

**MALTA**

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**ATT Nru. IX ta' l-1990**

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

**ATT biex jemenda l-Ordinanza dwar il-Pensjonijiet (Kap. 93).**

**ACT No. IX of 1990**

AN ACT enacted by the Parliament of Malta.

**AN ACT to amend the Pensions Ordinance (Cap. 93).**

Naghti l-kunsens tieghi.

(L.S.)

ĊENSU TABONE  
President

30 ta' Marzu, 1990

**ATT Nru. IX ta' l-1990**

*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'ligi dan li ġej:—

(1) Dan l-Att jista' jissejjah l-Att ta' l-1990 li jemenda l-Ordinanza dwar il-Pensjonijiet, u għandu jinqara u jftiehem haġa waħda ma' l-Ordinanza dwar il-Pensjonijiet, hawnhekk iżjed 'il quddiem imsejha "il-ligi prinċipali".

Titolu fil-qosor  
u bidu fis-sehh.

(2) (a) Id-dispożizzjonijiet ta' dan l-Att minbarra dawk ta' l-artikolu 6 tiegħu għandhom jitqiesu li bdew isehħu fit-12 ta' Lulju, 1989.

(b) Id-dispożizzjonijiet ta' l-artikolu 6 ta' dan l-Att għandhom jitqiesu li bdew isehħu fl-1 ta' Jannar, 1989.

2. Fis-subparagrafu (iii) tal-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 7 tal-ligi prinċipali, minflok il-kliem "jew, jekk ikun għalaq hamsa u għoxrin sena servizz fil-korp ta-Pulizija, meta jew wara li jilhaq l-età ta' hamsin sena, jew" għandhom jidhlu l-kliem "jew, jekk ikun għalaq hamsa u għoxrin sena servizz fil-korp tal-Pulizija, jew".

Emenda ta'  
l-artikolu 7 tal-  
ligi prinċipali.

3. Minflok il-kliem "ta' l-aħhar artikolu qabel dan" fl-artikolu 8 tal-ligi prinċipali, għandhom jidhlu l-kliem "tas-subartikolu (1) ta' l-artikolu 7 ta' din l-Ordinanza".

Emenda ta'  
l-artikolu 8 tal-  
ligi prinċipali.

4. Fil-paragrafu (ii) tal-proviso għall-artikolu 9 tal-ligi prinċipali, il-kliem "wara li jilhaq l-età ta' hamsin sena" għandhom jithassru.

Emenda ta'  
l-artikolu 9 tal-  
ligi prinċipali.

5. Minnufih wara s-subartikolu (2) ta' l-artikolu 11 tal-ligi prinċipali, għandu jżied dan is-subartikolu li ġej:

Emenda ta'  
l-artikolu 11 tal-  
ligi prinċipali.

“(3) Id-dispożizzjonijiet tas-subartikoli (1) u (2) ta’ dan l-artikolu ma ghandhomx japplikaw ghal pensjonant li rtira bhala membru tal-korp tal-Pulizija ghal raġunijiet li ma humiex dawk elenkati fil-paragrafu (e) tas-subartikolu (1) ta’ l-artikolu 7 ta’ din l-Ordinanza.”.

Emenda ta’  
l-artikolu 18 tal-  
ligi prinċipali.

6. Fis-subartikolu (1) ta’ l-artikolu 18 tal-ligi prinċipali minflok il-kliem “uffiċjal li lili” ghandhom jidhlu l-kliem “uffiċjal, li jirtira ghal raġunijiet elenkati fil-paragrafu (e) tas-subartikolu (1) ta’ l-artikolu 7 ta’ din l-Ordinanza, li lili” u minflok il-kliem “jew jekk dak l-uffiċjal jirtira bhala membru tal-korp tal-Pulizija sakemm jilhaq l-età ta’ hamsa u hamsin sena,” ghandhom jidhlu l-kliem “jew jekk dak l-uffiċjal jirtira bhala membru tal-korp tal-Pulizija sakemm jilhaq l-età ta’ hamsa u hamsin sena, jew sal-hamsa u ghoxrin anniversajru ta’ l-ewwel hatra tiegħu bhala membru tal-korp tal-Pulizija, skond liema jiġi l-ewwel,”.

