

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

3 ta' Frar, 2012

ATT Nru. I tal-2012

ATT biex jemenda diversi dispożizzjonijiet tal-Att dwar is-Sigurtà Soċjali.

Il-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, ħareġ b'dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att tal-2012 li jemenda t-Att dwar is-Sigurtà Soċjali, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.
Kap. 318.

(2) Dan l-Att għandu jibda jseħħ f'dik id-data li l-Ministru responsabbli għall-politika soċjali jista' b'avviż fil-Gazzetta jistabilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

2. Fis-subartikolu (5) tal-artikolu 18, minflok il-kliem "kif provdut fil-paragrafu (ċ) tal-proviso għall-artikolu 106", għandhom jidhlu l-kliem "kif provdut fil-paragrafu (d) tal-proviso għall-artikolu 106".

Emenda tal-artikolu
18 tal-Att prinċipali.

3. (1) Is-subartikolu (1) tal-artikolu 23 għandu jiġi emendat kif ġej:

Emenda tal-artikolu
23 tal-Att prinċipali.

(a) minflok il-kliem "li fil-fehma tal-Uffiċjal Mediku Prinċipali tal-Gvern ikunu indikati fil-każ tagħha u jkunu

disponibbli” għandhom jidhlu l-kliem “li fil-fehma tat-Tabib Principali tal-Gvern ikunu indikati fil-każ tagħha skont il-protokollu maħruġa minn żmien għal żmien minnu u jkunu disponibbli”; u

(b) fit-test Malti, fil-proviso tiegħu, minflok il-kliem “l-Uffiċjal Mediku Principali tal-Gvern”, għandhom jidhlu l-kliem “t-Tabib Principali tal-Gvern”.

(2) Minflok is-subartikolu (3) tal-artikolu 23 tal-liġi prinċipali, għandu jidhol dan li ġej:

“(3) Persuna li tkun qiegħda tbat i minn xi waħda mill-mardiet jew kundizzjonijiet bħal dawk imsemmija fit-Taqsima II tal-Ħames Skeda li tinsab ma’ dan l-Att, ikollha dritt għall-għoti ta’ Għajjnuna Medika bla Hlas li fil-fehma tat-Tabib Principali tal-Gvern ikunu indikati fil-każ tagħha skont il-protokollu li jistgħu jinħarġu minn żmien għal żmien minnu u jkunu disponibbli mis-servizz nazzjonali tas-saħħa.”.

Emenda tal-artikolu
30 tal-Att prinċipali.

4. Fil-paragrafu (iii) fil-proviso tas-subartikolu (1) tal-artikolu 30 tal-Att prinċipali, il-kliem “li kienu ilhom jirreġistraw għax-xogħol għal aktar minn ħames snin” għandhom jiġu sostitwiti bil-kliem “li jkunu qegħdin jirreġistraw għax-xogħol”.

Emenda tal-artikolu
58 tal-Att prinċipali.

5. Il-proviso mas-subartikolu (d) tal-artikolu 58 tal-Att prinċipali għandu jiġi sostitwit b’dawn iż-żewġ proviso li ġejjin:

“Iżda meta impjegat *full-time* jagħzel li jaħdem b’sigħat imnaqqa, id-dispożizzjonijiet tas-subparagrafu (d) ma japplikawx għal *allowance* żejda u li b’xi mod issir parti mill-paga bażika jew salarju bażiku tul il-perjodu li fih id-dhul pensjonabbli għandu jiġi stmat, sakemm:

(i) il-paga bażika jew salarju bażiku ta’ dak l-impjegat, inklużi l-*allowances* żejda msemmija, ma’ jkunux, matul il-perjodu li fih dak l-impjegat ikun qed jaħdem b’sigħat imnaqqa, iżjed mill-ammont sħiħ tal-paga bażika jew tas-salarju bażiku tal-kariga li dak l-impjegat jkun qed jaħdem fiha; u

(ii) min iħaddem jinforma lid-Direttur bl-intenzjoni li jkollu li jattwa skema kif imsemmija f’dan il-proviso u d-Direttur jagħti l-kunsens tiegħu bil-miktub għal din l-iskema qabel ma xi impjegat jew impjegati

diretti ta' min iħaddem, li jkun għamel ir-rikjesta, ikunu jistgħu jużaw din l-skema:

Iżda wkoll, mingħajr peregudizzju għad-dispożizzjonijiet tal-*proviso* ta' qabel, meta d-Direttur ikun sodisfatt li persuna tkun qiegħda tirċievi pensjoni li kienet ġiet komputata abbażi ta' dħul pensjonabbli li jinkludi dħul kif imsemmi f'dan l-artikolu, id-Direttur għandu jirrevedi l-pensjoni li għandha tithallas lil dik il-persuna biex jiżgura li d-dispożizzjonijiet ta' dan l-artikolu jiġu applikati kif imiss għal pagamenti li jsiru fil-futur.”.

