

Nru. 5

10. 11. 98

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli
John Dalli, M.P., Ministru tal-Finanzi u moqri
ghall-Ewwel darba fis-Seduta tat-28 ta'
Ottubru, 1998.

ATT biex jemenda l-Ordinanza dwar il-
Pensjonijiet, Kap. 93.

A BILL introduced by the Honourable John
Dalli, M.P., Minister of Finance and read the
First time at the Sitting of the 28th October,
1998.

AN ACT to amend the Pensions Ordinance,
Cap. 93.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI
Clerk to the House of Representatives

ABBOZZ TA' LIĞI msejjah

ATT biex jemenda l-Ordinanza dwar il-Pensjonijiet, Kap. 93.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'ligi dan li ġej:—

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1998 li jemenda l-Ordinanza dwar il-Pensjonijiet, u għandu jinqara u jiftiehem haġa waħda ma' l-Ordinanza dwar il-Pensjonijiet, hawn aktar 'il quddiem imsejha "il-liġi principali".

Titolu fil-qosor
u bidu fis-seħħ.

Kap. 93.

(2) Id-dispożizzjonijiet ta' dan l-Att għandhom jibdew isehħu f'dik id-data li l-Ministru responsabbi għall-finanzi jiġi jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġi hekk stabbiliti għal għanijiet differenti u dispożizzjonijiet differenti ta' dan l-Att.

2. L-artikolu 2 tal-liġi principali għandu jiġi emendat kif ġej:

(a) minnufih qabel it-tifsira ta' "xahar" għandha tidħol it-tifsira ġidida li ġejja:—

Emenda ta'
l-artikolu 2
tal-liġi principali.

" "uffiċjal tas-servizzi korrettivi" tfisser kull uffiċjal maħtur fis-servizz pubbliku qabel il-15 ta' Jannar, 1979 u li jokkupa xi kariga minn dawk imsemmija fl-Iskeda li tinsab mar-Regolamenti ta' l-1998 dwar il-Pensjonijiet tal-Habs;" ; u

(b) minnufih wara t-tifsira ta' "uffiċjal" u qabel it-tifsira ġdida ta' "uffiċjal tas-servizzi korrettivi" għandha tidhol it-tifsira ġdida li ġejja:—

" "uffiċjal tal-habs" għandha l-istess tifsira mogħtija lilha bl-artikolu 2 ta' l-Att dwar il-Habs;".

Emenda ta'
l-artikolu 7
tal-liġi
principali.

3. Fis-subparagrafu (iii) tal-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 7 tal-liġi principali, minflok il-kliem "fil-każ ta'" għandhom jidħlu l-kliem "fil-każ ta' uffiċjal tas-servizzi korrettivi jew" u minflok il-kliem "fil-korp tal-Pulizija" għandhom jidħlu l-kliem "bhala uffiċjal tas-servizzi korrettivi jew fil-korp tal-Pulizija".

Emenda ta'
l-artikolu 9
tal-liġi
principali.

4. Minflok il-paragrafu (ii) tal-proviso li hemm ma' l-artikolu 9 tal-liġi principali għandu jidħol dan li ġej:

"(ii) uffiċjal tas-servizzi korrettivi jew membru fil-korp tal-Pulizija, li ma jkunx uffiċjal li jkollu l-kariga ta' Kummissarju tal-Pulizija, Deputat Kummissarju tal-Pulizija, Direttur tas-Servizzi Korrettivi jew *Correctional Manager*, jista' jiġi mgiegħel jirtira mill-President ta' Malta fuq rakkmandazzjoni tal-Kummissarju tal-Pulizija jew tad-Direttur tas-Servizzi Korrettivi, skond kif ikun il-każ, f'kull żmien wara li jagħlaq hamsa u hamsin sena jew, jekk ikun ghalaq hamsa u għoxrin sena servizz fil-korp tal-Pulizija jew bhala uffiċjal tas-servizzi korrettivi wara li jagħlaq hamsin sena.".

