

**L.N. 422 of 2002**

**SOCIAL SECURITY ACT  
(CAP. 318)**

**Increase in the Rates of Benefits Order, 2002**

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

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

(2) This Order shall come into force :-

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

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

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

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

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

## PART I

### Exemption from the payment of Class Two Contributions

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

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

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

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

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

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

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

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

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

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

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

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

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

## **PART II**

### **Sickness Assistance**

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

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

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

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

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

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

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

Cap. 135.

Provided that any such property or income that has to be taken into account for the purposes of this Part in accordance with the foregoing provisions of this paragraph shall include any property or income which any member of the household as aforesaid in this Part had directly or indirectly deprived himself in order to become entitled to Sickness Assistance or to become so entitled at a more advantageous rate:

Provided further that, where a member, not being the head of household and his wife, is an employed person or a self-employed or self-occupied person, if his gross wage or gross income, as the case may be, does not exceed 35% of the National Minimum Wage as is applicable to persons of eighteen years of age or over established by a National Standard Order issued under the Conditions of Employment (Regulation) Act during the period in respect of which such assistance is due, such a member shall, for the purpose of this paragraph, not be deemed to be an employed person or a self-employed or self-occupied person.

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

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

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

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

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

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

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

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

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

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

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

Cap. 123.

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

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

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

5. For the purposes of this part, “wife” shall include such woman who, in the opinion of the Director, is living with the head of household as if she were his lawful wedded wife and in the case where a female is, in the opinion of the Director, the head of household, a male who in the opinion of the Director is living with such head of household as if he were her lawful wedded husband, during any period in which Sickness Assistance is being, or could be, paid to the head of the household under the provisions of this Act.

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

### **PART III**

#### **Free Medical Aid**

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

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

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

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

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

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

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

Provided that any such property or income that has to be taken into account for the purposes of this Part in accordance with the foregoing provisions of this paragraph shall include any property or income which any member of the household had directly or indirectly deprived himself in order to become entitled to Free Medical Aids.

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

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

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

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

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

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

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

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

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

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

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

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" means any pension over the National Minimum Pension as indicated in sub-paragraph (b) of this paragraph;

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

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

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

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

(i) contributions under this Act; and

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

5. For the purposes of this Part, “wife” shall include such woman who, in the opinion of the Director, is living with the head of household as if she were his lawful wedded wife and in the case where a female is, in the opinion of the Director, the head of household, a male who in the opinion of the Director is living with such head of household as if he were her lawful wedded husband during any period in which Free Medical Aid is being, or would be, accorded to the head of household under the provisions of this Act.

## **PART IV**

### **Age Pension and Carer’s Pension**

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

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

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

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

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

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

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

**3.** Any such property or income that has to be taken into account for the purposes of this Part in accordance with the foregoing provisions of this Part shall include any property or income which the person concerned had directly or indirectly deprived himself in order to become entitled to an Age Pension, or a Carer's Pension, as the case may be, or to become so entitled at a more advantageous rate; 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 (excluding the house of residence) belonging to the couple or the income that is being received or that could be received, by each of the couple:

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

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

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

## **PART V**

### **Disability Pension and Pension for the Visually Impaired**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **PART VI**

### **Social Assistance**

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

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

## **PART VII**

### **Children's Allowance and Disabled Child Allowance**

1. (a) In calculating the means for the purposes of article 76 of this Act, account shall be taken of the income derived from any property, which is invested or put to profitable use, excluding furniture, jewelry and other personal effects and any income or privilege, which is or could be received or enjoyed by the head of household and his or her spouse. And for this purpose such privilege shall include any pre-tax profits, whether distributed or not, held in any company or other commercial enterprise of which the head of household and his or her spouse are shareholders or owners, unless the Director is satisfied that such pre-tax profits could not reasonably be made available or enjoyed by the head of the household and his or her spouse.

(b) In calculating the means for the purposes of article 77 of this Act, account shall be taken of the income derived from any property, which is invested or put to profitable use, excluding furniture, jewelry and other personal effects and any income or privilege, which is or could be received or enjoyed by the head of household or his or her spouse, whichever is the greater income. And for this purpose such income shall include any pre-tax profits, whether distributed or not, held by any company or other commercial enterprise of which the head of household or his or her spouse are shareholders or owners, unless the Director is satisfied that such pre-tax profits could not reasonably be made available or enjoyed by the head of household or his or her spouse:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **PART VIII**

### **Supplementary Allowance**

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

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

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

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

(c) contributions paid under this Act;

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

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

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

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

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

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

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

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

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