6. Minnufih wara l-artikolu 61 tal-Att prinċipali, għandu jiżdied dan l-artikolu ġdid li ġej:

Zjieda ta' artikolu ġdid mal-Att prinċipali.

“Persuni li jibbenefikaw minn irtirar kmieni bhala riżultat ta' proċess ta' privatizzazzjoni.

61A. Id-dħul pensjonabbli ta' persuna li tkun twieldet qabel l-1 ta' Jannar, 1962 li ssir intitolata għal pensjoni għal min jirtira jew għall-invalidità taħt dan l-Att u li tkun aċċettat li tibbenefika minn skema ta' rtirar kmieni wara l-1 ta' Jannar, 2008 f'anticipazzjoni tal-privatizzazzjoni ta' entità li, fiż-żmien meta dik il-persuna aċċettat l-irtirar kmieni, il-Gvern kien is-sid tagħha jew kellu fiha l-magġoranza ta' l-ishma, għandu jkun dak speċifikat fit-Tlettax-il Skeda li tinsab ma' dan l-Att, jew dak id-dħul pensjonabbli li kieku kien jirriżulta mod ieħor skont id-dispożizzjonijiet ta' dan l-Att, li kieku l-aħħar ġurnata ta' impieg ta' dik il-persuna wara li tkun aċċettat l-arrangament ta' l-irtirar kmieni kienet id-data ta' meta irtirat jew id-data ta' invalidità, skont liema dħul pensjonabbli jkun l-ogħla.”.

7. L-artikolu 84 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 84 tal-Att prinċipali.

(a) Fis-subartikolu (1) tiegħu –

(i) fit-test Ingliż, fil-paragrafu (e) tiegħu, minflok il-kliem “*for prescribing conditions*” għandhom jidhlu il-kliem “*prescribing conditions*”;

(ii) fit-test Ingliż, fil-paragrafu (f) tiegħu, minflok il-kliem “*for prescribing circumstances*” għandhom jidhlu il-kliem “*prescribing circumstances*”;

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(iii) fit-test Ingliz, fil-paragrafu (g) tiegħu, minflok il-kliem “*for prescribing circumstances*” għandhom jidhlu il-kliem “*prescribing circumstances*”; u

(iv) minnufih wara l-paragrafu (h) tiegħu, għandu jizdied dan il-paragrafu ġdid li ġej:

“(i) sabiex jeżenta, taħt l-artikolu 116A, kategorija ta’ persuni mill-ħlas, għal kollox jew f’parti, ta’ kontribuzzjonijiet addizzjonali li jistgħu jkunu dovut minnhom.”; u

(b) minnufih wara s-subartikolu (3) tiegħu, għandu jizdied dan is-subartikolu ġdid li ġej:

“(4) Il-Ministru jista’, minn żmien għal żmien u bi ftehim mal-Ministru responsabbli għall-finanzi, jagħmel regolamenti bil-għan li jistabbilixxi l-kontribuzzjoni dovuta minn residenti ta’ Servizzi Residenzjali Finanzjali mill-Istat skont l-artikolu 94.”.

Emenda tal-artikolu
86 tal-Att prinċipali.

8. L-artikolu 86 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-kliem “*Il-bonus* li jithallas lil xi persuna taħt l-artikolu 85(1) għandu jitnaqqas” għandhom jiġu sostitwiti bil-kliem “*Il-bonus* li jithallas lil xi persuna taħt l-artikolu 85(1) u, jew l-artikolu 85(2) għandu jitnaqqas”; u

(b) il-kliem “*mill-perijodu ta’ sitt xhur li jintemmu fl-aħħar jum ta’ Ġunju jew Diċembru, kif ikun il-każ:*” għandhom jiġu sostitwiti bil-kliem “*mill-perijodu ta’ sitt xhur li jintemmu fl-aħħar jum ta’ Ġunju jew Diċembru, u, jew il-bonus* li jithallas minn prinċipal skont l-Ordni ta’ Standard Nazzjonali ta’ l-1988 dwar l-*Allowance* fil-Ġimgħa, skont kif ikun il-każ.”.

Emenda tal-artikolu
93 tal-Att prinċipali.

9. Minnufih wara s-subartikolu (5) ta’ l-artikolu 93 tal-Att prinċipali, għandu jizdied dan is-subartikolu ġdid li ġej:

“(6) Kull riferenza f’dan l-artikolu għal xi servizz residenzjali finanzjat mill-Istat hi riferenza għal dak is-servizz imsemmi fl-artikolu 131(1)(a) ta’ dan l-Att.”.