Emenda ta'
l-artikolu 11
tal-liġi
principali.

5. Fis-subartikolu (3) ta' l-artikolu 11 tal-liġi principali minflok il-kliem "bhala membru tal-korp tal-Pulizija" għandhom jidħlu l-kliem "bhala uffiċjal tas-servizzi korrettivi jew bhala membru tal-korp tal-Pulizija".

Emenda ta'
l-artikolu 18
tal-liġi
principali.

6. L-artikolu 18 tal-liġi principali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "bhala membru tal-korp tal-Pulizija" kull fejn jinsabu għandhom jidħlu l-kliem "bhala uffiċjal tas-servizzi korrettivi jew bhala membru tal-korp tal-Pulizija"; u

(b) minnufih wara l-proviso li hemm mas-subartikolu (1) tiegħu għandu jidħol il-proviso ġdid li ġej:

"Iżda wkoll meta uffiċjal tas-servizzi korrettivi kien fis-servizz bhala uffiċjal tal-habs qabel ma ġie mahtur uffiċjal tas-servizzi korrettivi, f'dak il-każ id-data li fiha beda s-servizz bhala uffiċjal tal-habs għandha tkun meqjusa

bhala d-data ta' l-ewwel hatra tieghu bhala uffiċjal tas-servizzi korrettivi ghall-ġħanijiet ta' dan is-subartikolu.”.

7. Minnufih wara l-artikolu 20 tal-liġi prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:—

Zieda ta'
l-artikolu 20A
mal-liġi
prinċipali.

*"Riserva
dwar uffiċjali
tas-servizzi
korrettivi." 20A. Bla hsara għad-dispozizzjonijiet ta' l-artikolu 10 ta' din l-Ordinanza, meta persuna tkun ġiet maħtura uffiċjali tas-servizzi korrettivi, kull żmien qabel dik il-hatra li matulu dik il-persuna tkun tat is-servizz tagħha bhala uffiċjali tal-habs jew bhala membru ta' korp dixxiplinat kif imfisser fis-subartikolu (1) ta' l-artikolu 47 tal-Kostituzzjoni għandu jitqies bhala servizz bhala uffiċjali tas-servizzi korrettivi ghall-ġħanijiet ta' din l-Ordinanza.”.*

8. L-Iskeda li tinsab mal-liġi prinċipali għandha tiġi emendata kif ġej:—

Emenda ta'
l-Iskeda li tinsab
mal-liġi
prinċipali.

(a) fil-proviso għar-regolament 2 tagħha, minflok il-kliem “fil-każ ta” għandhom jidħlu l-kliem “fil-każ ta’ uffiċjali tas-servizzi korrettivi jew ta”;

(b) fis-subparagrafu (b) tal-paragrafu (5) tar-regolament 9 tagħha, minflok il-kliem “meta kien membru” għandhom jidħlu l-kliem “meta dak l-uffiċjali kien uffiċjali tas-servizzi korrettivi jew membru”;

(c) fil-partita (ii) tas-subparagrafu (e) tal-paragrafu (1) tar-regolament 10 tagħha, minflok il-kliem “meta kien membru” għandhom jidħlu l-kliem “meta dak l-uffiċjali kien uffiċjali tas-servizzi korrettivi jew membru”; u

(d) fil-paragrafu (2) tar-regolament 14 tagħha, minflok il-kliem “mill-korp tal-Pulizija” għandhom jidħlu l-kliem “minn uffiċjali tas-servizzi korrettivi jew mill-korp tal-Pulizija”.

Għanijiet u Raġunijiet

L-ġhan ta' l-Abbozz hu li jemenda l-Ordinanza dwar il-Pensjonijiet sabiex jagħti lill-uffiċjali tas-servizzi korrettivi li jservu fid-Dipartiment tas-Servizzi Korrettivi beneficiji bhal dawk li għandhom il-membri tal-Korp tal-Pulizija.

**A BILL
entitled**

AN ACT to amend the Pensions Ordinance, Cap. 93

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and commencement.

Cap. 93.

Amendment of section 2 of the principal law.

1. (1) This Act may be cited as the Pensions (Amendment) Act, 1998, and shall be read and construed as one with the Pensions Ordinance, hereinafter referred to as “the principal law”.

(2) The provisions of this Act shall come into force on such date as the Minister responsible for finance may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of this Act.

2. Section 2 of the principal law shall be amended as follows:

- (a) immediately before the definition of “month” there shall be added the following new definition:—

“ “correctional services officer” means any officer appointed to the public service before the 15th January, 1979 and who occupies any post listed in the Schedule to the Prisons Pensions Regulations, 1998;”; and

- (b) immediately after the definition of “personal allowance” and before the definition of “public service” there shall be added the following new definition:—

Cap. 260.

“‘prisons officer’ shall have the same meaning assigned to it by section 2 of the Prisons Act;”.

Amendment of
section 7 of the
principal law.

3. In subparagraph (iii) of paragraph (a) of subsection (1) of section 7 of the principal law, for the words “in the case of” there shall be substituted the words “in the case of a correctional services officer or” and for the words “in the Police force” there shall be substituted the words “as a correctional services officer or in the Police force”.

Amendment of
section 9 of the
principal law.

4. For paragraph (ii) of the proviso to section 9 of the principal law there shall be substituted the following:

“(ii) a correctional services officer or a member appointed to the Police force, not being an officer holding the office of Commissioner of Police, Deputy Commissioner of Police, Director of Correctional Services or Correctional Manager, may be required by the President of Malta on the recommendation of the Commissioner of Police or of the Director of Correctional Services, as the case may be, to retire at any time after he attains the age of fifty-five years or, if he has completed twenty-five years’ service in the Police force or as a correctional services officer after he attains the age of fifty years.”.

Amendment of
section 11 of the
principal law.

5. In subsection (3) of section 11 of the principal law for the words “as a member of the Police force” there shall be substituted the words “as a correctional services officer or as a member of the Police force”.

Amendment of
section 18 of the
principal law.

6. Section 18 of the principal law shall be amended as follows:

(a) in subsection (1) thereof for the words “as a member of the Police force” wherever they appear there shall be substituted the words “as a correctional services officer or as a member of the Police force”; and

(b) immediately after the proviso to subsection (1) thereof there shall be added the following new proviso:-

“Provided further that where a correctional services officer was in service as a prisons officer previous to his being appointed a correctional services officer, then the date he commenced service as a prisons officer shall be deemed the date of his first appointment as a correctional services officer for the purposes of this subsection.”.

Addtion of new
section 20A to the
principal law.

7. Immediately after section 20 of the principal law there shall be added the following new section:

"Saving as to
correctional
services
officers. 20A. Subject to the provisions of section 10 of this Ordinance, where a person has been appointed a correctional services officer, any period previous to that appointment during which that person has served as a prisons officer or as a member of a disciplined force as defined in subsection (1) of section 47 of the Constitution shall be deemed as service as a correctional services officer for the purposes of this Ordinance.”.

Amendment of
Schedule to the
principal law.

8. The Schedule to the principal law shall be amended as follows:

- (a) in the proviso to regulation 2 thereof, for the words “in the case of ” there shall be substituted the words “in the case of a correctional services officer or of ”;
- (b) in subparagraph (b) of paragraph (5) of regulation 9 thereof, for the words “when a member” there shall be substituted the words “when that officer was a correctional services officer or a member”;
- (c) in item (ii) of subparagraph (e) of paragraph (1) of regulation 10 thereof, for the words “when a member” there shall be substituted the words “when that officer was a correctional services officer or a member”; and
- (d) in paragraph (2) of regulation 14 thereof, for the words “from the Police force” there shall be substituted the words “as a correctional services officer or from the Police force”.

Objects and Reasons

The object of the Bill is to amend the Pensions Ordinance in order to grant to correctional services officers who serve in the Department of Correctional Services benefits similar to those applicable to members of the Police Force.