Emenda ta’  
l-Iskeda li  
tinsab mal-ligi  
prinċipali.

7. L-Iskeda li tinsab mal-ligi prinċipali ghandha tiġi emendata kif ġej:

(a) minflok il-proviso li hemm mar-regolament 2, ghandu jidhol dan li ġej:

“Izda fil-każ ta’ membru tal-korp tal-Pulizija dik il-pensjoni ghandha tkun bir-rata ta’ wahda minn erba’ mija u hamsin tal-hlasijiet pensjonabbli tiegħu ghal kull xahar komplut ta’ servizz pensjonabbli, salvi l-limiti msemmija fl-artikolu 10 ta’ l-Ordinanza.”;

(b) fil-proviso li hemm mar-regolamenti 8:

(i) minflok il-kliem “hekk tirrakkomanda fl-interess pubbliku.” fil-paragrafu (b) tiegħu, ghandhom jidhlu l-kliem “hekk tirrakkomanda fl-interess pubbliku; jew”; u

(ii) minnufih wara l-paragrafu (b) tiegħu ghandu jiżdied dan li ġej:

“(c) fil-każ ta’ uffiċjal li, wara li jkun irriżenja mis-servizz, sussegwentement jissejjah lura fl-interess tas-servizz minhabba l-interess pubbliku, u dik is-sejha lura tkun hekk ċertifikata mill-Prim Ministru.”;

(c) minnufuh wara l-paragrafu (4) tar-regolament 9, ghandu jiżdied dan il-paragrafu li ġej:

“(5) Fil-każ ta’ uffiċjal li ghalih japplika s-subparagrafu (e) tal-paragrafu (1) tar-regolament 10, id-data ta’ l-irtir tiegħu ghandha:

(a) meta dak l-uffiċjal jilhaq l-età ta’ l-irtir; jew

(b) meta fil-każ ta’ dak l-uffiċjal li kien tkeċċa meta kien membru tal-korp tal-Pulizija, dak l-uffiċjal kieku ma kinitx ghat-tkeċċija tiegħu, kien jagħlaq hamsa u ghoxrin sena servizz; jew

(ċ) meta dak l-uffiċjal imut;

qabel ma t-tkeċċija tiegħu tkun giet dikjarata nulla mill-awtorità kompetenti, titqies li tkun id-data meta dak l-uffiċjal jilhaq l-età ta' l-irtir, jew fil-każ imsemmi fis-subparagrafu (a) ta' dan il-paragrafu d-data meta jkun għalaq hamsa u ghoxrin sena servizz, jew id-data meta jmut, skond liema tiġi l-ewwel, u l-hlasijiet pensjonabbli tiegħu li għandhom jitqiesu għandhom ikunu dawk li hu kieku kien qieghed jirċievi f'dik id-data li kieku ma kienx hekk tkeċċa.”.

(d) fir-regolament 10:

(i) minflok il-kliem “servizz pubbliku ieħor.” fis-subparagrafu (d) tal-paragrafu (1) tiegħu, għandhom jidhlu l-kliem “servizz pubbliku ieħor;” u

(ii) minnufih wara s-subparagrafu (d) tal-paragrafu (1) tiegħu, għandu jidhol dan il-paragrafu li ġej:

“(e) kull perijodu wara t-tkeċċija mis-servizz, meta dik it-tkeċċija tiġi sussegwentement dikjarata li kienet invalida minn awtorità kompetenti, sa:

(i) ż-żmien tad-dhul tiegħu mill-ġdid fl-istess pożizzjoni; jew

(ii) id-data meta dak l-uffiċjal ikun għalaq 30 sena servizz, jew fil-każ ta' uffiċjal li jkun tkeċċa meta kien membru tal-korp tal-Pulizija hamsa u ghoxrin sena servizz; jew

(iii) id-data meta dak l-uffiċjal ikollu jirtira minhabba fl-età; jew

(iv) id-data meta dak l-uffiċjal imut;

skond liema jiġi l-ewwel.”; u

(iii) minnufih wara l-paragrafu (4) tiegħu, għandu jidhol dan il-paragrafu li ġej:

“(5) Għall-finijiet tas-subparagrafu (e) tal-paragrafu (1) ta' dan ir-regolament u tal-paragrafu (5) tar-regolament 9, il-kelma “tkeċċija” għandha titqies li tinkludi “irtir obligatorju għal raġuni ta' interess pubbliku” u l-kelma “tkeċċa” għandha tiftiehem bl-istess mod.”;

(e) fil-paragrafu (2) tar-regolament 14 minflok il-kliem “wahda minn hames mija u erbghin” għandhom jidhlu l-kliem “wahda minn hames mija u erbghin, jew fil-każ ta' uffiċjal li jirtira mill-korp tal-Pulizija, wahda minn erba' mija u hamsin”; u

(f) fir-regolament 15:

(i) minflok il-kliem “hmistax-il sena ta’ l-ghomor tieghu jekk sabi u l-ghomor ta’ tmintax-il sena jekk bint” fil-paragrafu (1) tieghu ghandhom jidhlu l-kliem “l-età ta’ tmintax-il sena”;

(ii) il-kliem “u tibqa ta’ mgieba morali tajba” fil-paragrafu (1) tieghu, ghandhom jithassru; u

(iii) il-kliem “sakemm tibqa’ ta’ mgieba tajba” fil-paragrafu (4) tieghu, ghandhom jithassru;

(g) ir-regolament 20 ghandu jigi emendat kif gejj:

(i) il-kliem “u tibqa’ ta’ mgieba morali tajba” fil-paragrafu (1) tieghu, ghandhom jithassru;

(ii) fil-paragrafu (4) tieghu, il-kliem “sakemm tibqa’ ta’ mgieba tajba” ghandhom jithassru; u

(h) il-paragrafu (3) tar-regolament 21 ghandu jithassar.”.

Dispożizzjoni  
transitorja.

**8.** Id-dispożizzjonijiet tal-liġi prinċipali kif emendata bil-paragrafi (d) u (e) ta’ l-artikolu 7 ta’ dan l-Att ghandha tapplika wkoll għai uffiċjali li t-tkeċċija jew l-irtir obligatorju tagħhom mis-servizz tkun giet dikjarata invalida qabel ma dan l-Att ikun sar liġi, u li d-data ta’ irtir tagħhom kalkolata skond id-dispożizzjonijiet tal-liġi prinċipali kif emendata bid-dispożizzjonijiet ta’ dan l-Att ikollha tigi f’data li tigi qabel id-data ta’ meta dan l-Att ikun sar liġi.

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 356 ta’ l-20 ta’ Marzu, 1990.

LAWRENCE GONZI  
*Speaker*

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

I assent.

(L.S.)

ĈENSU TABONE  
President

30th March, 1990

**ACT No. IX of 1990**

*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, 1990, and shall be read and construed as one with the Pensions Ordinance, hereinafter referred to as “the principal Act”. Short title and commencement.

(2) (a) The provisions of this Act other than those of section 6 thereof shall be deemed to have come into force on the 12th July, 1989.

(b) The provisions of section 6 of this Act shall be deemed to have come into force on 1st January, 1989.

2. In subparagraph (iii) of paragraph (a) of subsection (1) of section 7 of the principal law, for the words “or, if he has completed twenty-five years service in the Police force, on or after attaining the age of fifty years, or” there shall be substituted the words “or, if he has completed twenty-five years’ service in the Police force, or”. Amendment of section 7 of the principal law.

3. For the words “of the last preceding section” in section 8 of the principal law, there shall be substituted the words “of subsection (1) of section 7 of this Ordinance”. Amendment of section 8 of the principal law.

4. In paragraph (ii) of the proviso to section 9 of the principal law, the words “, after he attains the age of fifty years” shall be deleted. Amendment of section 9 of the principal law.

5. Immediately after subsection (2) of section 11 of the principal law, there shall be added the following subsection: Amendment of section 11 of the principal law.

“(3) The provisions of subsections (1) and (2) of this section shall not apply to a pensioner who retired as a member of the Police force on grounds other than those listed in paragraph (e) of subsection (1) of section 7 of this Ordinance.”.

