody, and with whom the child is residing.

(2) The applicable rate of the allowance referred to in sub-article (1) shall be as determined by Part VI of the Fourteenth Schedule and the calculation of the yearly means of the household shall be calculated in accordance with Part VII of the Second Schedule.

Allowance in respect of child in care.
Added by: II. 2002.66. Amended by: XXXII. 2007.56; XII.2023.29.
Cap. 491.

76A. Subject to the provisions of this Act it shall be the right of every child who is certified by a competent authority, either as a fostered child, or is certified as being under care in an institution, to have an allowance paid out in his respect to the head of household who is an approved foster carer in accordance with the Foster Care Act or the head of the institution, as the case may be, at the rates specified in Part VIII of the Fourteenth Schedule to this Act. When an allowance under this article is due, no allowance under article 76 shall be payable:

Cap. 602.

Provided that subject to the provisions of this Act, and with effect from 1st January 2023, it shall be the right of every child who is certified by a competent authority as a fostered child, to have an allowance paid in his respect to the head of household who is an approved foster carer in accordance with the Minor Protection (Alternative Care) Act, even when said child is not a fostered child anymore because he is adopted by that same head of household, at the rates specified in Part VIII of the Fourteenth Schedule to this Act.

77. Subject to the provisions of this Act, a child in any household, in respect of whom an allowance under article 76 or 76A is being paid, shall also become eligible to a Disabled Child Allowance at the rate payable in accordance with Part VII of the Fourteenth Schedule to this Act, if the head of household has the care and custody of such child who is certified to be suffering from cerebral palsy or from a mental severe subnormality or a severely disabled person or a visually impaired person in accordance with the provisions of this Act. For the purposes of this article a child shall still be deemed to be a severely disabled person if certified to be totally and permanently mute or permanently deaf to a degree of no less than 70 decibels:

Disabled Child Allowance. *Added by: XIV. 1988. 9. Amended by: XVI. 1989. 14; VIII. 1992.30. Re-numbered by: XXIV. 1993.2. Amended by: XXV. 1994.2,19; XXI. 1996.34; II. 1999.12; II. 2002.67; XXXII. 2007.57; XXIX.2019.71.*

Provided that, where an allowance under this article is payable in respect of a visually impaired child, that allowance shall cease to be payable as soon as a pension under article 27 is or becomes payable in his respect:

Provided further that, where a child in respect of whom this article applies reaches his 16th birthday (or his 14th birthday in the case of a visually impaired child) and for some reason fails to qualify for a pension under article 27, he shall remain eligible to an allowance under this article if he is not gainfully occupied and is still undergoing full-time education or training in an educational institution recognized by the Government in terms of the Education Act, and no form of remuneration or allowance (excluding any allowance payable under this Act) is being paid to him or her during such time.

Cap. 605.

77A. With effect from the 1st of January 2024 and without prejudice to the provisions of this Act, it shall be the right of the parent to have a payment paid out once a year in accordance with the Fourteenth Schedule, in respect of every child who has passed his sixteenth (16th) birthday still living with his parents, and pursues post-secondary education in an educational institution recognised by the Malta Further and Higher Education Authority.

Special allowance. *Added by: XIII.2024.22.*

78. *Repealed by Act XXI of 1996.*

Special Allowance. *Re-numbered by: XXIV. 1993.2. Amended by: XXV.1994.20.*

79. Subject to the provisions of this Act, a head of household who has the care of a child or a person whose parents are unknown or have abandoned him shall be entitled in respect of such child or person to the allowance payable under article 76, as a distinct and separate entitlement to that applicable in respect of his children.

Entitlement to abandoned children or of unknown parents. *Re-numbered by: XXIV. 1993.2. Amended by: XXI.1996.36.*

Limitation of applicability of Children's and Supplementary Allowance.
Re-numbered by: XXIV. 1993.2.
Amended by: XXI. 1996.37; II. 2002.68; XXXII. 2007.58.

80. (1) Except as may be prescribed, an allowance payable under articles 73, 76, 76A and 79 shall not be granted unless the head of household, or the spouse -

(*a*) is a citizen of Malta; and

(*b*) resides in Malta and has so resided continuously in the three months immediately preceding the date on which the claim for an allowance is made:

Provided that where the head of household or the spouse, is deceased, and the one who is still alive is not a citizen of Malta, the condition set out in paragraph (*a*) shall be deemed to have been satisfied if the deceased was a citizen of Malta at the time of his death.

(2) Except as may be prescribed, an allowance under articles 73, 76, 76A and 79 shall not be payable in respect of any child or person not living in Malta:

Provided that with effect from the 1st day of November, 1974, where any person who has received the payment of an allowance for a full thirteen week period emigrates and takes along with him before the lapse of thirteen weeks from the date on which payment of such an allowance was due, the children in respect of whom such allowance was paid, the payment of such allowance for any period not exceeding twelve weeks from the date when the payment of such an allowance was due, shall be deemed as having been properly received by him:

Provided further that where any person has received the payment of an allowance under articles 76 and 79 for a full thirteen week period, prior to emigration and the total amount of allowance paid during the year in which the right to such benefit ceases amounts to less than the Fixed Children's Allowance specified by Part VI of the Fourteenth Schedule, such person shall be entitled to receive the resulting difference between the amount paid and the Fixed Children's Allowance.

Disqualification to Children's Allowance.
Amended by: VIII.1992.31.
Re-numbered by: XXIV. 1993.2.
Amended by: XXI.1996.38; II. 2002.69.

81. (1) An allowance payable under articles 76, 76A and 79 shall not be payable in respect of a person to whom a pension is payable under article 27.

(2) Except as may be prescribed, an allowance payable under articles 76, 76A and 79 shall neither be payable nor due outside Malta.

Beneficiary of Children's Allowance.
Re-numbered by: XXIV. 1993.2.
Amended by: XXI. 1996.39; II. 2002.70; XXXII. 2007.59.

82. (1) An allowance due under the provisions of articles 76, 76A and 79 shall be paid to the spouse, if any, of the head of household, unless the head of household proves to the satisfaction of the Director that, in the interest of the child or person in respect of whom the allowance is payable, such payment is to be made to him.

(2) For the purposes of this article and of article 80, "spouse" shall include such person who, in the opinion of the Director, is living with the head of household as if such person were the lawful

spouse, provided such person is the mother or father, as the case may be, of the child or person in respect of whom the allowance is payable.

(3) Where, however, the husband and wife are separated *de jure* or *de facto*, or where the person is not the lawful wedded spouse but is being treated as such in terms of sub-article (2), if such spouse is living apart from the head of household the allowances due under articles 76 and 79 in respect of all their children shall not be taken together as if they were living in one household but shall be assessed separately according to the eligibility rights and the yearly means of each respective head of household who has their effective care and custody as provided for in articles 76 and 79.

Head of household to have custody of child.
Re-numbered by: XXIV. 1993.2.
Amended by: XXI.1996.40; II. 2002.71.

83. An allowance paid under articles 76, 76A and 79 ceases to be payable if the head of household no longer has the care of the child or person in respect of whom the allowance is being paid or where such person is eighteen years of age or over if the said person no longer normally resides with such head of household.

Powers to make regulations.
Re-numbered by: XXIV. 1993.2.
Amended by: XXI. 1996.41; II. 1999.13; III. 2005.10; VI. 2006.5; I. 2012.7; XIII.2024.21.

84. (1) The Minister may, from time to time, and with the concurrence of the Minister responsible for finance make regulations for the purposes of -

(*a*) increasing the rates of benefits, grants, pensions, assistances and allowances payable under this Act;

(*b*) increasing the category of persons that may be eligible to benefits, grants, pensions, assistances and allowances payable in accordance with this Act;

(*c*) increasing the income limits for the purpose of establishing entitlement in assessment of means-tested benefits, grants, pensions, assistances and allowances payable under this Act;

(*d*) increasing the basic wage, salary, income or earnings, whenever Government awards a cost-of-living increase in the rate of the National Minimum Wage as is payable to persons of eighteen years of age or over under the provisions of the Employment and Industrial Relations Act, for the purposes of - Cap. 452.

(i) the payment of social security contributions; and

(ii) assessing the pensionable income;

(*e*) prescribing conditions regarding nationality, residence and place of birth to be satisfied by a claimant, and the conditions applicable to a child or person in respect of whom an allowance is claimed;

(*f*) prescribing circumstances in which a child or person not living in his parent's household may be treated as forming part of that household or another household;

(*g*) prescribing circumstances in which a person, other than a parent of a child or person, may claim an allowance in respect of such child or such person;

(*h*) prescribing guidelines for the determination of the medical aspects for the eligibility or otherwise of an applicant for a claim in respect of a benefit, allowance or pension under this Act;

(*i*) exempting, in terms of article 116A, a category of persons from the payment, in whole or in part, of the further contributions which may be due by them:

Provided that the Minister may not by such regulations decrease the rate of benefit, grant, pensions, assistance or allowance payable under this Act to any category of beneficiaries.

(2) For the purposes of sub-article (1), the Minister may by such regulations amend or substitute any of the Schedules to this Act or index thereto.

(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.

(4) The Minister 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 94.

(5) Subject to the provisions of this Act, the Minister may from time to time, and with the concurrence of the Minister responsible for finance, make regulations for the purpose of establishing the payment by the Director of the benefit in respect of the Additional Benefit to counter the Cost of Living, as provided for in Part IX of the Fourteenth Schedule.

Subsidies to day care centres.
Added by: II.1999.14.

84A. The Minister may from time to time by regulations under this article, establish schemes, whereby subsidies may be paid by the Director, in respect of children attending child day care centres run by government of 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.

Bonus, Additional Bonus and Cost of Living Bonus.
Amended by: XX. 1987. 12; XVI. 1990. 37; XIII. 1991.35. Re-numbered by: XXIV. 1993.2. Amended by: XXV. 1994.2, 21; L.N. 424 of 2007; XXXII. 2007.60; XIII. 2015.88; XVI. 2017.32; VII. 2019.35; VIII.2020.32; XVIII.2021.24; VII.2022.37; XII.2023.30; XIII.2024.23; IX.2025.26; III.2026.26.

85. (1) Save as provided for in article 96 and subject to the other provisions of this Act, a person who, on any day between January and June or between July and December is entitled to receive any pension (excluding an Injury Pension, where this is being paid to a person who is in insurable employment or self-occupied), Orphan's Allowance, Orphan's Supplementary Allowance, Leprosy Assistance or Social Assistance (other than that payable by way of an allowance under the provisions of article 30(9), but including that payable under the provisions of article 30(10)) in accordance with the provisions of this Act, shall be entitled to receive a bonus. Such bonus shall consist of a sum of €135.10 paid every six months in June and December of each year:

Provided that notwithstanding any other provisions of this Act, such person shall only be entitled to receive one bonus at the same time.

(2) Save as provided for in article 96 and subject to the other provisions of this Act, a person who becomes entitled to any pension, assistance or allowance as is referred to in sub-article (1), shall also be entitled to receive an Additional Bonus every four weeks at the rate of €3.12 per week over and above the bonuses to which he is entitled by virtue of this article:

Provided that notwithstanding any other provisions of this Act, such person shall only be entitled to receive one Additional Bonus at the same time:

Provided further that such Additional Bonus shall only remain payable until such time as any such pension, assistance or allowance as is referred to in the said sub-article (1) is payable.

(3) Save as provided for in article 96 and subject to the other provisions of this Act, a person who is entitled to receive any pension (excluding an Injury Pension where this is being paid to a person who is in insurable employment or who is self-occupied), shall also be entitled to receive a Cost of Living Bonus. Such bonus shall be payable at the rate specified in Part J of the Twelfth Schedule over and above the bonuses to which such person may be entitled to by virtue of this article:

Provided that, notwithstanding any other provisions of this Act, such person shall only be entitled to receive one Cost of Living Bonus at the same time for any pension payable under this Act:

Provided further that where a pension is being paid under an agreement in terms of article 134, the Cost of Living Bonus shall be paid pro rata as applicable to the assessment of the pension rate under such agreement.

(4) With effect from 1st January, 2015, residing in Malta or an EU member State persons who have reached pension age according to article 2, but have not yet reached the age of 75, who have retired from employment and are not in receipt of a Contributory Pension, but have paid between 50 and 259 social security contributions will be paid the sum of €100 per year whereas persons who paid more than 260 social security contributions will receive a payment of €200 per year.

(5) Notwithstanding the provisions of sub-article (4), with effect from January 2017, the rate due to persons who have reached pension age according to the definition "pension age" in article 2, but have not yet reached the age of 75, who have retired from employment and are not in receipt of a Contributory Pension, but have paid between 50 and 259 social security contributions shall be €150 per year whereas the rate due to persons who have reached pension age according to the definition "pension age" in article 2, but have not yet reached the age of 75, who have retired from employment and are not in receipt of a Contributory Pension, but have paid more than 260 social security contributions shall be €250 per year.

Added by: VII.2019.35.

(6) Notwithstanding the provisions of sub-articles (4) and (5), with effect from 1st January 2019, the rate due to persons who have reached pension age according to the definition "pension age" in article 2, but have not yet reached the age of seventy-five (75), who have retired from employment and are not entitled to a Contributory Pension, but have paid between fifty (50) and two hundred and fifty-nine (259) social security contributions shall be two hundred euro (€200) per year whereas the rate due to persons who have reached pension age according to the definition "pension age" in article 2, but have not yet reached the age of seventy-five (75), who have retired from employment and are not entitled to a Contributory Pension, but have paid more than two hundred and sixty (260) social security contributions shall be three hundred euro (€300) per year:

Notwithstanding the provisions of sub-article (6), with effect from 1st January 2020, the rate due as provided for in sub-article (6) shall not cease to be paid even when the person reaches the age of seventy-five (75) years.

(7) Notwithstanding the provisions of sub-articles (4), (5) and (6), with effect from 1st January 2021, the rate due to persons who have reached pension age according to the definition "pension age" in article 2, who have retired from employment and are not entitled to a Contributory Pension, but have paid between fifty (50) and two-hundred and fifty-nine (259) social security contributions shall be two-hundred and fifty euro (€250) per year, whereas the rate due to persons who have reached pension age according to the definition "pension age" in article 2, who have retired from employment and are not entitled to a Contributory Pension, but have paid more than two-hundred and sixty (260) social security contributions shall be three-hundred and fifty euro (€350) per year:

Notwithstanding the provisions of sub-article (6), with effect from 1st January 2020, the rate due as provided for in sub-article (6) shall not cease to be paid even when the person reaches the age of seventy-five (75) years.

(8) Notwithstanding the provisions of sub-articles (4), (5), (6) and (7), with effect from 1st January 2022, the rate due to persons who have reached pension age according to the definition "pension age" in article 2, who have retired from employment and are not entitled to a Contributory Pension, but have paid between fifty (50) and two-

hundred and fifty-nine (259) social security contributions shall be four hundred euro (€400) per year, whereas the rate due to persons who have reached pension age according to the definition "pension age" in article 2, who have retired from employment and are not entitled to a Contributory Pension, but have paid at least two-hundred and sixty (260) social security contributions shall be five hundred euro (€500) per year.

(8A) Notwithstanding the provisions of sub-articles (4), (5), (6), (7) and (8), with effect from 1st January 2023, the rate due to persons who have reached pension age according to the definition "pension age" in article 2, who have retired from employment and who shall not be entitled to a Contributory Pension, and however have paid between fifty (50) and two hundred and fifty-nine (259) social security contributions shall be four hundred and fifty euro (€450) per year, whereas the rate due to persons who have reached pension age according to the definition "pension age" in article 2, who have retired from employment and who shall not be entitled to a Contributory Pension, and however have paid at least two hundred and sixty (260) social security contributions shall be five hundred and fifty euro (€550) per year.

(8B) Notwithstanding the provisions of sub-articles (4), (5), (6), (7), (8) and (8A), with effect from 1st January 2024, the rate due to persons who have reached pension age according to the definition "pension age" in article 2, who have retired from employment and are not entitled to a Contributory Pension, but have paid between fifty (50) and two-hundred and fifty-nine (259) social security contributions shall be five hundred euro (€500) per year, whereas the rate due to persons who have reached pension age according to the definition "pension age" in article 2, who have retired from employment and are not entitled to a Contributory Pension, but have paid at least two-hundred and sixty (260) social security contributions shall be six hundred euro (€600) per year.

(8C) Notwithstanding the provisions of sub-articles (4), (5), (6), (7), (8), (8A) and (8B), with effect from 1st January 2025, the rates due to persons who have reached pension age according to the definition "pension age'' in article 2, who have retired from employment and are not entitled to a Contributory Pension, but have paid between fifty (50) and five-hundred and nineteen (519) social security contributions shall be the rates explained in Item M of the Twelfth Schedule.

(9) Subject to the provisions of this Act, with effect from 1st January 2020, it shall be the right of a parent to be paid a one-time child birth or adoption bonus of three hundred euro (€300) upon the birth of a child or in the case of an adoption for such births or adoptions registered with the Malta Public Registry:

Provided that, subject to the provisions of this Act, with effect from 1st January 2022, it shall be the right of a parent to be paid a one-time child birth or adoption bonus of four hundred euro (€400) upon the birth of a child or in the case of an adoption, for such births or adoptions registered with the Malta Public Registry:

Provided further that, subject to the provisions of this Act, with effect from 1st January 2024, it shall be the right of a parent to be paid a one-time child birth or adoption bonus of five hundred euro (€500) upon the birth of a child or in the case of an adoption, for such births or adoptions registered with the Malta Public Registry, and a one-time bonus of one thousand euro (€1,000) for every subsequent birth or adopted children that parent has and who are registered with the Malta Public Registry:

Provided further that subject to the provisions of this Act, with effect from 1st January 2025, it shall be the right of a parent to be paid a one-time child birth or adoption bonus of five hundred euro (€500) upon the birth of a child or in the case of an adoption, or for such births or adoptions registered with the Public Registry, a one-time bonus of one thousand euro (€1,000) for the second birth or adoption registered with the Public Registry, and a one-time bonus of one thousand and five hundred euro (€1,500) for every subsequent birth or adopted children that parent has and who are registered with the Public Registry:

Provided further that subject to the provisions of this Act, with effect from 1st January 2026, it shall be the right of a parent to be paid a one-time child birth or adoption bonus of one thousand euro (€1,000) upon the registration in the Public Registry of the birth of the first child or an adoption, a one-time bonus of one thousand and five hundred euro (€1,500) for the second birth or subsequent adoption registered at the Public Registry, and a one-time bonus of two thousand euro (€2,000) for every subsequent birth or the adoption of subsequent children of that parent registered at the Public Registry:

Provided further that, any claim for child birth or adoption bonus shall not be accepted by the Director unless it is made by a citizen of Malta or of the European Union or by a person married to a citizen of Malta, provided that the parent has been an ordinarily resident of Malta for a period of at least ten (10) years immediately prior to the claim.

Abatement of Bonus and Additional Bonus.
Re-numbered by: XXIV. 1993.2.
Amended by: XXV. 1994.22; I. 2012.8.
Cap. 452.
S.L. 452.62

86. The bonus payable to any person under article 85(1) and, or article 85(2) shall be abated by the amount of any bonus which such person is entitled to receive from any employer in accordance with the Employment and Industrial Relations Act, in respect of any part of the six month period ending on the last day of June or December, and, or the bonus payable by any employer in terms of the Weekly Allowance National Standard Order, as the case may be:

Provided that where any apportionment is required under article 87, the amount of any Bonus which the husband is entitled to receive from any employer as aforesaid in this article and any weekly allowance payable by any employer in terms of the Weekly Allowance National Standard Order, 1988 shall be abated from the Bonus and/or Additional Bonus due to the husband under article 85 before the apportionment of such Bonus and/or Additional Bonus is made.

Apportionment of Bonus and Additional Bonus. *Re-numbered by: XXIV. 1993.2. Amended by: XXV. 1994.23; XXXII. 2007.61.*

87. (1) Where, in the case of a married couple in respect of whom article 96(1) and (2) do not apply, and one of the married couple has become an inmate of an institution as is referred to in article 93 and the provisions of the said article 93 have commenced to apply in regards to such person, the Bonus, or part thereof, and the Additional Bonus payable under article 85 shall each be apportioned equally between the said couple.

(2) The provisions of sub-article (1) shall not apply where the spouse is entitled to the Bonus, or part thereof, and, or, the Additional Bonus under this article in the spouse's own right or is in insurable employment or self-occupied.

(3) Where in the case of a married couple in respect of whom article 96(1) and (2) does not apply, and one of the married couple has become an inmate of an institution as is referred to in article 93, and the provisions of the said article 93 have commenced to apply in regards to such person, the Cost of Living Bonus or part thereof payable under article 85(3) shall be apportioned in accordance with article 93(4).

Benefits payable *ex gratia. Added by: XVI.1989. 15. Re-numbered by: XXIV. 1993.2. Amended by: XXV.1994.24; XXI.1996.42; XVI. 1997.8.*

88. (1) The Minister may, by order in the Gazette, provide for the payment of an *ex gratia* benefit by way of payment of any emergency assistance in cash or in kind by the Director General (Social and Family Affairs) appointed by the Prime Minister to certain categories of persons and at such rates and in such form and manner and for such time as he may determine with the concurrence of the Minister responsible for finance.

(2) The aforementioned Director General shall keep such system of accounts and shall adopt such measures for the custody of monies entrusted to him by the Director for the purposes of and in accordance with sub-article (1)(*b*) as shall be approved by the Accountant General and all books, receipts and records kept for this purpose shall, at all times, be open to inspection by the Accountant General, the Auditor General and the Director.

PART VII

MISCELLANEOUS PROVISIONS IN RESPECT OF PENSIONS, ALLOWANCES, BENEFITS AND ASSISTANCE PAYABLE UNDER THIS ACT

Certain pensions not to be reduced.
Amended by: XIII. 1991.36; VIII.1992.32. Re-numbered by: XXIV. 1993.2. Amended by: XXIV.1993.13; XXV.1994.25; XXVII.1995.11.

89. No pension payable to a person under article 26 or Parts IV or V of this Act shall be reduced by reason of any increase taking effect after such person becomes entitled to a pension as aforesaid, in the amount payable to such person by way of Service Pension, or, in the case of a widow, by way of a pension from an employer of her late husband which is related to the employment of her late husband; sohowever that, where any such pension as is payable under this Act needs to be increased as a result of a revision in or a reassessment of the rates of such pension, any increases payable to such person by way of a Service Pension or, in the case of a widow, by way of a pension from an employer of her late husband which is related to the employment of her late husband, taking effect after such person or widow becomes entitled to a pension as aforesaid shall then be taken into account:

Provided that any such increases shall not only not adversely affect the rate of pension as is already payable to him or her immediately before such revision or reassessment as aforesaid in this article, but such pensioner shall, furthermore, be entitled to an increase in his or her rate of pension under this Act equivalent to two-thirds of the wage increase that is required by law to be awarded generally if such revised or re-assessed pension as is payable under this Act would otherwise entitle such pensioner to a lower increase.