10. L-artikolu 94 tal-Att prinċipali għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 94 tal-Att prinċipali.

“Residenti ta' servizz residenzjali finanzjat mill-Istat li jkun *hostel* ta' l-Istat għall-kura u *l-welfare* ta' persuni b'diżabilità.

(1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, meta matul xi perjodu persuna tkun qed tircievi Servizz Residenzjali Finanzjat mill-Istat li jkun *hostel* ta' l-Istat għall-kura u *l-welfare* ta' persuni b'diżabilità, dik il-persuna għandha tħallas lill-Gvern dik il-kontribuzzjoni skont ma tista' tiġi ordnata taħt is-subartikolu (2). L-awtorità kompetenti taħt l-artikolu 131A għandha tikkalkola l-kontribuzzjoni li għandha tithallas minn dak ir-resident skont id-dispożizzjonijiet ta' dan l-artikolu.

(2) Il-Ministru jista', bi ftehim mal-Ministru responsabbli għall-finanzi, jagħmel regolamenti li jkunu jipprovdu dwar il-kalkolu tal-kontribuzzjoni dovuta minn residenti ta' Servizzi Residenzjali Finanzjati mill-Istat taħt is-subartikolu (1) skont ma jkun hemm speċifikat fl-istess regolamenti.

(3) Kontribuzzjonijiet dovuti kif hemm fid-dispożizzjonijiet ta' hawn aktar qabel ta' dan l-artikolu għandhom jitnaqqsu minn kull benefiċċju, pensjoni, *bonus*, għajjnuna jew *allowance* li għandha tithallas taħt dan l-Att.

(4) Minkejja d-dispożizzjonijiet ta' dan l-artikolu, meta resident ta' Servizz Residenzjali Finanzjat mill-Istat li jkun *hostel* ta' l-Istat għall-kura u *l-welfare* ta' persuni b'diżabilità imsemmi fl-artikolu 131A ikun persuna miżżewġa li l-konjuġi tagħha ma jkunx residenti bħal dak, u ma jkunx qiegħed jircievi xi benefiċċju, pensjoni, *bonus*, għajjnuna jew *allowance* li għandha tithallas taħt dan l-Att bi dritt lill-konjuġi nnifsu, 60% mir-rata ta' benefiċċju, pensjoni, *bonus*, għajjnuna jew *allowance* li kienet kieku xort'oħra tithallas lil dak ir-residenti għandha tithallas lill-konjuġi li ma jkunx residenti.

(5) Meta ebda benefiċċju, pensjoni, *bonus*, għajjnuna jew *allowance* ma jkunu dovuti lil resident ta' Servizz Residenzjali Finanzjat mill-Istat li jkun *hostel* ta' l-Istat għall-kura u *l-welfare* ta' persuni b'diżabilità imsemmi fl-artikolu 131A, u sew jekk dak il-benefiċċju, pensjoni, *bonus*, għajjnuna jew *allowance* ikunux jitħallsu taħt dan l-Att sew jekk minn xi sorsi

oħra, jew meta tali benefiċċju, pensjoni, *bonus*, għajnuna jew *allowance* ikunu inqas mill-ammont dovut bħala kontribuzzjoni, kif speċifikat kif hemm fis-subartikolu (1), l-awtorità kompetenti kif hemm fl-artikolu 131A jkollha s-setgħa li tagħmel kuntratt ma' dak ir-resident u, jew ma' kull parti oħra, skond il-ħtiegħa tal-każ, dwar kull kontribuzzjoni li tista' tkun dovuta lill-Gvern skont id-dispożizzjonijiet ta' dan l-artikolu.”.

Emenda tal-artikolu
98 tal-Att prinċipali.

11. Fis-subartikolu (5) tal-artikolu 98 minflok il-kliem “l-parir tal-*panel* mediku tad-Dipartiment skont il-proviso għall-artikolu 106” għandhom jidhlu l-kliem “l-parir tal-*panel* mediku u l-*panel* multi-dixxiplinarju, meta jkun japplika, tad-Dipartiment skont il-proviso għall-artikolu 106” u minflok il-kliem “eżami mill-ġdid tal-każ, il-parir mediku ta' qabel jibqa' validu” għandhom jidhlu l-kliem “eżami mill-ġdid tal-każ il-parir mediku u tal-*panel* multi-dixxiplinarju, meta jkun japplika ta' qabel, għandhom jibqgħu validi”.

Emenda tal-artikolu
101 tal-Att prinċipali.

