

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,829, 14 ta' Lulju, 2017

Taqsimha C

Nru. 5

14. 07. 2017

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Chris Cardona, M.P., Ministru għall-Ekonomija, Investiment u Negozji Żgħar, u moqri għall-Ewwel darba fis-Seduta tal-10 ta' Lulju, 2017.

ATT biex jemenda diversi liġijiet li jirrigwardaw ir-riforma dwar il-pensjonijiet.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

ABILL introduced by the Honourable Chris Cardona, M.P., Minister for the Economy, Investment and Small Businesses, and read the First time at the Sitting of the 10th July, 2017.

AN ACT to amend various laws in connection with the pension reform.

RAYMOND SCICLUNA
Clerk of the House of Representatives

Abbozz ta' Ligi msejjah

ATT biex jemenda diversi ligijiet li jirrigwardaw ir-riforma dwar il-pensjonijiet.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, harget b'ligi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2017 biex jemenda Diversi Ligijiet (Riforma dwar il-Pensjonijiet).

Titolu fil-qosor u bidu fis-sehh.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-pensjonijiet jista' jistabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal dispozizzjonijiet differenti ta' dan l-Att.

Taqsimi I

Emendi għall-Att dwar il-Pensjoni tal-Membri tal-Parlament

2. Din it-Taqsimi temenda l-Att dwar il-Pensjoni tal-Membri tal-Parlament, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Pensjoni tal-Membri tal-Parlament, hawn iżjed 'il quddiem f'din it-Taqsimi msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar il-Pensjoni tal-Membri tal-Parlament. Kap. 280.

3. Is-subartikolu (1) tal-artikolu 2 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 2 tal-Att prinċipali.

(a) it-tifsira "membru" għandha tiġi sostitwita bit-tifsira li ġejja:

" "membru" tfisser kull persuna li, fi jew wara l-1

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ta' Jannar, 1976, kienet jew saret membru tal-Kamra u tinkludi kull persuna li, waqt li ma tkunx membru tal-Kamra, tiġi sussegwentement eletta għall-Kariga ta' *Speaker* kif previst fl-artikolu 52(2) tal-Kostituzzjoni;"; u

(b) minnufih wara l-paragrafu (d) tat-tifsira "servizz" għandhom jizdiedu l-paragrafi ġodda li ġodda li ġejjin:

"(e) dwar persuna li fis-6 ta' Settembru 1998 kienet membru u laħqet l-età ta' hamsa u sittin sena, għandha tinkludi wkoll il-perijodu li fih kienet membru bejn meta laħqet l-età ta' hamsa u sittin sena sad data tax-xoljiment tal-Kamra;

(f) dwar persuna li ssir membru tal-Kamra għall-ewwel darba fl-età ta' hamsa u sittin sena, għandha tinkludi, għall-finijiet ta' servizz, kull servizz waqt l-ewwel żmien ta' servizz tagħha bhala membru;

(g) dwar persuna li f'Ġunju 2004, jew f'xi dati wara dik id-data, kienet eletta għall-kariga ta' Membru tal-Parlament Ewropew u, meta tkun ġiet eletta bhala membru tal-Kamra, kellha tirrinunzja għal dik il-kariga skont id-dispożizzjonijiet tal-artikolu 19(2) tal-Att dwar Elezzjonijiet għall-Parlament Ewropew, għandha tqis wkoll, għall-finijiet ta' servizz, kull perijodu li matulu kienet membru tal-Parlament Ewropew;

(h) dwar persuna li tkun ġiet eletta bhala membru tal-Kamra u wara ġiet eletta għall-kariga ta' Membru tal-Parlament Ewropew u fid-data tal-elezzjoni tagħha għall-imsemmija kariga rrinunzjat għall-kariga bhala membru tal-Kamra, għandha tqis ukoll, għall-finijiet ta' servizz, kull perijodu li matulu kienet membru tal-Kamra u membru tal-Parlament Ewropew."

Emenda tal-artikolu 4 tal-Att prinċipali.

4. Is-subartikolu (1) tal-artikolu 4 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"(1) Bla hsara għad-dispożizzjonijiet ta' dan l-Att, membru li jkollu żmien ta' servizz f'leġislatura waħda għandu, malli jirtira, jirċievi rata sħiħa tal-pensjoni ta' żewġ terzi tal-ħlas pensjonabbli tiegħu:

Iżda jekk membru jkollu dik il-kariga għal parti biss minn leġislatura waħda, hu għandu, malli jirtira, jirċievi ħlas *pro rata*."

