Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 16,211, 22 ta' Diċembru, 1995

Taqsima C

Nru. 130

22. 12. 95

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli John Dalli, M.P., Ministru tal-Finanzi, u moqri għall-Ewwel darba fis-Seduta ta' l-24 ta' April, 1995.

A BILL introduced by the Honourable John Dalli, M.P., Minister of Finance, and read the First time at the Sitting of the 24th April, 1995.

ATT li jemenda l-Att dwar il-Pensjoni tal-Membri tal-Parlament, Kap. 280.

AN ACT to amend the Members of Parliament Pensions Act, Cap. 280.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjaħ

ATT biex jemenda l-Att dwar il-Pensjoni tal-Membri tal-Parlament.

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

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1995 li jemenda l-Att dwar il-Pensjoni tal-Membri tal-Parlament, u għandu jinqara u jiftiehem ħaġa waħda ma' l-Att dwar il-Pensjoni tal-Membri tal-Parlament, (Kap. 280) hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali". Titolu fis-qosor.

2. Minflok is-subartikolu (1) ta' l-artikolu 4 ta' l-Att prinċipali għandu jidħol dan li ġej: Emenda ta' l-artikolu 4 ta' l-Att prinċipali.

"(1) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att, membru li jkollu żmien ta' servizz f'mill-anqas żewġ leġislaturi li b'kollox dak iż-żmien ma jkunx ta' anqas minn sitt snin, malli jirtira, jirċievi pensjoni bir-rata ta' parti waħda minn mitejn u sebgħin parti tal-ħlas pensjonabbli tiegħu għal kull xahar komplet ta' servizz sal-limitu stabbilit bis-subartikolu (4) ta' dan l-artikolu.".

3. Minnufih wara l-artikolu 4A ta' l-Att prinċipali għandu jiżdied dan l-artikolu ġdid li ġej: Żieda ta' l-artikolu 4B ġdid ma' l-Att prinċipali.

"Pensjoni li titħallas lill-President ta' Malta.

4B. (1) Persuna li tinħatar fil-kariga ta' President ta' Malta għandha, meta tirtira mill-kariga, tkun intitolata għal pensjoni bir-rata ta' parti waħda minn disgħin parti tas-salarju li jkun qed jingħatalha fid-data ta' l-irtir tagħha.

(2) Id-dispożizzjonijiet tas-subartikoli (2) sa (5) ta' l-artikolu 4 ta' dan l-att għandhom ikunu japplikaw għarrigward tal-pensjoni li titħallas taħt is-subartikoli (1) u (4) ta' dan l-artikolu bla ħsara għal dawn it-tibdiliet li ġejjin:

(a) kull referenza f'dawk is-subartikoli għal ħlas pensjonabbli għandha tinftiehem bħala referenza għassalarju li jitħallas lill-President fid-data ta' l-irtir tiegħu.

(b) ħlas pensjonabbli kurrenti għandu jinftiehem bħala s-salarju li jkun qiegħed korrentement jitħallas lill-President ta' Malta.

(3) Fil-każ tal-persuna maħtura bħala President ta' Malta bis-saħħa tas-subartikolu (4) ta' l-artikolu 49 tal-Kostituzzjoni kif fis-seħħ fit-13 ta' Diċembru, 1974, is-servizz bħala President ta' Malta għandu għall-għanijiet tas-subartikolu (1) ta' dan l-artikolu jinkludi wkoll servizz bħala Gvernatur Ġenerali.

(4) L-armla jew armel sopraviventi ta' persuna maħtura fil-kariga ta' President għandha mal-mewt ta' dik il-persuna hekk maħtura, tkun intitolata għal pensjoni, li tissejjaħ pensjoni ta' armla, li tkun ekwivalenti għal ħames partijiet minn sitt partijiet tal-pensjoni li titħallas skond id-dispożizzjonijiet ta' qabel ta' dan l-artikolu lill-konjugi tiegħu jew tagħha li kieku kienet ħajja, u jekk il-persuna maħtura tmut waqt li tkun qed tokkupa l-kariga għal ħames partijiet minn sitt partijiet tal-pensjoni li kienet tkun intitolata għaliha li kieku tkun irtirat fid-data ta' l-irtir tagħha:

Iżda persuna li tkun intitolata għal pensjoni taħt dan is-subartikolu li tkun ukoll intitolata għal pensjoni taħt kull dispożizzjoni oħra ta' dan l-Att tkun biss intitolata tirċievi l-ogħla pensjoni minn dawk it-tnejn.".

Emenda ta' l-artikolu 7 ta' l-Att prinċipali.

4. L-artikolu 7 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kelma "armla" għandhom jidħlu l-kliem "armla jew armel" u minflok il-kliem "tkun intitolata li tirċievi" għandhom jidħlu l-kliem "ikunu intitolati li jirċievu"; u minnufih fi tmiem dak is-subartikolu għandu jiżdied dan il-proviso li ġej:

"Iżda persuna li tkun intitolata għal pensjoni taħt dan l-artikolu li tkun ukoll intitolata għal pensjoni taħt kull dispożizzjoni oħra ta' dan l-Att tkun biss intitolata tirċievi l-ogħla pensjoni minn dawn it-tnejn.".

