

Naghti l-kunsens tieghi.

(L.S.)

GUIDO DE MARCO  
President

26 ta' Lulju, 2002

**ATT Nru. XV ta' l-2002**

*ATT biex jemenda l-Ordinanza dwar il-Pensjonijiet, Kap. 93, l-Att dwar il-Forzi Armati ta' Malta, Kap. 220 u l-Att dwar il-Pensjoni tal-Membri tal-Parlament, Kap. 280.*

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. It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2002 li jemenda l-Ligijiet dwar il-Pensjonijiet.

Titolu fil-qosor u bidu fis-sehh.

**TAQSIMA I**

**EMENDA GHALL-ORDINANZA  
DWAR IL-PENSIJONIJIET, KAP. 93**

2. Din it-Taqsima temenda u għandha tinqara haga waħda ma' l-Ordinanza dwar il-Pensjonijiet, hawnhekk iżjed 'il quddiem f'din it-taqsima imsejja bħala "il-ligi prinċipali".

Emenda għall-Ordinanza dwar il-Pensjonijiet, Kap. 93.

3. Minnufih wara l-artikolu 8A ta' l-Att prinċipali għandhom jiżiedu dawn l-artikoli godda li ġejjin:

Żieda ta' artikoli mal-ligi prinċipali.

"Kalkolu ta' hlasijiet pensjonabbli f'ċerti każijiet.

8B. (1) Meta s-servizz ta' uffiċjal mal-Gvern ikun ġie terminat sabiex huwa jimpjega ruhu b'mod permanenti ma' xi kumpannija jew enti kif provdut fl-artikolu 8A ta' din

l-Ordinanza, jew skond id-disposizzjonijiet ta' xi ligi ohra li tkun tipprovdi jew ipprovdi li ghar-rigward ta' ufficjal, li jkun imqabbaq jaqdi dmirijietu mal-korporazzjoni jew ma' l-enti msemmija fil-ligi rilevanti, u li jacçetta impjeg permanenti ma' dik il-korporazzjoni jew enti, servizz ma' dik il-korporazzjoni jew enti ghandu, għall-finijiet ta' l-Ordinanza sakemm din tkun tapplika għalih, jitqies bhala servizz mal-Gvern, kull hlas pensjonabbli ta' dak l-ufficjal meta jirtira għandu jitqies li jkun kull hlas pensjonabbli stabbilit skond dawn is-subartikoli li gejjin ta' dan l-artikolu:

Izda, ebda haga f'dan l-artikolu ma ghandha titqies bhala li tnaqqas mid-drittijiet mogħtija lil xi ufficjal bis-sahha ta' l-artikolu 8C ta' din l-Ordinanza.

(2) Kull hlas pensjonabbli lil ufficjal li għalih japplika s-subartikolu (1) ta' dan l-artikolu għandu jitqies li jkun hlas pensjonabbli li jithallas lil ufficjal fis-servizz tal-Gvern fi grad u fil-livell inkrementali li jikkorrispondu għall-kariga u l-livell inkrementali li fihom ufficjal jirtira minn kumpannija, korporazzjoni jew enti skond il-każ.

(3) Għall-finijiet tas-subartikolu (2), karigi u gradi salarjali mal-kumpannija, korporazzjoni jew enti rispettiva għandhom ikunu klassifikati fil-gradi u livelli inkrementali li jkunu l-aktar jikkorrispondu taht il-Gvern ta' Malta b'referenza għad-deskrizzjoni ta' xogħol, kapacitajiet, responsabbiltajiet u fatturi ohra li jixxiebhu.

(4) Il-klassifika imsemmija fis-subartikolu (3) għandha ssir minn bord għar-rigward ta' kull kumpannija, korporazzjoni jew enti kif kompost minn president li jinhatar mill-Ministru centralment responsabbli għall-finanzi u żewġ membri ohra, wiehed maħtur mill-Ministru centralment responsabbli għall-politka dwar il-persunal fis-servizz pubbliku u wiehed maħtur mill-Ministru responsabbli għall-kumpannija, korporazzjoni jew enti, jekk ikun il-każ, u f'dawk il-każijiet fejn ma jkunx hemm ministeru bħal dak, mill-Ministru responsabbli għar-relazzjonijiet industrijali. Il-klassifika għandha, f'kull każ tkun sugġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(5) Dik il-klassifika għandha ssir fi żmien tliet xhur minn kull agġustament tas-salarji ta' l-impjegati fis-Servizz tal-Gvern u, jew ta' l-impjegati tal-kumpannija, korporazzjoni jew enti skond il-każ.