Duplicate rights.
Amended by: XX. 1987.13; XVI. 1990.38; XIII. 1991.37; VIII. 1992.33. Re-numbered by: XXIV. 1993.2. Amended by: XXV. 1994.2,26; XXI. 1996.43; II. 2002.72; XXXII. 2007.62. Amended by: XVI. 2017.33; VII.2022.38; IX.2025.27.

90. Unless specifically provided or otherwise implied in this Act in respect of Social Assistance, an Age Pension, a Carer's Allowance and an Increased Carer's Allowance payable under this Act', where a person would be entitled, but for this article, to two pensions, allowances, benefits or assistance at the same time he shall not be entitled to both, but shall be entitled to that pension, allowance, benefit or assistance which is more advantageous or which is payable at a higher rate:

Provided that -

(*a*) the provisions of this article shall not apply in the case of Marriage Grant, Orphan's Allowance, Children's Allowance, Care allowance, Maternity Benefit, Medical Assistance, Supplementary Allowance, Injury Grant or Injury Pension, Bonus or Additional Bonus payable under this Act;

(*b*) a person shall be entitled to receive two or more injury pensions at the same time insofar as the sum of the weekly rates of these pensions does not exceed the rate of pension to which he would be entitled in respect of loss of faculty which was assessed at 90% or more;

(*c*) with effect from the 1st July, 1989, a person over the age of sixty years who is or could be barred from receiving an Age Pension under this Act because of the provisions of article 66(*b*)(ii) shall not be deemed to qualify for an Assistance in terms of article 27 unless such person can prove to the satisfaction of the Director that he had been suffering from a mental severe subnormality or from cerebral palsy or that he had been a severely disabled person or that he had been a visually impaired person in terms of this Act prior to reaching his sixtieth birthday;

(*d*) with effect from 1st January 2025, in the case of a person eligible for the payment of a pension in respect of retirement under the provisions of Part V and immediately before his retirement was in receipt of an assistance under the provisions of article 27 or an Injury Pension in accordance with the provisions of article 29, the retirement pension shall be increased up to the National Minimum Wage, provided that the increase is not less than 10% of the rate of the Assistance or Injury Pension paid to the person under the provisions of articles 27 and 29 prior to retirement:

Provided further that, with effect from the 5th January 2008, where in a calendar year a head of household becomes entitled to Children's Allowance in terms of this Act, such head of household shall not be entitled to more than one rate of Children's Allowance for the same period.

Increases in pensions and Social Assistance rates as a result of cost-of-living increases awarded in wages generally.
Added by: XXV. 1994.27.
Amended by: XXVII. 1995.12; XXXIX. 2015.8.
Cap. 452.
Amended by: VII.2018.43; VII.2022.39.

90A. Notwithstanding any other provisions of this Act, whenever Government awards a cost-of-living increase in the rate of the National Minimum Wage as is payable to persons of eighteen years of age or over under the provisions of the Employment and Industrial Relations Act, any Social Assistance or pension payable under and in accordance with the foregoing provisions of this Act (including an Orphan's Supplementary Allowance but excluding -

(i) an Injury Pension assessed at 89% or less, and

(ii) any National Minimum Pension Additional Allowance),

shall, as from the date of such award or the date as from which such pension or assistance becomes due, whichever is the latter date, automatically be increased by an amount equivalent to two-thirds of such cost-of-living increase unless a higher increase is due under the aforesaid provisions of this Act, in which case, but save as provided for in the Sixth and Twelfth Schedules to this Act, the provisions of this article shall not apply:

Provided that, in the case of a National Minimum Pension as is payable under this Act to a married person who is maintaining his/her spouse, the proportion of two-thirds as aforesaid without prejudice to the provisions of this article shall be upgraded to four-fifths, sohowever that with effect from 1st January 2018, the aforementioned proportion in subparagraph (ii) above, shall cease to be upgraded to four-fifths:

Provided further that, with effect from 1st January 2022, notwithstanding the provisions of this article, whenever the Government awards a cost-of-living increase in the rate of the National Minimum Wage as is payable to persons of eighteen (18) years of age or over under the provisions of the Employment and Industrial Relations Act, any Social Assistance paid in accordance with the provisions of article 30 shall, as from the date of such award or the date as from which such Social Assistance becomes due, be automatically increased by the full cost-of-living increase:

Provided further that, where a person is entitled to two or more pensions as aforesaid in this article at the same time or to a pension or pensions as aforesaid in this article which is or are being supplemented by Social Assistance, such person shall only be entitled to only one such automatic increase as aforesaid in this article in respect of the same period.

Increases in certain allowances and assistances as a result of cost-of-living increases awarded in wages generally. *Added by: XXI. 1996.44. Amended by: II. 2004.25.* Cap. 452.

90B. (1) Notwithstanding any other provision of this Act, whenever Government awards a cost-of-living increase in the rate of the national minimum wage as is payable to persons of eighteen years of age or over under the provisions of the Employment and Industrial Relations Act, any medical assistance paid in terms of the provisions of articles 20, 21, 22 and 24 and any allowance paid in terms of article 69(1), shall, as from the date of such award or from the date from which such assistance or allowance becomes due, whichever is the later date, automatically be increased by an amount equivalent to 20% of such cost-of-living increase.

(2) Without prejudice to any other provision of this Act, whenever Government awards a cost-of-living increase in the rate of the national minimum wage as is payable to persons of eighteen years of age or over under the provisions of the Employment and Industrial Relations Act, any allowance or assistance payable under the provisions of articles 68 and 27 shall, from such date when such allowance or assistance is due, be automatically increased by the full cost-of-living increase in the case of an Increased Carer's Allowance, Increased Severe Disability Assistance, Severe Disability Assistance, Assistance for the Visually Impaired and by an amount equivalent to two-thirds of the cost-of-living increase in the case of a Carer's Allowance and Disability Assistance.

Persons in prisons. *Re-numbered by: XXIV. 1993.2. Amended by: XXI. 1996.45; II. 2002.73; XXXII. 2007.63; XXXIX. 2015.9.*

91. A person shall be disqualified from receiving a pension, benefit, allowance or assistance payable under this Act for any period during which he/she is undergoing imprisonment or detention in pursuance of a sentence passed on conviction from an offence:

Provided that where such person would have been in receipt of the allowances payable under articles 76, 76A and 79, such allowances shall, during any such period, be paid to the head of household with whom the child or person, in respect of whom such allowance is being paid, is living:

Provided further that where such person is a married person who would have been entitled to a pension under this Act, and who, immediately prior to being sentenced as above, was not having the provisions of article 96 applied to him/her, his/her spouse shall be entitled to receive five-sixths of the pension which would have been payable to his/her spouse had he/she not been disqualified under the provisions of this article, provided he/she is not already entitled to a pension under this Act in his/her own right, or half the pension which would have been payable to his/her spouse had he/

she not been disqualified under the provisions of this article, provided he/she is already entitled to a pension under this Act in his/her own right.

Persons abroad.
Amended by: XVI. 1989.16. Re-numbered by: XXIV. 1993.2. Amended by: XXI.1996.46; XV. 2016.59.

92. (1) A person shall be disqualified from receiving -

(*a*) Sickness and Injury Benefits for any period during which he is absent from Malta unless -

(i) he is absent in the course of employment of the kind described in paragraph 2 of Part I of the First Schedule to this Act; or

(ii) he proves to the satisfaction of the Director that his absence from Malta was in connection with his own medical treatment abroad in respect of that sickness or injury or industrial disease which has caused his claim for benefit;

(*b*) Sickness Assistance, Leprosy Assistance, or Tuberculosis Assistance during any period in which the person in respect of whom such assistance is being paid is absent from Malta unless he proves to the satisfaction of the Director that his absence from Malta was in connection with his own medical treatment abroad for that condition or disease in respect of which such assistance is being paid.

(2) Entitlement to Social Assistance or to an Age Pension payable under this Act shall not be extinguished in respect of any member of the household who is abroad provided the head of such household proves to the satisfaction of the Director that such visit abroad is in connection with the medical treatment of such person; sohowever that the right for such assistance shall be extinguished after the lapse of six months starting from the first day of the person's absence from Malta for such treatment except where such visit abroad was approved by Government.

(3) With effect from the 1st January 2016 entitlement to Social Assistance or to an Age Pension payable under this Act shall not be extinguished:

(i) when a person proves to the satisfaction of the Director that he or she shall be abroad in a European country for a period not exceeding eight days in a calendar year;

(ii) when a person proves to the satisfaction of the Director that he or she shall be abroad in a Non-European country for a period not exceeding one month in a calendar year.

(4) With effect from the 1st January 2016 entitlement to an Age Pension payable under this Act shall not be extinguished where a person proves to the satisfaction of the Director that he or she shall be abroad in Australia, Canada or New Zealand for a period not exceeding three months in a calendar year.

Residents of state financed residential service.
Amended by:
XX. 1987.14;
XVI. 1989.17.
Re-numbered by:
XXIV. 1993.2.
Amended by:
XXV. 1994.28.
Substituted by:
XI. 2000.16;
II. 2004.26.
Amended by:
III. 2005.11;
IX. 2013.7.

93. (1) Subject to the provisions of this Act, where during any period a person is receiving a State Financed Residential Service, such person shall pay to the Government such contribution as may be prescribed under sub-article (2). The Director shall calculate the contribution payable by such resident in terms of the provisions of this article.

(2) The Minister may, with the concurrence of the Minister responsible for finance, make regulations providing for the calculation of the contribution due by residents of State Financed Residential Services as are specified by the same regulations.

(3) Any contributions due in terms of the foregoing provisions of this article shall be deducted from any benefit, pension, bonus, assistance or allowance payable under this Act.

(4) Notwithstanding the provisions of this article, where a resident of a State Financed Residential Service that is a state-owned hostel for the care and welfare of persons with disability referred to in article 131A is a married person whose spouse is not such a resident, and is not in receipt of a benefit, pension, bonus, assistance or allowance payable under this Act in the spouse's own right, 60% of the rate of benefit, pension, bonus, assistance or allowance which would have otherwise been payable to such resident shall be payable to the spouse who is not a resident:

Provided that, with effect from the 5th January 2013, 70% of the rate of benefit, pension, bonus, assistance or allowance which would have otherwise been payable to such resident. or the rate of Age Pension for a single person in accordance with the Sixth Schedule, shall be payable to the spouse who is not a resident, whichever is the most beneficial.

(5) Where no benefit, pension, bonus, assistance or allowance is due to a resident of a state financed residential service, and whether such benefit, pension, bonus, assistance or allowance is payable under this Act or from any other source, or where such benefit, pension, bonus, assistance or allowance is less than the amount that is due by way of a contribution, as specified in terms of sub-article (1), 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.

(6) Any reference in this article to any state-financed residential service is a reference to such service as is referred to in article 131(1)(*a*).

Residents of state financed residential service that is a state-owned hostel for the care and welfare of persons with disability.
Added by: XIV. 1988.10. Re-numbered by: XXIV. 1993.2. Revoked by; II. 2004.27. Substituted by: I. 2012.10.

94. (1) Subject to the provisions of this Act, where during any period a person is receiving a State Financed Residential Service that is a state-owned hostel for the care and welfare of persons with disability referred to in article 131A, such person shall pay to the Government such contribution as may be prescribed under sub-article (2). The competent authority in terms of article 131A shall calculate the contribution payable by such resident in terms of the provisions of this article.

(2) The Minister may, with the concurrence of the Minister responsible for finance, make regulations providing for the calculation of the contribution due by residents of State Financed Residential Services under sub-article (1) as are specified by the same regulations.

(3) Any contributions due in terms of the foregoing provisions of this article shall be deducted from any benefit, pension, bonus, assistance or allowance payable under this Act.

(4) Notwithstanding the provisions of this article, where a resident of a State Financed Residential Service that is a state-owned hostel for the care and welfare of persons with disability referred to in article 131A is a married person whose spouse is not such a resident, and is not in receipt of a benefit, pension, bonus, assistance or allowance payable under this Act in the spouse's own right, 60% of the rate of benefit, pension, bonus, assistance or allowance which would have otherwise been payable to such resident shall be payable to the spouse who is not a resident.

(5) Where no benefit, pension, bonus, assistance or allowance is due to a resident of a state financed residential service that is a state-owned hostel for the care and welfare of persons with disability referred to in article 131A, and whether such benefit, pension, bonus, assistance or allowance is payable under this Act or from any other source, or where such benefit, pension, bonus, assistance or allowance is less than the amount that is due by way of a contribution, as specified in terms of sub-article (1), the competent authority in terms of article 131A 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.

Persons benefiting from home-care/home-help services provided by Government.
Added by: XIV. 1988.10. Re-numbered by: XXIV. 1993.2. Amended by: II. 2004.28; L.N. 424 of 2007.

95. (1) A person who is benefiting from home-care/home-help services provided by Government as are described in article 131(1)(*a*)(iii) and who is at the same time receiving any pension, including a Widow's Benefit, or Social Assistance payable under this Act, shall, during the whole period within which such person is benefiting from such services, have his pension or Social Assistance abated by €2.33 per week or, where such services include the preparation of meals, by €3.49 per week; sohowever that, where such services are being rendered to a married couple who are living together and of whom only one is in receipt of a pension or Social Assistance that pension or Social Assistance shall be abated by €3.49 per week or, where such services include the preparation of meals, by €5.24 per week.

(2) Any abatement made by virtue of the provisions of sub-

article (1) shall be paid to Government.

Separate pensions and split bonus and split additional bonus.
Re-numbered by: XXIV. 1993.2.
Amended by: XXV.1994.29.
Substituted by: XXXIX. 2015.10.

96. (1) Subject to the provisions of sub-article (2), a married person who is in receipt of a pension payable at the married rate under the provisions of articles 27 and 66 shall have such pension and any Bonus and, or, Additional Bonus payable to him/her under article 85 apportioned equally between both spouses -

(*a*) where either one of the spouses requests the Director that such half pension and/or half Bonus and, or, half Additional Bonus be paid direct to the other spouse; or

(*b*) where the spouses are *de jure* separated and no mention is made in the judgment or contract of separation with regard to the apportionment or otherwise of such pension and, or, Bonus and, or, Additional Bonus:

Provided that such apportionment shall only take effect from the date when the next payment of such pension and, or, Bonus and, or, Additional Bonus is due following a written request to this effect from any one of the two parties concerned.

(2) The provisions of sub-article (1) shall not apply where either one of the spouses is already in receipt of any pension and, or, Bonus and, or, Additional Bonus under this Act in his/her own right or where such pension as is referred to in the said sub-article (1) is being paid in addition to any other pension payable under this Act.

(3) Where by any court judgment or as a result of any lawful agreement between a married couple any pension payable under the provisions of this Act is being paid wholly or partly to the spouse of the pensioner, the Bonus and the Additional Bonus payable under article 85 shall be paid wholly to the pensioner unless there is a court judgment to the contrary or unless the married couple otherwise agree.

Time and manner of making claims.
Amended by: XIV. 1988.11; XVI. 1990.40; XIII. 1991.38; VIII. 1992.35.
Re-numbered by: XXIV. 1993.2.
Amended by: XXV. 1994.2; XXI. 1996.47; II. 1999.15; II. 2002.29; XXXII. 2007.64; XVI. 2017. 35.

97. (1) It shall be a condition of any person's right to any benefit, pension, allowance, injury grant or assistance granted under the provisions of this Act that -

(*a*) he makes a claim therefor on the official form of the Department for that benefit, pension, allowance, injury grant or assistance or in such other manner as the Director may otherwise determine in respect of any particular benefit, pension, allowance, injury grant or assistance or with respect to any particular claim, and that this claim is officially received by the Department within the respective time limits laid down in sub-article (2);

(*b*) he produces such certificates, documents, information and evidence for the purpose of determining his right to such benefit, pension, allowance, injury grant or assistance as the Director may, from time to time, require and for that purpose attends at such office or place as the Director may appoint.

(2) The time limits referred to in sub-article (1)(*a*) shall be as follows:

(*a*) in the case of Sickness Benefit and Injury Benefit, ten days starting from the first day of incapacity for work, and in the case of an injury grant/injury pension that may be payable as a consequence of the after effects of an injury, within a month of the diagnosis of such after effects;

(*b*) in the case of Unemployment Benefit or Special Unemployment Benefit, Social Assistance, Medical Assistance, an Age Pension, an Increased Severe Disability Assistance, Severe Disability Assistance, Disability Assistance, an Assistance for the Visually Impaired, a Carer's Allowance, Increased Carer's Allowance, a Pension in respect of Invalidity or a Supplementary Allowance, five days starting from the day in respect of which the claim is made;

(*c*) in the case of a Marriage Grant, a Maternity Benefit, a Children's Allowance, a Disabled Child Allowance or a Pension in respect of Retirement or Widowhood, six months starting from -

(i) the day on which the child is born, in respect of a Maternity Benefit, a Children's Allowance and a Disabled Child Allowance;

(ii) the day on which the person concerned reaches his retirement, in the case of a Pension in respect of Retirement;

(iii) the day on which the female concerned becomes a widow, in the case of a Pension in respect of Widowhood; and

(iv) the day of marriage, in the case of a Marriage Grant:

Provided that if no claim is made for any of the aforesaid benefits, pensions, allowances or assistance within the aforesaid time limits, entitlement to such benefits, pensions, allowances and assistance shall only accrue as from the date on which the relevant claim is accepted by the Director as having been officially received by the Department; sohowever that in the case of a Marriage Grant or Maternity Benefit no entitlement to such benefit shall accrue after the lapse of the period referred to in paragraph (*c*):

Provided further that -

(i) for the purposes of this sub-article any such claim as aforesaid in this sub-article shall not be accepted as having been officially received by the Department unless and until it bears such official departmental stamp as may be determined by the Director, which stamp shall include the date on which such a claim had been so officially received by the Department; and

(ii) where the person making a claim for such benefit, pension, allowance or assistance as aforesaid proves to the satisfaction of the Director that any delay in having his claim officially received by the Department was not due to any negligence on his part, the Director may, at his discretion, consider the claim as having been officially received in good time, either -

(*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.

(3) Where at any time prior to the 23rd February, 1990, any person submitted to the Director a claim for Children's Allowance or Special Allowance under this Act and, for whatever reason such allowance remained unpaid or suspended by the date aforesaid in this sub-article, such person may notwithstanding that such person had failed to appeal to the Umpire appointed under this Act or to take any other action competent to him at law, submit a fresh claim to the Director for such allowance by not later than 30th April, 1990. The provisions of article 98(4) shall apply to the claim which has given rise to such fresh claim, and if no such fresh claim is so submitted as aforesaid, such allowance shall not be payable under this Act in relation to any period prior to the 23rd February, 1990:

Provided that the foregoing provisions of this sub-article shall not apply in the case of a claim for Children's Allowance made in respect of a child born on or after the 23rd August, 1989, or, in the case of a claim for Special Allowance, made in respect of a person who has reached his sixteenth birthday on or after the 23rd August, 1989; but in any such cases the provisions of article 98(4) shall nonetheless apply:

Provided further that, the foregoing provisions of this sub-article shall also apply to claims which were originally lodged between the 23rd February, 1990 and the 19th April, 1990 in respect of periods prior to the 23rd February, 1990.

(4) Unless otherwise stated in the relative provisions of this Act, where a person is in any way disqualified from receiving benefit, pension, allowance or assistance under this Act, he shall not again become entitled to such benefit, pension, allowance or assistance under and in accordance with the provisions of this Act unless he makes a fresh claim therefor in terms of the foregoing provisions of this article and for this purpose, the respective time

limits laid down in sub-article (2) shall, in each and every case, take effect as from the date on which such disqualification as aforesaid in this article ceases.

Payments.
Amended by: XIV. 1988.12; XVI. 1989.18; XVI. 1990.41; XIII. 1991.39; VIII. 1992.36. Re-numbered by: XXIV. 1993.2. Amended by: XXV. 1994.2; XXI. 1996.48; XI. 2000.17; II. 2002.74; XXXII. 2007.65; I. 2012.11; XV. 2016.60.

98. (1) Where any person is entitled to any pension, benefit, allowance or assistance under this Act, payment shall be made -

(*a*) at the Department or at such other place or in such manner as the Director may from time to time determine; and

(*b*) in the case of -

(i) a Marriage Grant, Injury Grant or Maternity Benefit, as soon as possible after the claim has been determined;

(ii) Sickness, Injury, Unemployment and Special Unemployment Benefits, or social assistance in respect of unemployment, in arrears at such intervals as the Director may from time to time determine; sohowever that, where a claim for Sickness Benefit is made while the person concerned is temporarily abroad, payment of such benefit shall be made in arrears in one lump sum as early as possible after the person returns to Malta;

(iii) any pension, social or medical assistances, in advance at such intervals (being intervals not longer than five weeks) as the Director may from time to time determine, but whenever the rates are increased the difference between the new rates and the old rates may be paid in advance at intervals not exceeding twenty-six weeks from the date when the rates are increased; and

(iv) a Supplementary Allowance, Children's Allowances, Care allowance and a Disabled Child Allowance, in advance at such intervals (being intervals not longer than fourteen weeks) as the Director may, from time to time, determine:

Provided that, subject to the provisions of article 90, with effect from the 5th January 2008, in the case of the Fixed Children's Allowance, in advance at such intervals, being intervals of not longer than 53 weeks, as the Director may from time to time determine.

(2) Where the day on which a person becomes entitled to a pension, including Widow's Benefit, allowance or assistance or becomes entitled to any of them at a new rate, is not a Saturday, with effect from the 15th October, 1977, entitlement to such pension, allowance or assistance and/or its new rate shall, notwithstanding the foregoing provisions of this Act, accrue only as from the following Saturday, and, where the day on which a

person ceases to be entitled to any of them, or being so entitled, dies, is not a Friday, payment shall be made in respect of the whole week which ends on the following Friday:

Provided that, notwithstanding the provisions of this sub-article, with effect from the 1st January 2016, entitlement to a Pension under Part V shall accrue as from the day following the day on which a person retires, and entitlement to a Pension under Part IV shall accrue as from the day following the date of the death of the spouse who is entitled to a Pension under Part V.

(3) Any payments made in advance in accordance with sub-article (1)(*b*)(iii) and (iv) shall still be deemed to have been due to the beneficiary notwithstanding the fact that, during the period falling between the date of such payment and the date on which such payment expires in terms of sub-article (2), there has been a change in circumstances which would otherwise have adversely affected the rate of such payment forthwith in terms of the other provisions of this Act.

(4) Notwithstanding any of the provisions of this Act, any claim for the payment of any benefit, pension, assistance or allowance under this Act shall not be paid in arrears for a period exceeding six months, as the Director may determine, if the assessment or re-assessment or the continued payment of such a claim was held back as a result of the non-observance of the provisions of article 97(1)(*b*) on the part of the claimant.

(5) Where any benefit, pension, assistance or allowance under this Act is paid following the advice of the Department's medical panel and multi-disciplinary panel, where applicable, in accordance with the proviso to article 106, if this advice is subsequently changed following a advice of the previous medical panel and multi-disciplinary panel, where applicable, shall remain valid till the day when the aforesaid advice is changed.

(6) Where payment for any benefit, pension, assistance or allowance under this Act is not obtained by the beneficiary within 2 years from the date of the issue of the original cheque, the right for such benefit, pension, assistance or allowance shall be lost.

