

**SUBSIDIARY LEGISLATION 318.06****CHILDREN'S ALLOWANCES REGULATIONS**

1st January, 1987

*LEGAL NOTICE 14 of 1987, as amended by Legal Notice 61 of 1987.*

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| <p><b>1.</b> The title of these regulations is the Children's Allowances Regulations.</p>   | Title.   |
| <p><b>2.</b> In these regulations -<br/>"the Act" means the Social Security Act;<br/>"allowance" means an allowance payable in accordance with the provisions of articles 81 to 88 of the Act; and<br/>"wife" has the same meaning as is assigned to it by article 86 of the Act.</p>   | Interpretation.<br>Cap. 318.   |
| <p><b>3.</b> Saving any other condition made by or under the Act, a head of household shall be entitled to claim an allowance notwithstanding that he is neither an employed person nor a self-employed person if he is in receipt of any pension (including a disablement pension) or social assistance payable under the Act.</p>   | Entitlement of claimant not being an insured person.<br><i>Amended by:</i><br><i>L.N. 61 of 1987.</i>            |
| <p><b>4.</b> Saving the following provisions of these regulations, a head of household shall be deemed to be residing in Malta if he is actually present in Malta.</p>  | Residence in Malta of claimant.  |
| <p><b>5.</b> A head of household employed with the Government of Malta shall be deemed to be residing in Malta for any period during which he is residing outside Malta if -</p> <p style="margin-left: 40px;">(a) his residence outside Malta is consequential to his employment with the Government of Malta;</p> <p style="margin-left: 40px;">(b) he resided in Malta prior to his said employment.</p> | Government employees living outside Malta.   |
| <p><b>6.</b> A head of household who is employed as a member of the crew of any ship shall be deemed to be residing in Malta during any period he is outside Malta for the purposes of his employment if the children or persons in respect of whom the allowance is claimed reside in Malta and have so resided continuously during the last three months immediately preceding the date of the claim.</p> | Seamen.  |
| <p><b>7.</b> A head of household working outside Malta but who is ordinarily resident in Malta shall be deemed to be residing in Malta during any period in which he is residing outside Malta for the purposes of his employment.</p>  | Persons working outside Malta.   |
| <p><b>8.</b> For the purposes of establishing whether a head of household is or was residing in Malta, absence from Malta shall be disregarded on proof being given to the satisfaction of the Director that such absence is or was in connection with medical treatment abroad.</p>  | Persons absent from Malta in connection with medical treatment.<br><i>Amended by:</i><br><i>L.N. 61 of 1987.</i> |
| <p><b>9.</b> A head of household who is absent from Malta shall be deemed to be residing continuously in Malta -</p>  | Length of absence from Malta.  |

- (a) (i) where such period of absence does not exceed three months; or
- (ii) where any two or more periods of absence do not exceed in the aggregate six months in a calendar year; and
- (b) if the Director is satisfied that such head of household is on holiday; or
- (c) in the case of a *bona fide* emigrant, where his family is still residing in Malta.

Children absent from Malta.

**10.** Entitlement to an allowance shall not be forfeited in respect of a child or person who is living outside Malta where such a child or person is undergoing medical treatment outside Malta or is on holiday for a period not exceeding three months or is undergoing full time education in a school or similar institution outside Malta.

Children who are patients in hospital.

**11.** No allowance shall be paid in respect of a child or person who is admitted as a patient in a Government hospital or institution when the stay of the child or person in such hospital or institution exceeds a continuous period of six months.

Payment of allowance outside Malta.

**12.** Where a head of household qualifies for an allowance owing to the provisions of regulation 5 or 7, the said allowance may be paid outside Malta.

Tutor.

**13.** Subject to the limitations set out in articles 81, 82 and 85(1) of the Act, a head of household -

- (a) who has the effective custody of a child or other person, or
- (b) with whom such other person, being a person of the age of eighteen years or over, normally resides,

but not being, in either case the parent of such child or other person, shall be entitled to claim or to receive the allowance in respect of that child or person when -

- (a) he satisfies the conditions set out in article 84(1)(a) and (b) of the Act, and either of the parents of the child or person satisfies the condition set out in paragraph (c) of the said subarticle (1); or
- (b) he satisfies the conditions set out in article 84(1)(a) and (c) of the Act, and either of the parents of the child or person satisfies the condition set out in paragraph (b) of the said subarticle (1); or
- (c) in the case of a child or person under eighteen years of age, he is the legal guardian of such child or person and satisfies the conditions set out in article 84(1)(a), (b) and (c) of the Act.

Payment of allowance where father is abroad.  
Amended by:  
L.N. 61 of 1987.

**14.** Saving the provisions of regulation 13, payment of an allowance may still be made to the mother or to such person as may be decided by the Director where the father of the relative child or person although residing outside Malta is entitled to the said allowance in terms of law.