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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli George Bonello Du Puis, M.P., Ministru tal-Finanzi, u moqri għall-Ewwel darba fis-Seduta tas-27 ta' Novembru, 1989.

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

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable George Bonello Du Puis, M.P., Minister of Finance, and read the First time at the Sitting of the 27th November, 1989.

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

P. MUSCAT TERRIBILE
Clerk to the House of Representatives

ABBOZZ TA' LIĠI msejjaħ

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' jissejjaħ l-Att ta' l-1989 li jemenda l-Ordinanza dwar il-Pensjonijiet, u għandu jinqara u jiftiehem haġa wahda ma' l-Ordinanza dwar il-Pensjonijiet, hawnhekk iżjed 'il quddiem imsejjaħ "il-liġi prinċipali".

Titolu fil-qosor
u bidu fis-seħħ.

(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-liġi prinċipali, minflok il-kliem "jew, jekk ikun għalaq hamsa u ghoxrin 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 ghoxrin sena servizz fil-korp tal-Pulizija, jew".

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

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

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

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

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

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

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

“(3) Id-dispożizzjonijiet tas-subartikoli (1) u (2) ta’ dan l-artikolu ma għandhomx japplikaw għal pensjonant li rtira bħala membru tal-korp tal-Pulizija għal 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-
liġi prinċipali.

6. Fis-subartikolu (1) ta’ l-artikolu 18 tal-liġi prinċipali minflok il-kliem “uffiċjal li lili” għandhom jidhlu l-kliem “uffiċjal, li jirtira għal 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 bħala membru tal-korp tal-Pulizija sakemm jilhaq l-età ta’ hamsa u hamsin sena,” għandhom jidhlu l-kliem “jew jekk dak l-uffiċjal jirtira bħala membru tal-korp tal-Pulizija sakemm jilhaq l-età ta’ hamsa u hamsin sena, jew sal-hamsa u għoxrin anniversajru ta’ l-ewwel haġra tiegħu bħala membru tal-korp tal-Pulizija, skond liema jiġi l-ewwel,”.

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

7. L-Iskeda li tinsab mal-liġi prinċipali għandha tiġi emendata kif ġej:

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

“Iżda fil-każ ta’ membru tal-korp tal-Pulizija dik il-pensjoni għandha tkun bir-rata ta’ wahda minn erba’ mija u hamsin tal-hlasijiet pensjonabbli tiegħu għal 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, għandhom jidhlu l-kliem “hekk tirrakkomanda fl-interess pubbliku; jew”; u

(ii) minnufih wara l-paragrafu (b) tiegħu għandu jizdied dan li ġej:

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

(ċ) minnufuh wara l-paragrafu (4) tar-regolament 9, għandu jizdied dan il-paragrafu li ġej:

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

(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 għat-tkeċċija tiegħu, kien jagħlaq hamsa u għoxrin 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 għoxrin 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 qiegħed jirċievi f'dik id-data li kieku ma kienx hekk tkeċċa.”.

(d) fir-regolament 10:

(i) minflok il-kliem “servizz pubbliku iehor.” fis-subparagrafu (d) tal-paragrafu (1) tiegħu, għandhom jidhlu l-kliem “servizz pubbliku iehor;” 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 għoxrin 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 “waħda minn hames mija u erbghin” għandhom jidhlu l-kliem “waħda minn hames mija u erbghin, jew fil-każ ta' uffiċjal li jirtira mill-korp tal-Pulizija, waħda minn erba' mija u hamsin”; u

(f) fil-paragrafu (1) tar-regolament 15, minflok il-kliem "il-hmistax-il sena tal-ghomor tiegħu jekk sabi u l-ghomor ta' tmintax-il sena jekk bint" għandhom jidhlu l-kliem "l-età ta' tmintax-il sena".

Dispożizzjoni
transitorja.

8. Id-dispożizzjonijiet tal-liġi prinċipali kif emendata bil-paragrafi (d) u (e) ta' l-artikolu 7 ta' dan l-Att għandha tapplika wkoll għal uffiċjali li t-tkeċċija jew l-irtir obligatorju tagħhom mis-servizz tkun għet 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 tiġi f'data li tiġi qabel id-data ta' meta dan l-Att ikun sar liġi.

Għanijiet u Raġunijiet

L-Għan ta' l-Abbozz huwa sabiex jipprovdi għall-għoti ta' pensjoni lil uffiċjal tal-Pulizija wara hamsa u ghoxrin sena servizz u biex jagħmel emendi oħrajn fl-Ordinanza dwar il-Pensjonijiet.

**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, 1989, 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 paragraph (i) of regulation 15, for the words "of fifteen years if male and the age of eighteen years if female" there shall be substituted the words "of eighteen years".

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.

Objects and Reasons

The Object of the Bill is to provide for the grant of a pension to Police officers after twenty-five years' service and to make other amendments to the Pensions Ordinance.