Taqsimha II

Emendi għall-Ordinanza dwar il-Pensjonijiet

5. Din it-Taqsimha temenda l-Ordinanza dwar il-Pensjonijiet, u għandha tinqara u tinftiehem haġa waħda mal-Ordinanza dwar il-Pensjonijiet, hawn iżjed 'il quddiem f'din it-Taqsimha msejha "l-Ordinanza".

Emendi għall-Ordinanza dwar il-Pensjonijiet. Kap. 93.

6. Fis-subartikolu (2) tal-artikolu 2 tal-Ordinanza, minflok il-kliem "kienet ikkunsidrata bħala waħda meritevoli." għandhom jidhru l-kliem "li kienet ikkunsidrata bħala persuna ta' kondotta tajba."

Emenda tal-artikolu 2 tal-Ordinanza.

7. Il-proviso għall-artikolu 21 tal-Ordinanza għandu jiġi emendat kif ġej:

Emenda tal-artikolu 21 tal-Ordinanza.

(a) fil-paragrafu (ii) tiegħu, minflok il-kliem "tibqa' hekk tapplika; u" għandhom jidhru l-kliem "tibqa' hekk tapplika;"

(b) fil-paragrafu (iii) tiegħu, minflok il-kliem "mħassra b'dik l-Ordinanza." għandhom jidhru l-kliem "mħassra b'dik l-Ordinanza;" u

(ċ) minnufih wara l-paragrafu (iii) tiegħu, kif emendat, għandu jidher il-paragrafu ġdid li ġej:

"(iv) id-dispożizzjonijiet ta' din l-Ordinanza u ta' kull regolament magħmul taħtha għandhom, minkejja d-dispożizzjonijiet l-oħra ta' din l-Ordinanza u ta' xi liġi oħra, japplikaw għal kull impjegat fis-servizz pubbliku li, minkejja li ġie mahtur fis-servizz pubbliku wara l-15 ta' Jannar 1979, ikun wara l-15 ta' Jannar okkupa l-kariga ta' Segretarju Permanenti Ewlieni jew ta' Segretarju Permanenti jew ta' Segretarju tal-Kabinett, jew ta' Awditur Ġenerali jew ta' Vici Awditur Ġenerali, jew ta' Ombudsman żmien rispettiv shih wiehed jew perijodu ekwivalenti jew kellu dik il-kariga fit-total għal perijodu ekwivalenti ta' żmien rispettiv wiehed:

Iżda xejn f'dan il-paragrafu ma jeżenta xi impjegat li għalih tapplika din l-Ordinanza permezz ta' dan il-paragrafu mill-htieġa li jissodisfa r-rekwiżiti l-oħra ta' din l-Ordinanza, għajr ir-rekwiżit li kellu jkun uffiċjal pubbliku qabel il-15 ta' Jannar 1979, sabiex ikun eliġibbli li jirċievi pensjoni taħtha."

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Sostituzzjoni
tar-regolament
21 tal-Iskeda li
tinsab mal-
Ordinanza.

8. Ir-regolament 21 tal-Iskeda li tinsab mal-Ordinanza għandu jiġi sostitwit b'dan li ġej:

"Htieġa ta'
kondotta tajba.

21. (1) Bla hsara għad-dispożizzjonijiet l-oħra ta' din l-Ordinanza, il-pensjonijiet, il-gratifikazzjonijiet u l-allowances, ikkalkolati bir-rati msemmijin hawn qabel, jinżammu biss jekk ikun hemm proċedimenti dixxiplinarji pendenti.

(2) Meta l-fedeltà u l-bżulija tal-uffiċjal ma jilhqax l-ewwel grad ta' mertu, il-kalkolu jista' jsir b'rati aktar baxxi."

Ghanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma biex jipprovdu li persuna li kienet membru tal-Parlament għal mill-inqas leġislatura waħda tirċievi pensjoni taħt l-Att dwar il-Pensjoni tal-Membri tal-Parlament. L-Abbozz ta' Liġi jiżgura wkoll li s-servizz ta' dawk il-persuni li servew bħala membri tal-Parlament Ewropew jiġi kkunsidrat bħala servizz skont l-Att dwar il-Pensjoni tal-Membri tal-Parlament. L-Abbozz ta' Liġi jipprovdi wkoll li persuni li jservu fl-ogħla gradi tas-servizz pubbliku jirċievu pensjoni taħt l-Ordinanza dwar il-Pensjonijiet minkejja li ma jkunux daħlu fis-servizz pubbliku qabel il-15 ta' Jannar 1979.

**A Bill
entitled**

AN ACT to amend various laws in connection with the pension reform.

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) The short title of this Act is the Various Laws (Pension Reform) (Amendment) Act, 2017. Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for pensions may by notice in the Gazette establish, and different dates may be so established for different provisions of this Act.

