

Nru. 9

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli John Dalli, M.P., Ministru tal-Finanzi, u moqri għall-Ewwel darba fis-Seduta tas-27 ta' April, 1992.

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

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable John Dalli, M.P., Minister of Finance, and read for the First time at the Sitting of the 27th April, 1992.

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

RICHARD J. CAUCHI
Clerk to the House of Representatives

ABBOZZ TA' LIĠI
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'liġi dan li ġej:—

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1992 li jemenda l-Ordinanza dwar il-Pensjonijiet, u għandu jinqara u jiftiehem haġa waħda ma' l-Ordinanza dwar il-Pensjonijiet, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

Titolu fil-qosor
u bidu fis-seħh.

(2) L-artikolu 4 ta' dan l-Att għandu jitqies li beda fis-seħh fil-15 ta' Marzu, 1988.

2. Minnufih fi tmiem it-tifsira ta' "hlas pensjonabbli" fl-artikolu 2 tal-liġi prinċipali għandu jiżdied dan il-proviso li ġej:

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

"Izda dwar uffiċjali li jirtiraw jew imutu fis-servizz bejn l-1 ta' Jannar, 1991 u l-1 ta' Jannar, 1993 u li fl-irtir tagħhom jew mewt tagħhom fis-servizz ikunu okkupaw kariga li l-iskala tas-salarju tagħha tiżdied, fi jew wara l-irtir tagħhom jew mewt tagħhom fis-servizz, skond ir-Riforma dwar is-Servizz Pubbliku ta' l-1991, is-salarju ta' dawk l-uffiċjali fl-aħhar jum tagħhom ta' servizz qabel l-irtir jew mewt skond il-każ għandu, għall-fini ta' din l-Ordinanza, iżda b'effett biss mid-data ta' dik iż-żieda, jitqies li jkun is-salarju kif miżjud skond dik ir-riforma, mingħajr ma jittiehed qies ta' xi żidiet mogħtija għal xi żieda fl-għoli tal-ħajja wara l-irtir jew mewt fis-servizz ta' dawk l-uffiċjali; u kull pensjoni u, jew, gratifikazzjoni li tithallas skond din l-Ordinanza dwar dawk l-uffiċjali għandha,

b'effett mid-data ta' kull zieda bhal dik skond dik ir-riforma kif jinghad hawn fuq, tiġi aġġustata bhallikieku s-salarju fl-ahhar jum tagħhom ta' servizz kien dak li kien ikun jithallas skond dik iż-żieda kif jinghad hawn fuq kieku baqghu fis-servizz:

Iżda wkoll, fil-każ ta' uffiċjal li jirtira bejn l-imsemmija dati u wara l-irtir imut bejn id-dati fuq imsemmija, kull gratifikazzjoni jew pensjoni kommutata tiġi aġġustata fid-dati ta' dik iż-żieda kif fuq imsemmi;”.

Żieda ta' artikolu gdid 8A mal-liġi prinċipali.

3. Minnufih wara l-artikolu 8 tal-liġi prinċipali għandu jżied l-artikolu gdid li ġej:

“Tmiem ta' servizz biex jittiehed impieg ma' kumpannija speċifika.

8A. Meta s-servizz ta' uffiċjal jew ta' impjegat ieħor jiġi mitmum biex, bl-approvazzjoni tal-President, ikun jista' jittiehed impieg tal-ħin kollu ma' dik il-kumpannija li tista' tiġi speċifikata b'Ordni tal-President għall-finijiet ta' dan l-artikolu, l-impieg ta' dak l-uffiċjal ma' dik il-kumpannija għandu jitqies li jkun servizz mal-Gvern għall-finijiet ta' din l-Ordinanza, u dak l-impjegat ikun intitolat għal pensjoni jew gratifikazzjoni, skond il-każ, taħt din l-Ordinanza mat-tmiem tas-servizz tiegħu ma' dik il-kumpannija bhallikieku dak is-servizz kien servizz mal-Gvern:

Iżda meta t-tmiem ta' dak is-servizz mal-kumpannija jkun dovut għall-istralċ ta' dik il-kumpannija sew jekk volontarjament jew xort'oħra jew dovut għall-falliment tagħha, dak it-tmiem għandu jkun ikkunsidrat bhallikieku kien minhabba tneħħija tal-kariga:

Iżda wkoll ebda Ordni bhal dak ma għandu jsir kemm-il darba l-kumpannija ma tkunx l-ewwel intrabtet mal-Gvern li tikkontribwixxi lill-Gvern id-differenza bejn il-kost tal-pensjoni jew gratifikazzjoni li tithallas fiż-żmien ta' l-irtir mill-kumpannija u l-kost tal-pensjoni jew gratifikazzjoni, skond il-każ, ikkalkolata fiż-żmien tat-tmiem mis-servizz mal-Gvern għar-raġuni qabel imsemmija ta' impieg tal-ħin kollu mal-kumpannija.”.