(b) minflok is-subartikolu (2) għandu jidħol dan li ġej:

"(2) Id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu għandhom ikunu japplikaw ukoll għall-armla jew armel ta' membru li:

(a) jkun għadu ma laħaqx l-età ta' wieħed u sittin sena fil-waqt ta' mewtu iżda li, qabel dik mewtu, ikun issodisfa l-ħtiġiet tas-subartikolu (1) ta' l-artikolu 4 ta' dan l-Att; jew

(b) li kieku ma kienx għall-fatt li baqa' membru wara li laħaq l-età ta' wieħed u sittin sena, kien ikun intitolat għal pensjoni taħt dan l-Att.";

(ċ) fis-subartikolu (3) tiegħu minflok il-kliem "żewġ terzi" għandhom jidħlu l-kliem "ħames partijiet minn sitt partijiet".

5. Id-dispożizzjonijiet ta' dan l-Att għandhom ikunu japplikaw b'seħħ mill-1 ta' Jannar, 1995 u ma għandha titħallas ebda pensjoni u ħadd ma jkun intitolat għal pensjoni skond id-dispożizzjonijiet ta' l-att prinċipali kif emendat b'dan l-Att, għal xi perijodu qabel dik id-data. Dispożizzjoni transitorja.

Għanijiet u Raġunijiet

L-għan ta' l-Abbozz huwa sabiex jipprovdi għall-ħlas ta' pensjoni lil min ikun okkupa l-kariga ta' President ta' Malta u sabiex jaġġorna l-pensjoni li titħallas lir-romol ta' Membri tal-Parlament skond l-Att dwar il-Pensjoni tal-Membri tal-Parlament, Kap. 280.

A BILL
entitled

AN ACT to amend the Members of Parliament Pensions Act, Cap. 280.

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.

1. This Act may be cited as the Members of Parliament Pensions (Amendment) Act 1995, and shall be read and construed as one with the Members of Parliament Pensions Act (Cap. 280), hereinafter referred to as "the principal Act".

Amendment of section 4 of the principal Act.

2. Subsection (1) of section 4 of the principal Act, shall be substituted by the following:

"(1) Subject to the provisions of this Act, a member who has had a term of service in at least two legislatures not being in the aggregate less than six years, shall, on his retirement receive a pension at the rate of one two hundred and seventieth of his pensionable emoluments for each completed month of service up to the limit established by subsection (4) of this section."

Addition of new section 4B to the principal Act.

3. Immediately after section 4A of the principal Act there shall be added the following new section:

"Pension payable to the President of Malta.

4B. (1) A person appointed to the office of President of Malta shall, on retiring from office be entitled to a pension at the rate of one ninetieth of the salary payable to him on the date of his retirement.

(2) The provisions of subsection (2) to (5) of section 4 of this Act shall apply in respect of the pension payable under subsections (1) and (4) of this section subject to the following modifications:

(a) any reference therein to pensionable emoluments shall be construed as a reference to the salary payable to the President on the date of his retirement;

(b) current pensionable emoluments shall be construed as the salary currently payable to the President of Malta.

(3) In the case of the person appointed as President of Malta in virtue of subsection (4) of section 49 of the Constitution as in force on the 13th December 1974, service as President of Malta shall for the purposes of subsection (1) of this section include also service as Governor General.

(4) The surviving widow or widower of a person appointed to the office of President shall on the death of the person so appointed, be entitled to a pension, to be called a widow's pension, equivalent to five sixths of the pension payable in accordance with the previous provisions of this section to his or her spouse if he had been alive, and if the person appointed dies during his term of office to five sixths of the pension to which he would have been entitled had he retired on the date of his or her death.

Provided that a person entitled to a pension under this subsection who is also entitled to a pension under any other provisions of this Act shall only be entitled to receive the higher of such pensions.".

4. Section 7 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof for the word "widow" there shall be substituted the words "widow or widower" and immediately at the end thereof there shall be added the following proviso:

"Provided that a person entitled to a pension under this section who is also entitled to a pension under any other provision of this Act shall only be entitled to receive the higher of such pensions.".

(b) subsection (2) shall be deleted and replaced by the following:

"(2) The provisions of subsection (1) of this section shall also apply to a widow or widower of a member who:

(a) has not yet attained the age of sixty one years at the time of his death but who, before such death, satisfied the requirements of subsection (1) of section 4 of this Act; or

(b) but for the fact that he continued to be a member after attaining the age of sixty one years, would have been entitled to a pension under this Act." and

(b) in subsection (3) thereof, for the words "two-thirds" there shall be substituted the words "five-sixths".

Transitory provisions.

5. The provisions of this Act shall apply with effect from the 1st January, 1995 and no pension shall be payable and no person shall be entitled to a pension in accordance with the provisions of the principal Act as amended by this Act, for any period before the said date.

Objects and Reasons

The object of the Bill is to provide for a pension payable to the person who have occupied the office of President of Malta and to update the pension payable to widows of Members of Parliament under the Members of Parliament Pensions Act (Cap. 280).

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