

MALTA

ATT Nru. V ta' l-1996

ATT mahruġ b'ligi mill-Parlament ta' Malta.

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

ACT No. V of 1996

AN ACT enacted by the Parliament of Malta.

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

Naghti l-kunsens tieghi.

(L.S.)

UGO MIFSUD BONNICI
President

16 ta' Frar, 1996

ATT Nru.V ta' l-1996

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, hareġ b'ligi dan li ġej:-

1. Dan l-Att jista' jissejjah l-Att ta' l-1996 li jemenda l-Att dwar il-Pensjoni tal-Membri tal-Parlament, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar il-Pensjoni tal-Membri tal-Parlament, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

Kap. 280.

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

Emenda ta' l-artikolu 4 ta' l-Att prinċipali.

“(1) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, membru li jkollu żmien ta' servizz f' mill-anqas żewġ legġislaturi li b'kollox dak iż-żmien ma jkunx ta' anqas minn hamsa u sittin xahar, malli jirtira, jirċievi pensjoni bir-rata ta' parti waħda minn mitejn u sebghin parti tal-hlas 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 4 B ġdid ma' l-Att prinċipali.

"Pensjoni
li tithallas
lill-
President
ta' Malta.

4B. (1) Persuna li tinhatar fil-kariga ta' President ta' Malta ghandha, meta tirtira mill-kariga, tkun intitolata ghal pensjoni bir-rata ta' parti wahda minn disghin parti tas-salarju li jkun qed jinghatalha fid-data ta' l-irtir taghha ghal kull xahar komplut ta' servizz bhala President.

(2) Id-dispożizzjonijiet tas-subartikoli (2) sa (5) ta' l-artikolu 4 ta' dan l-att ghandhom ikunu japplikaw ghar-rigward tal-pensjoni li tithallas taht is-subartikoli (1) u (4) ta' dan l-artikolu bla hsara ghal dawn it-tibdiliet li ġejjin:

(a) kull referenza f' dawg is-subartikoli ghal hlas pensjonabbli ghandha tinftiehem bhala referenza ghas-salarju li jithallas lill-President fid-data ta' l-irtir tieghu;

(b) hlas pensjonabbli kurrenti ghandu jinftiehem bhala s-salarju li jkun qieghed korrentement jithallas lill-President ta' Malta.

(3) Fil-każ tal-persuna mahtura bhala President ta' Malta bis-sahha tas-subartikolu (4) ta' l-artikolu 49 tal-Kostituzzjoni kif fis-sehh fit-13 ta' Dicembru, 1974, is-servizz bhala President ta' Malta ghandu ghall-ghanijiet tas-subartikolu (1) ta' dan l-artikolu jinkludi wkoll servizz bhala Gvernatur Ġenerali.

(4) L-armla jew armel sopraviventi ta' persuna mahtura fil-kariga ta' President ghandha mal-mewt ta' dik il-persuna hekk mahtura, tkun intitolata ghal pensjoni, li tissejjah pensjoni ta' armla, li tkun ekwivalenti ghal hames partijiet minn sitt partijiet tal-pensjoni li tithallas skond id-dispożizzjonijiet ta' qabel ta' dan l-artikolu lill-konjugi tieghu jew taghha li kieku kienet hajja, u jekk il-persuna mahtura tmut waqt li tkun qed tokkupa l-kariga ghal hames partijiet minn sitt partijiet tal-pensjoni li kienet tkun intitolata ghaliha li kieku tkun irtirat fid-data ta' l-irtir taghha:

Izda persuna li tkun intitolata ghal pensjoni taht dan is-subartikolu li tkun ukoll intitolata ghal pensjoni taht kull dispożizzjoni oħra ta' dan l-Att tkun biss intitolata tirċievi l-oghla pensjoni minn dawg it-tnejn."

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

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

(a) fis-subartikolu (1) tieghu minflok il-kelma "armla" ghandhom jidhlu l-kliem "armla jew armel" u minflok il-kliem "tkun intitolata li tirċievi" ghandhom jidhlu l-kliem "ikunu intitolati li jirċievu"; u minnufih fi tmiem dak is-subartikolu ghandu jizdied dan il-proviso li ġej:

“Iżda persuna li tkun intitolata ghal pensjoni taht dan l-artikolu li tkun ukoll intitolata ghal pensjoni taht kull dispożizzjoni ohra ta’ dan l-Att tkun biss intitolata tircievi l-oghla pensjoni minn dawn it-tnejn.”;

(b) minflok is-subartikolu (2) ghandu jidhol dan li ġej:

“(2) Id-dispożizzjonijiet tas-subartikolu (1) ta’ dan l-artikolu ghandhom ikunu japplikaw ukoll ghall-armla jew armel ta’ membru li:

(a) jkun ghadu ma lahaqx l-età ta’ wiehed u sittin sena fil-waqt ta’ mewtu iżda li, qabel dik mewtu, ikun issodisfa l-htigiet tas-subartikolu (1) ta’ l-artikolu 4 ta’ dan l-Att; jew

(b) li kieku ma kienx ghall-fatt li baqa’ membru wara li lahaq l-età ta’ wiehed u sittin sena, kien ikun intitolat ghal pensjoni taht dan l-Att.”; u

(c) fis-subartikolu (3) tieghu minflok il-kliem “żewġ terzi” ghandhom jidhlu l-kliem “hames partijiet minn sitt partijiet”.

5. Ebda arretrati ghal żmien qabel l-ewwel ta’ Jannar, 1995 ma jkunu dovuti taht id-dispożizzjonijiet ta’ dan l-Att. Dispożizzjoni
transitorja.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 507 tat-12 ta’ Frar, 1996.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati.

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

16th February, 1996

ACT No. V of 1996

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:

1. This Act may be cited as the Members of Parliament Pensions (Amendment) Act, 1996, and shall be read and construed as one with the Members of Parliament Pensions Act, hereinafter referred to as "the principal Act".

Short title.

Cap. 280.

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

Amendment of section 4 of the principal Act.

"(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 sixty five months, 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."

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

Addition of new section 4B to the principal Act.

"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 for each completed month of service as President.

(2) The provisions of subsections (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:

Amendment of section 7 of the principal Act.

(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

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

Transitory provision.

5. No arrears shall be payable under the provisions of this Act for any period before the 1st of January, 1995.

Passed by the House of Representatives at Sitting No. 507 of the 12th February, 1996.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives.