MALTA

ATT Nru. V ta' l-1988

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT biex ikompli jemenda l-Ordinanza dwar il-Pensjonijiet, Kap. 143.

ACT No. V of 1988

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Pensions Ordinance, Cap. 143.

Naghti l-kunsens tieghi.

PAUL XUEREB
Aġent President

(L.S.)

5 ta' Frar, 1988

ATT Nru. V ta' l-1988

ATT biex ikompli jemenda l-Ordinanza dwar il-Pensjonijiet, Kap. 143.

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:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1988 li jemenda l-Ordinanza dwar il-Pensjonijiet, u għandu jinqara u jiftiehem ħaġa waħda ma' l-Ordinanza dwar il-Pensjonijiet, hawnhekk iżjed 'il quddiem imsejħa "il-liġi prinċipali".

Żieda ta' artikolu ġdid 11A mal-liġi prinċipali.

2. Minnufih wara l-artikolu 11 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:

"Pensjoni ta' uffiċjali milqutin bit-tilwima medika ta' Ġunju 1977.

11A. (1) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (3) ta' dan l-artikolu, kull uffiċjal li kien fis-servizz ta' Malta u li b'konsegwenza tat-tilwima medika li wasslet għal azzjoni industrijali li nbdiet fit-2 ta' Ġunju 1977, kellu s-servizz tiegħu mitmum jew ġie sospiż minn dak is-servizz jew b'xi mod ieħor tilef l-impieg tiegħu mal-Gvern, jista' madankollu jingħata dik il-pensjoni jew gratifikazzjoni għal servizz effettiv.

(2) Dak l-uffiċjal għandu jkun biss intitolat—

(a) għal dik il-gratifikazzjoni b'seħħ mid-19 ta' Ġunju, 1987; u

(b) għal dik il-pensjoni—

(i) b'seħħ mid-19 ta' Ġunju, 1987, jekk ikun laħaq l-età ta' sittin sena f'dik jew qabel dik id-data; jew

(ii) jekk ikun laħaq l-età ta' sittin sena f'dik jew qabel dik id-data u jkun reġà ġie mpjegat, b'seħħ middata li fiha jkun irtira; jew

(iii) jekk ma jkunx laħaq l-età ta' sittin sena fid-19 ta' Ġunju, 1987, u ma jkunx reġà kompla fis-servizz, b'seħħ mid-data li fiha jkun laħaq dik l-età; jew

(iv) jekk ma jkunx laħaq l-età ta' sittin sena fid-19 ta' Ġunju, 1987, u jkun reġà kompla fis-servizz, b'seħħ mid-data li fiha jkun irtira;

u dik il-pensjoni jew gratifikazzjoni għandha, għar-rigward ta' l-uffiċjali msemmija fil-paragrafu (a) u fis-subparagrafi (i) u (iii) tal-paragrafu (b) ta' dan is-subartikolu, tinħadem daqslikieku kien irtira mis-servizz f'Malta fil-jum li jiġi wara l-aħħar jum tiegħu ta' servizz effettiv.

(3) Kull servizz mogħti qabel ma s-servizz ikun ġie maqtugħ jista' jiġi kkalkolat għall-pensjoni flimkien maż-żmien tas-servizz wara li dan ikun ġie maqtugħ u l-provvedimenti tal-paragrafu (b) tal-proviso tar-regolament 7 tar-Regolamenti dwar il-Pensjonijiet ma għandhomx japplikaw, jekk il-qtugħ tas-servizz—

(a) ikun dovut għat-temm ta' servizz taħt is-subartikolu (8) ta' l-artikolu 18 ta' l-Att ta' l-1976 dwar Relazzjonijiet Industrijali b'konsegwenza tat-tilwima medika msemmija fis-subartikolu (1); jew

(b) xort'oħra jkun konsegwenza tat-tilwima medika msemmija.

(4) Meta l-grad jew il-kategorija li fiha kien impjegat xi uffiċjal bħal dak li hemm imsemmijin fis-subartikolu (1) ta' dan l-artikolu ma jkunux għadhom jeżistu kif kienu qabel jew ikunu ġew assorbiti fi grad ieħor jew f'kategorija oħra, u dak l-uffiċjal ikun ta avviż lis-Suprintendent tas-Saħħa sad-19 ta' Lulju, 1987, ta' l-intenzjoni tiegħu li jerġa' jkompli s-servizz jew jaċċetta l-impieg mill-ġdid, iżda jkun irrifjuta li jaċċetta l-offerta magħmula lilu sabiex jerġa' jkompli s-servizz jew sabiex jaċċetta l-impieg mill-ġdid fi grad jew kategorija ekwivalenti taħt il-kundizzjonijiet ta' dik il-kariga, jistgħu, fejn ikunu japplikaw, japplikaw id-dispożizzjonijiet dwar it-tneħħija ta' kariga li jinsabu f'din l-Ordinanza:

Iżda pensjoni li tingħata b'konsegwenza tat-tneħħija ta' kariga għandha titħallas biss b'seħħ mid-19 ta' Ġunju, 1987 u għandha tinħadem daqslikieku dik it-tneħħija ta' kariga seħħet fl-aħħar jum tas-servizz effettiv ta' mpieg.

(5) Id-dispożizzjonijiet ta' l-artikolu 18 ta' din l-Ordinanza għandhom ikunu japplikaw dwar dak l-uffiċjal hekk kif inhu indikat fis-subartikolu (1) ta' dan l-artikolu, li miet fit-2 ta' Ġunju, 1977, jew f'data wara.".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 64 tat-2 ta' Frar, 1988.

JIMMY FARRUGIA
Speaker

P. MUSCAT TERRIBILE
Aġent Skrivan tal-Kamra tad-Deputati

I assent.

PAUL XUEREB
Acting President

(L.S.)

5th February, 1988

ACT No. V of 1988

AN ACT further to amend the Pensions Ordinance, Cap. 143.

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 Pensions Ordinance (Amendment) Act, 1988, and shall be read and construed as one with the Pensions Ordinance, hereinafter referred to as "the principal law".

Addition of new section 11A to the principal law.

2. Immediately after section 11 of the principal law there shall be added the following new section:

"Pension of officers affected by medical dispute of June 1977.

11A. (1) Saving the provisions of subsection (3) of this section, any officer who had been in the service of Malta and who as a consequence of the medical dispute which led to industrial action taken on the 2nd June, 1977, had his service terminated or was suspended from such service or otherwise lost his employment with the Government, may nonetheless be granted such pension or gratuity in respect of effective service.

(2) Such officer may only be entitled—

(a) to such gratuity with effect from 19th June, 1987; and

(b) to such pension—

(i) with effect from the 19th June, 1987, if he has attained the age of sixty years on or before that date; or

(ii) if he has attained the age of sixty years on or be fore that date and has been re-employed, with effect from the date of his retirement; or

(iii) if he has not attained the age of sixty years on the 19th June, 1987 and has not resumed service, with effect from the date on which he has attained that age; or

(iv) if he has not attained the age of sixty years on the 19th June, 1987 and has resumed service, with effect from the date of his retirement;

and such pension or gratuity shall, in respect of officers referred to in paragraph (a) and in sub-paragraphs (i) and (iii) of paragraph (b) of this subsection, be computed as if he retired from service in Malta on the day following his last day of effective service.

(3) Any service prior to a break of service may be allowed to count for pension purposes together with any service subsequent to such break and the provisions of paragraph (b) of the proviso to regulation 7 of the Pensions Regulations shall not apply, if the break of service—

(a) is due to termination of service under subsection (8) of section 18 of the Industrial Relations Act, 1976 as a consequence of the medical dispute referred to in subsection (1); or

(b) is otherwise a consequence of the said medical dispute.

(4) Where the grade or category in which any such officer as is referred to in subsection (1) of this section had been employed has ceased to exist as such or has been absorbed in another grade or category, and such officer had given notice to the Superintendent of Health by the 19th July, 1987 of his intention to resume duty or accept re-employment, but has declined the offer made to him to resume duty or to accept re-employment in an equivalent grade or category under the conditions of such post, the provisions as contained in this Ordinance regarding the abolition of post may, where applicable, apply:

Provided that a pension granted as a result of the abolition of post may only be payable with effect from the 19th June, 1987 and be computed as if such abolition took place on the last day of effective service of employment.

(5) The provisions of section 18 of this Ordinance shall apply in respect of such officer as is referred to in subsection (1) of this section, who has died on or after the 2nd June, 1977.".

Passed by the House of Representatives at Sitting No. 64 of the 2nd February, 1988.

JIMMY FARRUGIA
Speaker

P. MUSCAT TERRIBILE
Acting Clerk to the House of Representatives.

Ippubblikat mid-Dipartiment ta' l-Informazzjoni — Kastilja — *Published by the Department of Information — Kastilja*
Mitbugħ fl-Istamperija tal-Gvern — *Printed at the Government Printing Press*

Prezz 2c — *Price 2c*