(6) Ebda kariga ma ghandha tigi kklassifikata fi grad oghla minn Grad 3 fis-servizz tal-Gvern jew kull tali grad iehor li l-Ministru responsabbli għall-finanzi jista', minn żmien għal żmien, jistabilixxi b'avviz fil-Gazzetta.

Kalkolu ta' hlasijiet pensjonabbli ta' uffiċjali ma' entijiet partikolari.

8C. (1) Minkejja d-disposizzjonijiet ta' l-artikolu 8B, meta uffiċjal ikun gie impjegat b'mod permanenti ma' xi kumpannija, korporazzjoni jew enti kif inhu msemmi fis-subartikolu (2) qabel l-1 ta' April, 2002 jew kien imqabbad biex jagħmel servizz ma' dik il-kumpannija, korporazzjoni jew enti qabel l-1 ta' April, 2002 u jirtira jew jigi impjegat b'mod permanenti ma' dik il-kumpannija, korporazzjoni jew enti qabel dik id-data li l-Prim Ministru jista' b'Ordni jistabilixxi, il-hlas pensjonabbli ta' dak l-uffiċjal meta jirtira għandu għall-finijiet ta' din l-Ordinanza jkun kull hlas attwalment imhallas lil dak l-uffiċjal meta huwa jirtira:

Iżda, f'ebda każ ma għandu kull hlas pensjonabbli bhal dak ikun oghla minn dak li jithallas lil uffiċjal fi grad 3 fis-servizz tal-Gvern jew f'dak il-grad iehor li l-Ministru responsabbli għall-finanzi jista' jistabilixxi minn żmien għal żmien b'avviz fil-Gazzetta.

(2) Il-kumpanniji, korporazzjonijiet jew entijiet li dan l-artikolu japplika għalihom huma:

(a) L-Università ta' Malta, Il-Bord tat-Turiżmu tal-Gvern ta' Malta, Enemalta, u l-Awtorità tax-Xandir ta' Malta, f'kull każ imsemmi fit-tifsira "servizz f'Malta" fl-artikolu 2;

(b) Malta International Airport plc, Servizzi tax-Xandir Pubbliku, Ċentru għas-Servizzi Finanzjarji ta' Malta, Junior College, Korporazzjoni għas-Servizzi ta' l-Ilma, Maltapost plc, Posta Ltd., Awtorità ta' l-Ippjanar, Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, Awtorità dwar it-Trasport Pubbliku, Awtorità dwar it-Trasport ta' Malta, Awtorità Marittima ta' Malta, Korporazzjoni Telemalta, Maltacom plc, Uffiċċju Nazzjonali tal-Verifika.

Il-Ministru jista' jestendi d-disposizzjonijiet ta' l-artikolu 8A.

8D. Il-Ministru responsabbli għall-finanzi jista', minn żmien għal żmien b'Ordni, jiddikjara li d-disposizzjonijiet ta' l-artikolu 8A ta' din l-Ordinanza għandhom japplikaw għal dawk l-uffiċjali jew impjegati ohra li kienu tterminaw is-servizz tagħhom mal-Gvern skond id-disposizzjonijiet ta' l-

artikolu 8A jew id-disposizzjonijiet ta' l-artikolu 8B (1) jew ma' xi wahda mill-entijiet imsemmija fl-artikolu 8C (2) (hawnhekk iżjed 'il quddiem imsejja l-artikoli rilevanti), sabiex jigi impjegat ma' kumpannija msemmija fl-artikolu 8A jew ma' l-enti rispettiva msemmija fl-artikoli rilevanti, skond il-każ, u, meta ssir ordni bhal dik minn dak il-Ministru, id-disposizzjonijiet ta' l-artikolu 8A jew 8C, skond il-każ, ghandhom japplikaw ghal dawk il-persuni bhallikieku dawk il-persuni kienu fil-waqt li ssir dik l-Ordni, uffiċjali jew impjegati tal-Gvern.

