

**SUBSIDIARY LEGISLATION 318.13****STATE FINANCED RESIDENTIAL SERVICES  
RATES REGULATIONS**

3rd January, 2004

*Legal Notice 259 of 2004, as amended by Legal Notice 424 of 2007.*

**1.** The title of these regulations is the State Financed Residential Services Rates Regulations. Citation.

**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 the coming into force of these regulations, was 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.

Rates of payment.  
Amended by:  
*L.N. 424 of 2007.*

So however 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 the coming into force of these regulations 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.

So however 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 the coming into force of these regulations, 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.

So however 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 the coming into force of these regulations, 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 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.

So however 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) 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.

Cap. 318.

(6) Where in accordance with article 96 of the Social Security Act, hereinafter referred to as "the Act", payments of benefits under that Act are split between spouses, the reference to pension, social assistance, allowance and bonus in the foregoing subregulations 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.

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

**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:

- (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 5<sup>1</sup>/<sub>2</sub>% 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 the 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.

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:

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

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.

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