

**MALTA**

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**ATT Nru. VII ta' l-1989**

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

**ATT biex ikompli jemenda l-Att ta' l-1979 dwar il-Pensjoni tal-Membri tal-Parlament**

**ACT No. VII of 1989**

AN ACT enacted by the Parliament of Malta.

**AN ACT further to amend the Members of Parliament Pensions Act, 1979.**

Naghti l-kunsens tieghi.

(L.S.)

PAUL XUEREB  
Agent President

14 ta' Marzu, 1989

**ATT Nru. VII ta' l-1989**

*ATT biex ikompli jemenda l-Att ta' l-1979 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. (1) Dan l-Att jista' jissejjah l-Att ta' l-1989 li jemenda l-Att dwar il-Pensjoni tal-Membri tal-Parlament, u għandu jinqara u jfittiehem haġa waħda ma' l-Att ta' l-1979 dwar il-Pensjoni tal-Membri tal-Parlament, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu  
fil-qosor.

Att XXVI  
ta'  
l-1979.

(2) Id-dispożizzjonijiet ta' dan l-Att, minbarra dan l-artikolu u l-paragrafi (a) u (b) ta' l-artikolu 2, għandhom jidhlu fis-seħh minn dik id-data li l-Ministru jista' jiffissa b'avviż fil-Gazzetta.

(3) Il-paragrafi (a) u (b) ta' l-artikolu 2 ta' dan l-Att għandhom jitqiesu li bdew isehhu fl-14 ta' Awissu, 1979.

2. Is-subartikolu (1) ta' l-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:—

Emenda ta'  
l-artikolu 2  
ta'  
l-Att prinċipali.

(a) fit-tifsira ta' "hlas pensjonabbli" minnufih wara l-kliem "perjodu ta' mhux inqas minn hames snin b'kollox," għandhom jidhlu l-kliem "jew li għal perjodu ta' inqas minn hames snin, li jkun perjodu shiħ mill-ewwel seduta tal-Kamra jew ta' l-Assemblea Legislattiva wara xoljiment, sad-data meta l-Kamra jew Assemblea Legislattiva, skond il-każ, terġa' tiġi xjolta, wara dik is-seduta (hawn aktar 'il quddiem imsejjah "perjodu ta' Legislatura"), okkupa xi waħda minn dawk il-karigi jew xi żewġ karigi jew iżjed bħal dawk," u minflok il-kliem "matul il-hames snin l-aktar favorevoli għal membru, skond il-każ," għandhom jidhlu l-kliem "matul il-hames snin l-aktar favorevoli għal membru jew matul dak il-per-

jodu ta' Legislatura, skond il-każ, kif l-aktar favorevoli ghal membru";

(b) fit-tifsira ta' "hlas pensjonabbli", minnufih wara l-paragrafu (b) tiegħu, għandu jiżdied dan il-proviso li ġej:

"Iżda meta membru li ma jkunx okkupa kariga bhal dik jew karigi bhal dawk ghal perjodu shih ta' Legislatura, iżda jkun okkupa kariga bhal dik ghal perjodu ta' inqas minn hames snin, jew ikun okkupa xi tnejn jew iktar minn dawk il-karigi ghal perjodu ta' inqas minn hames snin b'kollox, il-medja tas-salarju li jithallas dwar dik il-kariga u tal-onorarju li jithallas lil membru, ghal perjodu ta' hames snin b'kollox, jew il-medja tas-salarji li jithallsu dwar dawk il-karigi u tal-onorarju li jithallas lil membru, ghal perjodu ta' hames snin b'kollox, għandhom jiġu kalkolati bil-mod fuq imsemmi matul il-hames snin l-aktar favorevoli għall-membru fid-data ta' l-irtir tiegħu;" u

(ċ) minflok it-tifsira ta' "pensjoni tas-servizz" għandha tidhol din it-tifsira ġdida li ġejja:

"“pensjoni tas-servizz” għandha l-istess tifsir kif mogħti lilha bl-artikolu 2 ta' l-Att ta' l-1987 dwar is-Sigurtà Soċjali;"

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

(a) fis-subartikolu (2) tiegħu, minflok il-kliem "il-pensjoni li jkollha hekk tithallas flimkien ma' kull pensjoni li tkun tithallas lil dik il-persuna taht l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali u ma' kull pensjoni tas-servizz" għandhom jidhlu l-kliem "il-pensjoni li jkollha hekk tithallas flimkien ma' kull pensjoni tas-servizz"; u

(b) minflok is-subartikolu (3) tiegħu għandu jidhol dan is-subartikolu ġdid li ġej:

"(3) F'kull każ li għalih japplika s-subartikolu (2) ta' dan l-artikolu, għandhom japplikaw id-dispożizzjonijiet ta' l-Att ta' l-1987 dwar is-Sigurtà Soċjali, sakemm dawn ikunu jirreferu għal pensjonijiet taht dak l-Att."