12. L-artikolu 101 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) Fil-proviso mas-subartikolu (1) tiegħu, minflok il-kliem “fuq talba tad-Direttur tad-Dipartiment għas-Servizzi għall-Anzjani u għall-Komunità jzomm minn kull pensjoni” għandhom jidhlu l-kliem “fuq talba tad-Direttur tad-Dipartiment għas-Servizzi għall-Anzjani u għall-Komunità, jew tal-awtorità kompetenti taħt l-artikolu 131A, iżomm minn kull pensjoni”; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “tista' tiġi esegwita xi sentenza dwarhom; iżda d-dispożizzjonijiet ta' l-artikolu 381(3) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili għandhom ikunu japplikaw *mutatis mutandis*” għandhom jidhlu l-kliem “tista' tiġi esegwita xi sentenza dwarhom”.

Emenda tal-artikolu
106 tal-Att prinċipali.

13. Il-proviso tal-artikolu 106 għandu jiġi emendat kif ġej:

(a) fil-paragrafu (e) tiegħu minflok il-kliem “mill-Ministru għall-fini li jagħtu parir dwar każijiet bħal dawk:” għandhom jidhlu l-kliem “mill-Ministru għall-fini li jagħtu parir dwar każijiet bħal dawk;” u l-proviso minnufih wara l-paragrafu (e) għandu jiġi mħassar.

(b) minnufih wara l-paragrafu (e) tiegħu, għandhom jidhlu dan il-paragrafu u proviso godda li ġejjin:

“(f) il-Ministru għandu jahtar *panel* multi-dixxiplinarju bil-għan li dan jagħti parir lid-Direttur dwar l-aspetti psiko-soċjali tal-każijiet li fihom it-talba għal pensjoni fir-rigward tal-invalidità jew talba għal Għajjuna Soċjali ma wasslitx għal deċiżjoni konklussiva dwar il-kapacità għax-xogħol tal-applikant, kif provdut fil-paragrafi preċedenti ta’ dan il-proviso. Il-*panel* multi-dixxiplinarju għandu jikkonsisti f’dawn il-membri li ġejjin:

- (i) Psikjatra;
- (ii) Psikologu;
- (iii) *Occupational therapist*; u
- (iv) Haddiem soċjali:

Izda wkoll, f’kull talba għal Benefiċċju għal Mard, id-Direttur jista’, jekk ikun jidhirlu li hekk jeħtieġ, jikkonsulta dwar l-aspetti mediċi tat-talba ma’ persuna waħda jew iktar li jkollhom *warrant* biex jeżerċitaw il-professjoni medika, maħtura mill-Ministru għal dan il-għan u dwar l-aspetti psiko-soċjali tal-każ mal-*panel* multi-dixxiplinarju maħtur skont kif hemm fil-paragrafu (f) tal-proviso ta’ qabel dan.”.

14. (1) Is-subartikolu (1) tal-artikolu 116 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu
116 tal-Att prinċipali.

- (a) l-ewwel proviso tiegħu għandu jiġi mħassar; u
- (b) it-tieni proviso tiegħu għandu jiġi sostitwit b’dan il-proviso li ġej:

“Izda fil-każ meta persuna li timpjega lilha nnifisha jew persuna li taħdem għaliha nnifisha jew persuna li dwarha d-dispożizzjonijiet ta’ l-artikolu 13 japplikaw, iġġib prova għas-sodisfazzjon tad-Direttur li fiż-żmien meta daww il-kontribuzzjonijiet kienu dovuti hija kienet imsiefra jew qiegħda l isptar, iż-żmien stabbilit imsemmi qabel għandu jittawwal sal-31 jum mill-miġja lura tagħha f’Malta jew minn meta tkun ħarġet mill-isptar, kif ikun il-każ.”.

- (2) Fil-proviso li jinsab mas-subartikolu (5) tal-artikolu

116 tal-Att prinċipali, minflok il-kliem “tithallas meta attwalment tithallas.” għandhom jidhlu l-kliem “tithallas meta attwalment tithallas:” u minnufih wara għandu jiżdied dan il-proviso ġdid li ġej:

“Iżda wkoll, minkejja d-dispożizzjonijiet ta’ dan is-subartikolu, dan għandu japplika meta ssir talba minn persuni li jimpjegaw lilhom infushom sabiex iħallsu dawk il-kontribuzzjonijiet mhux imħallsa tkun magħmula minn persuna li, fil-perjodu li fiha ma tħallsux dawk il-kontribuzzjonijiet, kienet membru ta’ ordni reliġjuż, kienet tgħix f’Malta u l-ebda kontribuzzjoni ma kienet dovuta minnha taht dan l-Att, għandu japplika dan li ġej:

(i) dik it-talba tkun valida jekk tiġi preżentata wara li jgħaddu ħames snin miż-żmien li r-rata xierqa ta’ kontribuzzjoni kienet dovuta; u

(ii) il-kontribuzzjoni għal dak il-perjodu biss tkun pagabbli skont ir-rata SP applikabbli f’dak iż-żmien kif indikat fit-Taqsima II tal-Għaxar Skeda li tinsab ma’ dan l-Att.”.