Non-payment of arrears of any benefits, pensions, assistance or allowance to persons with dual citizenship.
Added by: XVI. 1990.42.
Re-numbered by: XXIV. 1993.2.

99. Where any benefit, pension, assistance or allowance payable under this Act requires either specifically or by implication or inference that the claimant or the person in respect of whom such benefit, pension, assistance or allowance is payable should be a citizen of Malta, claims for such benefits, pensions, assistance or allowances by persons holding dual citizenship in virtue of article 27 of the Constitution of Malta shall not be allowed for periods prior to the 1st August, 1989.

Representation of deceased persons, and persons unable to act.
Re-numbered by: XXIV. 1993.2.

100. Subject to the provisions of this Act, where a person who has made a claim for benefit, pension, assistance or allowance or who is alleged to be or to have been entitled to a benefit, pension, assistance or allowance, or to whom any benefit, pension, assistance or allowance is payable is unable to act or dies, the Director may appoint such person as he may think fit to proceed with, or to make, a claim or to receive payment of such benefit, pension, assistance or allowance on behalf of or as representative of that person. Any person so appointed shall, for all the purposes of this article, be conclusively deemed to be the lawful representative of that other person or his estate.

Benefit, pension, allowance or assistance to be inalienable.
Re-numbered by: XXIV. 1993.2.
Amended by: XI. 2000.18; II. 2004.30; I. 2012.12.
Cap. 372.

101. (1) Subject to the provisions of this Act, every assignment of or charge on, and every agreement to assign or charge any benefit, pension, allowance or assistance, shall be void:

Provided that nothing in this sub-article shall be construed as limiting the provisions of the Income Tax Management Act, with regard to the withholding of tax at source, and provided further that the Director may at the request of the Director of the Elderly and Community Services Department, or of the competent authority under article 131A, withhold from any pension, benefit, assistance, allowance, bonus or additional bonus paid under this Act, any sum due which is in accordance with the regulations issued in terms of the provisions of article 93 to the Government.

(2) Any benefit, pension, allowance or assistance may not be subjected to a garnishee order or otherwise attached nor may any judgment be executed thereon.

Repayment of benefit, pension, allowance or assistance improperly received.
Substituted by: XVI. 1990.43.
Amended by: XIII. 1991.40; VIII.1992.37.
Re-numbered by: XXIV. 1993.2.
Amended by: XXI.1996.49; II.1999.16; XXVII. 2016.6.

102. (1) Save as provided for in article 98(3), with effect from the 1st of April 1978, any person who 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 shall be liable to repay to the Director the sum so received by him, and the Director shall, without prejudice to any other right competent to him at law, recover such sum by means of deductions from any benefit, pension, allowance or assistance to which he thereafter becomes entitled:

Provided that, with effect from the 6th January 1990 -

(i) where such overpayment occurs as a result of the non-disclosure or misrepresentation of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent) the rate of recovery by means of deductions from any benefit, pension, allowance or assistance to which he thereafter becomes entitled shall be determined by the Director but shall in no case be less than the equivalent of 10% of the rate of benefit, pension, allowance or assistance to which he thereafter becomes entitled; and

(ii) where such overpayment occurs as a result of any eventuality other than those mentioned in paragraph (i) of this proviso, the rate of recovery by means of deductions from any benefit, pension, allowance or assistance to which he thereafter becomes entitled shall also be determined by the Director but shall in no case exceed the equivalent of 5% of the rate of benefit, pension, allowance or assistance to which he thereafter becomes entitled unless the beneficiary or pensioner concerned, as the case may be, requests that a higher rate of such deduction be effected; so however that, in any case the Director shall have no right to effect any such deductions as are referred to in this paragraph in respect of overpayments which have been made prior to the period of two years going back from the date when the Director became aware of such overpayment irrespective of the period to which the overpayment refers:

Provided further that, with the exclusion of the provisions of paragraph (i) of the foregoing proviso of this sub-article and the provisions relating to the period of years in respect of which overpayments shall be refunded as are referred to in paragraph (ii) of the said proviso, the foregoing proviso of this sub-article shall, with effect from the 6th January, 1990, also apply to cases wherein such overpayment was discovered by the Department at any time before the 6th January, 1990, and such overpayment or part thereof was still due to the Department after the aforesaid date.

(2) Where any person received any Unemployment Benefit, Special Unemployment Benefit or Social Assistance under this Act under false pretences, and between the 1st November, 1990, and the 31st December, 1990, both dates inclusive, voluntarily came forward and informed Jobsplus of his abuse in this respect, such person shall, for the purposes of this article, not be deemed liable to repay to the Director any benefit or assistance as aforesaid in this sub-article so paid to him in respect of any period up to the date when he so informed the above-mentioned Corporation.

(3) Where any person is in receipt of any benefit, pension, allowance or assistance payable under this Act, and has failed to pay any Class Two contribution due in terms of the provisions of this Act, or has paid a contribution at a rate, or at a category, or of a class which is not in accordance with the provisions of this Act, the Director may recover any amount due in respect of such contributions by means of deductions from any benefit, pension, allowance or assistance to which such person thereafter becomes entitled, and the rate of recovery for such deductions shall be as provided for in terms of paragraph (i) of the first proviso to sub-article (1).

(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 sub-article (1) 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.

103. (1) The Director shall have the right to claim by civil action the amount of any benefit paid or payable under this Act -

Recovery of benefits in respect of injury caused by wilful act or negligence. *Re-numbered by: XXIV. 1993.2. Amended by: XXI.1996.50. XXXIII.2024. First Schedule.* Cap. 16.

(*a*) from any person, other than the beneficiary, where an injury in respect of which benefit is paid or payable was caused by wilful act or the negligence of such person or of any other person for whom under the Civil Code the first mentioned person is responsible;

(*b*) without prejudice to the generality of paragraph (*a*) above, from any employer, where the injury was caused on account of or through the non-compliance by himself, or by any other person for whom under the Civil Code he is responsible, with any obligations imposed by the Health and Safety at Work Act, or by any regulations made thereunder. Cap. 646.

(2) Nothing in this article shall prejudicially affect any right to compensation or damages which the injured person or those claiming under him may have under the provisions of the Civil Code against the person through whose wilful act or negligence the injury was caused; but in assessing the amount of such compensation or damages the court shall take into account the amount of benefit recovered by the Director as provided in sub-article (1). Cap. 16.

(3) Any amount recovered under this article or under the last preceding article shall be carried to the credit of the Consolidated Fund.

104. Notwithstanding any provision of the Widows' and Orphans' Pensions Act no contribution is payable under that Act, but all the provisions of that Act shall continue to have effect as if all the contributions which, but for the provisions of this article, would have been payable under that Act, had in fact been paid.

Contributions under the Widows' and Orphans' Pensions Act. *Re-numbered by: XXIV. 1993.2.* Cap. 58.

PART VIII

DETERMINATION OF CLAIMS AND QUESTIONS

105. If any question arises as to -

Determination of questions as to insurability and contributions. *Re-numbered by: XXIV. 1993.2. Amended by: XXI.1996.51.*

(*a*) whether any employment is insurable employment;

(*b*) whether a person is or was an employed person or a self-employed person or a self-occupied person;

(*c*) who is or was the employer of an employed person;

(*d*) whether contributions are payable by or in respect of any person;

(*e*) whether a contribution has been paid by or in respect of any person,

that question shall be determined by the Director after such inquiry as he may deem necessary, or, if the Director deems it expedient, it shall be referred by him, after giving notice to any person appearing to him to be interested, to the Umpire appointed under article 107.

Determination of claim.
Amended by: XIV. 1988.13; XVI. 1989.19; XVI. 1990.44; VIII.1992.38. Re-numbered by: XXIV. 1993.2. Amended by: XXV.1994.2; XXI.1996.52; VI. 2006.6; I. 2012.12; XVI. 2017.36; XIII.2024.24; IX.2025.28.

106. Subject to the provisions of article 97, every claim for benefit, pension, allowance or assistance shall be considered by the Director who may -

(*a*) allow the claim; or

(*b*) disallow the claim; or

(*c*) after giving notice to the claimant, refer the claim to the Umpire appointed under article 107:

Provided that -

(*a*) if the claim is for Injury Grant, Injury Pension, Medical Assistance, or Social Assistance payable under the provisions of article 30(4), a Carer's Allowance, Increased Carer's Allowance, or a Disabled Child Allowance, the Director shall, before giving his decision, unless the claim falls on other statutory conditions, consult on the medical aspects of the claim one or more persons holding the warrant to practise the medical profession drawn from a panel of persons appointed by the Minister for the purpose of advising on such cases, as the nature of the claim may require;

(*b*) if the claim is for Injury Benefit and the resultant period of incapacity for work exceeds ten benefit days the provisions of paragraph (*a*) of this proviso shall apply and where the resultant period of incapacity of work does not exceed ten benefit days the provisions of paragraph (*c*) of this proviso shall apply;

(*c*) if the claim is for Maternity Benefit, the Director may, if he so deems fit, before giving his decisions, unless the claim falls on other statutory conditions, consult on the medical aspects of the claim one or more persons holding the warrant to practise the medical profession, appointed by the Minister for this purpose;

(*d*) if the claim is for Sickness Benefit, with effect from the day as the Minister may determine by notice in the Gazette, the Director shall not accept any such claim in respect of the fourth and subsequent day of each spell of incapacity for work unless the medical certificate confirming the person's incapacity for work is drawn and signed by a person holding the warrant to practise the medical profession appointed by the Minister for this purpose; sohowever that, where the Director is satisfied that the person making a claim for such benefit is ordinarily resident in Malta but is, on the date of such claim, temporarily abroad, the Director may, notwithstanding the aforesaid provisions of this paragraph, accept such a claim as valid for the purposes of this Act as long as it is supported by a medical certificate in such form and manner as the Director may deem fit in the circumstances of the case and provided the person concerned proves to the satisfaction of the Director that he is not entitled to any form of benefits as may be payable by any authority that is responsible for the payment of social security benefits in the country where that person is temporarily living during the period of such incapacity for work; and

(*e*) if the claim is for a pension in respect of invalidity, the Director shall, before giving his decision and unless the claim falls under other statutory conditions, consult on the medical aspects of the claim, one or more persons holding the warrant to practise the medical profession appointed by the Minister for the purpose of advising on such cases;

(*f*) the Minister shall appoint a multi-disciplinary panel for the purpose of advising the Director on the psycho-socio aspect of cases in which a claim for a pension in respect of invalidity or a claim for Social Assistance has not led to the conclusive determination of the work capacity of the applicant, or in claims for a Carer's Allowance and an Increased Carer's Allowance, according to the provisions of article 68 or in claims for an Increased Severe Disability Assistance according to the provisions of article 27 as provided in the preceding paragraphs of this provis. The multi-disciplinary panel shall be made up of the following members:

(i) a psychiatrist or a geriatrician;

(ii) a psychologist;

(iii) an occupational therapist; and

(iv) a social worker;

(*g*) the Minister in conjunction with the Minister responsible for persons with disability shall appoint one (1) or more interprofessional panels for the purpose of advising the Director on the evaluation based on the model of the World Health Organisation International Classification of Functioning, Disability, and Health (ICF), in claims further to the provisions of article 27 that make reference to this panel. Every interprofessional panel shall be made up of the following members, and applications shall be assigned to the various panels on a rotation basis:

(i) a medical doctor to confirm a diagnosis;

(ii) a professional with knowledge on the assessment of the components of the ICF;

(iii) a social worker;

(iv) an occupational therapist;

(v) an expert from the Department responsible for the payment of Disability Assistance; and

(vi) a person with disability, on the advice of the Chief Executive Officer of Aġenzija SAPPORT appointed in accordance with Aġenzija SAPPORT (Establishment as an Agency) Order: S.L. 595.18.

Provided that every applicant who appeared before the interprofessional panel may appeal from that panel's decision to the

Director, in accordance with the provisions of article 108, within twenty (20) days from the date on which said decision would have been communicated to the said applicant. Further appeal from this decision shall lie to the Court of Appeal (Inferior Jurisdiction), at the request of the applicant or of the Director, following the same procedure envisaged in article109:

Provided further that, in any claim for Sickness Benefit, the Director may, if he so deems fit, consult on the medical aspects of the claim one or more persons holding the warrant to practise the medical profession, appointed by the Minister for this purpose, and on the psycho-socio aspects of the case the multi-disciplinary panel provided for in paragraph (*f*) of the previous proviso.

(*h*) the Minister in conjunction with the Minister responsible for persons with disability shall appoint one (1) or more interprofessional panels, for the purpose of advising the Director on the evaluation based on the model of the World Health Organisation International Classification of Functioning, Disability, and Health (ICF for Children and Youths), in claims further to the provisions of article 77 that make reference to this panel. Every interprofessional panel shall consist of the following members, and the applications shall be assigned to the various panels on a rotation basis:

(i) consultant paediatrician to confirm a diagnosis;

(ii) a professional with knowledge on the assessment of the components of the ICF;

(iii) a social worker;

(iv) an occupational therapist.

Appointment of Umpires.
Re-numbered by: XXIV. 1993.2.
Amended by: III. 2005.12; XII. 2014.37.

107. (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, sohowever 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.

(2) The Umpire shall, before entering upon his duties, take an oath of office before the Attorney General in the form approved by the Minister.

(3) The Umpire shall have the power to take expert advice when necessary at his discretion, and to summon any person to appear before him to give evidence on oath and/or to produce documents; and for these purposes he shall have the powers which are conferred by law on the First Hall of the Civil Court.

Every summons shall be signed by him and shall be served either personally or by registered post, and in the latter case, in proving service, it shall be sufficient to prove that the summons was properly addressed and posted.

(4) The Director shall be entitled to appear and be heard on any appeal or reference to the Umpire.

(5) The Umpire shall abstain from taking cognizance of a case or may be challenged in any of the circumstances in which a judge would abstain or can be challenged in accordance with the provisions of article 734 of the Code of Organization and Civil Procedure and in every such case the provisions of Sub-Title II of Title II of Book Third of that Code shall apply so far as applicable. Cap. 12.

(6) The Minister may, from time to time, as he shall deem fit and as provided in sub-article (1), vary the composition of the panel referred to in that sub-article, but a person actually serving as Umpire shall, notwithstanding the removal of his name from the panel, continue so to serve in the proceedings in which he is serving as Umpire until the conclusion of those proceedings and for the purpose of the interpretation of any decision given therein.

Appeal to the Umpire.
Amended by: XVI. 1989.20.
Re-numbered by: XXIV. 1993.2.
Amended by: XXIV. 1993.14; XXV. 1994.2,30; II. 2004.31; L.N. 218 of 2012; XXXIX. 2015.11; XVI. 2017.37; XIII.2024.25

108. (1) An Appeal shall lie to the Umpire from any decision of the Director on any question of law or principle of importance arising in connection with -

(i) the determination of any question under article 105; or

(ii) any claim under article 106, unless the claim has been rejected by the Director following consultation by the said Director on the medical aspects of the claim in terms of paragraph (*a*) of the proviso to the said article 106, in which case the Director may revise his decision in terms of the provisions of article 110 and where the persons forming the medical panel shall be different from the first medical panel which had investigated the case in the first instance; or

(iii) any decision of the Director given under the proviso to article 35 and under article 58;

(iv) any claim of discrimination on ground of sex made by any person concerning the determination of that person's eligibility and entitlement for any benefit, pension, allowance and assistance payable under this Act.

Such appeal may be made -

(*a*) at the instance of any person aggrieved by the determination or decision of the Director; or

(*b*) by the actual widow or actual widower as the case may be, or by the heirs of any person so aggrieved; or

(*c*) at the instance of a trade union if the person so aggrieved is or at the time of his death was a member of that trade union.

(2) Subject to the provisions of sub-article (1), an appeal from any decision of the Director under article 105 may be made to the Umpire in writing not later than ten years from that decision.

(3) Subject to the provisions of sub-article (1), an appeal from a decision of the Director given under the proviso to article 35 and under articles 58 and 106 may be made to the Umpire in writing within thirty days from the date on which the Director communicates his decision in writing to the claimant or beneficiary as the case may be:

Provided that the Umpire shall refrain from taking cognizance of an appeal that may be filed, or that could have been filed at any stage from a decision taken by the Director, if the merits of the appeal are the subject of criminal proceedings.

(4) In considering any appeal, the Umpire shall have the assistance of -

(i) one or more persons appointed by the Minister to act as assessors from the appropriate panel of those referred to in article 106, if the claim is for Injury Benefit, Injury Grant, Injury Pension, a Pension for Invalidity, an Assistance for the Visually Impaired, Increased Severe Disability Assistance, Severe Disability Assistance or Disability Assistance and the Umpire feels that a medical advice is required; and

(ii) an assessor chosen from a panel of persons to represent employers and an assessor chosen from a panel of persons to represent employed persons.

(5) The assessors referred to in sub-article (4)(ii) shall be appointed by the Minister after consultation with organizations concerned with the interests of employers and employed persons respectively.

(6) No assessor referred to in sub-article (4) shall serve during the consideration of a case -

(i) in which he appears as a representative of the claimant; or

(ii) by which he is or may be directly affected; or

(iii) in which he has taken or may take any part as an employer or as an official of a trade union or as a witness.

(7) In any case where the Umpire decides to hear an appeal or reference orally, reasonable notice of the time and place of the hearing shall be given to the claimant or beneficiary, as the case may be, and to any other person who appears to the Umpire to be interested in the case, and at such hearing the claimant or person to whom notice of hearing has been duly given may appear personally or through a duly appointed representative.

(8) If, in any case of an appeal, the claimant, or beneficiary, as the case may be, to whom notice of hearing has been duly given, fails to appear at the hearing and does not give reasonable explanation for his absence, the Umpire may proceed to determine the case, notwithstanding his absence, or may dismiss the appeal.

(9) Subject to the provisions of this Act, the procedure for the consideration and determination of any reference or appeal to the Umpire shall be such as he shall determine, due regard being had to the principles of justice and fairness.

Appeal from the decision of the Umpire.
Re-numbered by: XXIV. 1993.2. Substituted by: XXV.1994.31. Amended by: VI. 2001.17; L.N. 218 of 2012.

109. (1) Subject to the provisions of this Act, an appeal from the decision of the Umpire shall lie to the Court of Appeal (Inferior Jurisdiction) at the instance of any person, including the Director, who was a party to the proceedings before the Umpire:

Provided that, where a person dies between the date of the delivery of the decision of the Umpire and the time within which an appeal may be entered in accordance with sub-article (2), an appeal may also be made at the instance of the actual widow or actual widower, or the heirs of such person.

(2) An appeal as aforesaid in this article shall be brought by an application within thirty days from the day on which the decision of the Umpire is communicated in writing by registered post to the claimant or beneficiary or the Director, as the case may be.

(3) The Minister responsible for justice may by regulations under this sub-article establish the fees payable in the registry of the courts relative to the filing of judicial acts in connection with appeals to the Court of Appeal under this Act:

Cap. 12.

Provided that until such fees are so established by the Minister, the fees contained in Schedule A to the Code of Organization and Civil Procedure shall apply.

(4) The board established under article 29 of the Code of Organization and Civil Procedure may make rules governing appeals to the Court of Appeal (Inferior Jurisdiction) under this Act.

Power to revise decision.
Re-numbered by: XXIV. 1993.2.

110. The Director or the Umpire, having given a decision on any claim or question, may review that decision if he is satisfied that -

(*a*) it was given in ignorance of or was based on a mistake as to some material fact; or

(*b*) since the date of the decision there has been a relevant change of circumstances,

and may give a revised decision to have effect from such date as he may determine.

Umpire's decision to be conclusive for the purpose of proceedings.
Re-numbered by: XXIV. 1993.2.

111. In any proceedings before any court -

(*a*) for an offence under this Act; or

(*b*) involving any question as to the payment of any contribution under this Act; or

(*c*) for the recovery of any sums due under this Act,

the decision of the Umpire on any question specified in article 105 shall be conclusive for the purpose of those proceedings.

PART IX

ADMINISTRATION AND FINANCE

Appointment of inspectors.
Re-numbered by: XXIV. 1993.2.

112. The Director may appoint such public officers as he may determine to be inspectors for the purposes of this Act.

Powers of inspectors.
Re-numbered by: XXIV. 1993.2.
Amended by: XXI. 1996.53; L.N. 424 of 2007.

113. (1) An inspector appointed under the foregoing article shall, for the purposes of the execution of this Act, have the power to do all or any of the following things, namely:

(*a*) to enter without previous notice at all reasonable times any premises or place where he has reasonable grounds for supposing that there are persons who are in insurable employment or self-occupied;

(*b*) to make such examination and inquiry as may be expedient for ascertaining whether the provisions of this Act are being or have been complied with in any such premises or place, or for investigating the circumstances in which any injury or disease which has given rise to a claim for benefit, pension, allowance or assistance, was or may have been received or contracted;

(*c*) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act on which he may reasonably require information, any person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an employed person or a self-occupied person, and to require every such person to be so examined;

(*d*) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) Where any premises or place is under the control of a government department, the Director may make special arrangements with that department regarding inspections as to meet the circumstances of the case.

(3) The occupier of any such premises or place, and any other person who is or has been employing any person, and the servants and agents of any such occupier or other person, and any employed person shall furnish to an inspector all such information and shall produce for inspection all such documents as the inspector may reasonably require.

(4) If any person -

(*a*) wilfully delays or obstructs an inspector in the exercise of any power under this article; or

(*b*) refuses or neglects to answer any question or to furnish any information or to produce any document when required to do so under this article; or

(*c*) conceals or tries to conceal any person or prevents or tries to prevent any person from appearing before or being examined by an inspector,

shall on conviction, without prejudice to any higher punishment to which he may be liable under any other law, be liable to a fine (*multa*) of not less than two hundred and thirty-two euro and ninety-four cents (232.94).

(5) Every inspector shall be furnished with a certificate of his appointment signed by the Director and in carrying out any of his functions under this Act shall, if so required, produce the said certificate.

(6) An inspector shall not have any direct or indirect interest in any undertaking which may be subject to inspection by him; shall not reveal at any time, even after ceasing to be an inspector, any manufacturing or commercial information or working processes which come to his knowledge in the course of his duties; shall not divulge the source of any complaint bringing to his notice a default under, or a breach of, the provisions of this Act; and shall not in any case inform the employer or the self-employed or self-occupied person concerned or their representatives that a visit of inspection was made as a consequence of the receipt of such a complaint.

(7) Any inspector who contravenes the provisions of the foregoing sub-article shall, in addition to the punishment to which he may be liable under article 133 of the Criminal Code, be also liable to dismissal *ipso facto* from his employment with Government.

Cap. 9.

114. (1) All benefits, allowances, pensions and assistance payable under this Act shall be a charge on the Consolidated Fund without any further appropriation other than this Act.

Social Security Account.
Amended by: XVI. 1989.21; XVI. 1990.45.
Re-numbered by: XXIV. 1993.2.
Amended by: XXI.1996.54; XVI. 1997.8.
Cap. 601.

(2) Subject to the provisions of the Public Finance Management Act, and in accordance with the provisions of article 132, the Director shall keep proper records of all disbursements and receipts (including any fines or penalties imposed in terms of articles 113, 117, 119 and 125) under this Act, and any expense incurred in carrying this Act into effect, and to this end shall keep a separate Social Security Account, hereinafter referred to as "the Account", as he shall, with the approval of the Accountant General, determine.