Part I

Amendments to the Members of Parliament Pensions Act

2. This Part amends the Members of Parliament Pensions Act, and it shall be read and construed as one with the Members of Parliament Pensions Act, hereinafter in this Part referred to as "the principal Act". Amendments to the Members of Parliament Pensions Act. Cap. 280.

3. Sub-article (1) of article 2 of the principal Act shall be amended as follows: Amendment of article 2 of the principal Act.

(a) the definition "member" shall be substituted by the following definition:

" "member" means any person who, on or after 1st

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January, 1976, was or becomes a member of the House and includes any person who not being a member of the House is subsequently elected to the Office of Speaker as provided in article 52(2) of the Constitution;"; and

(b) immediately after paragraph (d) of the definition "service" there shall be added the following new paragraphs:

"(e) in respect of a person who on the 6th September 1998 was a member and attained the age of sixty-five years, shall also include any period during which he served as a member between his attaining the age of sixty-five years and up to the date when the House is dissolved;

(f) in respect of a person who becomes a member of the House for the first time at the age of sixty-five years, shall include, for the purpose of service, any service during his first term of service as a member;

(g) in respect of a person who in June 2004, or on such other dates thereafter, was elected to the office of the Member of the European Parliament and on his election as a member of the House had to renounce such office in terms of the provisions of article 19(2) of the European Parliament Elections Act, shall also take into account, for the purpose of service, any period during which he served as a member of the European Parliament;

(h) in respect of a person who was elected as a member of the House and thereafter was elected to the office of the Member of the European Parliament and on his election to the said office renounced from member of the House, shall also take into account, for the purpose of service, any period during which he served as member of the House and as a member of the European Parliament;".

Amendment of
article 4 of the
principal Act.

4. Subarticle (1) of article 4 of the principal Act shall be substituted by the following:

"(1) Subject to the provisions of this Act, a member who has had a term of service in one legislature shall, on his retirement, receive a full rate of the two-thirds pension of his pensionable emoluments:

Provided that if a member serves only part in one legislature he shall, on his retirement, receive a *pro rata* entitlement."

Part II
Amendments to the Pensions Ordinance

5. This Part amends the Pensions Ordinance, and it shall be read and construed as one with the Pensions Ordinance, hereinafter in this Part referred to as "the Ordinance".

Amendments to the Pensions Ordinance. Cap. 93.

6. In sub-article (2) of article 2 of the Ordinance, for the words "of a creditable performance of such person." there shall be substituted the words "of good conduct of such person."

Amendment of article 2 of the Ordinance.

7. The proviso to article 21 of the Ordinance shall be amended as follows:

Amendment of article 21 of the Ordinance.

(a) in paragraph (ii) thereof, for the words "shall continue so to apply; and" there shall be substituted the words "shall continue so to apply;"

(b) in paragraph (iii) thereof, for the words "repealed by that Ordinance apply." there shall be substituted the words "repealed by that Ordinance apply;" and

(c) immediately after paragraph (iii) thereof, as amended, there shall be added the following new paragraph:

"(iv) the provisions of this Ordinance and of any regulations made thereunder shall, notwithstanding the other provisions of this Ordinance or of any other law, apply to any employee in the public service who, notwithstanding that he was appointed to the public service on or after the 15th January 1979, shall after the 15th January 1979 have served as Principal Permanent Secretary or as Permanent Secretary or as Cabinet Secretary or as Auditor General or as Deputy Auditor General or as Ombudsman for one full respective term or equivalent period or in aggregate has served for the equivalent period of one respective term:

Provided that nothing in this paragraph shall exempt any employee to whom this Ordinance applies in virtue of this paragraph from the need to satisfy the other requirements of this Ordinance, other than the requirement that he must have been a public officer prior to 15th January 1979, in order to be eligible to receive a pension thereunder."

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Substitution of regulation 21 of the Schedule to the Ordinance.

8. Regulation 21 of the Schedule to the Ordinance shall be substituted by the following:

"Good conduct required.

21. (1) Saving any other provision of this Ordinance, pensions, gratuities and allowances, computed at the rates aforementioned, shall only be withheld if there are pending disciplinary proceedings.

(2) Where the fidelity and diligence of the officer falls short of the first degree of merit the computation may be made at lower rates."

Objects and Reasons

The objects and reasons of this Bill are to provide for persons who have served as a member of Parliament for at least one legislature to receive a pension under the Members of Parliament Pensions Act. The Bill also ensures that service of those persons who served as members of the European Parliament be considered as service in terms of the Members of Parliament Pensions Act. The Bill also provides that persons who serve in the highest grades in the public service receive a pension under the Pensions Ordinance notwithstanding that they would not have joined the public service prior to the 15th January 1979.