Sostituzzjoni tal-artikolu 116A tal-Att prinċipali.

15. L-artikolu 116A tal-Att prinċipali għandu jiġi sostitwit b’dan l-artikolu ġdid li ġej:

“Eżenzjoni.

116A. Il-Ministru jista’, bi ftehim mal-Ministru responsabbli għal finanzi, jeżenta lil kull persuna jew kategorija ta’ persuni b’effett retroattiv jew mingħajr mill-ħlas, għal kollox jew f’parti, ta’ kull kontribuzzjoni addizzjonali dovuta taht l-artikolu 116(1), għal kull raġuni li tidhirlu suffiċjenti. Kull eżenzjoni bħal dik tista’ ssir bla ħsara għal dawk il-kondizzjonijiet, kif il-Ministru jista’ jqis li jkun adatt:

Iżda meta eżenzjoni tkun tapplika għal kategorija ta’ persuni, dil l-eżenzjoni tiġi ordnata b’regolamenti magħmulin kif hemm fl-artikolu 84(1)(i):

Iżda wkoll ebda haġa f’dan l-artikolu m’għandha tinftiehem bħala li tnaqqas xi haġa mid-dispożizzjonijiet ta’ l-artikolu 116(5)(ii).”.

Emenda tal-artikolu 131 tal-Att prinċipali.

16. Paragrafu (a)(i) tas-subartikolu (1) tal-artikolu 131 tal-Att prinċipali għandu jiġi sostitwit b’dan il-paragrafu ġdid li ġej:

“(i) dawk *l-inmates* ta’ istituzzjonijiet għall-kura medika finanzjati mill-Istat meta, minkejja l-fatt li l-inmate jkun intbagħat mill-isptar għal raġunijiet mediċi, dik il-persuna tibqa’ hemm bħala resident u ta’ dawk *l-inmates* l-oħrajn li jkunu msemmija għalhekk mill-Ministru;”.

17. Minnufih wara l-artikolu 131 tal-Att prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:

Zjieda ta’ artikolu ġdid mal-Att prinċipali.

“Awtorità kompetenti għall-*hostels* tal-Istat għall-kura u *l-welfare* ta’ persuni b’*disabilità*.”

131A. (1) L-awtorità kompetenti responsabbli Servizzi Residenzjali Finanzjati mill-Istat li jkunu *hostels* ta’ l-Istat għall-kura u *l-welfare* ta’ persuni b’*disabilità* għandha tamministra l-fondi fdati lilha mill-Gvern għall-benefiċċju tar-residenti ta’ dawk il-*hostels* kif speċifikati mill-Ministru b’avviż fil-Gazzetta:

Izda għal dan il-għan, l-awtorità kompetenti għandha tinħatar mill-Ministru b’avviż fil-Gazzetta.

(2) Il-Ministru jista’ jagħti lill-awtorità kompetenti taħt is-subartikolu (1) direttivi ta’ xorta generali dwar kull politika li għandha timxi fuqha.

(3) Fl-eżerċizzju tal-funzjonijiet tagħha l-awtorità kompetenti maħtura taħt is-subartikolu (1) għandha:

(a) iżzomm dik is-sistema ta’ kontijiet u għandha tuża dawk il-proċeduri għall-kustodja u nfiq tal-flus fdati lilha kif jiġi approvat mill-*Accountant General* u l-kotba, ir-riċevuti u *r-records* kollha miżmuma għal dan il-għan għandhom, f’kull żmien, ikunu jistgħu jiġu spezzjonati mid-Direttur, mill-*Accountant General*, mill-Awditur Ġenerali u minn kull uffiċjal pubbliku ieħor li l-Ministru jahtar għal dan il-għan;

(b) tuża l-fondi kollha fdati lilha għall-kura, *welfare* u benefiċċju tal-kategoriji ta’ persuni msemmija fis-subartikolu (1):

Izda -

(i) dik il-parti minn dawk il-fondi li tiġi approvata mill-Ministru tista’ tintuża

mill-awtorità kompetenti għall-ispejjeż tagħha stess; u

(ii) dik il-parti minn dawk il-fondi tista' fuq direttiva tal-Ministru minn żmien għall-ieħor, tintuża għal dak il-għan jew klassi ta' għanijiet hekk kif il-Ministru jista' jiddetermina għall-benefiċċju tal-persuni msemmija fis-subartikolu (1);