Il-pensjoni ta' xi uffiċjali pubbliċi.

8E. (1) Minkejja kull haga li ma tkunx taqbel taht din l-Ordinanza, meta uffiċjal pubbliku jirtira minn xi uffiċċju msemmi fis-subartikolu (2) jew jirtira mis-servizz pubbliku wara li jkun serva għal żmien ta' tliet snin f'uffiċċju bhal dak, kull hila pensjonabbli ta' dak l-uffiċjal meta jirtira għandu jkun dak assoċjat ma' l-iskala salarjali fid-data ta' meta dak l-uffiċjal jirtira ta' l-oghla jew xi wahda mill-karigi għolja msemmija fis-subartikolu (2) li dak l-uffiċjal ikollu kif hawn qabel imsemmi f'xi żmien qabel ma jkun irtira:

Izda ebda haga f'dan l-artikolu ma għandha titqies bhala li tnaqqas il-pensjoni li dak l-uffiċjal kien ikollu jedd għaliha li kieku ma kienx għad-disposizzjonijiet ta' dan l-artikolu.

(2) Il-karigi msemmija fis-subartikolu (1) huma dawn li ġejjin:

- (a) Cabinet Secretary;
- (b) Segretarju Permanenti;
- (ċ) Posizzjonijiet ta' Kap taht Ftehim ta' profiċjenza.

Effett retrospettiv ta' Ordnijiet u awtorizzazzjonijiet.

8F. Ordni magħmul skond l-artikoli 8A u 8D u awtorizzazzjonijiet li jsiru tahtom jistgħu jkunu retrospettivi għal dik id-data li tista' tiġi stabbilita fl-Ordni jew fl-awtorizzazzjoni rispettiva.”.

## TAQSIMA II

EMENDA GHALL-ATT DWAR IL-FORZI ARMATI  
TA' MALTA, KAP. 220

4. Din it-Taqsima temenda u ghandha tinqara haġa waħda ma' l-Att dwar il-Forzi Armati ta' Malta, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "l-Att prinċipali".

Emenda għall-Att  
dwar il-Forzi  
Armati ta' Malta,  
Kap. 220.

5. Minflok il-paragrafi (ċ) sa (i) tas-subartikolu (4) ta' l-artikolu 4 ta' l-Att prinċipali għandhom jidhlu l-paragrafi li ġejjin:

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

“(ċ) Għall-ghanijiet ta' kull regolament li jsir taht dan l-artikolu f'dak li għandu x'jaqsam mal-pensjonijiet u l-gratifikazzjonijiet li għandhom jithallsu lill-membri tal-forza, meta s-servizz ta' xi membru ta' l-Air Traffic Control Corps jew ta' l-Airport Company jew ta' xi parti oħra tal-Forza li l-Ministru jista' b'ordni minn żmien għal żmien jispeċifika għall-iskopijiet ta' dan l-artikolu, jintemmu bl-approvazzjoni tal-Kmandant sabiex jidhol f'impjieg full time ma' Malta International Airport p.l.c. jew ma' xi enti oħra li l-Ministru jista' b'ordni minn żmien għal żmien japprova għall-iskopijiet ta' dan l-artikolu, l-impjieg ta' dak il-membri tal-Forza ma' l-imsemmija Malta International Airport p.l.c. jew enti oħra għandu jitqies bħala servizz fil-Forza, u dak il-membri jkollu jedd għal pensjoni jew gratifikazzjoni, skond il-każ, taht dawk ir-regolamenti meta huwa jtemm is-servizz tiegħu ma' l-imsemmija Malta International Airport p.l.c. jew enti oħra bħallikieku dak is-servizz kien servizz mal-Forza:

Iżda meta dak it-tmiem ta' dak is-servizz mal-Malta International Airport p.l.c. jew enti oħra jkun dovut għax-xoljiment ta' dik il-kumpannija jew enti sew jekk dan ikun wiehed volontarju jew xort'oħra, dak it-tmiem għandu jitqies bħallikieku kien dovut għat-tnehhija tal-kariga:

