
SUBSIDIARY LEGISLATION 318.03

SOCIAL SECURITY (ARMED FORCES) ORDER

12th May, 1956

GOVERNMENT NOTICE 294 of 1956, as amended by Order dated 9th October, 1957, and Legal NoticeS 113 of 1975 and 424 of 2007.

1. The title of this Order is the Social Security (Armed Forces) Order. Title.

2. The provisions contained in the Agreement set out in the Annexe to this Order shall have full force and effect; and the Social Security Act shall have effect subject to the modifications required therein for the purpose of giving effect to those provisions. Agreement.

ANNEXE

Memorandum of Agreement between the Admiralty, Army Council, Air Council, and the Minister of Emigration, Labour and Social Welfare

The Admiralty, the Army Council and the Air Council, on the one hand, and the Minister of Emigration, Labour and Social Welfare on the other hand, have agreed as follows:

Article 1

(1) Where a person who is over the age of fourteen years is at any time on or after the 7th May, 1956 -

- (a) serving as a member of the Forces, or
- (b) undergoing training for a period of more than seventy-two consecutive hours as a member of the Reserve Forces, and
- (c) in either case is not paying contributions under the Scheme of National Insurance in Great Britain, in respect of his membership of such Forces,

he shall be insured under the Act and, subject to the provisions of this Agreement, the Act shall apply to him as if his service or training were insurable employment, and as if the Admiralty, Army Council or Air Council, as the case may be, were his employer.

(2) For the purposes of this Agreement "the Forces" means the Naval, Military or Air Forces of the Crown, raised in Malta, and the "Reserve Forces" mean the Reserve Forces raised in Malta.

Article 2

The weekly rate of the contributions payable under the National Insurance Act by an insured person of any of the classes set out in the first column of the Schedule to this Agreement, by his employer, shall be the rate set out respectively for that class in the second, third and fourth column of that Schedule.

Article 3

The amounts payable by the Admiralty, Army Council and Air Council respectively on account of the contributions payable by members of the Forces and Reserve Forces and their employers shall be calculated and paid in such manner and at such dates as may be agreed upon between the Admiralty, Army Council and Air Council, on the one hand, and the Minister of Emigration, Labour and Social Welfare, on the other hand.

Article 4

(1) Any person who is discharged, cashiered, or otherwise dismissed from the Forces in consequence of having been convicted on any proceedings under the Naval Discipline Act, the Army Act or the Air Force Act, or by any Civil Court, shall be disqualified from receiving unemployment benefit for the period of six weeks after such discharge, cashiering or dismissal.

(2) A person who is discharged from the Forces at his own request shall not by reason thereof be disqualified from receiving unemployment benefit on the ground that he has voluntarily left his employment without just cause.

(3) For the purposes of any claim for unemployment benefit, a certificate purporting to be signed by a person authorised in that behalf by the Admiralty, Army Council or Air Council, as the case may be, as to the fact of any person having been discharged, cashiered, or otherwise dismissed as mentioned in either of the foregoing

paragraphs of this article and as to the date of the discharge, cashiering or dismissal, shall be conclusive evidence thereof unless it is proved that the certificate was not signed by a person so authorised as aforesaid.

Article 5

A person shall not be entitled to receive unemployment benefit or sickness benefit for any day on which he is serving as a member of any of the Forces, or undergoing training for a period of more than eight hours as a member of any of the Reserve Forces.

Article 6

No injury benefit, disablement benefit or death benefit shall be payable under the Act in respect of any accident happening to a person while he is serving as a member of any of the Forces or undergoing training as a member of any of the Reserve Forces.

Article 7

(1) If a person is entitled to receive a pension for disablement due to his service in the Forces or Reserve Forces, and this pension includes an unemployability supplement, he shall not be entitled to receive any benefit under the Act.

(2) If a person is entitled to receive a pension for disablement due to his service in the Forces or Reserve Forces, and this pension includes an allowance for his wife, and if he would be entitled but for this Agreement to receive an increase of benefit under the Act for his wife, then he shall be entitled to receive only any amount by which that allowance is less than that increase of benefit.

Article 8

If a widow is entitled to receive a pension on the ground that her husband's death was attributable to service in the Forces or Reserve Forces, and would be entitled but for this Agreement to receive a widow's pension under the Act, she shall be entitled to receive only -

- (a) any amount by which the former pension (excluding any allowance for children) is less than the latter pension (excluding any increase for children); and
- (b) any amount by which an allowance for children included in the former pension is less than an increase for children included in the former pension;

and she shall be entitled to receive any amount specified in sub-paragraph (b) of this Article even if she is entitled to receive nothing under sub-paragraph (a).

Article 9

Where any person is, on account of his being at sea or outside Malta, in the course of his service as a member of the Forces or Reserve Forces, unable to perform an act required to be done either forthwith or on the happening of a certain event or within a specified time, he shall be deemed to have complied therewith if he performs the act as soon as is reasonably practicable although after the happening of the event or the expiration of the specified time.

Article 10

In the event of the termination of this Agreement, any rights acquired by a person in accordance with its provisions shall be maintained and negotiations shall take place for the settlement of any rights then in course of acquisition by virtue of its provisions.

Article 11

This Agreement shall have effect from the 7th May, 1956, and shall remain in force for a period of one year from that date. Thereafter, it shall continue in force from year to year unless notice of termination is given in writing by either party at least six months before the expiry of any such yearly period.

Done at Valletta, Malta, this 12th day of May, 1956.

For the Admiralty (sgd.) Guy Grantham
Admiral

For the Army Council (sgd.) Brian Daunt
Major General

For the Air Council (sgd.) G. Nicholetts
Air Marshal

The Minister of Emigration,
Labour and Social Welfare (ad int.) (sgd.) A. Barbara

SCHEDULE

*Substituted by:
Order dated 9.10.57;
L.N. 113 of 1975;
L.N. 424 of 2007.*

Weekly Rates of Contribution

Class of insured persons	Weekly rate of contribution payable		
	By insured person	By employer	Out of the Consolidated Fund
<i>Members of the Forces:</i> Persons over 19 years of age	€1.35	€1.35	€1.35
Boys and Girls between the ages of 14 and 19	€0.33	€0.33	€0.33