(ċ) mhux iktar tard minn xahrejn wara l-1 ta' Jannar ta' kull sena, tissottometti lill-Ministru rapport tal-ħidma tagħha għas-sena kalendarja ta' qabel, flimkien ma' dikjarazzjoni li turi d-dettalji tal-infiq li jkun sar matul dik is-sena, flimkien ma' dikjarazzjoni li turi d-dettalji tal-fondi fdati lilha li tqiegħdu għad-dispożizzjoni tal-awtorità kompetenti u kull bilanċ ta' dawk il-fondi li jibqa' fl-aħħar ta' l-imsemmija sena.”

Sostituzzjoni
tat-Taqsima II tal-
Hames Skeda tal-liġi
prinċipali.

18. It-Taqsima II tal-Hames Skeda tal-liġi prinċipali għandha tiġi sostitwita b'dan li ġej:

“TAQSIMA II

Mard u kundizzjonijiet li dwarhom tista' tinghata Ghajnuna Medika Bla Hlas

1. Mard ta' natura Malinja
2. Mard Kardjovaskulari
 - (a) Indeboliment tal-Qalb Kroniku
 - (b) Pressjoni Għolja
 - (c) Mard Iskemiku tal-Qalb
 - (d) Arritmiji Kardijaċi
 - (e) Mard Vaskulari Periferali
 - (f) Mard Ċerebrovaskulari
 - (g) Kolesterol/Xaħam Għoli fid-Demm Ġenetiku
3. Mard Respiratorju
 - (a) Indeboliment Respiratorju Kroniku
 - (b) Fibrozi Ċistika
 - (c) Mard Pulmonari Ostruttiv Kroniku
 - (d) Azzma Kronika
4. Mard fis-Sistema Diġestiva
 - (a) Mard tar-Rifluss Gastroesofagali
 - (b) Ulċeri Gastriċi/Duodenali
 - (c) Mard Infjammatorju fl-Imsaren
 - (d) Marda tas-*Coeliac*
 - (e) Mard Divertikulari li jeħtieġ Kura ta' Kolostomija
 - (f) Marda ta' Hirschprung
 - (g) Ostruzzjoni fil-Fetħa tal-Anus
 - (h) Indeboliment tal-Musrana ż-Żgħira
5. Mard fil-Fwied
 - (a) Mard Kroniku fil-Fwied
6. Mard Ematoloġiku
 - (a) Disturbi tad-Demm Ereditarji
 - (b) Disturbi tal-Emoglobina Ereditarji
7. Mard fis-Sistema Nervuża
 - (a) Epilessija
 - (b) Marda ta' Parkinson

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- (c) *Myasthenia Gravis*
- (d) Sklerożi Multipla
- (e) Mard tan-Newroni Motorili
- (f) Nevralġija fin-Nerv Trigeminali
- (g) *Huntington's Chorea*
- (h) Dimenzja
- (i) Skiżofrenja
- (j) Psikożi
- (k) Disturbi Kroniċi fil-Burdata
- (l) Disturbi Newrotiċi Kroniċi
- (m) Disturbi minhabba Dipendenza
- (n) Disturbi Psikjatriċi Kroniċi li jibdew mit-Tfulija
- (o) Disturbi Kroniċi minhabba Problemi fl-Ikel
- (p) *Cerebral Palsy*
- (q) Narkolessija
- (r) Patoloġiji tal-Korda Spinali
- (s) Indifferenza Kongenitali għall-Uġiġh

8. Mard fil-Kliewi

- (a) Mard tal-Kliewi Kroniku

9. Mard Endokrinali

- (a) Dijabete Mellitus
- (b) Marda ta' *Addison*
- (c) Puberta Prekoċi
- (d) Ipoparatirojdiżmu
- (e) Ipopitwitarizmu
- (f) Ipogonadiżmu
- (g) Disturbi relatati ma' l-Enzimi
- (h) Endometrijosi u Adenomijosi
- (i) Adenomi tal-Pitwitarja

10. Mard tal-Ġilda

- (a) Psorijasi
- (b) Disturbi tat-Tip *Immunobullous* Kroniċi
- (c) Iktijosi Kongenitali

11. Mard Infettiv

- (a) HIV/AIDS u Mard Relatat mal-HIV
- (b) Epatite B & Ċ
- (c) Tuberkulosi
- (d) Infezzjonijiet Meħudin mill-Isptar
- (e) Lebbra

