

Naghti l-kunsens tieghi.

(L.S.)

GUIDO DE MARCO  
President

18 ta' Mejju, 1999

**ATT Nru. VIII ta' l-1999**

*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' jissejjah l-Att ta' l-1999 li jemenda l-Ordinanza dwar il-Pensjonijiet, u għandu jinqara u jftiehem haġa wahda ma' l-Ordinanza dwar il-Pensjonijiet, hawn aktar 'il quddiem imsejha "il-liġi prinċipali".

Titolu fil-qosor  
u bidu fis-sehh.  
Kap. 93.

(2) Id-dispożizzjonijiet ta' dan l-Att għandhom jibdeu isehhu f'dik id-data li l-Ministru responsabbli għall-finanzi jista' jstabilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal għanijiet differenti u dispożizzjonijiet differenti ta' dan l-Att.

2. L-artikolu 2 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta'  
l-artikolu 2  
tal-liġi prinċipali.

(a) minnufih qabel it-tifsira ta' "xahar" għandha tidhol it-tifsira ġdida li ġejja: —

“ “uffiċjal tas-servizzi korrettivi” tfisser kull uffiċjal mahtur fis-servizz pubbliku qabel il-15 ta' Jannar, 1979 u li jokkupa xi kariga minn dawk imsemmija fl-Iskeda li tinsab mar-Regolamenti ta' l-1998 dwar il-Pensjonijiet tal-Habs;” u

(b) minnufih wara t-tifsira ta' "uffiċjal" u qabel it-tifsira ġdida ta' "uffiċjal tas-servizzi korrettivi" għandha tidhol it-tifsira ġdida li ġejja: —

Kap. 260. " "uffiċjal tal-habs" għandha l-istess tifsira mogħtija lilha bl-artikolu 2 ta' l-Att dwar il-Habs;".

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

3. Fis-subparagrafu (iii) tal-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 7 tal-liġi prinċipali, minflok il-kliem "fil-każ ta'" għandhom jidhlu l-kliem "fil-każ ta' uffiċjal tas-servizzi korrettivi jew" u minflok il-kliem "fil-korp tal-Pulizija" għandhom jidhlu l-kliem "bhala uffiċjal tas-servizzi korrettivi jew fil-korp tal-Pulizija".

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

4. Minflok il-paragrafu (ii) tal-proviso li hemm ma' l-artikolu 9 tal-liġi prinċipali għandu jidhol dan li ġej:

"(ii) uffiċjal tas-servizzi korrettivi jew membru fil-korp tal-Pulizija, li ma jkunx uffiċjal li jkollu l-kariga ta' Kummissarju tal-Pulizija, Deputat Kummissarju tal-Pulizija, Direttur tas-Servizzi Korrettivi jew *Correctional Manager*, jista' jiġi mġiegħel jirtira mill-President ta' Malta fuq rakkomandazzjoni tal-Kummissarju tal-Pulizija jew tad-Direttur tas-Servizzi Korrettivi, skond kif ikun il-każ, f'kull żmien wara li jagħlaq hamsa u hamsin sena jew, jekk ikun għalaq hamsa u ghoxrin sena servizz fil-korp tal-Pulizija jew bhala uffiċjal tas-servizzi korrettivi wara li jagħlaq hamsin sena."

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

5. Fis-subartikolu (3) ta' l-artikolu 11 tal-liġi prinċipali minflok il-kliem "bhala membru tal-korp tal-Pulizija" għandhom jidhlu l-kliem "bhala uffiċjal tas-servizzi korrettivi jew bhala membru tal-korp tal-Pulizija".

Emenda ta' l-artikolu 18 tal-liġi prinċipali.

6. L-artikolu 18 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "bhala membru tal-korp tal-Pulizija" kull fejn jinsabu għandhom jidhlu l-kliem "bhala uffiċjal tas-servizzi korrettivi jew bhala membru tal-korp tal-Pulizija"; u

(b) minnufih wara l-proviso li hemm mas-subartikolu (1) tiegħu għandu jidhol il-proviso ġdid li ġej:

"Izda wkoll meta uffiċjal tas-servizzi korrettivi kien fis-servizz bhala uffiċjal tal-habs qabel ma ġie mahtur uffiċjal tas-servizzi korrettivi, f'dak il-każ id-data li fiha beda s-servizz bhala uffiċjal tal-habs għandha tkun meqjusa

bhala d-data ta' l-ewwel hatra tieghu bhala ufficjal tas-servizzi korrettivi ghall-ghanijiet ta' dan is-subartikolu.”.

7. Minnufih wara l-artikolu 20 tal-liġi prinċipali ghandu jidied dan l-artikolu ġdid li ġej: —

Zieda ta' l-artikolu 20A mal-liġi prinċipali.

“Riserva dwar ufficjali tas-servizzi korrettivi.

20A. Bla hsara ghad-dispożizzjonijiet ta' l-artikolu 10 ta' din l-Ordinanza, meta persuna tkun ġiet mahtura ufficjal tas-servizzi korrettivi, kull żmien qabel dik il-hatra li matulu dik il-persuna tkun tat is-servizz taghha bhala ufficjal tal-habs jew bhala membru ta' korp dixxiplinat kif imfisser fis-subartikolu (1) ta' l-artikolu 47 tal-Kostituzzjoni ghandu jitqies bhala servizz bhala ufficjal tas-servizzi korrettivi ghall-ghanijiet ta' din l-Ordinanza.”.

