

**L.N. 151 of 2018**

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

**State Financed Residential Services Rates Regulations, 2018**

IN exercise of the powers conferred by articles 84, 93 and 131 of the Social Security Act, hereinafter referred to as "the Act", the Minister for the Family, Children's Rights and Social Solidarity, with the concurrence of the Prim Minister, has made the following regulations:-

1. (1) The title of these regulations is the State Financed Residential Services Rates Regulations, 2018. Citation and commencement.

(2) These regulations shall be deemed to have come into force on the 9th April, 2018.

2. (1) Any resident of - Level of care.

(a) a state financed residential service for the care and welfare of older persons; or

(b) any other state financed institution where notwithstanding the fact that the person has been medically discharged, the person remains a resident,

shall contribute to Government for his care and upkeep, an amount in accordance with the provisions of these regulations, as specified hereunder.

(2) The amount payable by such resident as part of one's contribution shall depend on the level of care such resident is receiving, and for the purposes of these regulations the level of care shall be considered as:-

(a) level 1 care, where residential service with only minimal basic care is provided; or

(b) level 2 care, where the residential service provided includes such level of care that goes beyond minimal basic care as certified by the Interdisciplinary Assessment Team within the Elderly and Community Services Department.

3. (1) Any resident who prior to 3rd January 2004 was Rates of payment.

already in a state-financed residential service and was receiving level 1 care, in accordance with regulation 2(2)(a), shall contribute 60% of any pension, social assistance and bonus receivable, net of income tax, and 60%, of any other income received during the calendar year immediately preceding the year in which the assessment of such other income is made for the purposes of these regulations, net of income tax:

Provided that the total contribution shall not exceed €24.46 *per diem*, or be such to leave such resident with less than €1,397.62 *per annum* at the resident's disposal.

(2) Any resident who prior to 3rd January 2004 was already in a residential service, and was receiving level 2 care, in accordance with regulation 2(2)(b), shall contribute 80% of any pension, social assistance and bonus receivable, net of income tax, and 60%, of any other income received during the calendar year immediately preceding the year in which the assessment of such other income is made for the purposes of these regulations, net of income tax:

Provided that the total contribution shall not exceed €31.45 *per diem*, or be such as to leave such resident with less than €1,397.62 *per annum* at the resident's disposal.

(3) Any resident who becomes a resident of such residential service on or after 3rd January 2004, and who is receiving level 1 care, in accordance with regulation 2(2)(a), shall contribute 60% of any pension, social assistance and bonus receivable, net of income tax, and 60% of any other income received during the calendar year immediately preceding the year in which the assessment of such other income is made for the purposes of these regulations, net of income tax:

Provided that such contribution made by the resident shall not be such as to leave the resident with less than €1,397.62 *per annum* at the resident's disposal.

(4) Any resident who becomes a resident of such residential service on or after 3rd January 2004, and who is receiving level 2 care, as specified above, shall contribute 80% of any pension, social assistance and bonus receivable, net of income tax, and 60% of other any income received during the calendar year immediately preceding the year in which the assessment of such other income is made for the purposes of these regulations net of income tax:

Provided that such contribution made by the resident shall not be such as to leave the resident with less than €1,397.62 *per annum*

at the resident's disposal.

(5) Any person who becomes a resident of such residential service who is:

(a) receiving level 1 care, in accordance with regulation 2(2)(a), shall contribute 40% of any pension, social assistance and bonus receivable, net of income tax, and 40% of any other income received during the calendar year immediately preceding the year in which the assessment of such other income is made for the purposes of these regulations, net of income tax, provided such person returns to the Housing Authority, the rented residential property from the Housing Authority upon becoming a resident of such residential service; and

(b) receiving level 2 care, in accordance with regulation 2(2)(a), shall contribute 60% of any pension, social assistance and bonus receivable, net of income tax, and 40% of any other income received during the calendar year immediately preceding the year in which the assessment of such other income is made for the purposes of these regulations, net of income tax, provided such person returns to the Housing Authority, the rented residential property from the Housing Authority upon becoming a resident of such residential service.

(6) For the purposes of these regulations where such resident is a married person and the community of acquests exists between the spouses, the term all other income shall in all cases include half the income deriving to the community of acquests.

(7) Where in accordance with article 96 of the Act payments of benefits under that Act are split between spouses, the reference to pension, social assistance, allowance and bonus in the foregoing paragraphs of these regulations shall be deemed not to include such part of such pension, social assistance, allowance or bonus payable to the spouse of the resident according to the said article 96.

4. In the calculation for the purposes of establishing the contribution due by a resident in terms of regulation 3 account shall be taken of:-

Calculation of means for the purposes of establishing the contribution due by a resident.

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

Provided that the value of any urban immovable property taken for these purposes shall be treated as providing an annual income equivalent to 5½% of its capital value;

(b) any income derived from cash at a bank, liquid assets, time deposits, bonds, stocks, shares and other securities;

(c) any pension, benefit, social assistance, bonus or allowance whether such pension, benefit, assistance, bonus or allowance are paid under this Act or not;

(d) any other income or privilege which is or could be received or enjoyed by such resident, and for this purpose shall include any income or privilege which the resident had directly or indirectly deprived himself in order to have his contribution due in terms of these regulations assessed at a lower rate.

State Financed Residential Service and State Financed Institutions which are specified.

5. In terms of the provisions of article 93 of the Act, and for the purposes of regulation 2 the following institutions are being specified for the aforementioned purposes:-

Saint Vincent de Paule Residence  
The Geriatric Wards, and St. Anne Residence of the Gozo General Hospital  
Mount Carmel Hospital  
Sir Paul Boffa Hospital  
Saint Luke's Hospital  
Gozo General Hospital

*The Hostels for the Elderly at:*

Cospicua  
Floriana  
Gżira  
Mosta  
Msida  
Mtarfa  
Żejtun, and

any state financed beds in non state-owned homes for older persons or institutions as may be contracted by Government.

Revokes  
S.L. 318.13.

6. The State Financed Residential Services Rates Regulations, are hereby revoked.