- (f) Poljo u Sindromu Post-Poljo
 - (g) Osteomijelite Kronika
12. Mard Rewmatiku
- (a) Artrite Rewmatika
 - (b) Marda ta' Paget
 - (c) *Lupus Erythematosus*
 - (d) Sklerożi Sistemika
 - (e) Dermatomijosite/Polimijosite
 - (f) Poliartrite Nodosa
 - (g) Artrite seronegattiva
 - (h) Marda tad-Depożizzjoni ta' Kristalli
 - (i) Polimajalġja Rewmatika
13. Disturbi Metaboliċi
- (a) Żbalji fil-Metaboliżmu mit-Twelid
14. Mard tal-Għajnejn
- (a) Glawkoma
 - (b) Mard Vaskulari tar-Retina
15. Immunodeficjenza
- (a) Immunodeficjenza Primarja
 - (b) Immunodeficjenza Sekondarja
16. Disturbi tal-Kromożomi
- (a) Sindromu Down
 - (b) Sindromu Turner
 - (c) Sindromu *Prader-Willi*".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 438 tal-24 ta' Jannar, 2012.

ĠENSU GALEA
Deputy Speaker

PAULINE ABELA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE ABELA
President

3rd February, 2012

ACT No. I of 2012

An Act to amend various provisions of the law related to Social Security

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short Title.

Cap. 318.

1. (1) The title of this Act is the Social Security (Amendment) Act, 2012 and it shall be read and construed as one with the Social Security Act, hereinafter in this part referred to as “the principal Act”.

(2) This Act shall come into force on such date as the Minister responsible for social policy may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

Amendment of article 18 of the principal Act.

2. In sub-article (5) of article 18, for the words “as provided for in paragraph (d) of the proviso to article 106” there shall be substituted the words “as provided for in paragraph (d) of the proviso to article 106”.

Amendment of article 23 of the principal Act.

3. (1) Sub-article (1) of article 23 shall be amended as follows:

(a) for the words “as in the opinion of the Chief Government Medical Officer are indicated in his case and are available” there shall be substituted the words “as in the opinion of the Chief Government Medical Officer are indicated in his case according to protocols which may be issued by him from time to time and are available”; and

(b) in the Maltese text of the proviso thereof for the words “l-Uffiċjal Medicu Prinċipali tal-Gvern”, there shall be substituted the words “t-Tabib Prinċipali tal-Gvern”.

(2) For sub-article (3) of article 23 of the principal Act there shall be substituted the following:

“(3) A person suffering from one of the diseases or conditions specified in Part II of the Fifth Schedule to this Act shall be entitled to such Free Medical Aid as in the opinion of the Chief Government Medical Officer 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. In paragraph (iii) of in the proviso to sub-article (1) of article 30 of the principal Act, for the words “who have been registering for work for more than five years” there shall be substituted the words “who are registering for work”.

Amendment of article
30 of the principal
Act.

5. The proviso to sub-article (d) of article 58 of the principal Act shall be substituted by the following two provisos:

Amendment of article
58 of the principal
Act.

“Provided that, where a full-time employee opts to work with reduced hours, the provisions of sub-paragraph (d) shall not apply with respect to any extra allowances 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.”.

Addition of new article to the principal Act.

6. Immediately after article 61 of the principal Act there shall be added the following new article:

“Persons who have partaken of an early retirement as a result of a privatization process.

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 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 to this Act, 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.”.

Amendment of article 84 of the principal Act.

7. Article 84 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof -

(i) in paragraph (e) thereof, for the words “for prescribing conditions” there shall be substituted the words “prescribing conditions”;

(ii) in paragraph (f) thereof, for the words “for

prescribing circumstances” there shall be substituted “prescribing circumstances”;

(iii) in paragraph (g) thereof, for the words “for prescribing circumstances” there shall be substituted “prescribing circumstances”; and

(iv) immediately after paragraph (h) thereof, there shall be added the following new paragraph:

“(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.”; and

(b) immediately after sub-article (3) thereof, there shall be inserted the following new sub-article:

“(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”.

8. Article 86 of the principal Act shall be amended as follows:

Amendment of article 86 of the principal Act.

(a) for the words “The bonus payable to any person under article 85(1) shall be abated” there shall be substituted the words “The bonus payable to any person under article 85(1) and, or article 85(2) shall be abated”; and

(b) for the words “in respect of any part of the six month period ending on the last day of June or December, as the case may be:” there shall be substituted the words “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, 1988, as the case may be:”.

9. Immediately after sub-article (5) of article 93 of the principal Act there shall be added the following new sub-article:

Amendment of article 93 of the principal Act.

“(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) of this Act.”.

