

## **Nru. 44**

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### **MALTA**

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**KAMRA TAD-DEPUTATI**

**HOUSE OF REPRESENTATIVES**

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**ABBOZZ ta' Liġi mressaq mill-Onorevoli Josef Bonnici, M.P., Ministru għas-Servizzi Ekonomiċi u moqri għall-Ewwel darba fis-Seduta tat-28 ta' Settembru, 1999.**

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**A BILL introduced by the Honourable Josef Bonnici, M.P., Minister for Economic Services and read the First time at the Sitting of the 28th September, 1999.**

**ATT biex jemenda diversi liġijiet li għandhom x'jaqsmu mat-trasferiment ta' servizzi mill-Air Traffic Control Corps u mill-Airport Company tal-Forzi Armati ta' Malta għal Malta International Airport p.l.c.**

**AN ACT to amend various laws in connection with the transfer of services from the Air Traffic Control Corps and the Airport Company of the Armed Forces of Malta to the Malta International Airport p.l.c.**

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

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

## ABBOZZ TA' LIĠI msejjaħ

*ATT biex jemenda diversi liġijiet li għandhom x'jaqsmu mat-trasferiment ta' servizzi mill-Air Traffic Control Corps u mill-Airport Company tal-Forzi Armati ta' Malta għal Malta International Airport p.l.c.*

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. Dan l-Att jista' jissejjaħ l-Att ta' l-1999 li Jemenda Diversi Liġijiet dwar Servizzi fl-Ajruport, u għandu jitqies li beda jseħh fl-1 ta' Mejju, 1998.

Titolu fil-qosor u bidu fis-seħh.

2. L-artikolu 8A ta' l-Ordinanza dwar il-Pensjonijiet għandu jiġi emendat kif ġej:

Emenda ta' l-Ordinanza dwar il-Pensjonijiet, Kap. 93.

(a) id-dispożizzjoni preżenti għandha tiġi enumerata mill-ġdid bhala s-subartikolu (1) ta' l-artikolu; u

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid għandu jizdied dan is-subartikolu ġdid li ġej:

“(2) (a) Fil-każ ta' Ordni magħmul taħt is-subartikolu (1) ta' dan l-artikolu wara l-4 ta' Ottubru, 1999, għall-ghanijiet ta' din l-Ordinanza, il-hlasijiet pensjonabbli ta' dak l-uffiċjal meta jirtira għandhom jitqiesu li jkunu l-hlasijiet pensjonabbli li jithallsu lil uffiċjal fis-servizz mal-Gvern fi grad u f'livell inkrementali li jikkorrispondu għall-kariga u livell

inkrementali li kellu dak l-uffiċjal meta jkun irtira minn dik il-kumpannija jew enti.

(b) Għall-ghanijiet tal-paragrafu (a) ta' dan l-artikolu, il-karigi u gradi salarjali ma' kumpannija jew enti bħal dawk għandhom ikunu klassifikati fil-gradi u livelli inkrementali li l-aktar ikunu jikkorrispondu fis-servizz taħt il-Gvern ta' Malta b'riferenza għall-*job description*, hila f'xi senġha, responsabbiltajiet u fatturi oħra simili.

(c) Il-klassifika msemmija fil-paragrafu (b) hawn aktar qabel għandha ssir minn bord magħmul minn *chairman* li jinhatar mill-Ministeru responsabbli għall-ġustizzja u żewġ membri oħra, wiehed mahtur mill-Ministeru b'responsabbiltà ċentrali għal policies li jirrigwardaw il-persunal fis-servizz pubbliku u wiehed mahtur mill-kumpannija jew enti li fiha jkunu jeżistu l-karigi li jkunu se jiġu klassifikati. Il-klassifika għandha tkun sugġetta għall-approvazzjoni finali tal-Ministru tal-Finanzi.

(d) Dik il-klassifika għandha ssir fi żmien tliet xhur minn kull aġġustament ta' salarji fis-servizz taħt il-Gvern ta' Malta, u, jew, ta' impjegati tal-kumpannija jew enti skond il-każ.

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

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

### 3. Is-subartikolu (4) ta' l-artikolu 4 ta' l-Att dwar il-Forzi Armati ta' Malta għandu jiġi emendat, jinqara u jiftiehem kif ġej:

(a) fil-paragrafu (b) tiegħu minflok il-kliem “ma kienx sar.”, għandhom jidhlu l-kliem “ma kienx sar; u”

(b) minnufih wara l-paragrafu (b) għandhom jiżiedu dawn il-paragrafi ġodda li ġejjin:

“(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 lil membri tal-forza, meta s-servizz ta’ xi membru ta’ l-*Air Traffic Control Corps* jew ta’ l-*Airport Company* jintemmu bl-approvazzjoni tal-Kmandant sabiex jidhol f’impieg *full time* ma’ *Malta International Airport p.l.c.*, l-impieg ta’ dak il-membru tal-Forza ma’ l-imsemmija *Malta International Airport p.l.c.* għandu jitqies bhala servizz fil-forza, u dak il-membru 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.* bhallikieku dak is-servizz kien servizz mal-forza:

Iżda meta dak it-tmiem ta’ dak is-servizz mal-*Malta International Airport p.l.c.* ikun dovut għax-xoljiment ta’ dik il-kumpanija sew jekk dan ikun wiehed volontarju jew xort’ohra, dak it-tmiem għandu jitqies bhallikieku kien dovut għat-tnehhija tal-kariga:

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

(d) Għall-ghanijiet 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 lil membru 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.*

(e) Għall-ghanijiet tal-paragrafu (d) ta’ dan l-artikolu, karigi u gradi ta’ salarju mal-*Malta International Airport p.l.c.* 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 sengha, responsabbilitajiet u fatturi ohra 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, wiehed mahtur mill-Ministeru b'responsabbiltà ċentrali għal policies li jirrigwardaw il-persunal fis-servizzi pubbliċi u wiehed mahtur mill-*Malta International Airport p.l.c.* 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.*

(h) Ma għandha tiġi klassifikata ebda kariga fi grad oghla 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 jistabilixxi b'avviż fil-Gazzetta.