Iżda wkoll, id-disposizzjonijiet ta' dan il-paragrafu m'għandhomx ikunu japplikaw kemm-il darba ma jsirx Ordni mill-Prim Ministru li fih jiġi indikat li Malta International Airport p.l.c. jew l-enti l-oħra skond il-każ kellha tintrabat mal-Gvern biex tikkontribwixxi għal għand il-Gvern id-differenza bejn in-nefqa tal-pensjoni jew gratifikazzjoni li għandhom jithallsu fil-waqt ta' l-irtir minn mal-Malta International Airport p.l.c. jew mill-enti l-oħra skond il-każ u n-nefqa tal-pensjoni jew gratifikazzjoni, skond il-każ, kif tinhadem fil-waqt tat-tmiem tas-servizz mal-Gvern għall-imsemmija raġuni ta' impjieg full time ma' Malta International Airport p.l.c. jew ma' dik l-enti l-oħra.

(d) Għall-għanijiet tal-paragrafu (ċ) ta' dan l-artikolu, il-hlasijiet pensjonabbli ta' dawk il-persuni tal-Forza meta jirtiraw għandhom jitqiesu li jkunu l-hlasijiet pensjonabbli li jithallsu lill-membri tal-Forza fi grad u f'livell inkrementali li jikkorrispondu għall-kariga u l-livell inkrementali li fih dik il-persuna tirtira mill-Malta International Airport p.l.c. jew mill-enti l-oħra skond il-każ.

(e) Għall-għanijiet tal-paragrafu (d) ta' dan l-artikolu, karigi u gradi ta' salarju mal-Malta International Airport p.l.c. jew ma' dik l-enti l-oħra għandhom ikunu klassifikati fil-gradi u livelli inkrementali li l-aktar jikkorrispondu għall-gradi u livelli inkrementali fil-Forzi Armati ta' Malta b'riferenza għall-job description, hila f'xi senġha, responsabbiltajiet u fatturi oħra simili.

(f) Il-klassifika msemmija fil-paragrafu (e) ta' dan l-artikolu għandha ssir minn bord magħmul minn *chairman* li jinhatar mill-Ministeru responsabbli għall-finanzi u minn żewġ membri oħra, wieheċ mahtur mill-Ministeru b'responsabbiltà ċentrali għal *policies* li jirrigwardaw il-persunal fis-servizzi pubbliċi u wieheċ mahtur mill-Malta International Airport p.l.c. jew l-enti l-oħra skond il-każ. Il-klassifika għandha tkun sugġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(g) Dik il-klassifika għandha ssir fi żmien tliet xhur minn kull aġġustament ta' salarji ta' membri tal-Forza u, jew, ta' impjegati tal-Malta International Airport p.l.c. jew ta' dik l-enti l-oħra skond il-każ.

(h) Ma għandha tiġi kklassifikata ebda kariga fi grad oġhla minn dak ta' Grad 3 fis-servizz tal-Gvern jew dak il-grad iehor li l-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien jistabbilixxi b'avviż fil-Gazzetta.

(i) Bla preġudizzju għall-artikolu 113 tal-Kostituzzjoni, hadd ma jista', wara li tkun saret il-klassifika bħalma hi msemmija hawn aktar qabel, ikollu xi jedd taht l-imsemmija regolamenti li jkun inqas favorevoli minn dawk li kieku kien ikollu jedd qabel dik il-klassifika.

(j) Il-Ministru jista' minn żmien għal żmien b'ordni jiddikjara li d-disposizzjonijiet tal-paragrafi (ċ) sa (i) ta' dan is-subartikolu għandhom japplikaw għal dawk il-membri tal-Forza li kienu tterminaw is-servizz tagħhom skond id-disposizzjonijiet tal-paragrafu (ċ) sabiex jiġu impjegati mal-Malta International Airport p.l.c. jew ma' dik l-enti l-oħra skond il-każ bħallikieku dawk il-persuni waqt li ssir dik l-Ordni, kienu membri tal-Forza.”.

## TAQSIMA III

EMENDA TA' L-ATT DWAR IL-PENSJONI  
TAL-MEMBRI TAL-PARLAMENT, KAP. 280

6. Din it-Taqsima temenda u ghandha tinqara haga wahda ma' l-Att dwar il-Pensjoni tal-Membri tal-Parlament, hawnhekk iżjed 'il quddiem imsejjah "l-Att principali".