Substitution of article 94 of the principal Act.

10. Article 94 of the principal Act shall be substituted by the following new article:

“Residents of state financed residential service that is a state-owned hostel for the care and welfare of persons with disability.

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 subarticle (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 subarticle (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.”.

11. In sub-article (5) of article 98, for the words “the advice of the Department’s medical panel in accordance with the proviso to article 106” there shall be substituted the words “the advice of the Department’s medical panel and multi-disciplinary panel, where applicable, in accordance with the proviso to article 106” and for the words “re-examination of the case, the advice of the previous medical panel shall remain valid” there shall be substituted the words “advice of the previous medical panel and multi-disciplinary panel, where applicable, shall remain valid”.

Amendment of article 98 of the principal Act.

12. Article 101 of the principal Act shall be amended as follows:

Amendment of article 101 of the principal Act.

(a) in the proviso to sub-article (1) thereof, for the words “at the request of the Director of the Elderly and Community Services Department withhold from any pension” there shall be substituted the words “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”;

(b) in sub-article (2) thereof, for the words “be executed thereon; but the provisions of article 381(3) of the Code of Organization and Civil Procedure shall *mutatis mutandis* apply.” there shall be substituted the words “be executed thereon.”.

13. The proviso to article 106 shall be amended as follows:

Amendment of article 106 of the principal Act.

(a) in paragraph (e) thereof, for the words “by the Minister for the purpose of advising on such cases:” there shall be substituted the words “by the Minister for the purpose of advising on such cases:” and the proviso immediately after paragraph (e) shall be deleted; and

(b) immediately following paragraph (e) thereof, there shall be added the following new paragraph and proviso:

“(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 as provided in the preceding paragraphs of this proviso. The multi-disciplinary panel shall be made up of the following members:

- (i) A psyschiatrist;
- (ii) A psychologist;
- (iii) An occupational thereapist; and
- (iv) A social worker:

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 pyshco-socio aspects of the case the muti-disciplinary panel provided for in paragraph (f) of the provious proviso.”.

Amendment of article 116 of the principal Act.

14. (1) Sub-article (1) of article 116 of the principal Act shall be amended as follows:

- (a) the first proviso thereof shall be deleted;
- (b) the second proviso thereof shall be substituted by the following proviso:

“Provided that in the case of a self-employed or selfoccupied 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) In the proviso to sub-article (5) of article 116 of the principal Act, for the words “payable at the time of payment.”

there shall be substituted the words “payable at the time of payment:” and immediately thereafter, there shall be added the following new proviso:

“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 to this Act.”.

15. Article 116A of the principal Act shall be substituted by the following new article:

Substitution of article 116A of the principal Act.

“Exemption.

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).”.

16. Paragraph (a)(i) of sub-article (1) of article 131 of the principal Act shall be substituted by the following new paragraph:

Amendment of article 131 of the principal Act.

“(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;”.

Addition of new article to the principal Act.

17. Immediately after article 131 of the principal Act there shall be added the following new article:

“Competent authority for state-owned hostels for the care and welfare of persons with disability.

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 competent 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.”.

18. Part II of the Fifth Schedule of the Principal Act shall be substituted by the following:

Susbsitution of the
Part II of the Fifth
Schedule of the
Principal Act.

“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) Ischaemic Heart Disease
 - (d) Cardiac Arrhythmias
 - (e) Peripheral Vascular Disease
 - (f) Cerebrovascular disease
 - (g) Genetic Dyslipidaemia
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

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

10. Skin diseases:

- (a) Psoriasis
- (b) Chronic Immunobullous Disorders
- (c) Congenital Ichthyosis

11. Infectious Diseases:

- (a) HIV/AIDS and HIV Related Diseases
- (b) Hepatitis B & C
- (c) Tuberculosis
- (d) Hospital Acquired Infections
- (e) Leprosy

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- (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) Polyarthritis Nodosa
- (g) Seronegative Arthritis
- (h) Crystal Deposition Disease
- (i) Polymyalgia Rheumatica

13. Metabolic Disorders

- (a) Inborn Errors of Metabolism

14. Eye diseases:

- (a) Glaucoma
- (b) Vascular Disease of the Retina

15. Immunodeficiency:

- (a) Primary Immunodeficiency Disorder
- (b) Secondary Immunodeficiency Disorder

16. Chromosome Disorders:

- (a) Down Syndrome
- (b) Turner Syndrome
- (c) Prader-Willi Syndrome".

Passed by the House of Representatives at Sitting No. 438 of the 24th January, 2011.

ĊENSU GALEA
Deputy Speaker

PAULINE ABELA
Clerk to the House of Representatives