(3) A statement showing the receipts and payments of the Account shall, as soon as possible after the close of each financial year and in any case not later than three months after the close of such year, be forwarded by the Accountant General to the Auditor General, and article 35(2) of thePublic Finance Management Act, shall apply to such statements.

Cap. 601.

115. Any expense incurred in carrying this Act into effect shall be defrayed out of the Consolidated Fund.

Expenses of administration.
Re-numbered by: XXIV. 1993.2.

PART X

ENFORCEMENT AND NON-COMPLIANCE

Failure by employer or self-employed person to pay contributions. *Amended by: XVI. 1989.22. Substituted by: XVI. 1990.46. Re-numbered by: XXIV. 1993.2. Amended by: XXI. 1996.55; XI. 2000.19; XIX. 2006.15; I. 2012.14; XIII. 2015.89; VII.2019.36; VII.2022.40; V.2023.5; XII.2023.31; III.2026.27.*

116. (1) If any employer or a self-employed or self-occupied person or a person in respect of whom the provisions of article 13 apply fails or neglects to pay within the prescribed time any Class One or Class Two contributions, as the case may be, which he is liable under this Act to pay, a further contribution equivalent to -

(*a*) 10% of the total value of such unpaid contributions, in respect of contributions due under this Act at any time prior to the 3rd July, 1989; and

(*b*) 5% of the total value of such unpaid contributions, being contributions due under this Act in respect of any period after the 2nd July, 1989, but prior to the 3rd January, 2000; and

(*c*) 1% per month of the total value of such unpaid contributions being contributions due under this Act in respect of any period after the 2nd January, 2000; and

(*d*) 1% per month of the total difference obtaining from the rate at which such contributions were paid and the applicable rate due at the time when such contributions were due in accordance with the provisions of this Act, in respect of any period after the 2nd January, 2000,

shall be due and payable to the Director:

Cap. 372. S.L. 372.28.

Provided that as from 1st January 2026 the further contribution referred to in paragraphs (c) and (d) of this sub-article shall be substituted by interest per month as provided for in article 44(2A) of the Income Tax Management Act and the Income Tax (Rate of Interest) Rules, of the total difference obtaining from the rate at which such contributions were paid and the applicable rate due at the time when such contributions were due in accordance with the provisions of this Act:

Provided further that in the case of a self-employed or self-occupied person, or a person in respect of whom the provisions of article 13 apply, who proves to the satisfaction of the Director that at the time when such contributions were due he was abroad or hospitalised, the aforesaid prescribed time shall be extended to the 31st day of his return to Malta or discharge from hospital, as the case may be.

(2) Where any such employer or person as is referred to in sub-article (1) fails to settle his contribution dues together with the aforesaid further contribution within three months of the aforesaid prescribed time the Director may, without prejudice to any other right competent to him, by means of a judicial letter served on the person by whom such contributions or further contributions are due, claim such payment, and upon the service of such a judicial letter, the claim of the Director contained in such judicial letter shall, after the lapse of ten days from such service, constitute an executive title for the purpose of Title VII of Part I of Book Second

Cap. 12.

of the Code of Organization and Civil Procedure, unless the person against whom it is served shall, within the said period of ten days or such further period being not more than thirty days, as the competent civil court may on just cause being shown determine, by means of an application against the Director before the competent civil court, challenge such claim, to which the following provisions of this sub-article apply:

(*a*) the application shall, under pain of nullity, state clearly and concisely the nature of the complaint, the facts out of which the complaint arises, and the reasons why such complaint should be upheld;

(*b*) the applicant shall attach to the application all such documents in support of his claim as it may be in his power to produce and shall indicate in his application the names of all the witnesses he intends to produce stating, in respect of each, the proof which he intends to make;

(*c*) the court shall, without delay, set down the application for hearing at an early date, which date shall in no case be later than thirty days from the date of the filing of the application;

(*d*) the application, and the notice of the date fixed for hearing, shall be served on the Director without delay, and the said Director shall file his reply thereto within fifteen days after the date of the service of the application;

(*e*) the Director shall, in his reply, state clearly and concisely whether he agrees to the facts set out in the application, and the reasons why he objects to the claim; he shall moreover state in his reply the names of the witnesses in support of his reasons and shall attach thereto all the documents in support thereof;

(*f*) on the day fixed for the hearing of the application, the court shall consider the issues of fact and of law as are ascertainable only from the application, reply or documents filed, by either of the parties, or from the evidence indicated by either of the parties in the application or reply, as the case may be, or from the oral pleading of either of the parties;

(*g*) the court shall hear the application to a conclusion within five working days from the date fixed for the original hearing of the application, and no adjournment shall be granted except either with the consent of both parties or for an exceptional reason to be recorded by the court, and such adjourned date shall not be later than that justified by any such reason;

(*h*) saving the preceding provisions of this sub-article, the provisions of the Code of Organization and Civil Procedure relating to proceedings before the First Hall of the Civil Court shall apply in relation to any such application. Cap. 12.

(3) Notwithstanding the provisions of any other law, the claim of the Director of any amount due by way of any Class One or Class Two contribution under this article shall constitute a privileged claim in the case of a Class One contribution, ranking equally with wages of employees over the assets of the employer, and, in the case of a Class Two contribution, over the estate of the self- employed or self-occupied person concerned and shall be paid in preference to all other claims (excluding wages) whether privileged or hypothecary.

(4) For the purposes of this article, a notice by the Director to any employer or a self-employed or self-occupied person showing the number and the amount of contributions which such employer or self-employed or self-occupied person has failed or neglected to pay shall, unless the contrary is proved, be sufficient evidence that the amount in the said notice is the amount due to be paid to the Director by the employer or the self-employed or self-occupied person concerned.

(5) Without any prejudice to the foregoing provisions of this article, where a self-employed or self-occupied person fails to pay any contribution due in accordance with the provisions of this Act, or pays a contribution at a rate, or at a category, or of a class which is not in accordance with the provisions of this Act:

(i) any claim by the Director for the payment of such unpaid contributions, or for the payment of any difference due by way of adjustment in the rate, category or class of contributions, shall be barred by the lapse of thirty years; and

(ii) any request by the self-employed or self-occupied person to pay such contributions, or any request for any refund that may result as a result of an adjustment in the class or category paid shall be deemed null and void if submitted after attainment of pension age or after the lapse of five years from the time when the proper rate of contribution was due, whichever is the earlier:

Cap. 372.
S.L. 372.28

Provided that in the case of a person born on or after 1st January 1962, any contribution payable in terms of this article shall be subject to interest per month as provided for in article 44(2A) of the Income Tax Management Act and the Income Tax (Rate of Interest) Rules:

Provided further that, notwithstanding the provisions of this sub-article, the following shall apply where a request by the self-employed person to pay such unpaid contributions is made by a person who, during the period in which such contributions were not paid, was a member of a religious order, was living in Malta and no contribution was payable by him under this Act:

(i) such request shall be deemed valid if submitted after the lapse of five years from the time when the rate of proper contribution was due; and

(ii) the contribution for such period only shall be payable at the relevant SP rate applicable at the time as indicated in Part II of the Tenth Schedule:

Provided further that, notwithstanding the provisions of this sub-article, with effect from 1st January, 2015, a person who has attained the age of 59 but not yet reached the age of 65 and who is engaged in a gainful occupation or a self-occupation, has the option to pay up to five years of arrears of Social Security Contributions at the value of the SA rate as per Part III of Schedule 10 during the year when the claim is made:

Provided further that such option may also be granted to a person who has attained the age of fifty-nine (59) years and is in receipt of an Invalidity Pension in accordance with the provisions of article 26, or is in receipt of a Carers Allowance, Increased Carers Allowance or Carers Grant in accordance with the provisions of article 68 when the claim is made:

Provided further that such option may also be granted to a person who has attained the age of fifty-nine (59) years but has not yet reached the age of sixty-five (65) years who is not engaged in insurable employment or self-occupation, if by virtue of such payment of contributions such person has a minimum of ten (10) years paid contributions to qualify for a pension in accordance with the provisions of this Act:

Provided further that, notwithstanding the provisions of this sub-article, with effect from 1st January 2019, a person providing a document to the satisfaction of the Director, indicating employment in Libya but never provided a document of the payment of social security contributions in Libya after the 6th May 1988, shall pay, if the person so elects, such social security contributions for a period of ten (10) years arrears at the rate of the SA category as per Part III of Schedule Ten, during the year when the claim is made:

Added by: VII.2019.36.

Provided further, with effect from 1st January 2019, a person providing an official document to the satisfaction of the Director, indicating payment of social security contributions in Libya after the 6th May 1988, such contributions are converted into contributions in accordance with the provisions of this Act for the respective year:

Added by: VII.2019.36.

Provided further that, notwithstanding the provisions of this sub-article, the person from whom a portion of contributions has been transferred shall have the option to ask to pay back the amount of social security contributions transferred in accordance with sub-article (6) of article 8, or in accordance with sub-article (4) of article 10, or in accordance with sub-article (6) of article 16, which contributions shall be paid at the value of the SA rate of a self-employed person as per Part III of the Tenth Schedule applicable during the year within which the claim is made.

Exemption. *Added by: VII. 1998.2. Substituted by: I. 2012.15.*

116A. The Minister may, with the concurrence of the Minister responsible for finance, exempt any person or category of persons with or without retrospective effect from the payment of any further contribution due under article 116(1), in whole or in part, on any ground which to him may seem sufficient. Any such exemption may be made subject to such conditions, as the Minister may deem appropriate:

Provided that where an exemption relates to a category of persons, such exemption shall be prescribed by means of regulations made in accordance with article 84(1)(*i*):

Provided further that nothing in this article shall be construed as detracting from the provisions of article 116(5)(ii).

Collection of arrears of unpaid contributions.
Added by: III. 2005.13; Amended by: III.2026.28.

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 for Tax and Customs.

(2) For the purpose of enforcing the payment of such arrears of unpaid contributions as mentioned in sub-article (1), the powers vested in the Director of Social Security by Part X may also be exercisable by the Commissioner for Tax and Customs.

Misuse of documents and failure to report changes.
Amended by: XIII.1991.41. Re-numbered by: XXIV. 1993.2. Amended by: L.N. 424 of 2007.

117. (1) If any person, for the purposes of obtaining any payment under this Act, whether for himself or for some other person, or for any other purpose connected with this Act -

(i) knowingly or recklessly makes any false statement or false representation; or

(ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular; or

(iii) fraudulently fails or omits to report to the Director, before receiving any payment, any change of circumstances which has or may have a material bearing on the amount, or mode of giving such payment,

shall, on conviction, be liable to a fine (*multa*) of not less than forty-six euro and fifty-nine cents (46.59) but not exceeding one and a half times the amount of benefit, pension, allowance or assistance unlawfully received or one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69), whichever shall be higher, or to imprisonment for a term of not less than three months but not exceeding twelve months or to both such fine and imprisonment.

(2) Where for the purpose of paying a Class Two contribution, at a rate that is lower than that properly due, a self-employed person -

(i) knowingly or recklessly makes any false statement or false representation; or

(ii) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular, shall be liable, on conviction, to a fine (*multa*) of not less than one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) but not more than two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37).

(3) Where an employer fails to comply with the provisions of the Work Books Order, 1974 insofar as this applies to the engagement or recruitment of employees, and as a result such person unlawfully receives any benefit, pension, allowance or assistance under this Act to which he would otherwise not have been entitled under the provisions of this Act, such employer shall be liable to pay to the Director damages equivalent to the amount so received by such person by way of such benefit, pension, allowance or assistance within one week of a request by the Director for the payment of such damages; and, for the purposes of this sub-article, unless the contrary is proved by the employer to the satisfaction of the Director, the amount so requested by the Director shall constitute a lawful claim on such employer.

Forgery of National Insurance Stamps.
Re-numbered by: XXIV. 1993.2.
Cap. 147 - Repealed.

118. (1) Notwithstanding the provisions of article 136, any stamp purporting to have been an insurance stamp which was prepared, printed or made otherwise than in accordance with directions given by the Minister under article 8(2) of the National Insurance Act, as in force up to the 31st day of March, 1978, shall be deemed to be forged.

(2) If, any person -

(*a*) forges an insurance stamp issued under the provisions and for the purposes of the National Insurance Act†;

(*b*) makes or, without lawful excuse, has in his possession any dye, plate, instrument or material for forging an insurance stamp;

(*c*) knowingly utters, sells, deals in, hawks, distributes or uses a forged insurance stamp;

(*d*) causes or procures to be done, or knowingly aids, abets or assists in doing, any of the acts mentioned in paragraphs (*a*), (*b*) and (*c*),

he shall, on conviction, be liable to imprisonment for a period of not less than three years but not exceeding seven years.

General penalty.
Re-numbered by: XXIV. 1993.2.
Amended by: L.N. 424 of 2007.

119. If any person contravenes or fails to comply with any of the requirements of this Act, in respect of which no special punishment is provided, he shall be guilty of an offence and shall for each offence be liable, on conviction, to a fine (*ammenda*) of not less than eleven euro and sixty-five cents (11.65).

Nature of offences under this Act.
Amended by: XVI.1990.47.
Re-numbered by: XXIV. 1993.2.

120. All offences under this Act except those under article 113(6) and under articles 117 and 118 shall be deemed to be contraventions.

Criminal proceedings.
Amended by: VIII.1990.3.
Re-numbered by: XXIV. 1993.2.

121. (1) In criminal proceedings instituted by the Police before the Court of Magistrates for an offence against the provisions of this Act, the Director or any officer deputed by him may, notwithstanding the provisions of any law to the contrary, lay the charge before the court, produce the evidence, plead and otherwise conduct the prosecution instead of the Police.

(2) The sworn statement of any officer mentioned in the last preceding sub-article to the effect that he has been deputed by the Director for the purpose therein stated, shall be conclusive evidence of such fact, should the proof thereof be required by the accused.

(3) The Director or the officer deputed by him may, nevertheless, be produced as a witness at the request of the accused, but should his evidence be required as part of the case for the prosecution, he shall be heard in evidence before assuming the duties of prosecuting officer (other than that of stating the facts constituting the offence) unless the necessity of his evidence arises subsequently.

Limitation of action.
Re-numbered by: XXIV. 1993.2.

122. (1) Notwithstanding any provision in any other law, proceedings for an offence under this Act may be begun at any time within the period of twelve months from the date on which evidence, sufficient in the opinion of the Director to justify a prosecution for the offence, comes to his knowledge or within the period of ten years, after the commission of the offence, whichever period last expires.

(2) For the purposes of sub-article (1) a certificate purporting to be signed by or on behalf of the Director as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

Liability of manager and other principal officer or body of persons.
Re-numbered by: XXIV. 1993.2.
Cap. 249.

123. (1) Without prejudice to article 13 of the Interpretation Act, where any act, matter or thing required to be done or to be omitted to be done by or under this Act is to be done or to be omitted by a body or other association of persons, such act, matter or thing shall also be required to be done or to be omitted personally by the manager or other principal officer of such body or association; and the provisions of this Act and of any regulations made thereunder shall apply accordingly.

(2) Where in application of sub-article (1) any payment is due to be made by a body or association of persons and by the manager or other principal officer thereof, such obligation shall be due jointly and severally.

Proceedings against employer for benefit lost through employer's default.
Re-numbered by: XXIV. 1993.2.

124. (1) Where any employer has failed or neglected -

(*a*) to pay any contributions which under this Act he is liable to pay in respect of any employed person in his employment; or

(*b*) to comply, in relation to any such person, with the requirements of this Act relating to the payment and collection of contributions,

and by reason thereof a person has lost, in whole or in part, any benefit, pension or allowance to which he would have been entitled, that person shall be entitled to recover from the employer as a civil debt a sum equal to the amount of the benefit, pension or allowance so lost, or such sum as the court, may, having regard to the circumstances of the case, determine.

(2) Proceedings may be taken under this article notwithstanding that proceedings have been taken under any other article of this Act in respect of the same failure or neglect.

(3) Proceedings under this article may notwithstanding the provisions of any law to the contrary, be brought at any time within two years after the date on which the person is informed in writing by the Director of this entitlement to any benefit, pension or allowance claimed by him under his Act.

Information required by the Director. *Re-numbered by: XXIV. 1993.2. Amended by: II. 1999.17; L.N. 424 of 2007.*

125. (1) Any person who at any time has or has had in his employment any employed person, shall furnish to the Director such information concerning such employed person as the Director may require for the purposes of this Act and within such time as may be indicated in the request.

(2) If any person fails to provide any such information in whole or in part within the time indicated in the request or knowingly or recklessly provides incorrect information he shall be liable, on conviction, to a fine (*multa*) of not less than one hundred and sixteen euro and forty-seven cents (116.47) for each such offence and to a further fine (*multa*) of not less than two euro and thirty-three cents (2.33) for every day during which the said offence continues:

Provided that no proceedings shall be taken against him if, after an intimation in writing of the charge against him has been given to him, he agrees to pay and in fact pays to the Director within such time as may be fixed by the latter a penalty not exceeding fifty-eight euro and twenty-three cents (58.23) for every such failure as aforesaid and a further penalty not exceeding one euro and sixteen cents (1.16) for every day during which such failure continues.

Unpaid contributions deemed as paid in cases where employee has no blame. *Amended by: XVI. 1990.49. Re-numbered by: XXIV. 1993.2.*

126. Where a claim for benefit, pension or allowance is made by an employed person under this Act, for the purposes of establishing whether he has been in insurable employment during any period prior to his claim, any contributions due but not paid in his respect, under article 7, may be deemed by the Director to have been paid if he is satisfied that such non-payment was not due to any fault or connivance on the part of the employed person concerned; but such contributions shall, for all other purposes, be treated as unpaid:

Provided that where an employed person fails to pay any contributions in accordance with article 8(5), such non-payment shall, where such employed person has received the wages due to him, always be deemed to be due to the fault on the part of the employed person.

Appeals at the instance of the Attorney General.
Amended by: VIII. 1990.3.
Re-numbered by: XXIV. 1993.2.
Cap. 9.

127. Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right to appeal to the Court of Criminal Appeal from any judgment given by the Court of Magistrates in respect of criminal proceedings arising out of the provisions of this Act.

Special mechanism for out of court settlements.
Added by: XXX.2025.5.

127A. (1) Notwithstanding any other provision of this Act or of any other law, upon the conclusion of an agreement made in terms of this article between the Director and any person obliged to make any payment under this Act, hereinafter in this article referred to as the "debtor", providing for the payment of an additional penalty in addition to any other penalties otherwise provided for in this Act, all criminal liability of the debtor for any breach against this Act and for any connected breach in respect of the acts in relation to which the agreement has been entered, shall be extinguished:

Provided that the additional penalty that such person shall be liable to pay in respect of such breach or breaches shall amount to a minimum of ten thousand euro (€10,000) and a maximum of one million euro (€1,000,000), and shall be imposed in terms of a Schedule to be prescribed by the Minister under this Act and this in addition to any other amount provided for in this Act for the debtor’s default and quantified according to the final agreement:

Provided further that the agreement to pay any fine or make any other payment under an agreement as provided in this article shall not extinguish any civil liability to make any payment not covered by the agreement entered into in terms of this article.

(2) (*a*) The provisions of this article shall apply where the Director, acting upon the written request of the debtor and the notification of adjustment of previous declarations given by the debtor, accepts that the adjustments have been correctly made and shall give notice in writing to the debtor of a draft agreement in terms of this article to be signed within six (6) months from the date of the request of the debtor:

Provided that the said period of six (6) months may be extended by the Director if he is satisfied that a longer period is required to determine the extent of the proceeds of the breach.

(*b*) The draft agreement shall include the following:

(i) details of the breach or breaches which may include admissions made by the debtor;

(ii) an obligation upon the debtor to pay and a quantification of an additional penalty and any other payment due in terms of this Act for the default;

(iii) the period allowed for the payment of the amounts due under the agreement;

(iv) the consequences of any failure to comply with any terms of the agreement including those provided in articles 187A, 187B and 187C of the Criminal Code; Cap. 9.

(v) any other terms and conditions imposed by the Director:

Provided that when a draft agreement is notified as aforesaid, an agreement in terms of this sub-article shall be signed and returned to the Director within one (1) month, and if the signed agreement is not received by the Director within the said timeframe, which may be extended by the Director upon reasonable cause being shown by the debtor, the provisions of this article shall have no effect:

Provided further that the amount resulting from this agreement shall constitute an executive title within the meaning of and for the purposes of Title VII of Part I of Book Second of the Code of Organization and Civil Procedure. Cap. 12.

(3) The period of prescription in respect of the breach and connected breaches shall be suspended during the times established in, or under sub-article (2) and no prosecution shall be instituted in respect of the breach and connected breaches during the time when those periods are running:

Provided that no prosecution shall be annulled on the ground that it was instituted in violation of this sub-article.

(4) The provisions of this article shall also apply upon the request of the debtor in any case where the debtor has been charged before a court in relation to the breach or breaches and connected breaches, but before final judgment has been given in the case.

(5) Where proceedings are pending before the Court of Magistrates as a court of criminal inquiry and the existence of an agreement is brought to the Court's notice, the Court shall, upon being satisfied that the breach or breaches mentioned in the charge are breaches to which this article applies or connected breaches, assume the function of a court of criminal judicature and declare the criminal action extinguished in respect of such charges. The Court shall likewise declare the criminal action extinguished if it is a court of criminal judicature whether at first instance or at appeal stage notwithstanding any previous judgment delivered in the cause which has not become final.

(6) In this article:

"agreement" means and includes a document evidencing an agreement reached between the Director and the debtor in terms of this article and also includes a document or a declaration issued by the Director after the coming into force of this article confirming that the debtor has before the coming into force of this article regularised his position with the Director and has after the coming into force of this article satisfied the requirements thereof by accepting to pay the additional penalty;

"breach" or "breaches" includes any act or acts which constitute a criminal offence;

"connected breach" means any act which constitutes a criminal offence committed in pursuance of committing a breach against this Act and shall include:

(i) a breach committed, even if at different times, in pursuance of a pre-concerted plan to commit a breach against this Act;

(ii) a breach committed with the object of procuring the means for the commission of a breach against this Act;

(iii) a breach committed with the object of facilitating the commission or completion of a breach against this Act, or of ensuring impunity for such a breach;

(iv) a breach which in a single context violates more than one provision of law where at least one provision relates to a breach against this Act;

(v) a breach committed through the apparently legitimate use of the proceeds of a breach against this Act:

Provided that a connected breach shall not include any act included in Sub-title IV of Title III of Part II of Book First of the Criminal Code;

Cap. 9.

"Director" in respect to articles 13, 14, 15, 117(2), 123 and 124(1) and (2), and save as otherwise provided, means the Commissioner for Tax and Customs;

"this Act" includes any subsidiary legislation issued thereunder.

PART XI

ESTABLISHMENT OF A SOCIAL ASSISTANCE BOARD AND A

WELFARE COMMITTEE

Social Assistance Board.
Re-numbered by: XXIV. 1993.2.