Emenda ta' l-Att  
dwar il-Pensjoni  
tal-Membri  
tal-Parlament,  
Kap. 280.

7. Fl-artikolu 4 ta' l-Att principali, minnufih wara s-subartikolu (5) tieghu ghandu jizzied dan is-subartikolu (6) ġdid li ġej:

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

“(6) (a) Il-Ministru responsabbli għall-finanzi jista' jaghti l-approvazzjoni tieghu għall-ghoti ta' pensjoni lil membru, li jkun għadu ma għalaqx l-età ta' wiehed u sittin sena u li kien jissodisfa l-kondizzjonijiet biex ikollu jedd għall-ghoti ta' pensjoni taht dan l-Att li kieku lahaq l-età ta' wiehed u sittin sena, jekk, minnufih qabel l-irtir tieghu, il-Ministru jkun sodisfatt li dak il-membri jkun prekluz milli jagħmel xogħol bi qligh minhabba f'xi inkapaçità mentali jew fizika specifika.

(b) Għall-finijiet ta' l-ghoti ta' pensjoni skond dan is-subartikolu, il-Ministru għandu, qabel ma jagħti l-approvazzjoni tieghu, kemm-il darba t-talba għall-pensjoni ma ssehhx minhabba f'kondizzjonijiet statutorji oħra, jikkonsulta ruhu dwar l-aspetti mediçi tat-talba ma' bord mediku li jinhatar għal dak l-ghan mid-Direttur Ġenerali responsabbli għas-saħħa, u l-membri jista' għal dak l-ghan jintalab jippreżenta ruhu għal dak l-eżami jew għal dawk it-testijiet skond ma dak il-bord jista' jehtieg b'mod ragonevoli, il-Ministru għandu jagixxi skond ir-rakkomandazzjonijiet li dak il-bord jagħmel.

(c) Għall-fini ta' dan is-subartikolu, id-Direttur Ġenerali responsabbli għas-saħħa għandu jagixxi skond l-arbitriju professjonali u individwali tieghu u ma jkun sugġett għal ebda direzzjoni jew kontroll minghand xi persuna jew awtorità oħra.”.

8. Id-disposizzjonijiet ta' din it-taqsima għandhom japplikaw għal membru kif imfisser fl-Att principali, b'dan illi membru jkollu biss dritt mid-data meta l-Ministru jagħti l-approvazzjoni tieghu għall-ghoti ta' pensjoni skond id-disposizzjonijiet ta' dan l-Att.

Disposizzjonijiet  
transitorji.

A 1242

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 780 tat-23 ta' Lulju, 2002.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

GUIDO DE MARCO  
President

26th July, 2002

**ACT No. XV of 2002**

*AN ACT to amend the Pensions Ordinance, Cap 93, the Malta Armed Forces Act, Cap. 220 and the Members of Parliament Pensions Act, Cap 280.*

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. The short title of this Act is the Pensions Laws (Amendment) Act, 2002. Short title and commencement.

PART I

AMENDMENT OF THE PENSIONS ORDINANCE, CAP. 93

2. This Part amends and shall be read as one with the Pensions Ordinance, hereinafter in this Part referred to as "the principal law". Amendment of the Pensions Ordinance, Cap 93.

3. Immediately after article 8A of the principal law there shall be added the following new articles: Addition of articles to the principal law.

"Calculation of pensionable emoluments in certain cases.

8B. (1) Where an officer's service with the Government has been terminated to take up permanent employment with a company or entity as provided in article 8A of this Ordinance, or in accordance with the provisions of any other law which provides or provided that in respect of

an officer, detailed for duty with the corporation or entity referred to in the relevant law, and who accepts permanent employment with such corporation or entity, service with the said corporation or entity shall, for the purposes of the Ordinance in so far as applicable to him, be deemed to be service with the Government, the pensionable emoluments of such officer on retirement shall be deemed to be the pensionable emoluments established in accordance with the following subarticles of this article:

Provided that nothing in this article shall be deemed to detract from any rights granted to any officer in virtue of article 8C of this Ordinance.

(2) The pensionable emoluments of an officer to whom subarticle (1) of this article apply shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at the incremental level corresponding to the post and incremental level at which the officer retires from the company, corporation or entity as the case may be.