**4.** Fl-artikolu 5 ta' l-Att prinċipali, minflok il-kliem "l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali" kull fejn jinsabu għandhom jidhlu l-kliem "l-Att ta' l-1987 dwar is-Sigurtà Soċjali".

**5.** L-artikolu 6A ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (4) tiegħu l-kliem "bl-ammont ta' kull pensjoni li għandha tithallas lil armla taht l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali, u" għandhom jithassru; u

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

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

Emenda ta' l-artikolu 6A ta' l-Att prinċipali.

(b) fis-subartikolu (5) tiegħu, minflok il-kliem "is-subartikolu (1) ta' l-artikolu 90 ta' l-Att ta' l-1956 dwar is-Sigurtà Nazzjonali," għandhom jidhlu l-kliem "l-artikolu 32 ta' l-Att ta' l-1987 dwar is-Sigurtà Soċjali,".

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 212 tat-8 ta' Marzu, 1989.

LAWRENCE GONZI  
*Speaker*

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

I assent.

(L.S.)

PAUL XUEREB  
Acting President

14th March, 1989

**ACT No. VII of 1989**

*AN ACT further to amend the Members of Parliament Pensions Act, 1979*

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 Act XXVI of 1979.

1. (1) This Act may be cited as the Members of Parliament Pensions (Amendment) Act, 1989, and shall be read and construed as one with the Members of Parliament Pensions Act, 1979, hereinafter referred to as “the principal Act”.

(2) The provisions of this Act, other than this section and paragraphs (a) and (b) of section 2, shall come into force on such date as the Minister may by notice in the Gazette appoint.

(3) Paragraphs (a) and (b) of section 2 of this Act shall be deemed to have come into force on 14 August, 1979.

Amendment to section 2 of the principal Act.

2. Subsection (1) of section 2 of the principal Act shall be amended as follows:—

(a) in the definition of “pensionable emoluments”, immediately after the words “period of not less than five years in the aggregate,” there shall be inserted the words “or for a period of less than five years, being the whole period between the first sitting of the House or of the Legislative Assembly after any dissolution, up to the date when the House or the Legislative Assembly, as the case may be, is again dissolved after that sitting (hereinafter referred to as “the period of a Legislature”)), has held any such office or any two or more of those offices,” and for the words “during the five years more favourable to the member, as the case may be” there

shall be substituted the words “during the five years more favourable to the member, or during that period of a Legislature, as the case may be, being the most favourable to the member”;

(b) in the definition of “pensionable emoluments”, immediately after paragraph (b) thereof, there shall be added the following proviso:

“Provided that where a member who has not held any such office or any such offices for a whole period of a Legislature, but has held any such office for a period of less than five years, or has held any two or more of such offices for a period of less than five years in the aggregate, the average of the salary payable in respect of such office and of the honorarium payable to a member, for a period of five years in the aggregate, or the average of the salaries payable in respect of the said offices and of the honorarium payable to a member, for a period of five years in the aggregate, shall be calculated in the manner aforesaid during the five years more favourable to the member on the date of his retirement;” and

(c) for the definition of “service pension” there shall be substituted the following new definition:

““service pension” has the same meaning as is assigned to it by section 2 of the Social Security Act, 1987;”.

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

Amendment to section 4 of the principal Act.

(a) in subsection (2) thereof, for the words “the pension so payable together with any pension payable to such person under the National Insurance Act, 1956 and any service pension” there shall be substituted the words “the pension so payable together with any other service pension”; and

(b) for subsection (3) thereof there shall be substituted the following new subsection:

“(3) In any case in which subsection (2) of this section applies, the provisions of the Social Security Act, 1987, in so far as they refer to pensions under that Act, shall apply.”.

4. In section 5 of the principal Act, for the words “National Insurance Act, 1956” wherever they occur there shall be substituted the words “Social Security Act, 1987”.

Amendment to section 5 of the principal Act.

5. Section 6A of the principal Act shall be amended as follows:

Amendment to section 6A of the principal Act.

(a) in subsection (4) thereof the words “by the amount of any pension payable to the widow under the National Insurance Act, 1956, and” shall be deleted; and

(b) in subsection (5) thereof, for the words "subsection (1) of section 90 of the National Insurance Act, 1956," there shall be substituted the words "section 32 of the Social Security Act, 1987,".

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Passed by the House of Representatives at Sitting No. 212 of the 8th March, 1989.

LAWRENCE GONZI  
*Speaker*

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