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

4. L-artikolu 18 ta' l-Att dwar Relazzjonijiet Industrijali għandu jiġi emendat, jinqara u jiftiehem kif ġej:

Minflok is-subartikolu (6) ta' dan l-artikolu għandu jidhol dan li ġej:

“(6) Is-subartikolu (4) ta' dan l-artikolu m'għandux ikun japplika għal:

(a) persuni impjegati fl-*Air Traffic Control Centre* fil-*Malta International Airport* u fl-*Airport Fire Fighting Section* ta' dak l-ajruport; u

(b) dak l-ghadd ta' uffiċjali pubbliċi li jkollhom jew li xort' oħra jkunu impjegati f'xi wahda mill-karigi fis-servizz pubbliku mnizzla fl-Iskeda li tinsab ma' dan l-Att, li huwa muri fl-Iskeda msemmija bhala l-ghadd ta' dawk il-karigi mehtieg li jithaddmu sabiex f'kull hin ikomplu jinghataw mill-Gvern servizzi essenzjali lill-komunità.”

### Għanijiet u Raġunijiet

L-għan ta' l-Abbozz hu sabiex jemenda l-Att dwar il-Forzi Armati ta' Malta, Kap. 220, u l-Att dwar Relazzjonijiet Industrijali, Kap. 266, biex jitharsu l-pensjonijiet ta' ċertu persunal militari li jappartjeni għal units tal-Forzi Armati ta' Malta li jidhol f'impieg shih mal-*Malta International Airport p.l.c.* meta jsir ix-xoljiment tal-units, kif ukoll biex jithares it-thaddim kontinwu ta' dawk is-servizzi meta jigri li ċerti servizzi essenzjali fl-ajruport jgħaddu għal għand persunal ċivili.

**A BILL  
entitled**

*AN ACT to amend various laws in connection with the transfer of services from the Air Traffic Control Corps and the Airport Company of the Armed Forces of Malta to the Malta International Airport p.l.c.*

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.

1. This Act may be cited as the Amendment of Various Laws (Airport Services) Act, 1999, and shall be deemed to have come into force on 1<sup>st</sup> May 1998.

Amendment  
of the Pensions  
Ordinance,  
Cap. 93.

2. Section 8A of the Pensions Ordinance shall be amended as follows:

(a) the present provision shall be renumbered as subsection (1) thereof; and

(b) immediately after subsection (1) thereof as renumbered there shall be added the following new subsection:

“(2) (a) In the case of any Order made under subsection (1) of this section after the 4<sup>th</sup> day of October 1999, for the purposes of this Ordinance, the pensionable emoluments of such officer on retirement shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an

incremental level corresponding to the post and incremental level at which such officer retired from such company or entity.

(b) For the purposes of paragraph (a) hereof the posts and salary grades with any such company or entity shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(c) The classification referred to in paragraph (b) above shall be carried out by a board composed of a chairman appointed by the Ministry responsible for justice and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the company or entity in which the posts to be classified exist. The classification shall be subject to the final approval of the Minister of Finance.

(d) Such classification shall take place within three months of any adjustment of salaries of officers in the service under the Government of Malta, and, or, of employees of the company or entity as the case may be.

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

(f) Without prejudice to section 113 of the Constitution no person may, following a classification as aforesaid, be entitled to rights under this Ordinance less favourable than those to which he would have been entitled prior to such classification.”.

3. Subsection (4) of section 4 of the Malta Armed Forces Act shall be amended, read and construed as follows:

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

(a) in paragraph (b) thereof for the words “had not been made.”, there shall be substituted the words “had not been made; and “;

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

“(c) for the purposes of any regulation made under this section 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 is terminated with the approval of the Commander to take up full time employment with Malta International Airport p.l.c., the employment of such member of the Force with the said Malta International Airport p.l.c. 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. as if such service were service with the force:

Provided that, where such termination of such service with Malta International Airport p.l.c. is due to the winding up of the said company, 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. 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. 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.

(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.

(e) For the purposes of paragraph (d) hereof posts and salary grades with Malta International Airport p.l.c. 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. 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.

(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 section 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.”.

4. Section 18 of the Industrial Relations Act shall be amended, read and construed as follows:

Amendment of  
the Industrial  
Relations Act.  
Cap. 266.

For subsection (6) thereof there shall be substituted the following:

“(6) Subsection (4) of this section shall not apply to:

(a) persons employed at the Air Traffic Control Centre at the Malta International Airport and in the Airport Fire Fighting Section of the said airport; and

(b) such number of public officers holding or otherwise employed in any of the offices in the public service listed in the Schedule to this Act as indicated in the said Schedule to be required to be manned at all times for the continued provision by the Government of essential services to the community.”.

## **Objects and Reasons**

The main object of the Bill is to amend the Malta Armed Forces Act, Cap. 220, and the Industrial Relations Act, Cap. 266, in order to safeguard the pensions of certain military personnel belonging to units of the Armed Forces of Malta who take up full employment with Malta International Airport p.l.c. upon the disbandment of the units, as well as to safeguard the continued operation of such services upon taking up of certain essential services at the airport by civilian personnel.