128. (1) There shall be established a Board, to be known as the Social Assistance Board, consisting of the Director or his representative as Chairman and not less than three other members appointed by the Minister. Among the members so appointed, two shall be Members of the House of Representatives, one from each side, and one representing the organization of workers in Malta having the largest number of members.

(2) The members appointed by the Minister shall hold office for a period not exceeding one year, but shall be eligible for reappointment.

(3) The Minister shall also appoint a Secretary to the Board who will not be a member.

(4) The quorum shall be half the total number of the persons comprising the Board.

(5) Subject to sub-article (4), the Board may act notwithstanding any vacancy amongst its members.

(6) Subject to the provisions of this article, the Board shall regulate its own procedure.

Functions of the Social Assistance Board.
Amended by: XVI. 1989.24. Re-numbered by: XXIV. 1993.2. Amended by: XXV. 1994.32; L.N. 424 of 2007.

129. (1) The functions of the Board shall be to examine the cases referred to it by the Director under article 30(5), and to determine whether, in the particular circumstances of each case, Social Assistance should be paid in respect of the household concerned, and where the Board has determined that such assistance is payable, to establish the amount of such assistance and to designate the person to whom, in the best interests of the household, payment of such assistance shall be made.

(2) In addition to the functions referred to in sub-article (1), the Board shall also examine cases wherein in terms of paragraphs 3 and/or 4 of the Emergency Assistance Order 1989, the Director General (Social and Family Affairs) appointed by the Prime Minister is of the opinion that the limits laid down therein need to be exceeded.

(3) It shall be the duty of the Board to treat each case with the utmost urgency and to arrive at a decision in the shortest possible time.

(4) For the discharge of its functions under this Act the Board shall be empowered -

(*a*) to require any person to appear before it to give information under oath or affirmation;

(*b*) to require any person to produce before it any books or other documents.

The oath shall be administered by the Chairman.

(5) The weekly amount of Social Assistance which the Board may authorise under sub-article (1) shall not exceed the amount to which the head of household would, but for the fact that he is not registered under Part I of the Employment Register kept in accordance with the provisions of the Employment Service Act, have been entitled under this Act, sohowever that no account shall be taken of the head of household in determining the number of persons in that household for the purposes of Part I of the Sixth Schedule to this Act.

Cap. 141 - Repealed.

(6) The maximum amount of Emergency Assistance in cash which the Board may authorize under sub-article (2) shall not exceed €33.78 in any period of 7 consecutive days but may nonetheless continue to be paid for any such period of time as the Board may determine in the circumstances of the case.

(7) The amount of Emergency Assistance in kind which the Board may authorize under sub-article (2) shall not be subjected to any limit but the Board shall ensure, as far as possible, that the items that need to be purchased beyond the limit laid down in paragraph 4 of the Emergency Assistance Order, 1989 are absolutely necessary and that the expenditure thereon will be contained within justified reasonable limits.

(8) Any decision taken by the Board under this article shall be final and conclusive.

Welfare Committee.
Amended by: XIV. 1988.14.
Re-numbered by: XXIV. 1993.2.
Amended by: XI. 2000.20; III. 2005.14.

130. (1) There shall be established a Committee, to be known as Welfare Committee consisting of a Chairman and of not less than eight other members appointed by the Minister, of whom two shall be medical practitioners, one from each side of the House of Representatives, one from the Department for the Elderly and Community Services, one from the Department of Social Security and one from the Department of Health. The other members shall be chosen from among the inmates of institutions referred to in article 93, members of their families, members of workers' committees, or other persons who, in the opinion of the Minister, are qualified to serve on the Committee.

(2) The Minister shall also appoint a Secretary to the Committee, who will not be a member.

(3) The Chairman and the other members of the Committee shall be appointed for a period not exceeding one year, but shall be eligible for re-appointment.

(4) The quorum shall be half the total number of the members comprising the Committee.

(5) Subject to sub-article (4), the Committee may act notwithstanding any vacancy amongst its members.

(6) Subject to the provisions of this article the Committee may regulate its own procedure.

Functions of the Welfare Committee. Amended by: XIV. 1988.15. Re-numbered by: XXIV. 1993.2. Amended by: XVI. 1997.8; II. 2004.32; I. 2012.16.

131. (1) The functions of the Welfare Committee shall be -

(*a*) to administer the funds entrusted to it by Government, for the benefit of -

(i) inmates of state-financed institutions for medical care where, notwithstanding the fact that such inmate has been medically discharged, the person remains a resident and of such other inmates as are designated for the purpose by the Minister;

(ii) residents of state-owned hostels for the care and welfare of the elderly as are specified by the Minister by notice in the Gazette; and

(iii) recipients of home-care/home-help services that are provided by Government for the elderly comprising mainly their daily shopping needs and personal errands, bed-making, laundering, drying and ironing of clothes, limited personal attention, such as dressing-up and washing, as may be required in the circumstances of the case, general household cleaning, and, where specifically requested by the recipient of such service, cooking and feeding;

(*b*) to advise the Minister on any matter referred to in the foregoing paragraphs of this sub-article, and on any other matter concerning the welfare of the categories of persons referred to in paragraph (*a*) as the Minister may refer to it.

(2) In exercising its functions the Committee may establish subsidiary committees, and such committees shall, as far as possible, include persons representative of the categories referred to in article 130(1), provided that such subsidiary committees shall be chaired by a member of the Committee.

(3) In administering funds entrusted to it, the Committee shall keep such system of accounts and shall adopt such procedures for the custody and disbursement of moneys entrusted to it as shall be approved by the Accountant General and all books, receipts and records kept for this purpose shall, at all times, be open to inspection by the Director, the Accountant General, the Auditor General and any other public officer whom the Minister appoints for this purpose.

(4) The Committee shall utilize all funds entrusted to it for the care, welfare and benefit of the categories of persons referred to in sub-article (1)(*a*):

Provided that -

(i) such part of such funds as may be approved by the Minister may be utilized by the Committee for its own expenses; and

(ii) such part of such funds as may be directed by the Minister from time to time may be utilized for such purpose or class of purposes as the Minister may, for the benefit of the aforesaid categories, determine.

(5) The Minister may give to the Committee directives of a general nature on the policy to be adopted by it.

(6) The Committee shall, not later than two months after the 1st day of January of any one year, submit to the Minister a report on its activities for the previous calendar year, together with a statement showing details of the expenditure incurred during that year, together with a statement showing details of the funds entrusted and made available to the Committee and any balance of such funds remaining at the end of the said year.

Competent authority for state-owned hostels for the care and welfare of persons with disability.
Added by: I. 2012.17.

131A. (1) The competent authority responsible for State-Financed Residential Services that are state-owned hostels for the care and welfare of persons with disability shall administer the funds entrusted to it by Government for the benefit of residents of such hostels as are specified by the Minister by notice in the Gazette:

Provided that for this purpose, the competent authority shall be designated by the Minister by notice in the Gazette.

(2) The Minister may give to the comptetent authority designated under sub-article (1) directives of a general nature on the policy to be adopted by it.

(3) In exercising its functions the competent authority designated under sub-article (1) shall:

(*a*) keep such system of accounts and shall adopt such procedures for the custody and disbursement of moneys entrusted to it as shall be approved by the Accountant General and all books, receipts and records kept for this purpose shall, at all times, be open to inspection by the Director, the Accountant General, the Auditor General and any other public officer whom the Minister appoints for this purpose;

(*b*) utilize all funds entrusted to it for the care, welfare and benefit of persons referred to in sub-article (1):

Provided that -

(i) such part of such funds as may be approved by the Minister may be utilized by the competent authority for its own expenses; and

(ii) such part of such funds as may be directed by the Minister from time to time may be utilized for such purpose or class of purposes as the Minister may, for the benefit of the persons referred to in sub-article (1), determine;

(*c*) not later than two months after the 1st day of January of every year, submit to the Minister a report on its activities for the previous calendar year, together with a statement showing details of the expenditure incurred during that year, together with a statement showing details of the funds entrusted and made available to the competent authority and any balance of such funds remaining at the end of the said year.

PART XII

DUTIES, FUNCTIONS AND SPECIAL POWERS OF THE DIRECTOR

Duties and functions of the Director. *Re-numbered by: XXIV. 1993.2. Substituted by: II. 1999.18. Amended by: III. 2005.15; VI. 2006.7; XXXII. 2007.66; III.2026.29.*

132. (1) The administration of this Act is vested in the Director General (Social Security) or, as the case may require, in the Commissioner for Tax and Customs, or in the Director (Elderly and Community Services), or in the Director (Benefit Fraud and Investigation).

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

Special powers of the Director. *Amended by: XVI. 1989.25. Re-numbered by: XXIV. 1993.2. Amended by: XXI. 1996.56.; II. 1999.19.*

133. In addition to the powers conferred on him by any or all of the foregoing provisions of this Act or by the provisions of any other law, the Director shall also have the power -

(*a*) to administer oaths for the purpose of the proper performance of his functions, as well as for the proper administration and execution of this Act, which power he may also delegate to any other officer of his Department;

(*b*) to require any person, including any public officer in the service of the Government and any Bank or of any firm, partnership, company or corporation to furnish to him all the information that he may require in order to be able to arrive at any decision or to revise any decision, which he may take under the foregoing provisions of this Act; and notwithstanding the provisions of any other law enjoining secrecy passed before, on or after the commencement of this Act, such officers as are mentioned in this paragraph are hereby authorised to furnish to the Director any such information that he may require:

Provided that, except so far as may be necessary for the proper discharge of his functions and duties or for the purpose of a prosecution, the Director shall be bound to observe secrecy in regard to any information furnished to him under this paragraph, which apart from this paragraph, ought to be treated as secret, and the provisions of article 133 of the Criminal Code shall apply to any wilful breach of such duty: Cap. 9.

Provided further that, the provisions of the immediately foregoing proviso shall also apply to any officer or other employee of the Department concerned who for any reason whatsoever becomes aware of such information during the proper discharge of his duties;

(*c*) to require any person to produce his income tax returns and/or assessments for the purpose of establishing his net income, or earnings.

PART XIII

GENERAL PROVISIONS

Reciprocal and multilateral agreements. *Re-numbered by: XXIV. 1993.2. Amended by: XXV. 1994.2; XIII. 2005.33; IX.2025.29.*

134. (1) For the purposes of giving effect to any agreement with the Government of any country, being an agreement which provides for reciprocity in matters of social security, the Minister may make an order modifying or adapting this Act in its application to cases affected by the agreement.

(2) The Minister may, by order, extend the application of this Act, insofar as Social and Medical Assistance, or the grant of an Age Pension, a Disability Assistance, Severe Disability Assistance, Increased Severe Disability Assistance or Assistance for the Visually Impaired are concerned, to persons who are not citizens of Malta in order to give effect to any convention, agreement or arrangement to which Malta is a party, and which provides for reciprocity in Social and Medical Assistance or in the grant of such pensions.

(3) The Minister may make regulations to provide for the transposition and implementation of any directive or other legal instrument of the European Union or of any decision of the European Court of Justice on matters of social security.

Free postage. *Re-numbered by: XXIV. 1993.2.*

135. Certificates and other documents which may be required by the Director for the proper administration and execution of this Act, may be sent free of postage to the Director in envelopes marked "Social Security".

Savings. Cap. 120, Cap. 136, Cap. 147, Cap. 148 - Repealed.

136. (1) All regulations and orders in force under the Old Age Pensions Act, the Director of Social Services Act, the National Insurance Act, and the National Assistance Act shall, with the necessary modifications, adaptations and limitations, and insofar as they are not inconsistent with the provisions of this Act, continue in force and have effect as if they had been made under this Act and may be revoked, amended or suspended accordingly.

(2) Any references in any other enactment to the enactments mentioned in sub-article (1), being references of a general nature, shall be substituted by references to the title of this Act.

FIRST SCHEDULE

Amended by: XVI. 1989.26; VIII. 1992.39; XXI. 1996.57. Substituted by: L.N. 100 of 2006. Amended by: XXXII. 2007.67; L.N. 218 of 2012.

[ARTICLE 5]

INSURABLE EMPLOYMENT

PART I
EMPLOYMENTS

1. Employment in Malta under any contract of service or apprenticeship, written or oral, and whether expressed or implied, including employment by or under the Government of Malta.

Provided that, saving the provisions of any agreement with any other country, employment as aforesaid outside Malta shall be treated as employment in Malta if the employee concerned is ordinarily resident in Malta and the employer is the Government of Malta or has a place of business in Malta.

2. Employment as aforesaid outside Malta:

(*a*) as master or a member of the crew of any ship or vessel registered in Malta;

(*b*) as pilot, commander, navigator or a member of the crew of any aircraft licensed in Malta;

(*c*) on board any ship or vessel, otherwise than as master or a member of the crew:

Provided that -

(i) this employment is for the purposes of the ship or vessel or her crew or of any passengers or cargo or mails carried thereon;

(ii) where the employee concerned is not a citizen of Malta, the contract is entered into in Malta, and, in all cases, irrespective of the employee's nationality, with a view of its performance (in whole or in part) while the ship or vessel is on her voyage; and

(iii) the employer has a place of business in Malta;

(*d*) on board any aircraft, otherwise than as pilot, commander, navigator or a member of the crew:

Provided that -

(i) this employment is for the purposes of the aircraft or its crew or of any passengers or cargo or mails carried thereon;

(ii) where the employee concerned is not a citizen of Malta, the contract is entered into in Malta, and, in all cases, irrespective of the employee's nationality, with a view to its performance (in whole or in part) while the aircraft is on its flight; and

(iii) the employer has a place of business in Malta.

3. Services after the 14th August, 1979, in any of the offices specified in articles 48, 59(1), 80 and 88 of the Constitution.

4. Service after the 5th January, 1981, as a member of the House of Representatives, other than service in any offices specified in articles 59(1), 80 and 88 of the Constitution, except where the person concerned is self-occupied.

5. Any period after the 1st April, 1978, during which a person is following a full-time course of studies or instruction under the Worker-Student or Pupil-Worker Scheme or other similar schemes, involving distinct work and study periods, for which he is receiving remuneration.

Cap. 442.

6. Government employees who have been released on unpaid leave from performing duty with Government in order to become members of a co-operative primary society in terms of the Co-operative Societies Act.

PART II

EXCEPTED EMPLOYMENTS

1. Employment of a casual nature otherwise than for the purposes of the employer's trade or business.

2. Employment of a person who is not ordinarily resident in Malta if the employer of that person is not resident in Malta and has no place of business there.

3. Employment by any one employer for less than eight hours in a calendar week.

4. Employment as secretary or clerk of a society, club, philanthropic institution, school or other similar body or institution, where personal service is ordinarily required only occasionally and outside the ordinary hours of work, provided the hours referred to in paragraph 3 of this Part are not exceeded.

5. Employment of a person who is not ordinarily resident in Malta if the employer of that person is paying contributions in respect of that person under a scheme of social insurance in another country.

6. Employment of any of the directors in any partnership, for the purposes of that partnership, wherein such partnership has been entered into between or among persons that are related to one another, up to and including cousins of the first degree and/or their spouses, provided any such directors are themselves such partners or the spouses of such partners.

7. Employment of any majority shareholder in any partnership, for the purposes of that partnership; and for this purpose any shareholder shall still be deemed to be a majority shareholder if, notwithstanding the fact that the number of his shares do not constitute the majority, the value or powers attached to his holding exceed the aggregate total value or powers attached to the holding of the other shareholders in that partnership.

8. With effect from the 6th January 1992:

(*a*) employment entered into prior to the 5th January 2008 of a person who has reached pension age prior to the 5th January 2008; or

(*b*) employment of an actual widow under pension age, if she so elects, who is in receipt of a pension in respect of widowhood under this Act:

Provided that the weekly wage or salary of such person or acual widow does not exceed the National Minimum Wage, or its monthly equivalent, as is applicable to persons of eighteen years of age or over established by a National Standard Order issued under the Employment and Industrial Relations Act. Cap. 452.

9. With effect from the 4th July, 1988, employment of a person as a Casual Social Assistant by the Department for the Care of the Elderly of the Government of Malta.

Amended by:
XIV. 1988.17;
XVI. 1989.27;
XVI. 1990.50;
XIII. 1991.42;
VIII. 1992.40;
XXIV. 1993.15;
XXV. 1994.2,33;
XXVII. 1995.13;
XXI. 1996.58;
II. 1999.20;
L.N. 21 of 2001;
L.N. 4 of 2001;
II. 2002.75, 76, 77.
Substituted by:
L.N. 422 of 2002;
L.N. 436 of 2003;
L.N. 100 of 2006;
L.N. 101 of 2006;
L.N. 318 of 2007.
Substituted by:
L.N. 424 of 2007.
Amended by:
XXXII. 2007.68.
Substituted by:
L.N. 149 of 2008.
Amended by:
II. 2009.25.
Substituted by:
L.N. 143 of 2009;
L.N. 437 of 2010.
Amended by:
IV. 2011.30.
Substituted by:
L.N. 330 of 2011.
Amended by:
V. 2012.31;
L.N. 218 of 2012.
Substituted by:
L.N. 342 of 2012.
Amended by:
IX. 2013.8;
XII. 2014.38;
XIII. 2015.90;
XV. 2016.6;
XVI. 2017.38;
VII.2018.44;
VII.2019.37;
VIII.2020.33;
VII.2022.41;
XIII.2024.26;
IX.2025.30.

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, Severe Disability Assistance, Disability Assistance, an Assistance for the Visually Impaired, Children's Allowance, a Supplementary Allowance, and a Disabled Child Allowance.

PART I

Exemption from the Payment of Class Two Contributions

1. In calculating the means for the purposes of article 12 account shall be taken of:

(*a*) the value of any property including any settlement of property in trust (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), cash settled in any trust and the capital value of any urban immovable property including any settlement of such property in trust (excluding the house of residence) which is not being put to profitable use, together exceed €9,320 in the case of a single or widowed person, or €16,310 in the case of a married person, 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 in paragraph 3 of this Part, any income or privilege which is, or could be, received or enjoyed by that person including any person entitled to benefit under a trust or in which favour a discretion to distribute property, including income or privilege, held in trust may be exercised.

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

(*a*) the first €585 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. 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 pension, other than a pension payable by virtue of article 16A of the Malta Dockyard Act, which is paid apart from this Act; and Cap. 207.

(*e*) the first €470 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 the means for the purposes of article 20 account shall be taken:

(*a*) save as provided for in paragraph 3 of this Part, of the value of any property including any settlement of property in trust (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 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), cash settled in any trust and the capital value of any urban immovable property including any settlement of such property in trust (excluding the house of residence) which is not being put to profitable use, together exceed:

(i) €16,000 in the case of a household consisting of one member only or of a number of members headed by a single person or a single parent; or

(ii) €26,000 in the case of a household consisting of at least the head of household and the spouse of such head of household,

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

Provided further that, with effect from 1st January 2024, in the case of a person who has been in receipt of Sickness Assistance in accordance with the provisions of article 20 for a period of five (5) years or more and who comes into possession of other property or assets through inheritance, in lieu of the limits laid down in the first proviso, shall instead be taken in the calculation of the capital means the amount of thirty thousand euro (€30,000) in the case of a single or widowed person, or the amount of fifty thousand euro (€50,000) in the case of a married person. So however that, when calculating the capital means in such cases, no account shall be taken of:

(*a*) a donation of a property by the beneficiary of the Sickness Assistance to a son or daughter, provided that such property is being donated to the son or daughter in order for the son or daughter to form his or her future house of residence;

(*b*) a donation of part of the house of residence of the Sickness Assistance beneficiary to the son or daughter including the space above such property, provided that such donation is being made in order for the son or daughter to form his or her future house of residence; and

(*c*) a donation of up to a maximum of twenty thousand euro (€20,000) to the son or daughter by the beneficiary of the Sickness Assistance, provided such donation is made in accordance with the provisions of the laws of Malta; and

(*b*) save as provided for in paragraph 4 of this Part, of any income or privilege which is, or could be received or enjoyed by any member of the household including any entitlement of such member to benefit under a trust or in whose favour a discretion to distribute property, including income or privilege, held in trust may be exercised who is neither an employed person nor a self-employed or self-occupied person 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 of in order to become entitled to Sickness Assistance or to become so entitled at a more advantageous rate:

Provided further that where a member, not being the head of household and the spouse of such head of household, is an employed person or a self-employed or self-occupied person, and 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

Cap. 452.

Employment and Industrial Relations Act during the period in respect of which such assistance is due, such a member shall, for the purposes 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 paragraph 1(*a*) of this Part do not exceed the limit laid down therein:

(*a*) the first €585 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 as aforesaid in this Part, other than the head of household and the spouse of such head of household, is in possession of any property as is referred to in paragraph 1(*a*) 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; and

(*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 household or the spouse of such head of household 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 of the household as aforesaid in this Part no account shall be taken of:

(*a*) the first €95 arising out of the use of property;

(*b*) any Social Assistance, Leprosy Assistance, Tuberculosis Assistance, Milk Grant, Carer's Allowance, Increased Carer's Allowance 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 specified in the Twelfth Schedule;

(*c*) any Increased Severe Disability Assistance, Severe Disability Assistance, Assistance for the Visually Impaired and Disability Assistance being paid to one (1) of the spouses, provided that such spouse is neither in insurable employment nor self-occupied;

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

(*e*) 84.3% 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 the spouse of such head of household, 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" shall mean any pension over the National Minimum Pension as indicated in sub-paragraph (*b*);

Cap. 123.

(*f*) any amounts as are referred to in paragraphs 3(*b*) and (*c*) of Part I of this Schedule;

(*g*) 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 run by the Government of Malta, whether involving or not distinct work and study periods; and for this purpose, "stipend" shall 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; and

(*h*) the first €470 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.

(*i*) In calculating the means for the purposes of article 20 no account shall be taken of net earnings derived by a self-occupied homeworker, as defined in article 2, if such net earnings do not exceed 35% of the National Minimum Wage as is applicable to persons of eighteen years of age or over as established by a National Order issued under the Employment and Industrial Relations Act.

Cap. 452.

5. For the purposes of this Part, "spouse" shall include such person who, in the opinion of the Director, is living with the head of household as if that person was the lawful wedded spouse of the head of household, during any period in which Sickness Assistance is being, or could be. paid to the head of household under the provisions of this Act.

6. Where a head of household or the spouse is in receipt of Sickness Assistance under this Act, any increase taking effect at any time after the 6th January, 1989, to which they or any other member of the household (as aforesaid in this Part) may become entitled in respect of any pension, benefit, assistance or Supplementary Allowance as is payable to them or to any other member of the household under this Act during the same period within which they are 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.

7. With effect from the 4th January 2014, where a person who is divorced or is married but legally or *de facto* separated from the other spouse proves to the satisfaction of the Director that he is paying an amount of money to his spouse or to his former spouse as an integral part of their separation or of their divorce, that amount of money shall be deducted when the means of that person are calculated.