Amendment of  
section 18  
of the  
principal law

6. In subsection (1) of section 18 of the principal law for the words “an officer to whom” there shall be substituted the words “an officer who retires on grounds listed in paragraph (e) of subsection (1) of section 7 of this Ordinance, to whom” and for the words “or if such officer retires as a member of the Police force until he reaches the age of fifty-five years,” there shall be substituted the words “or if such officer retires as a member of the Police force until he reaches the age of fifty-five years, or until the twenty-fifth anniversary of his first appointment as a member of the Police force, whichever is the earlier,”.

Amendment of  
Schedule  
to the  
principal law.

7. The Schedule to the principal law shall be amended as follows:

(a) for the proviso to regulation 2, there shall be substituted the following:

“Provided that in the case of a member of the Police force such pension shall be at the rate of one four hundred and fiftieth of his pensionable emoluments for each complete month of pensionable service, subject to the limits described in section 10 of the Ordinance.”;

(b) in the proviso to regulation 8:

(i) for the words “in the public interest so recommends.” in paragraph (b) thereof, there shall be substituted the words “in the public interest so recommends; or”; and

(ii) immediately after paragraph (b) thereof there shall be added the following:

“(c) in the case where an officer, having resigned from the service, is subsequently recalled in the interest of the service on grounds of public interest, and such recall is so certified by the Prime Minister.”;

(c) immediately after paragraph (4) of regulation 9, there shall be added the following paragraph:

“(5) In the case of an officer to whom subparagraph (e) of paragraph (1) of regulation 10 applies, the date of retirement shall:

(a) where such officer reaches the age of retirement; or

(b) where in the case of such an officer who had been dismissed when a member of the Police force, such officer would but for his dismissal have completed twenty-five years’ service; or

(c) where such officer dies;

before his dismissal has been declared null by the competent authority, be deemed to be the day on which such officer reaches the age of retirement, or in the case referred to in subparagraph (b) hereof the day on which he would have completed twenty-five years service, or on which he dies, whichever is the earlier, and his pensionable emoluments to be taken in consideration shall be those which he would have been receiving on such date had he not been so dismissed.”;

(d) in regulation 10:

(i) for the words “of other public service.” in subparagraph (d) of paragraph (1) thereof, there shall be substituted the words “of other public service;” and

(ii) immediately after subparagraph (d) of paragraph (1) thereof, there shall be inserted the following paragraph:

“(e) any period following dismissal from the service, where such dismissal is subsequently declared to have been invalid by a competent authority, up to:

(i) the time of reinstatement; or

(ii) the date where such officer would have completed 30 years’ service, or in the case of an officer who was dismissed when a member of the Police force twenty-five years’ service; or

(iii) the date on which such officer would have to retire because of age; or

(iv) the date when such officer dies;

whichever is the earlier.”; and

(iii) immediately after paragraph (4) thereof, there shall be inserted the following paragraph:

“(5) For the purpose of subparagraph (e) of paragraph (1) of this regulation and of paragraph (5) of regulation 9, the term “dismissal” shall be deemed to include “compulsory retirement on the ground of public interest” and the term “dismissed” shall be construed accordingly.”;

(e) in paragraph (2) of regulation 14 for the words “one five-hundred and fortieth” there shall be substituted the words “one five-hundred and fortieth, or in the case of an officer who retires from the Police force, one four-hundred and fiftieth”; and

(f) in regulation 15:

(i) for the words “of fifteen years if male and the age of eighteen years if female” in paragraph (1) thereof, there shall be substituted the words “of eighteen years”;

(ii) the words “and of good moral character” in paragraph (1) thereof, shall be deleted; and

(iii) the words “while of good character” in paragraph (4) thereof, shall be deleted;

(g) regulation 20 shall be amended as follows:

(i) the words “and of good moral character” in paragraph (1) thereof shall be deleted;

(ii) in paragraph (4) thereof, the words “while of a good character” shall be deleted; and

(h) paragraph (3) of regulation 21 shall be deleted.”.

Transitory provision.

**8.** The provisions of the principal law as amended by paragraphs (d) and (e) of section 7 of this Act, shall also apply to officers whose dismissal or compulsory retirement from the service has been declared invalid before the enactment of this Act, and whose retirement date computed in accordance with the provisions of the principal law as amended by the provisions of this Act would fall on a date prior to the date of the enactment of this Act.

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Passed by the House of Representatives at Sitting No. 356 of the 20th March, 1990.

LAWRENCE GONZI  
*Speaker*

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