8. L-Iskeda li tinsab mal-liġi prinċipali ghandha tiġi emendata kif ġej: —

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

(a) fil-proviso ghar-regolament 2 taghha, minflok il-kliem “fil-każ ta'” ghandhom jidhlu l-kliem “fil-każ ta' ufficjal tas-servizzi korrettivi jew ta'”;

(b) fis-subparagrafu (b) tal-paragrafu (5) tar-regolament 9 taghha, minflok il-kliem “meta kien membru” ghandhom jidhlu l-kliem “meta dak l-ufficjal kien ufficjal tas-servizzi korrettivi jew membru”;

(c) fil-partita (ii) tas-subparagrafu (e) tal-paragrafu (1) tar-regolament 10 taghha, minflok il-kliem “meta kien membru” ghandhom jidhlu l-kliem “meta dak l-ufficjal kien ufficjal tas-servizzi korrettivi jew membru”; u

(d) fil-paragrafu (2) tar-regolament 14 taghha, minflok il-kliem “mill-korp tal-Pulizija” ghandhom jidhlu l-kliem “minn ufficjal tas-servizzi korrettivi jew mill-korp tal-Pulizija”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 89 ta' l-4 ta' Mejju, 1999.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHE  
*Skriyan tal-Kamra tad-Deputati*

I assent.

(L.S.)

GUIDO DE MARCO  
President

18th May, 1999

**ACT No. VIII of 1999**

*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:—

Short title and  
commencement.  
Cap. 93.

1. (1) This Act may be cited as the Pensions (Amendment) Act, 1999, and shall be read and construed as one with the Pensions Ordinance, hereinafter referred to as “the principal law”.

(2) The provisions of this Act shall come into force on such date as the Minister responsible for finance may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of this Act.

Amendment of  
section 2 of the  
principal law.

2. Section 2 of the principal law shall be amended as follows:

(a) immediately before the definition of “month” there shall be added the following new definition:—

“ “correctional services officer” means any officer appointed to the public service before the 15th January, 1979 and who occupies any post listed in the Schedule to the Prisons Pensions Regulations, 1998;” and

(b) immediately after the definition of “personal allowance” and before the definition of “public service” there shall be added the following new definition:—

“ “prisons officer” shall have the same meaning assigned to it by section 2 of the Prisons Act;”.

Cap. 260.

3. In subparagraph (iii) of paragraph (a) of subsection (1) of section 7 of the principal law, for the words “in the case of” there shall be substituted the words “in the case of a correctional services officer or” and for the words “in the Police force” there shall be substituted the words “as a correctional services officer or in the Police force”.

Amendment of section 7 of the principal law.

4. For paragraph (ii) of the proviso to section 9 of the principal law there shall be substituted the following:

Amendment of section 9 of the principal law.

“(ii) a correctional services officer or a member appointed to the Police force, not being an officer holding the office of Commissioner of Police, Deputy Commissioner of Police, Director of Correctional Services or Correctional Manager, may be required by the President of Malta on the recommendation of the Commissioner of Police or of the Director of Correctional Services, as the case may be, to retire at any time after he attains the age of fifty-five years or, if he has completed twenty-five years’ service in the Police force or as a correctional services officer after he attains the age of fifty years.”.

5. In subsection (3) of section 11 of the principal law for the words “as a member of the Police force” there shall be substituted the words “as a correctional services officer or as a member of the Police force”.

Amendment of section 11 of the principal law.

6. Section 18 of the principal law shall be amended as follows:

Amendment of section 18 of the principal law.

(a) in subsection (1) thereof for the words “as a member of the Police force” wherever they appear there shall be substituted the words “as a correctional services officer or as a member of the Police force”; and

(b) immediately after the proviso to subsection (1) thereof there shall be added the following new proviso:–

“Provided further that where a correctional services officer was in service as a prisons officer previous to his being appointed a correctional services officer, then the date he commenced service as a prisons officer shall be deemed the date of his first appointment as a correctional services officer for the purposes of this subsection.”.

Addition of new section 20A to the principal law.

7. Immediately after section 20 of the principal law there shall be added the following new section:

"Saving as to correctional services officers.

20A. Subject to the provisions of section 10 of this Ordinance, where a person has been appointed a correctional services officer, any period previous to that appointment during which that person has served as a prisons officer or as a member of a disciplined force as defined in subsection (1) of section 47 of the Constitution shall be deemed as service as a correctional services officer for the purposes of this Ordinance."

Amendment of Schedule to the principal law.

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

(a) in the proviso to regulation 2 thereof, for the words "in the case of " there shall be substituted the words "in the case of a correctional services officer or of ";

(b) in subparagraph (b) of paragraph (5) of regulation 9 thereof, for the words "when a member" there shall be substituted the words "when that officer was a correctional services officer or a member";

(c) in item (ii) of subparagraph (e) of paragraph (1) of regulation 10 thereof, for the words "when a member" there shall be substituted the words "when that officer was a correctional services officer or a member"; and

(d) in paragraph (2) of regulation 14 thereof, for the words "from the Police force" there shall be substituted the words "as a correctional services officer or from the Police force".

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Passed by the House of Representatives at Sitting No. 89 of the 4th May, 1999.

ANTON TABONE  
*Speaker*

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