PART III

Free Medical Aid

1. In calculating the means for the purposes of article 23 account shall be taken:

(*a*) save as provided for in paragraph 3 of this Part, of the value of any property including any settlement of property in trust (excluding the house of residence) belonging to all the members of the household which is, or could be, invested or put to 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), cash settled in any trust and the capital value of any urban immovable property including any settlement of property in trust (excluding the house of residence) which is not being put to profitable use, together exceed:

(i) €16,000 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) €26,000 in the case of a household consisting of at least the head of household and the spouse of such head of household,

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, of any income or privilege which is, or could be, received or enjoyed by any member of the household including any entitlement of a member of the household to benefit under a trust or in whose favour a discretion to distribute property, including income or privilege, held in trust may be exercised:

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 of in order to become entitled to Free Medical Aid.

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

(*a*) the first €585 of such capital resources shall be ignored; and

(*b*) the value of any urban immovable property as 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 the spouse of such head of household, is in possession of any property as referred to in paragraph 1(*a*) 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; and

(*b*) one-half of the value of any other such property shall be disregarded unless such property had been transferred or donated to such member of the household by the head of household or the spouse of such head of household 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 €95 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;

(*d*) 84.3% 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 the spouse of such head of household, 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:

Cap. 123. (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" shall mean any pension over the National Minimum Pension as indicated in sub-paragraph (*b*);

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

(*f*) any weekly allowance payable by any employer in terms of the Weekly Allowance National Standard Order; S.L. 452.62

(*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 the Government of Malta, for the first twelve weeks of entitlement;

(*h*) any stipend received by any member of the household, other than the head of 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 the Government of Malta, whether involving or not distinct work and study periods; and for this purpose "stipend" shall 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 payable under this Act; and

(*j*) the first €470 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, "spouse" shall include such person who, in the opinion of the Director, is living with the head of household as if such person were the lawful wedded spouse of the head of household, 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.

6. With effect from 1st January 2018, where a person who is divorced or is married but legally or *de facto* separated from the other spouse proves to the satisfaction of the Director that he is paying an amount of money to his spouse or to his former spouse as an integral part of their separation or of their divorce, that amount of money shall be deducted when the means of that person are calculated.

PART IV

Age Pension

1. In calculating the means for the purposes of article 66,

account shall be taken of any property including any settlement of property in trust (excluding the house of residence), income or privilege as is indicated in paragraph 1 of Part 1 of this Schedule; and save as provided in paragraph 3 of this Part, where the limits laid down in the proviso to paragraph 1(*a*) of Part I of this Schedule are exceeded, the person making a claim for an Age 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, instead of the limits stipulated in the proviso to paragraph 1(a) of Part I, €16,000 in the case of a single or a widowed person or €26,000 in the case of a married person shall be taken in the calculation of means:

Provided further that, with effect from 1st January 2022, in the case of a person who has been in receipt of an Age Pension in accordance with the provisions of article 66 for a period of five (5) years or more and comes into possession of other property or assets through inheritance, in lieu of the limits laid down in the first proviso, shall instead be taken in the calculation of the capital means the amount of thirty thousand euro (€30,000) in the case of a single or widowed person, or the amount of fifty thousand euro (€50,000) in the case of a married person. So however that, when calculating the capital means in such cases, no account shall be taken of:

(a) a donation of a property by the beneficiary of the Age Pension to a son or daughter, provided that such property is being donated to the son or daughter in order for the son or daughter to form his or her future house of residence;

(b) a donation of part of the house of residence of the Age Pension beneficiary to the son or daughter including the space above such property, provided that such donation is being made in order for the son or daughter to form his or her future house of residence;

(c) a donation of up to a maximum of twenty thousand euro (€20,000) to the son or daughter by the beneficiary of the Age Pension, provided such donation is made in accordance with the provisions of the laws of Malta.

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 paragraph 3(*a*) and (*d*) of the said Part I); so however that no account shall be taken of:

(*a*) the first €385 of such means in the case of a married couple; or

(*b*) the first €270 of such means in the case of a single or widowed person; and

(*c*) any Medical Assistance, Supplementary Allowance, Children’ s Allowance, Care Allowance, Disabled Child Allowance or Maternity Benefit payable under this Act; and (*d*) any Increased Severe Disability Assistance, Severe Disability Assistance, Assistance for the Visually Impaired and Disability Assistance payable to the spouse who is not the head of household; and

(*e*) the first €470 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 of in order to become entitled to an Age Pension, as the case may be, or to become so entitled at a more advantageous rate; so however 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 including any settlement of property in trust (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 as abated by the weekly means attributable to each one of them.

5. Where a person is divorced or is a married person who is legally or *de facto* separated from the other spouse proves to the satisfaction of the Director that any sum is being paid to that person's spouse or former spouse as an integral condition of their separation or divorce, that sum shall be deducted when calculating such person's means.

PART V

Severe Disability Assistance, Disability Assistance and Assistance for the Visually Impaired

(Deleted by VII.2022.41)

PART VI

Social Assistance

1A. In calculating the means for the purposes of article 30 account shall be taken of any property, income or privilege as indicated in paragraph 1 of Part II of this Schedule; so however that no account shall be taken of the first €470 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 paragraph 1(*a*) 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.

1B. In calculating the means for the purposes of article 30 no account shall be taken of net earnings derived by a self-occupied homeworker, as defined in article 2, if such net earnings do not exceed 35% of the National Minimum Wage as is applicable to persons of eighteen years of age or over as established by a National Standard Order issued under the Employment and Industrial Relations Act; and where the limit laid down in the said proviso to paragraph 1(a) 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.

Cap.452.

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; so however that notwithstanding the provisions of paragraph 4(*b*) 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 the spouse of such head of household, if any, at the time when the claim for such assistance is made.

3. In calculating the income or privilege which is, or could be received or enjoyed by any member of the household, who is not the head of household, as aforesaid in this Part, no account shall be taken of the income from:

(i) a gainful activity; or

(ii) Unemployment Benefit.

PART VII

Children's Allowance and Disabled Child Allowance

1. In calculating the means for the purposes of article 76 account shall be taken of the income derived from any property including any settlement of property in trust, which is invested or put to profitable use, excluding furniture, jewellery and other personal effects and any income or privilege, including any

entitlement to benefit under a trust or in whose favour a discretion to distribute property, including income or privilege held in trust may be exercised, which is or could be received or enjoyed by the head of household and the spouse of such head of household. 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 household and the spouse of such head of household:

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 the spouse of such head of household, as the case may be, and as aforesaid in this Part, had directly or indirectly deprived himself of, or deprived themselves of, 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 the spouse of such head of household no account shall be taken of:

(*a*) any allowance paid under articles 69, 76 and 77;

(*b*) any medical assistance paid under articles 20, 21 and 22;

(*c*) any injury grant or injury pension paid under article 29;

(*d*) any allowance paid to a widow or widower in terms of the provisions of article 31;

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

(*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.

(*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, 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 the spouse of such head of household, the surviving spouse or the person deemed to be so in terms of article 82(2) shall be entitled to elect, if it is more beneficial to the surviving spouse that for the purposes of this Part, the entitlement to an allowance of the surviving spouse is re-assessed with effect from the first Saturday following the demise of the 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 the head of household and the spouse of such head of household:

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 purposes of this Part "spouse" shall include such person who, in the opinion of the Director, is living with the head of household as if that person were the lawfully wedded spouse of such head of household, 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 account shall be taken of the income derived from any property including any settlement of property in trust which is invested or put to profitable use, excluding furniture, jewellery and other personal effects, and any income or privilege which is received or enjoyed by the head of household and the spouse of such head of household, including any entitlement to benefit under a trust or in whose favour a discretion to distribute property, including income or privilege, held in trust may be exercised, if any.

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

(*a*) any medical assistance paid under articles 20, 21 and 22;

(*b*) any injury grant or injury pension paid under article 29;

(*c*) contributions paid under this Act; and

(*d*) 84.3% 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 the spouse of such head of household, 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" shall mean 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: Cap. 123.

Provided that, the provisions of paragraph (d) do not apply with effect from 1st January 2020, or thereafter so that from this date no part of such income is taken into account.

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 the 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 the spouse of such head of household 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.

(*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 proceeding 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 article 82(2), shall be entitled to elect, if it is more beneficial to that person, 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 reassessment 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 the head of household and the spouse of such head of household, if any.

6. For the purposes of this Part "spouse" shall include such person who, in the opinion of the Director, is living with the head of household as if such person were the lawful wedded spouse of the head of household, during any period in which a Supplementary Allowance is being, or would be, accorded to the head of household under the provisions of this Act.

Substituted by: XVI. 1990.51. Amended by: XIII. 1991.43. Substituted by: VIII. 1992.41. Amended by: XXIV. 1993.16; XXV. 1994.2,34. Substituted by: XXVII. 1995.14; XXI. 1996.59; XXII. 1997.7; L.N. 56 of 1999; L.N. 84 of 1999; L.N. 10 of 2000; L.N. 21 of 2001; L.N. 4 of 2002; L.N. 422 of 2002; L.N. 436 of 2003; L.N. 100 of 2006; L.N. 101 of 2006; L.N. 318 of 2007; L.N. 424 of 2007; L.N. 149 of 2008; L.N. 143 of 2009; L.N. 437 of 2010; L.N. 330 of 2011; L.N. 342 of 2012; L.N. 355 of 2013; L.N. 62 of 2014; L.N. 123 of 2015; L.N. 309 of 2017; L.N. 6 of 2018; L.N. 195 of 2018; L.N. 94 of 2019; L.N. 251 of 2020; L.N. 331 of 2021; L.N. 232 of 2023; L.N. 257 of 2023; L.N. 10 of 2025.

THIRD SCHEDULE

(Articles 18, 28, 29, 30, 69)

PART I

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

	Daily Rate of Benefit	
A. 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**
Sickness Benefit	€24.56	€15.91
Injury Benefit	€36.85	€27.73

B. Type of Benefit	Daily Rate of Benefit
Unemployment Benefit	The first thirty-six (36) days of unemployment are paid at a rate of 60% of the person’s salary or earnings
	The following sixty (60) days of unemployment are paid at a rate of 55% of the person’s salary or earnings
	During the last sixty (60) days of unemployment a rate of 50% of the person's salary or earnings is paid
	Minimum rate calculated on one hundred per cent (100%) of the National Minimum Wage Maximum rate calculated on one hundred and seventy-five per cent (175%) of the National Minimum Wage

PART II
Amounts of Injury Grant

Degree of Disablement	Amount of Grant
%	€
1	293.23
2	583.36
3	879.52
4	1172.62
5	1465.65
6	1758.79
7	2051.93
8	2345.09
9	2638.24
10	2931.34
11	3224.45
12	3517.60
13	3810.73
14	4103.88
15	4396.93
16	4690.01

17	4983.18
18	5276.25
19	5569.42

PART III

Highest Rate of Injury Pension

Weekly Rate
€84.09

PART IV

Orphan's Allowance

Weekly Rate
€74.70

PART V

Orphan's Supplementary Allowance

Weekly Rate
€126.66

Substituted by: L.N. 342 of 2012.

FOURTH SCHEDULE

(ARTICLE 28)

INDUSTRIAL DISEASES OR INJURIES

Description of disease or injury	Nature of Occupation
Poisoning by:	Any occupation involving:
1. Lead or a compound of lead	The use or handling of, or exposure to the fumes, dust or vapour of, lead or a compound of lead, or a substance containing lead.
2. Manganese or a compound of manganese	The use or handling of, exposure to the fumes, dust or vapour of, manganese or a compound of manganese, or a substance containing manganese.
3. Phosphorus or phosphine or poisoning due to the anti-cholinesterase action of organic phosphorus compounds	The use or handling of, or exposure to the fumes, dust or vapour of, phosphorus, or a compound of phosphorus, or a substance containing phosphorus.
4. Arsenic or a compound of arsenic	The use or handling of, or exposure to the fumes, dust or vapour of, arsenic, or a substance containing arsenic.
5. Mercury or a compound of mercury	The use or handling of, or exposure to the fumes, dust or vapour of, mercury or a compound of mercury, or a substance containing mercury.
6. Carbon bisulphide	The use or handling of, or exposure to the fumes, or vapour of carbon bisulphide, or a compound of carbon bisulphide, or a substance containing carbon bisulphide.
7. Benzene or a homologue	The use or handling of, or exposure to the fumes of, or vapour containing benzene or any of its homologues.
8. A nitro- or amino- or chloro-derivative of benzene, or of a homologue of benzene, or poisoning by nitrochlorobenzene	The use or handling of, or exposure to the fumes of, dust or vapour containing, a nitro- or amino- or chloro-derivative of benzene or homologue of benzene or nitrochlorobenzene.
9. Dinitrophenol or a homologue or by substituted dinitrophenols or by the salts of such substances	The use or handling of, or exposure to the fumes of, or vapour containing, dinitrophenol or a homologue or substituted denitrophenol or the salts of such substances.
10. A halogen derivative of a hydrocarbon of the aliphatic series	The use or handling of, or exposure to the fumes of, or vapour containing, a halogen derivative of a hydrocarbon of the aliphatic series.

11.	Tri-cresyl phosphate	The use or handling of, or exposure to the fumes of, or vapour containing, tri-cresyl phosphate.
12.	Tri-phenyl phosphate	The use or handling of, or exposure to the fumes of, or vapour containing, triphenyl phosphate.
13.	Diethylene dioxide (dioxan)	The use or handling of, or exposure to the fumes of, or vapour containing, diethylene dioxide (dioxan).
14.	Chlorinated naphthalene	The use or handling of, or exposure to the fumes of, or dust or vapour containing, chlorinated naphthalene.
15.	Nickel carbonyl	Exposure to nickel carbonyl gas.
16.	Nitrous fumes	The use or handling of nitric acid or exposure to nitrous fumes.
17.	Beryllium or a compound of beryllium	The use or handling of, or exposure to the fumes, dust or vapour of, beryllium or a compound of beryllium, or a substance containing beryllium.
18.	Cadmium	Exposure to cadmium fumes.
19.	Gonioma kamassi (African boxwood)	The manipulation of gonioma kamassi or any process in or incidental to the manufacture of articles therefrom.
20.	Anthrax	The handling of wool, hair, bristles, hides or skins or other animal produces or residues, or contact with animals infected with anthrax, or the loading, unloading or transport of merchandise.
21.	Glanders	Contact with equine animals or their carcasses.
22.	(*a*) Infection by Leptospira ictorohaemorrhagiae	Work in places which are, or are liable to be, infested by rats.
	(*b*) Infection by Leptospira canicola	Work at dog kennels or the care or handling of dogs.
23.	Tuberculosis	Close and frequent contact with a source or sources of tuberculosis infection by reason of employment -

		(*a*) in the medical treatment or nursing of a person or persons suffering from tuberculosis, or in a service ancillary to such treatment or nursing; (*b*) in attendance upon a person or persons suffering from tuberculosis, where the need for such attendance arises by reason of physical or mental infirmity; (*c*) as a research worker engaged in research in connection with tuberculosis; (*d*) as a laboratory worker, pathologist or person taking part in or assisting at post-mortem examinations of human remains where the occupation involves working with material which is a source of tuberculosis infection.
24.	Brucellosis	Contact with bovine animals, sheep and goats infected by brucella organisms, their carcasses or parts thereof or their untreated products, or with laboratory specimens or vaccines of or containing brucella organisms, by reason of employment - (*a*) as a farm worker; (*b*) as a veterinary worker; (*c*) as a slaughterhouse worker; (*d*) as a laboratory worker; or (*e*) in any other work relating to the care, treatment, examination or handling of such animals, carcasses or parts thereof, or products including untreated milk.
25.	Heat cataract	Frequent or prolonged exposure to rays from molten or red-hot material.
26.	Decompression sickness	Subjection to compressed or rarefied air.
27.	Subcutaneous cellulitis of the hand (Beat Hand)	Manual labour causing severe or prolonged friction or pressure on the hand.
28.	Bursitis or subcutaneous cellulitis arising at or about the knee due to severe or prolonged external friction or pressure at or about the knee (Beat Knee)	Manual labour causing severe or prolonged external friction or pressure at or about the knee.

29.	Bursitis or subcutaneous cellulitis arising at or about the elbow due to severe or prolonged external friction or pressure at or about the elbow (Beat Elbow)	Manual labour causing severe or prolonged external friction or pressure at or about the elbow.
30.	Traumatic inflammation of the tendons of the hand or forearm, or of the associated tendon sheaths	Manual labour, or frequent or repeated movements of the hand or wrist.
31.	Inflammation or ulceration of the mucuous membrane of the upper respiratory passages or mouth produced by dust, liquid or vapour	Exposure to dust, liquid or vapour.
32.	Non-infective dermatitis of external origin (including chrome ulceration of the skin but excluding dermatitis due to ionising particles or electromagnetic radiations other than radiant heat)	Exposure to dust, liquid or vapour or any other external agent capable of irritating the skin (including friction or heat but excluding ionising particles or electromagnetic radiations other than radiant heat).
33.	(*a*) Dystrophy of the cornea (including ulceration of the corneal surface) of the eye; (*b*) localised new growth of the skin, papillomatous of keratotic; (*c*) squamous-celled carcinoma of the skin, due in any case to arsenic, tar, pitch, bitumen, mineral oil (including parafin), soot or any compound, product (including quinone or hydroquinone) or residue of any of these substances	The use or handling of, or exposure to, arsenic, tar, pitch, bitumen, mineral oil (including paraffin), soot or any compound, product (including quinone or hydroquinone), or residue of any of these substances.
34.	Inflammation, ulceration or malignant disease of the skin or subcutaneous tissues or of the bones, or blood dyscrastia, or cataract, due to electromagnetic radiation (other than radiant heat), or to ionising particles	Exposure to electro-magnetic radiations other than radiant heat, or to ionising particles.
35.	(*a*) Carcinoma of the mucuous membrane of the nose or associated air sinuses; (*b*) primary carcinoma of a bronchus or of a lung	Work in a factory where nickel is produced by decomposition of a gaseous nickel compound which necessitates working in or about a building or buildings where that process or any other industrial process ancillary or incidental thereto is carried on.

36. Primary neoplasm of the epithelial lining of the urinary bladder (Papilloma of the bladder), or of the epithelial lining of the renal pelvis or of the epithelial lining of the ureter	(*a*) Work in a building in which any of the following substances is produced for commercial purposes: (i) alpha-naphthylamine or betanaphtylamine; (ii) diphenyl substituted by at least one nitro or primary amino group or by at least one micro and primary amino group; (iii) any of the substances mentioned in sub paragraph (ii) above if further ring substituted by halogeno, methyl or methoxy groups, but not by other groups; (iv) the salts of any of the substances mentioned in sub-paragraphs (i) to (iii) above; (v) auramine or magenta; (*b*) the use or handling of any of the substances mentioned in sub paragraphs (i) to (iv) of paragraph (a), or work in a process in which any such substance is used or handled or is liberated; (*c*) the maintenance or cleaning of any plant or machinery used in any such process as is mentioned in paragraph (b), or the cleaning of clothing used in any such building as is mentioned in paragraph (a) if such clothing is cleaned within the works of which the building forms a part or in a laundry maintained and used solely in connection with such works.
37. Primary malignant neoplasm of the mesothollum (diffuse mesothelioma) of the pleura or of the peritoneum	(*a*) The working or handling of asbestos or any admixture of asbestos; (*b*) the manufacture or repair of asbestos textiles or other articles containing or composed of asbestos; (*c*) the cleaning of any machinery or plant used in any of the foregoing operations and of any chambers, fixtures and appliances for the collection of asbestos dust; (*d*) substantial exposure of the dust arising from any of the foregoing operations.

38. Pulmonary disease due to the inhalation of the dust of mouldy hay or of other mouldy vegetable produce, and characterised by symptoms and signs attributable to reaction in the peripheral part of the broncho-pulmonary system, and giving rise to a defect in gas exchange (Farmer's lung)	Exposure to the dust of mouldy hay or other mouldy vegetable produce by reason of employment: (*a*) in agriculture or horticulture; or (*b*) in loading or unloading or handling in storage such hay or other vegetable produce; or (*c*) in handling bagasse.
39. Byssinosis	Work in any room where any process up to and including the carding process is performed in factories in which the spinning or manipulation of raw or waste cotton or flax is carried on.
40. Fibrosis of the lungs due to silica dust, asbestos dust or other fibrogenic dust, including the condition of the lungs known as dust reticulation (Pneumoconiosis); and silicotuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death	Exposure to fibrogenic dust.
41. Telegraphist's cramp	The use of Morse key telegraphic instruments for prolonged periods.
42. Writer's cramp	Handwriting for prolonged periods.
43. Twister's cramp	The twisting of cotton or woollen (including worsted) yarn.
44. Typhoid	Close and frequent contact with a source or sources of typhoid infection by reason of employment - (*a*) as a research worker engaged in research in connection with typhoid; (*b*) as a laboratory worker where the occupation involves working with material which is a typhoid infection.
45. Brachial Neuralgia	Prolonged operation of industrial machinery involving the lifting, pushing and retracting of heavy, thick or bulky clothing material.
46. Siderosis	Condition caused by inhalation of fumes or dust of metallic iron or iron oxide.
47. Conjuctival ailments	Conditions of the eye such as kerato-conjuctivitis, photoretinitis caused by exposure to ultraviolet radiation.

48.	Diseases caused by atmospheric compression or decompression	Certain disorders are associated with spending time in a compressed atmosphere and are directly due to pressure itself, in response to changes of the pressure or to inhalation of compressed gas mixtures. Other disorders occur during or after decompression. These disorders affect professional divers and those working in compressed air.
49.	Angioneurotic diseases caused by mechanical vibration	Vibration-induced white fingers (Raynaud's phenomenon of occupational origin): The disease is characterized by attacks of vasoconstriction of the digital arteries. Attacks can last for minutes to hours and are more likely to occur with exposure to the cold.
50.	Diseases of the periarticular sacs due to pressure	Occupational diseases of the periarticular sacs caused by mechanical pressure are called bursitis. Occupational bursitis may be caused by trauma, chronic overuse, pressure, friction, awkward posture. The friction type of bursitis may be related to excessive friction associated with specific occupations, for example, prepatellar bursitis is typical for home cleaners (housemaids), carpet layers, roofers, coal miners; olecranon bursitis - for draughtsmen, engravers, polishers, watchmakers; ischial bursitis – for weaver (weaver's bottom).
51.	Bursitis of the shoulder	There are several bursae in the shoulder region: the subacromial, the subdeltoid, the subcoracoid, and the subscapular, which, as their names imply, lay beneath the acromion, deltoid, coracoid and scapula, respectively. Although any of the above mentioned bursae can become irritated, inflamed and painful as a result of overuse of or trauma to the shoulder region, the subacromial bursa is by far the most frequently afflicted and often occupational in origin.
52.	Diseases due to overstraining of the peritendineum	Condition caused by inflammation of the peritendineum (the fibrous layer around the tendon). This condition is common in the wrist but may involve other tendons. It is caused by prolonged periods of highly repetitive wrist/hand movements such as meat cutting, fish filleting, machine feeding, manual assembly, use of hand-held tools. The use of force and awkward position of the hand are aggravating factors.

53. Miner's nystagmus	Historical occupational disease associated with poor lighting in underground work, which involves problems in focusing. Pendular or rotating nystagmus may be accompanied by dizziness and headaches. This condition occurs after years of working in a poorly lit environment.