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

4. Fir-regolament 16 li hemm ġewwa L-ISKEDA li tinsab mal-liġi prinċipali, minflok il-kelma “uffiċjal” għandha tidhol il-kelma “impjegat”, u, fin-nota marginali li hemm għal dak ir-regolament, minflok il-kelma “uffiċjali” għandha tidhol il-kelma “impjegati”.

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa prinċipalment li jipprovdi għall-aġġustament ta' pensjonijiet u gratifikazzjonijiet ta' uffiċjali li jirtiraw jew imutu bejn l-1 ta' Jannar, 1991 u l-1 ta' Jannar, 1993 skond ir-Riforma dwar is-Servizz Pubbliku ta' l-1991, u biex jipprovdi għall-protezzjoni tal-pensjonijiet ta' uffiċjali li, b'approvazzjoni, jiehdu impieg ma' ċerti kumpanniji speċifikati.

**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:—

1. (1) This Act may be cited as the Pensions (Amendment) Act, 1992, and shall be read and construed as one with the Pensions Ordinance hereinafter referred to as “the principal law”.

Short title and commencement.

(2) Section 4 of this Act shall be deemed to have come into force on 15th March, 1988.

2. Immediately at the end of the definition of “pensionable emoluments” in section 2 of the principal law there shall be added the following proviso:

Amendment of section 2 of the principal law.

“Provided that, with respect to officers who retire or die in service between the 1st day of January, 1991 and the 1st day of January, 1993 and who occupied a post on retirement or death in service the scale of salary of which is, on or after their retirement or death in service, increased in accordance with the Public Service Reform of 1991, the salary of such officers on their last day of service before retirement or death, as the case may be, shall, for the purpose of this Ordinance, but with effect only from the date of such increase, be deemed to be the salary as increased in accordance with such reform, no account however being taken of any increases granted for any increase in the cost of living after the retirement or death in service of such officers; and any pension and, or, gratuity payable in accordance with this Ordinance in respect of such officers shall, with effect from the date of any such increase in

accordance with such reform as aforesaid, be adjusted as if the salary on their last day of service was that which would have been payable according to such increase as aforesaid had they remained in the service:

Provided further that, in the case of an officer who retires between the said dates and dies subsequent to retirement between the dates aforesaid, any gratuity or commuted pension shall be adjusted on the dates of such increase as aforesaid;”.

Addition of new section 8A to the principal law.

3. Immediately after section 8 of the principal law there shall be added the following new section:

“Termination of service to take up employment with designated company.

8A. Where an officer’s or other employee’s service is terminated in order that he may, with the approval of the President, take up full time employment with such company as may be designated by an Order of the President for the purposes of this section, the employment of that officer with that company shall be deemed to be service with the Government for the purposes of this Ordinance, and such employee shall be entitled to a pension or gratuity, as the case may be, under this Ordinance upon the termination of his service with such company as if such service were service with the Government:

Provided that, where the termination of such service with the company is due to the winding up of such company whether voluntary or otherwise or due to its bankruptcy, such termination shall be considered as if it were due to abolition of office:

Provided further that no such Order shall be made unless such company shall first have bound itself with the Government to contribute towards the Government the difference between the cost of the pension or gratuity payable at the time of retirement from the company and the cost of the pension or gratuity, as the case may be, computed at the time of the termination of the service with the Government for the aforesaid reason of full time employment with the company.”.

Amendment to the Schedule to the principal law.

4. In regulation 16 in THE SCHEDULE to the principal law, for the word “officer” there shall be substituted the word “employee”, and, in the marginal note to that regulation, for the word “officers” there shall be substituted the word “employees”.

Objects and Reasons

The Object of the Bill is mainly to provide for the adjustment of pensions and gratuities of officers who retire or die between the 1st January, 1991 and the 1st January, 1993 in accordance with the Public Service Reform of 1991, and to provide for the protection of pensions of officers who, with approval, take up employment with certain designated companies.