(3) For the purposes of subarticle (2), posts and salary grades with the respective company, corporation or entity shall be classified in the most nearly corresponding grades and incremental level under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(4) The classification referred to in subarticle (3) shall be carried out by a board in respect of each company, corporation or entity composed of a chairman appointed by the Minister responsible for finance and two other members, one appointed by the Minister responsible centrally for personnel policies in the public service and one appointed by the Minister responsible for the company, corporation or entity, if any, and in cases where no such ministry exists, by the Minister responsible for industrial relations. The classification shall in each case be subject to the final approval of the Minister responsible for finance.

(5) Such classification shall take place within three months of any adjustment of salaries of employees in Government Service and, or, of employees of the company, corporation or entity as the case may be.

(6) No post shall be classified in a grade higher than Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may, from time to time, by notice in the Gazette determine.

Calculation of pensionable emoluments of officers with particular entities.

8C. (1) Notwithstanding the provisions of article 8B, where an officer took permanent employment with a company, corporation or entity as is referred to in subarticle (2) before 1st April, 2002 or was detailed for service with such company, corporation or entity before the 1st April, 2002 and retires or takes up permanent employment with such company, corporation or entity before such date as the Prime Minister may by Order establish, the pensionable emoluments of such officer on retirement shall for the purposes of this Ordinance be the emoluments actually paid to such officer at the time of his retirement:

Provided that in no case shall such pensionable emoluments be higher than those payable to an officer in grade 3 in the service of the Government or such other grade as the Minister responsible for finance may, from time to time by notice in the Gazette, establish.

(2) The companies, corporations or entities to which this article applies are:

(a) The University of Malta, The Malta Government Tourist Board, Enemalta, and the Malta Broadcasting Authority, in each case referred to in the definition "service in Malta" in article 2;

(b) Malta International Airport plc, Public Broadcasting Services, Malta Financial Services Centre, The Junior College, Water Services Corporation, Maltapost plc, Posta Ltd., Planning Authority, Malta Environment and Planning Authority, Public Transport Authority, Malta Transport Authority, Malta Maritime Authority, Telemalta Corporation, Maltacom plc, National Audit Office.

Minister may extend provisions of article 8A.

8D. The Minister responsible for finance may, from time to time by Order, declare that the provisions of Article 8A of this Ordinance shall apply to officers or other employees who had terminated their service with the Government in accordance with the provisions of article 8A or with the provisions of article 8B (1) or with any of the entities referred

to in article 8C (2) (hereinafter referred to as the relevant articles), in order to take up employment with a company designated in article 8A or with the respective entity referred to in the relevant articles, as the case may be, and, upon the making of such an order by that Minister, the provisions of article 8A or 8C, as the case may be, shall apply to such persons as if such persons were at the time of making the said Order, officers or employees of the Government.

Pension of certain public officers.

8E. (1) Notwithstanding anything to the contrary under this Ordinance, where a public officer retires from the offices referred to in subarticle (2) or retires from the public service after having served for a term of three years in such an office, the pensionable emoluments of such officer on retirement shall be those attached to the salary scale, at the date of the officer's retirement, of the highest or higher of the offices referred to in subarticle (2) held by such officer as aforesaid at any time before his retirement:

Provided that nothing in this article shall be deemed as reducing any pension to which such officer would but for the provisions of this article have been entitled to.

(2) The offices referred to in subarticle (1) are the following:

- (a) Cabinet Secretary;
- (b) Permanent Secretary;
- (c) Headship positions under a performance agreement.

Retrospective effect of Orders and authorisations.

8F. Any Order made in accordance with articles 8A and 8D and authorisations made thereunder may be retrospective to such date as may be established in the respective Order or authorisation.

## PART II

### AMENDMENT OF THE MALTA ARMED FORCES ACT, CAP. 220

Amendment of the Malta Armed Forces Act, Cap. 220.

4. This Part amends and shall be read with the Malta Armed Forces Act, hereinafter in this Part referred to as "the principal Act".

5. For paragraphs (c) to (i) of subarticle (4) of article 4 of the principal Act there shall be substituted the following:

Amendment of  
article 4 of the  
principal Act.