FIFTH SCHEDULE

Amended by: XVI. 1990. 52; XIII. 1991.44; XXV. 1994.2,35. Substituted by: L.N. 56 of 1999; L.N. 84 of 1999; L.N. 62 of 2007. Amended by: I. 2012.18; L.N. 79 of 2014; L.N. 302 of 2015; IXV. 2017.39. L.N. 44 of 2018; L.N. 183 of 2019; VIII.2020.34; L.N. 307 of 2021; L.N. 55 of 2023; L.N. 56 of 2025; IX.2025.31; L.N. 282 of 2025.

[ARTICLES 20 AND 23]

PART I

DISEASES AND CONDITIONS IN RESPECT OF WHICH SICKNESS ASSISTANCE MAY BE PAYABLE

1. Malignant Diseases
2. Cardiovascular Diseases:
   (*a*) congestive cardiac failure
   (*b*) persistent hypertension with a diastolic reading above 110 if left untreated
3. Endocrine:
   (*a*) Addison's Disease
   (*b*) Juvenile Diabetes Mellitus
   (*c*) Enzyme deficiency disorders
4. Renal:
   (*a*) nephrotic syndrome
   (*b*) chronic renal failure
5. Digestive system:
   (*a*) chronic peptic ulcer
   (*b*) coeliac disease and idopathic steatorrhea
   (*c*) Crohn's Disease and ulcerative colitis
6. Diseases of the liver:
   (*a*) hepatic cirrhosis associated with ascites or neurological symptoms
   (*b*) Wilson's Disease

7. Chronic Schizophrenia
8. Infectious diseases:
   (*a*) H.I.V. positive.
9. Chronic lymphedema disease
10. *Fibromyalgia*
11. *Myalgic Encephalomyelitis*
12. Fibrous Dsyplasia
13. Miscellaneous:
   (*a*) serious bodily or mental impairment arising from Diabetes Mellitus whether congenital or acquired
   (*b*) all cases of diabetes.

PART II

DISEASES AND CONDITIONS IN RESPECT OF WHICH FREE MEDICAL AID MAY BE ACCORDED

1. Malignant Diseases
2. Cardiovascular Diseases:
   (*a*) Chronic Heart Failure
   (*b*) Hypertension
   (*c*) Coronary Artery Disease
   (*d*) Cardiac Arrhythmias
   (*e*) Peripheral Vascular Disease
   (*f*) Cerebrovascular disease
   (*g*) Genetic Dyslipidaemia
   (*h*) Venous Thromboembolic Disease
3. Respiratory Diseases:
   (*a*) Chronic Respiratory Failure
   (*b*) Cystic Fibrosis
   (*c*) Chronic Obstructive Pulmonary Disease
   (*d*) Chronic Asthma
4. Digestive system diseases:
   (*a*) Gastro - Oesophageal Reflux Disease
   (*b*) Gastric/Duodenal Ulcers
   (*c*) Inflammatory Bowel Disease
   (*d*) Coeliac Disease
   (*e*) Diverticular Disease requiring Stoma Care
   (*f*) Hirschprung’s Disease
   (*g*) Imperforate Anus

(*h*) Small Intestinal Failure

5. Liver diseases:

(*a*) Chronic Liver Disease

6. Haematological Diseases:

(*a*) Inherited Bleeding Disorders
(*b*) Inherited Haemoglobinopathies

7. Nervous System Diseases:

(*a*) Epilepsy
(*b*) Parkinson's Disease
(*c*) Myasthenia Gravis
(*d*) Multiple Sclerosis
(*e*) Motor Neurone Disease
(*f*) Trigeminal Neuralgia
(*g*) Huntington's Chorea
(*h*) Dementia
(*i*) Schizophrenia
(*j*) Psychosis
(*k*) Chronic Mood Disorders
(*l*) Chronic Neurotic Disorders
(*m*) Addiction Disorders
(*n*) Chronic Psychiatric Disorders starting in Childhood
(*o*) Chronic Eating Disorders
(*p*) Cerebral Palsy
(*q*) Narcolepsy
(*r*) Spinal Cord Pathologies
(*s*) Congenital Indifference to pain
(*t*) Neuromyelitis Optica
(u) Muscular Dystrophy

8. Renal diseases:

(*a*) Chronic Kidney Disease

9. Endocrine diseases:

(*a*) Diabetes Mellitus
(*b*) Addison's Disease
(*c*) Precocious Puberty
(*d*) Hypoparathyroidism
(*e*) Hypopituitarism
(*f*) Hypogonadism
(*g*) Enzyme Disorders
(*h*) Endometriosis and Adenomyosis

(*i*) Pituitary Adenomas

(*j*) Benign Prostatic Enlargement

10. Skin diseases:

(*a*) Psoriasis

(*b*) Chronic Immunobullous Disorders

(*c*) Congenital Ichthyosis

(*d*) Hidradenitis Suppurativa

(*e*) Severe Refractory Atopic Dermatitis

(*f*) Severe Chronic Urticaria

11. Infectious Diseases:

(*a*) HIV/AIDS and HIV Related Diseases

(*b*) Hepatitis B & C

(*c*) Tuberculosis

(*d*) Hospital Acquired Infections

(*e*) Leprosy

(*f*) Polio and Post-Polio Syndrome

(*g*) Chronic Osteomyelitis

12. Rheumatic Diseases:

(*a*) Rheumatoid Arthritis

(*b*) Paget's Disease

(*c*) Lupus Erythematosus

(*d*) Systemic Sclerosis

(*e*) Dermatomyositis/Polymyositis

(*f*) Polyartritis Nodosa

(*g*) Spondyloarthritis

(*h*) Crystal Deposition Disease

(*i*) Polymyalgia Rheumatica

(*j*) Myalgic Encephalomyelitis

(*k*) Fibromyalgia

(*l*) Osteoporosis

13. Metabolic Disorders

(*a*) Inborn Errors of Metabolism

14. Eye diseases:

(*a*) Glaucoma

(*b*) Vascular Disease of the Retina

(c) Non-Infectious Keratitis

15. Immunodeficiency:

(*a*) Primary Immunodeficiency Disorder

(*b*) Secondary Immunodeficiency Disorder

16. Chromosome Disorders:
    (*a*) Down Syndrome
    (*b*) Turner Syndrome
    (*c*) Prader-Willi Syndrome
17. Gender Identity and Sex Characteristics Related Conditions
18. Life threatening allergic reactions
    (a) Anaphylaxis

SIXTH SCHEDULE

(Articles 26, 27, 30, 66, 68, 90A, 93, 129)

Substituted by: XIV. 1988.18. Amended by: XVI. 1989.28. Substituted by: XVI. 1990.53. Amended by: XIII. 1991.45. Substituted by: VIII. 1992.42. Amended by: XXIV. 1993.17; XXV. 1994.2,36; XXVII. 1995.15. Substituted by: XXI. 1996.60; XXII. 1997.8; L.N. 56 of 1999; L.N. 84 of 1999; L.N. 10 of 2000; L.N. 21 of 2001; L.N. 4 of 2002; L.N. 422 of 2002; L.N. 436 of 2003; II. 2004.33; L.N. 100 of 2006; L.N. 101 of 2006; L.N. 318 of 2007; L.N. 424 of 2007; L.N. 149 of 2008; L.N. 143 of 2009; L.N. 437 of 2010; L.N. 330 of 2011; L.N. 342 of 2012; L.N. 355 of 2013; L.N. 62 of 2014; L.N. 123 of 2015; XXXIX. 2015.12; L.N. 309 of 2016. Amended by: XVI. 2017.40. Substituted by: L.N. 6 of 2018; L.N.195 of 2018; L.N. 94 of 2019; L.N. 251 of 2020; L.N. 331 of 2021; L.N. 232 of 2023; L.N. 257 of 2023; L.N. 10 of 2025. Amended by: IX.2025.32.

PART I

Scale Rates of Social Assistance per week inclusive of any measures under the

provisions of article 90A

A Household of ONE Eligible Member Only
€133.89

When the number of eligible members in the household exceeds the number indicated in the above Table, the respective weekly rate indicated therein shall be increased by €8.15 per week in respect of every other eligible member in that household:

Provided that with effect from the 1st January 2025, when the medical panel arrives to a decision in accordance with the provisions of sub-article (4) of article 30, the respective weekly rate indicated therein shall be increased by €5.00 per week in respect of every other eligible member in such household.

PART II

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

Category of Pensioner	**Highest Rate of Age Pension per week**
1. A married couple where both spouses qualify for a pension under article 66.	€181.56
2. A married couple where only one of the spouses qualifies for a pension under article 66.	€135.18
3. Widowed persons, single persons or a married person whose spouse is in receipt of a State Financed Residential Service in accordance with article 93.	€148.79

PART III

Highest Rate of Increased Severe Disability Assistance, Severe Disability Assistance, Disability Assistance and Assistance for the Visually Impaired per week, inclusive of any increase under the provisions of article 90B

Increased Severe Disability Assistance	€192.19
Severe Disability Assistance	€124.66
Disability Assistance	€99.13
Assistance for the Visually Impaired	€124.66

PART IV

Highest Rate of Carer's Allowance and Increased Carer's Allowance per week,

inclusive of any increase under the provisions of article 90B

Highest Rate of Carer's Allowance per week €120.68
Highest Rate of Increased Carer's Allowance per week €173.78

PART V
House Rent

The rates in Parts I, II, III and IV shall be increased by €1.16 per week if the household is paying rent for its normal place of habitation:

Provided that when 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 ground rent payable by the household in respect of premises which are held in emphyteusis for a period not exceeding twenty-five (25) years shall be deemed to be the house rent for the purposes of this item if such premises are used exclusively by the household and solely as a residence.

SEVENTH SCHEDULE

[ARTICLE 20]

Amended by:
XVI. 1989.29.
Substituted by:
VIII. 1992.43;
XXI. 1996.61;
XXII. 1997.9;
L.N. 56 of 1999;
L.N. 84 of 1999;
L.N. 424 of 2007;
L.N. 342 of 2012;
L.N. 355 of 2013;
L.N. 62 of 2014;
L.N. 123 of 2015;
L.N. 309 of 2016;
L.N. 6 of 2018;
L.N. 195 of 2018;
L.N. 94 of 2019;
VIII.2020.35;
L.N. 251 of 2020;
L.N. 331 of 2021;
L.N. 232 of 2023;
L.N. 257 of 2023;
L.N. 10 of 2025.

Scale Rates of Means governing Sickness Assistance

Number of persons in Household	Scale Rate
One person only	€22.00

When the number of members in the household is more than one, the weekly rate in the above Table shall be increased by €8.15 per week in respect of every other member in that household.

Amended by:
XVI. 1989.30;
XVI. 1990.54.
Substituted by:
XIII. 1991.46;
VIII. 1992.44.
Amended by:
XXIV. 1993.18;
XXV. 1994.37;
XXVII. 1995.16.
Substituted by:
XXI. 1996.62;
XXII. 1997.10;
L.N. 56 of 1999;
L.N. 84 of 1999;
L.N. 10 of 2000;
L.N. 21 of 2001;
L.N. 4 of 2002;
L.N. 422 of 2002;
L.N. 436 of 2003.
L.N. 100 of 2006;
L.N. 101 of 2006;
L.N. 318 of 2007;
L.N. 424 of 2007;
L.N. 149 of 2008;
L.N. 143 of 2009;
L.N. 437 of 2010;
L.N. 330 of 2011;
L.N. 342 of 2012;
L.N. 355 of 2013;
L.N. 62 of 2014;
L.N. 123 of 2015;
L.N. 309 of 2016;
L.N. 6 of 2018;
L.N.195 of 2018;
L.N. 94 of 2019;
L.N. 251 of 2020;
L.N. 331 of 2021;
L.N. 232 of 2023;
L.N. 257 of 2023;
L.N. 10 of 2025.

EIGHTH SCHEDULE

[ARTICLE 23]

PART I

Scale Rate of Means governing Free Medical Aid when the head of household is in insurable employment or self-occupied

Number of Persons in Household	Scale Rate
One person only	€187.96

Where the number of members in the household is more than one, the weekly rate in the above Table shall be increased by €8.15 per week in respect of every other member in that household.

PART II

Scale Rates of Means governing Free Medical Aid when the head of household is neither in insurable employment nor self-occupied

Number of Persons in Household	Scale Rate
One person only	€27.37

Where the number of members in the household is more than one, the weekly rate indicated above shall be increased by €8.15 per week in respect of every other member in that household.

NINTH SCHEDULE

[Article 25]

Amended by:
XIV. 1988.19.
Substituted by:
XVI. 1990.55;
XIII. 1991.47;
VIII. 1992.45;
XXVII. 1995.17.
XXI. 1996.63.
XXII. 1997.11;
L.N. 56 of 1999;
L.N. 84 of 1999;
L.N. 10 of 2000;
L.N. 21 of 2001;
L.N. 4 of 2002;
L.N. 422 of 2002;
L.N. 436 of 2003;
L.N. 100 of 2006;
L.N. 101 of 2006;
L.N. 318 of 2007;
L.N. 424 of 2007;
L.N. 149 of 2008;
L.N. 143 of 2009;
L.N. 437 of 2010;
L.N. 330 of 2011;
L.N. 342 of 2012;
L.N. 62 of 2014;
L.N. 123 of 2015;
L.N. 309 of 2016;
L.N. 6 of 2018;
L.N.195 of 2018;
L.N. 94 of 2019;
L.N. 215 of 2020;
L.N. 331 of 2021;
L.N. 232 of 2023;
L.N. 257 of 2023;
L.N. 10 of 2025.

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; (ii) in respect of any other member of the same household.	 €32.39 €32.39
2. Milk Grant	€28.20
3. Leprosy Assistance: (i) in respect of the head of household who is a leper; (ii) in respect of any other member of the household who is a leper and not gainfully occupied: (a) if under sixteen (16) years of age; (b) if sixteen (16) years of age or over; (iii) in respect of any other member of the household who is not gainfully occupied.	 €42.52 €28.20 €42.52 €28.20
4. Tuberculosis Assistance: (i) basic amount of tuberculosis assistance payable in respect of a household, one member of which is affected by tuberculosis; (ii) allowance payable in respect of each additional member of the household affected by, or particularly vulnerable to, tuberculosis.	 €35.18 €24.94

TENTH SCHEDULE

[ARTICLES 7,10,16,17,116]

Amended by: XX. 1987.16. Substituted by: XVI. 1989.31; XVI. 1990.56; XIII. 1991.48; VIII. 1992.46; XXIV. 1993.19; XXV. 1994.38; XXVII. 1995.18; XXI. 1996.64; XXII. 1997.12; L.N. 56 of 1999; L.N. 84 of 1999; L.N. 10 of 2000; L.N. 21 of 2001; L.N. 4 of 2002; L.N. 422 of 2002; L.N. 436 of 2003; L.N. 100 of 2006; L.N. 101 of 2006; L.N. 318 of 2007; L.N. 424 of 2007; L.N. 149 of 2008; L.N. 143 of 2009; L.N. 437 of 2010; L.N. 330 of 2011; L.N. 117 of 2012; L.N. 342 of 2012; L.N. 355 of 2013; L.N. 62 of 2014; L.N. 123 of 2015; L.N. 258 of 2015; L.N. 309 of 2016; L.N. 337 of 2016: L.N. 6 of 2018; L.N.195 of 2018; L.N. 94 of 2019; L.N. 251 of 2020; L.N. 331 of 2021; L.N. 232 of 2023; L.N. 257 of 2023; L.N. 10 of 2025.

RATES OF CONTRIBUTIONS

Part I

Class One Contributions
(*Employed Persons*)

RATES OF CONTRIBUTIONS

PART I

Class One Contributions
(Employed Persons)

Cate-gory	**Type of Employed Persons**	**Weekly Rate of Contribution Payable by Employed Person**	**Weekly Rate of Contribution Payable by the Employer**
A	Persons under eighteen (18) years of age whose basic weekly wage or the weekly equivalent of their basic monthly salary does not exceed €213.54.	€6.62	€6.62

B	Persons over eighteen (18) years of age whose basic weekly wage or the weekly equivalent of their basic monthly salary does not exceed €213.54.	€21.35, or if the insured person is employed on a part- time basis elects, 10% calculated to the nearest cent of such person's basic weekly wage or the weekly equivalent of such person's basic monthly salary **(Vide Note 1 below)**.	€21.35
C	Persons born on 31 December 1961 or before whose basic weekly wage or the weekly equivalent of their basic monthly salary exceeds €213.55 but does not exceed €423.07.	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.
	Persons born on 1 January 1962 or after whose basic weekly wage or the weekly equivalent of their basic monthly salary exceeds €213.55 but does not exceed €523.28 **(Vide Note 2 below)**.		
D	Persons born on 1 January 1962 or after whose basic weekly wage or the weekly equivalent of their basic monthly salary exceeds €532.29 **(Vide Note 2 below)**.	€42.31	€42.31
	Persons born on 1 January 1962 or after whose basic weekly wage or the weekly equivalent of their basic monthly salary exceeds €515.99 **(Vide Note 2 below)**.	€53.23	€53.23

E	Persons under eighteen (18) 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 €4.38	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 €4.38
F	Persons over eighteen (18) 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 €7.94.	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 €7.94.

Note 1: If the insured person elects to pay a contribution of 10% of a basic wage or salary less than the weekly equivalent of the National Minimum Wage, such contribution may, if the person qualifies for a contributory benefit or a contributory pension, result in the payment of a reduced contributory benefit or contributory pension.

Note 2: By virtue of the Social Security (Amendment) (No. 2) Act, 2006 and the Notice of coming into force of the Social Security (Amendment) (No. 2) Act, 2006, through which the enacted pension reform entered into force, the pensionable income for persons born on or after 1st January 1962, with effect from January 2024 is guaranteed at the amount of €27,679.09. Therefore, this is reflected in an increase in the highest rate of payable contribution.

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 earnings (excluding Maternity Benefit, Children's Allowance and any ex-gratia Benefit payable under article 88) during the calendar year immediately preceding the contribution year in which the contribution is being paid:	
SP	Exceeds € 1,005 but does not exceed €10,567.92 (this category is applicable only to single persons who are not self-occupied).	€30.48
SA	Is less than €12,028.92.	€34.70
SB	Persons born on 31 December 1961 or before whose annual net income exceeds €12,028.92 but does not exceed €22,000.00.	The weekly equivalent of 15% of their annual income calculated to the nearest cent.
	Persons born on 1 January 1962 or after whose annual net income exceeds €12,028.93 but does not exceed €27,679.08.	
SC	Persons born on 31 December 1961 or before whose annual net income exceeds €22,000.01.	€63.46
	Persons born on 1 January 1962 or after whose annual net income exceeds €27,679.09 **(Vide Note 1 below)**.	€79.84

Note 1: By virtue of the Social Security (Amendment) (No. 2) Act, 2006 and the Notice of coming into force of the Social Security (Amendment) (No. 2) Act, 2006, through which the enacted pension reform entered into force, the pensionable income for persons born on or after 1st January 1962, with effect from January 2024 is guaranteed at the amount of €27,679.09. Therefore, this is reflected in an increase in the highest rate of payable contribution.

PART III

Class Two Contributions
(Self-Occupied Persons)

Category	Type of Self-Occupied Persons	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) during the calendar year immediately preceding the contribution year in which the contribution is being paid:	
SA	Is less than €12,028.92.	€34.70 or 15% of the annual net earnings if the person is a part-time basis self-occupied woman, a full-time student who is a part-time basis self-occupied person, or a pensioner who is a part-time self-occupied person whose annual net earnings do not exceed €12,028.92 **(Vide Note 1 below)**; or €23.13 if the person is a full-time farmer or breeder whose annual net earnings do not exceed €12,028.92
SB	Persons born on 31 December 1961 or before whose annual net earnings exceeds €12,028.93 but does not exceed €22,000.	The weekly equivalent of 15% of their annual net earnings calculated to the nearest cent; or the weekly equivalent of 10% of the annual net earning in the case of a full-time farmer or breeder
	Persons born on 1 January 1962 or after whose annual net earnings exceeds €12,028.93 but does not exceed €27,678.08.	

SC	Persons born on 31 December 1961 or before whose annual net earnings exceeds €22,000.01.	€63.46; or €42.31 in the case of a full-time farmer or breeder.
	Persons born on 1 January 1962 or after whose annual net earnings exceeds €27,679.09 **(Vide Note 2 below)**.	€79.84; or €53.23 in the case of a full-time farmer or breeder.

Note 1: **If the insured person elects to pay a contribution that is less than €34.70 per week, such contribution may, if the person qualifies for a contributory benefit or a contributory pension, result in the payment of a reduced contributory benefit or contributory pension.**

Note 2: By virtue of the Social Security (Amendment) (No. 2) Act, 2006 and the Notice of coming into force of the Social Security (Amendment) (No. 2) Act, 2006, through which the enacted pension reform entered into force, the pensionable income for persons born on or after 1st January 1962, with effect from January 2024 is guaranteed at the amount of €27,679.09. Therefore, this is reflected in an increase in the highest rate of payable contribution.

PART IV

Maternity Leave Fund Contribution
(Employers)

Category	Type of Employed Persons	Weekly Rate of Contribution Payable by the Employer
A	Persons under eighteen (18) years of age whose basic weekly wage or the weekly equivalent of their basic monthly salary does not exceed €213.54.	€0.20
B	Persons over eighteen (18) years of age whose basic weekly wage or the weekly equivalent of their basic monthly salary does not exceed €213.54.	€0.64
C	Persons born on 31 December 1961 or before whose basic weekly wage or the weekly equivalent of their basic monthly salary exceeds €213.55 but does not exceed €423.07.	0.3% calculated to the nearest cent of their basic weekly wage or the weekly equivalent of their basic monthly salary
	Persons born on 1 January 1962 or after whose basic weekly wage or the weekly equivalent of their basic monthly salary exceeds €213.55 but does not exceed €532.28.	

D	Persons born on 31 December 1961 or before whose basic weekly wage or the weekly equivalent of their basic monthly salary exceeds €423.08.	€1.27
	Persons born on 1 January 1962 or after whose basic weekly wage or the weekly equivalent of their basic monthly salary exceeds €532.29.	€1.60
E	Persons under eighteen (18) 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.	0.3% 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 €0.13
F	Persons over eighteen (18) 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	0.3% 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 €0.24

CREDITED CONTRIBUTIONS

PART V
Study period

Level of studies *	**Persons born between 1/ 1/1952 and 31/12/ 1961**	**Persons born on or after 1/ 1/1962**
Life-long learning	One month for every year of study	One month for every year of study
Level 5	Two months for every year of study	Three months for every year of study
Level 6	Three months for every year of study	Six months for every year of study
Level 7	Three months for every year of study	Six months for every year of study
Level 8	Six months for every year of study	One year for every year of study

*According to the Mutual Recognition of Qualifications Act (Chapter 451 of the

Laws of Malta).

Amended by:
XVI. 1990.57;
VIII. 1992.47;
XXI. 1996.65;
VII.2018.45;
XVIII.2021.25;
VII.2022.42;
III.2026.30.

ELEVENTH SCHEDULE

[ARTICLE 17]

Contribution Conditions

1. The contribution conditions for Sickness Benefit or Unemployment Benefit or Special Unemployment Benefit are -

(*a*) that the person concerned has paid not less than 50 contributions; and

(*b*) that he has paid or had credited to him not less than 20 contributions for his last two consecutive complete contribution years before the beginning of his benefit year which includes the date on which the conditions are required to be satisfied.

2. The contribution conditions for a Widow's Pension, a Retirement Pension, an Increased Retirement Pension, a National Minimum Pension, or an Increased National Minimum Pension are -

(*a*) that the person has paid not less than 156 contributions; and

(*b*) that the yearly average of contributions paid by or credited to him for the period -

(i)(*a*) beginning on the first day of his contribution year in which the 7th May, 1956, falls, or on the first day of his contribution year in which he reaches the age of nineteen, whichever is the later; or

(*b*) in respect of any person born on or after the 4th day of April, 1958, beginning on the first day of his contribution year in which the 3rd day of April, 1977, falls, or on the first day of his contribution year in which he reaches the age of eighteen, whichever is the later; and

(ii) ending on the last day of his last complete contribution year before the beginning of his benefit year which includes the day on which the conditions are required to be satisfied,

is not less than 50:

Provided that -

(*a*) a widow whose husband dies on or after the 22nd day of January, 1968, shall be entitled to elect that, in determining whether her husband satisfied the relevant contribution conditions at the date of his death, the date 1st February, 1965, shall be substituted for the date 7th May, 1956; and, if she so elects, no account shall be taken of any contributions paid by her husband before the 1st day of February, 1965;

(*b*) a person who claims a Retirement Pension on or after the l8th day of October 1971, or an Increased Retirement Pension or a National

Minimum Pension or an Increased National Minimum Pension on or after the 1st April, 1978 shall be entitled to elect that, in determining whether he satisfies the relevant contribution conditions, the date 1st February, 1965 shall be substituted for the date 7th May, 1956; and if he so elects, no account shall be taken of any contribution paid by him or, if the claimant is a widow, paid by her husband before the 1st day of February, 1965;

(*c*) where a person is in receipt of a Retirement Pension, an Increased Retirement Pension or a National Minimum Pension or an Increased National Minimum Pension in accordance with the provisions of this Act, no account shall be taken on any subsequent claim of any contribution which is paid in respect of any contribution week after the date on which he started receiving the Retirement Pension, an Increased Retirement Pension or a National Minimum Pension or an Increased National Minimum Pension;

(*d*) with effect from the 1st January 2021, a person born before the 31st December 1961, and is not eligible to the National Minimum Pension due to the average of contributions paid after attaining the age of nineteen (19), there shall be added the contributions paid prior to the attainment of age nineteen (19), and if and when the minimum contribution requirements are precisely reached, a reduced payment of the National Minimum Pension, resulting from such minimum, is granted in accordance with the provisions of this Act;

(*e*) with effect from 1st January 2022, in the case of a person not satisfying the conditions of paragraphs (b) and (c) of article 52, and provided that, that person in his life-time paid five hundred and twenty (520) social security contributions or more, a payment equivalent to the resulting rate of the National Minimum Pension as per provisions of paragraph (d) is to be awarded;

(*ea*) with effect from the 1st January 2026, the provisions of paragraphs (d) and (e) shall also apply to a person born on or after 1st January 1962;

(*f*) in the case of a person who does not reach the required minimum of social security contributions required to satisfy the conditions as laid down in paragraphs (d) or (e), due to lack of complete records of such payment of social security contributions, notwithstanding that according to official Jobsplus records show that the person was in insurable employment during such periods but not after 31st December 1990, the person shall be granted the option to ask to pay for those periods up to five (5) years of arrears of social security contributions at the value of the SA rate payable by a self-occupied person as per Part III of the Tenth Schedule during the year when the claim is made.

3. The contribution conditions for an Invalidity Pension or an Increased Invalidity Pension or a National Minimum Pension prior to reaching pension age are -

(*a*) that the person has paid not less than two hundred and fifty contributions, notwithstanding the provisions of this schedule provided that with effect from 1st January 2018, the minimum number of contributions required for a person who is medically certified as terminally-ill shall be fifty contributions only; and

(*b*) that the yearly average of contributions paid by or credited to him for the period -

(i)(*a*) beginning on the first day of his contribution year in which the 1st day of February, 1965, falls, or on the first day of his contribution year in which he reaches the age of nineteen, whichever is the later; or

(*b*) in respect of any person born on or after the 4th day of April, 1958, beginning on the first day of his contribution year in which the 3rd day of April, 1977, falls, or on the first day of his contribution year in which he reaches the age of eighteen, whichever is the later; and

(ii) ending on the last day of his last complete contribution year before the beginning of his benefit year which includes the day on which the conditions are required to be satisfied,

is not less than 50.

Amended by: XX. 1987. 17; XVI. 1989. 32. Substituted by: XVI. 1990. 58; XIII. 1991.49; VIII. 1992.48; XXIV. 1993.20; XXV. 1994.39; XXVII. 1995.19; XXI. 1996.66. XXII. 1997.13; L.N. 56 of 1999; L.N. 84 of 1999; L.N. 10 of 2000; L.N. 21 of 2001; L.N. 4 of 2002; L.N. 422 of 2002; L.N. 436 of 2003; L.N. 100 of 2006; L.N. 101 of 2006; L.N. 318 of 2007; L.N. 424 of 2007; L.N. 149 of 2008; L.N. 143 of 2009; L.N. 437 of 2010; L.N. 330 of 2011; L.N. 342 of 2012; L.N. 355 of 2013; L.N. 62 of 2014; L.N. 123 of 2015; XXXIX. 2015.13; L.N. 309 of 2016; L.N. 6 of 2018; L.N. 195 of 2018; L.N. 94 of 2019; VIII.2020.36; L.N. 251 of 2020; L.N. 331 of 2021; L.N. 232 of 2023; L.N. 257 of 2023; L.N. 10 of 2025. Amended by: IX.2025.33.

TWELFTH SCHEDULE

[ARTICLES 17, 26, 29, 31, 33, 40, 44, 50, 54, 63, 64, 67, 85, 90A]

Rates of several kinds of pension

A. Full Rates of Retirement Pension per week, inclusive of any increases under the provisions of article 90A, when 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 person who is maintaining a spouse	Any other person	Married person who is maintaining a spouse	Any other person
€155.96	€135.71	€150.23	€133.11

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 article 90A, when the yearly average of contributions paid or credited is 50 or more:

Type of Pension	**Married person who is maintaining a spouse**	**Any other person**
Increased Retirement Pension	€190.50	€166.07
Invalidity Pension	€137.99	€124.84
Increased Invalidity Pension	€172.26	€148.97
National Minimum Pension*	€182.04	€147.61
Increased National Minimum Pension	€190.50	€166.07

*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 person who is maintaining a spouse 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.

C. Guaranteed Minimum Level per week when the yearly average of paid or credited contributions is not less than 50:

Married person	**Single person**
€198.50*	€194.50*

*The amounts include the weekly pension rate and the cost of living bonus.

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, when 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 - <50	[{FAP - INC} x 0.89] + INC
30 - <40	[{FAP - INC} x 0.69] + INC
20 - <30	[{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, and "INC" means all increases granted in accordance with article 90A with effect from 1st January, 1994 and subsequent years.

E. Increased National Minimum Invalidity Pension rates under article 26 due where the highest rate of impairment according to the Impairment Tables Regulations is awarded by the Director following consultation on the medical aspect of the claim in accordance with the provisions of article 106 and with annual average of paid or credited contributions:

Annual averge paid or credited contributions	**Increased National Minimum Invalidity Pension weekly rates**
> 50	€198.90
40 - 49	€189.22
30 - 39	€174.69
20 – 29	€160.16

F. Guaranteed Minimum Pension Level per week including cost of living bonuses and any other increase in accordance with article 90A, when the yearly average of paid or credited contributions is between 20 and 49:

Yearly average of contributions paid or credited	**Guaranteed Minimim Level per week (calculated to the nearest cent)**
40 - <50	LMG x 0.94

30 - <40	LMG x 0.85
20 - <30	LMG x 0.76

For the purposes of the table above, "LMG" means the full rate of the Guaranteed Minimum Level including the weekly cost of living bonus in accordance with Table C.

G. Rates of National Minimum Pension Additional Allowance per week:

Yearly average of contributions paid or credited	Married person who is maintaining a spouse	Any other person
50 (full rate)	€4.78	€7.43
40 - <50	€4.26	€8.57
30 - <40	€3.31	€10.72
20 - <30	€5.64	€12.81

H. (i) Reduced Rates of Widows' Pension per week, inclusive of any increases under the provisions of article 90A, when 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 - <50	[{FWP - (INC + €17.77)} x 0.89] + INC + €17.77
30 - <40	[{FWP - (INC + €17.77)} x 0.69] + INC + €17.77
20 - <30	[{FWP - (INC + €17.77)} x 0.49] + INC +€17.77

For the purposes of the above Table "FWP" means the full rate of Widow's Pension in accordance with Table C and "INC" means all increases granted in terms of article 90A with effect from 1st January 1994 and subsequent years; whilst the amount of €17.77 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.

(ii) With effect from year 2022, reduced rates of Widows' Pension are to increase with the ratios from 5/6th to 6/6th as indicated:

Year	Ratio
2022	0.57406
2023	0.59257
2024	0.61111

I. Rate of Parent's Pension per week, inclusive of any increase under the provisions of article 90A:

Married person who is maintaining a spouse	**Any other person**
€182.04	€147.61

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

When a widow or widower is entitled to an allowance under article 31(a)	**Where widow or widower is entitled to an allowance under article 31(b)**
€10.00	€10.00

K. Highest Rate per week of a Two-Thirds Pension:

Person who qualified for the highest rate of Two-Thirds Pension prior to 2006	**Any other person**
€282.05	€281.64

L. The Cost of Living Bonus

Pensioner category	**In the case of a married person maintaining a spouse and who was in receipt of a National Minimum Pension on or before 31 December 2017**	**Any other person**
For pensioners whose pension initial award date is prior to 3rd January 2009	€17.43 per week	€21.53 per week

For pensioners whose pension initial award date falls between 3rd January 2009 and 31st December 2009	€17.08 per week	€20.71 per week
For pensioners whose pension initial award date falls between 2nd January 2010 and 31st December 2010	€16.60 per week	€19.69 per week
For pensioners whose pension initial award date falls between 1st January 2011 and 31st December 2011	€15.91 per week	€18.22 per week
For pensioners whose pension initial award date falls between 1st January 2012 and 31st December 2012	€15.81 per week	€17.96 per week
For pensioners whose pension initial award date falls between 1st January 2013 and 31st December 2013	€15.27 per week	€16.80 per week
For pensioners whose pension initial award date falls between 1st January 2014 and 31st December 2014	€14.79 per week	€15.78 per week
For pensioners whose pension initial award date falls between 1st January 2015 and 31st December 2015	€14.39 per week	€14.92 per week
For pensioners whose pension initial award date falls between 1st January 2016 and 31st December 2016	€14.35 per week	€14.81 per week
For pensioners whose pension initial award date falls between 1st January 2017 and 31st December 2017	€14.08 per week	€14.41 per week
For pensioners whose pension initial award date falls between 1st January 2018 and 31st December 2018	€14.05 per week	€14.05 per week

For pensioners whose pension initial award date falls between 1st January 2019 and 31st December 2019	€13.68 per week	€13.68 per week
For pensioners whose pension initial award date falls between 1st January 2020 and 31st December 2024	€13.17 per week	€13.17 per week

M. Grant to Persons who do not qualify for a Contributory Pension

Number of Social Security Contributions Paid	50 - 99	100 - 149	150 - 199	200 - 249	250 - 299	300 349	350 - 399	400 - 449	450 - 519
Payment	€550	€600	€650	€700	€800	€850	€900	€950	€1000

Amended by:
XX. 1987.18;
XXVII. 1995.20;
XXI. 1996.67;
XIX. 2006.16;
L.N. 424 of 2007;
VII. 2018.46;
VIII.2020.37;
XIII.2024.27;
IX.2025.34;
III.2026.31.

THIRTEENTH SCHEDULE

[ARTICLE 2]

Calculation of the Pensionable Income

(1) In the case of a person -

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

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

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

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

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

(2) In the case of a person -

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

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

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

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

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

(3) In the case of a person -

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

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

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

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

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

(4) In the case of a person born during the calendar years 1962 to 1968 the yearly average of the basic wage or salary, or the net income or the net earnings, as the case may be, during the best ten calendar years within the last forty calendar years immediately preceding his retirement or invalidity in terms of this Act, as the case may be, on which the required contribution has been paid or deemed to have been paid in terms of this Act or if he has been in employment or self-employment or has been self-occupied for less than ten calendar years within the last forty calendar years, during any such number of calendar months as may be the best in his case within the said last forty calendar years, as may be increased by the applicable wage increases required by law to be awarded generally in respect of each subsequent year of each of the said last forty calendar years:

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

(5) In the case of a person born on or after the 1st January 1969 the yearly

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

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

(6) Provided that, with effect from the 1st January 2020, the pensionable income of an ex member of the Malta Police Force, the Armed Forces of Malta, the Civil Protection Department of Malta or of the Corradino Correctional Facility, born before the 1st January 1962, who retires or has retired from the service with a full Government pension as his main pension, on completion of at least twenty-five (25) years of service prior to reaching pension age and who is accordingly granted a service pension, and who later becomes entitled to a pension in respect of retirement or invalidity in accordance with this Act, shall be that specified in this Thirteenth Schedule, or the pensionable income which would have otherwise resulted in accordance with the provisions of this Act, if that person's last day of employment, after that person would have accepted the arrangement to retire from service, had been the date of retirement from the service or the date of invalidity, whichever pensionable income is the higher.

(7) (a) For the purposes of this Act, in the case of a person born on or before the 31st December 1961 whose retirement occurs on or after the 1st January 2007, the basic wage or salary or the net income or the net earnings as the case may be, and the resultant pensionable income or any amount substituted therefor under the provisions of this Act shall not exceed €16,207.78 increased by such sum that the Government may award as a cost of living increase, in the rate of the National Minimum Wage as is payable to persons of eighteen years of age or over under the provisions of the Employment and Industrial Relations Act, hereinafter in this paragraph referred to as the "cost of living increase" as from the effective date of such increase:

Provided that in the case of a person born on or before the 31st December 1951, the resultant pensionable income including any such cost of living increase shall not exceed the sum of €17,470.30:

Provided further that in the case of a person born during calendar years 1952 to 1961, the resultant pensionable income including any such cost of living increase shall not exceed the sum of €20,964.36:

Provided that, notwithstanding the provisions of this sub-item, with effect from the 1st of January 2024, in the case of a person born on or before the 31st of December 1961, the pensionable income shall increase gradually to reach the pensionable income of a person born on or after the 1st of January 1962. The resultant calculated pensionable income for the year 2024 shall not exceed the sum of €22,000:

Provided that, notwithstanding the provisions of this item, with effect from 1st of January 2025, in the case of a person born on or before 31st of December 1961, the maximum pensionable income shall increase gradually to reach the maximum pensionable income of a person born on or after 1st of January 1962. The resultant calculated maximum pensionable income for the year 2025 shall not exceed the sum of €23,500:

Provided further that notwithstanding the provisions of this item, in the case of a person born on, or before 31st of December 1961, on the basis of the fact that the maximum pensionable income of such a person shall increase gradually to reach the maximum pensionable income of a person born on, or after 1st of January 1962, with effect from 1st of January 2026 the pensionable income of a person born on, or before the 31st of December 1961 shall not exceed the sum of €25,500.

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

(i) €16,207.78 increased by such sum that the Government awards as a cost of living increase, in respect of the years 2007 to 2010 as from the effective dates of such increases;

(ii) the sum referred to in paragraph (i) increased as on the 1st January of each year, between 2011 and 2013 by one third of the difference between the sum referred to in paragraph (i) and €20,964.36;

(iii) with effect from the 1st January 2014, €20,964.36 increased annually by such sum as corresponds to seventy percent of the percentage increase in the national average wage for the previous calendar year as published by the National Statistics Office established by virtue of article 9 of the Malta Statistics Authority Act, plus thirty percent of the inflation rate as published by the said National Statistics Office for the previous calendar year.

FOURTEENTH SCHEDULE

(Articles 30, 70, 72, 73, 76, 76A, 77, 80, 84)

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

Added by: XXI. 1996.68. Substituted by: XXII. 1997.14; L.N. 56 of 1999; L.N. 84 of 1999; L.N. 10 of 2000; L.N. 21 of 2001; L.N. 4 of 2002; II. 2002.78; L.N. 422 of 2002; L.N. 436 of 2003. Amended by: II. 2004.34. Substituted by: L.N. 100 of 2006; L.N. 101 of 2006; L.N. 318 of 2007; L.N. 424 of 2007; L.N. 149 of 2008; L.N. 143 of 2009; L.N. 437 of 2010; L.N. 330 of 2011; L.N. 342 of 2012; L.N. 355 of 2013; L.N. 62 of 2014; L.N. 123 of 2015; L.N. 309 of 2016; L.N. 6 of 2018; L.N.195 of 2018; L.N.94 of 2019; L.N.251 of 2020; XXIX.2019.71; L.N. 331 of 2021; L.N. 232 of 2023; L.N. 257 of 2023; XIII.2024.28; L.N. 10 of 2025.

PART I

Rate per week of Allowance paid to residents of a therapeutic community in accordance with article 30(9)

€40.00

Part II

(Repealed by Act II.2004.34)

PART III

Lump sum paid by way of Marriage Grant in accordance with article 70

€322.58

PART IV

Rate per week of Maternity Benefit paid in accordance with article 72(1)

For self-occupied women	For other women

€213.54	€132.05

Rate per week of Maternity Leave Benefit paid in accordance with article 72(4)

€213.54

PART V
Supplementary Allowance

Table A

STATUS	**Maximum annual reckonable income that can be taken for entitlement purposes. (So however any reckonable income below €8,360 shall be deemed to be equivalent to €8,360)**	**Maximum allowance payable**	**Maximum amount of annual allowance payable**
Married person who is maintaining a spouse and is not entitled to an allowance under article 76 or single parent who is not entitled to an allowance under article 76	€13,819 - €15,748	€418.60	Equivalent to 3% of the difference obtaining between €27,776 and actual reckonable income per year

Married person who is maintaining a spouse and is not entitled to an allowance under article 76 or single parent who is not entitled to an allowance under article 76	€13,819	€1,099.28	Equivalent to 5.90% of the difference obtaining between €27,776 and actual reckonable income per year
Single pensioner who receives a National Minimum Pension or equivalent rate	€ 11,651	€598.00	Equivalent to 4.28% of the difference obtaining between €23,116 and actual reckonable income per year
Single person forming a household on his own	€11,651	€598.00	Equivalent to 4.28% of the difference obtaining between €23,116actual reckonable income per year up to a maximum rate of €11.50 per week
Single person not forming a household on his own with income from a gainful occupation not exceeding the National Minimum Wage	€11,651	€126.36	

No entitlement to an allowance under this Part is acquired when the annual reckonable income exceeds the maximum amounts indicated above, as the case may be.

With effect from the year 2021, a married or a single person who has reached the age of sixty-five (65) and satisfies the parameters in Table A shall be eligible for the additional payment of €150 yearly.

PART VI
Children's Allowance

A. Where the maximum annual reckonable income for entitlement purposes is €27,006.12 or less. (So however that any annual reckonable income below €7,741.12 shall be considered to be equivalent to €7,741.12)	
	Percentage rate payable by way of an allowance on difference obtaining between reckonable annual income and €27,006.12
Children in household under sixteen (16) years of age.	6.5% for each such child
Over sixteen (16) years but under twenty-one (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. 607) and who are not receiving any form of remuneration or allowance or are registered as unemployed under Part I of the register and have never been gainfully occupied.	2% for each such child
Over sixteen (16) years but under twenty-one (21) years and are registered as unemployed under Part I of the register kept in accordance with the provisions of the Employment and Training Services Act (Cap. 594) and who have never been gainfully occupied, and who are not in receipt of any benefit, pension or assistance payable under this Act.	2% for each such child

1. An allowance payable to a household under Table A above shall, irrespective of the annual reckonable income of the household, in no case be less than the Fixed Children’s Allowance specified in Table B.

2. An allowance payable to a household under Table A above, whose annual income from employment does not exceed the National Minimum Wage, may in no case

be less than the maximum rate in this Part.

B. Where the maximum annual reckonable income is more than € 27,006.12	
	Fixed Children's Allowance
Children in household under sixteen (16) years of age	€8.66 per week for each such child

C. Where students continue to attend full-time post-secondary education	
	Rate of benefit
Children over the age of sixteen (16) but under the age of twenty-one (21) and still attending a full-time post-secondary course of study or teaching at an educational institution recognised by the Maltese Authority for Further and Higher Education.	€500 per year for three (3) years of the study course they are attending (if they are in the first year)
Children over the age of sixteen (16) but under the age of twenty-one (21) and still attending a full-time post-secondary course of study or teaching at an educational institution recognised by the Maltese Authority for Further and Higher Education.	€500 per year for two (2) years of the study course they are attending (if they are in the second year)
Children over the age of sixteen (16) but under the age of twenty-one (21) and still attending a full-time post-secondary course of study or teaching at an educational institution recognised by the Maltese Authority for Further and Higher Education.	€500 for one (1) year of the course of study they are attending (if they are in the third year)

PART VII

Rate per week per child of Disabled Child Allowance in accordance with article 77

€30.00

PART VIII

Rate per week per child of Care Allowance paid in accordance with article 76A

€110.00

An allowance payable under this Part shall continue to be payable when the child is over sixteen (16) years but under twenty-one (21) years.

PART IX

Mechanism establishing the Additional Benefit to counter the Cost of Living

The rules which regulate this benefit shall be the following:

(1) the additional cost of living increase accumulated as from the year 2023 onwards shall be calculated in accordance with the cost of expenses of persons over the age of 65 years in accordance with the table in this Part;

(2) the benefit shall be awarded to families whose disposable equivalised income, in accordance with the number of members in the family, is below the national median as defined by Eurostat and as established by the National Statistics Office every year;

(3) the highest disposable income considered for the purposes of this benefit shall not exceed €50,000;

(4) the payment shall be dependant on the disposable equivalised income of the family when compared with the level of 60% of the national median equivalised income (the risk of poverty level) and the number of family members; and

(5) for the year 2024, the payment of the benefit for the full year shall be between the minimum of €100 and maximum of €1,500.

Year	**Cost of Living Increase for Persons of 65 years or over** **€**	**Cost of Living Increase COLA Mechanism** **€**	**Difference*** **€**
2023	10.48	9.90	0.58
2024	15.14	12.81	2.33

* The benefit is calculated on the accumulated difference up to the basis payment year. If the difference from one year to another is less, the amount accumulated is retained.

Added by: IX.2025.35. Substituted by: III.2026.32.

FIFTEENTH SCHEDULE

(article 27)

Qualifying percentages for the payment of disability assistances

Disability Benefit
30% to 44.99%
Disability Assistance
From 45% to 59.99%
Severe Disability Assistance

From 60% to 74.99%
Increased Severe Disability Assistance
Not less than 75%
Assistance for the Visually Impaired
Not less than 50%.