“(c) For the purposes of any regulation made under this article in connection with pensions and gratuities payable to members of the Force, where the service of any member of the Air Traffic Control Corps or of the Airport Company or of some other part of the Force as the Minister may by Order from time to time specify for the purposes of this article, is terminated with the approval of the Commander to take up full time employment with Malta International Airport p.l.c. or with some other entity as the Minister may by Order from time to time approve for the purposes of this article, the employment of such member of the Force with the said Malta International Airport p.l.c. or other entity shall be deemed to be service in the Force, and such member shall be entitled to a pension or gratuity, as the case may be, under such regulations upon the termination of his service with the said Malta International Airport p.l.c. or other entity as if such service were service with the Force:

Provided that where such termination of such service with Malta International Airport p.l.c. or other entity is due to the winding up of the said company or entity whether voluntary or otherwise, such termination shall be considered as if it were due to abolition of office:

Provided further that the provisions of this paragraph shall not apply unless an Order is made by the Prime Minister indicating that Malta International Airport p.l.c. or that the other entity as the case may be shall have bound itself with the Government to contribute towards the Government the difference between the cost of the pension or gratuity payable at the time of retirement from Malta International Airport p.l.c. or from the other entity as the case may be and the cost of the pension or gratuity, as the case may be, computed at the time of the termination of service with the Government for the aforesaid reason of full time employment with Malta International Airport p.l.c. or with such other entity.

(d) For the purposes of paragraph (c) hereof the pensionable emoluments of such persons of the Force on retirement shall be deemed to be the pensionable emoluments payable to a member of the Force in a grade and at an incremental level corresponding to the post and incremental level at which such person retires from Malta International Airport p.l.c. or from the other entity as the case may be.

(e) For the purposes of paragraph (d) hereof posts and salary grades with Malta International Airport p.l.c. or with such other entity shall be classified in the most nearly corresponding grades and incremental levels in the Armed Forces of Malta by reference to job description, skills, responsibilities and other analogous factors.

(f) The classification referred to in paragraph (e) hereof shall be carried out by a board composed of a chairman appointed by the Ministry responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public services and one appointed by Malta International Airport p.l.c. or such other entity as the case may be. The classification shall be subject to the final approval of the Minister responsible for finance.

(g) Such classification shall take place within three months of any adjustment of salaries of members of the force and, or, of employees of Malta International Airport p.l.c. or of the other entity as the case may be.

(h) No post shall be classified in a grade higher than that of Grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(i) Without prejudice to article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said regulations, less favourable than those to which he would have been entitled prior to such classification.

(j) The Minister may from time to time by Order declare that the provisions of paragraphs (c) to (i) of this subarticle shall apply to those members of the Force who had terminated their service in accordance with paragraph (c) in order to take up employment with Malta International Airport p.l.c. or with such other entity as the case may be as if such persons at the time of the making of the Order were members of the Force.”.

### PART III

#### AMENDMENT OF THE MEMBERS OF PARLIAMENT PENSIONS ACT, CAP. 280

7. In article 4 of the principal Act, immediately after sub-article (5) thereof, there shall be added the following new sub-article (6):—

Amendment of article 4 of the principal Act.

“(6) (a) The Minister responsible for finance may give his approval for the award of a pension to a member, who is under the age of sixty one years and who would have satisfied the entitlement conditions for the award of a pension under this Act had he reached the age of sixty one years, if, immediately prior to his retirement, the Minister is satisfied that such member is precluded from undertaking any gainful occupation owing to some specific mental or physical infirmity.

(b) For the purposes of awarding a pension in terms of this subarticle, the Minister shall, before giving his approval, unless the claim for pension fails on other statutory conditions, consult on the medical aspects of the claim with a medical board appointed for the purpose by the Director General responsible for health and the member may for such purpose be requested to submit to such medical examination or tests as the said board may reasonably require and the Minister shall act on the recommendations of the said board.

(c) For the purpose of this subarticle, the Director General responsible for health shall act in accordance with his individual professional judgement and shall not be subject to any direction or control from any other person or authority.”.

8. The provisions of this Part shall apply to any member as defined in the principal Act, so however that entitlement shall only arise from the date when the Minister gives his approval for the award of a pension in accordance with the provisions of this Act.

Transitory provision.

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Passed by the House of Representatives at Sitting No. 780 of the 23rd July, 2002.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Clerk to the House of Representatives*