

Nru. 8

24. 7. 87

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Louis Galea, M.P., Ministru tal-Politika Soċjali u moqri għall-Ewwel darba fis-Seduta tat-13 ta' Lulju, 1987.

A BILL introduced by the Honourable Louis Galea, M.P., Minister for Social Policy and read the First time at the Sitting of the 13th July, 1987.

ATT biex ikompli jemenda l-Ordinanza dwar il-Pensjonijiet, Kap. 143.

AN ACT further to amend the Pensions Ordinance, Cap. 143.

P. MUSCAT TERRIBILE

Aġent Skrivan tal-Kamra tad-Deputati

P. MUSCAT TERRIBILE

Acting Clerk to the House of Representatives

ABBOZZ TA' LIGI msejjah

ATT biex ikompli jemenda l-Ordinanza dwar il-Pensjonijiet, Kap. 143.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaq-
qgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'ligi dan li ġej:—

1. Dan l-Att jista' jissejjah l-Att ta' l-1987 li jemenda l-Ordinanza dwar il-Pensjonijiet, u għandu jinqara u jfthiehem haġa waħda ma' l-Ordinanza dwar il-Pensjonijiet, hawnhekk iżjed 'il quddiem imsejha "il-ligi prinċipali".

Titolu
fil-qosor.

2. Minnufih wara l-artikolu 11 tal-ligi prinċipali għandu jidhol dan l-artikolu ġdid li ġej:

Zieda ta'
l-artikolu
ġdid 11A
tal-ligi prinċipali.

"Pensjoni
ta' uffiċjali
milqutin
bit-tilwima
medika
ta' Ġunju
1977.

11A. (1) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (3) ta' dan l-artikolu, kull uffiċjal li kien fis-servizz ta' Malta u li b'konsegwenza tat-tilwima medika li wasslet għal azzjoni industrijali li nbdiat fit-2 ta' Ġunju 1977, kellu s-servizz tiegħu mitmum jew ġie sospiż minn dak is-servizz jew b'xi mod iehor tilef l-impieg tiegħu mal-Gvern, jista' madankollu jingħata dik il-pensjoni jew gratifikazzjoni għal servizz effettiv.

(2) Dak l-uffiċjal għandu jkun biss intitolat għal dik il-pensjoni jew gratifikazzjoni —

(a) b'seħħ mid-19 ta' Ġunju, 1987, jekk ikun lahaq l-età ta' sittin sena f'dik jew qabel dik id-data; jew

(b) jekk ikun lahaq l-età ta' sittin sena f'dik jew qabel dik id-data u jkun reġa' ġie mpjegat, b'seħħ mid-data li fiha jkun irtira; jew

(ċ) jekk ma jkunx lahaq l-età ta' sittin sena fid-19 ta' Ġunju, 1987, u ma jkunx reġa' kompli fis-servizz, b'seħħ mid-data li fiha jkun lahaq dik l-età; jew

(d) jekk ma jkunx lahaq l-età ta' sittin sena fid-19 ta' Ġunju, 1987, u jkun reġa' kompli fis-servizz, b'seħħ mid-data li fiha jkun irtira;

u dik il-pensjoni jew gratifikazzjoni għandha, għar-rigward ta' l-uffiċjali msemmija fil-paragrafu (a) jew (ċ) ta' dan is-subartikolu, tinhadem daqslikieku kien irtira mis-servizz f'Malta fil-jum li jiġi wara l-aħħar jum tiegħu ta' servizz effettiv.

(3) Kull servizz mogħti qabel ma s-servizz ikun ġie maqtuġh jista' jiġi kkalkolat għall-pensjoni flimkien maż-żmien tas-servizz wara li dan ikun ġie maqtuġh jekk il-qtuġh tas-servizz —

(a) ikun dovut għat-temm ta' servizz taħt is-subartikolu (8) ta' l-artikolu 18 ta' l-Att ta' l-1976 dwar Relazzjonijiet Industrijali; jew

(b) xort'ohra jkun konsegwenza tat-tilwima medika msemmija.

(4) Meta l-grad jew il-kategorija li fiha kien impjegat xi uffiċjal bħal dak li hemm imsemmin fis-subartikolu (1) ta' dan l-artikolu ma jkunux għadhom jeżistu kif kienu qabel jew ikunu ġew assorbiti fi grad ieħor jew f'kategorija oħra, u dak l-uffiċjal ikun ta' avviz lis-Suprintendent tas-Saħħa sad-19 ta' Lulju, 1987, ta' l-intenzjoni tiegħu li jerġa' jkompli s-servizz jew jaċċetta l-impieg mill-ġdid, iżda jkun irrifjuta li jaċċetta l-offerta magħmula lilu sabiex jerġa' jkompli s-servizz jew sabiex jaċċetta l-impieg mill-ġdid fi grad jew kategorija ekwivalenti taħt il-kundizzjonijiet ta' dik il-kariga, jistgħu, fejn ikunu japplikaw, japplikaw id-dispożizzjonijiet dwar it-tneħħija ta' kariga li jinsabu f'din l-Ordinanza:

Izda pensjoni li tingħata b'konsegwenza tat-tneħħija ta' kariga għandha tithallas biss b'seħħ mid-19 ta' Ġunju, 1987 u għandha tinhadem daqslikieku dik it-tneħħija ta' kariga sehħet fl-aħħar jum tas-servizz effettiv ta' mpieg.

(5) Id-dispożizzjonijiet ta' l-artikolu 18 ta' din l-Ordinanza għandhom ikunu japplikaw dwar dak l-uffiċjal hekk kif inhu indikat fis-subartikolu (1) ta' dan l-artikolu, li miet fit-2 ta' Ġunju, 1977, jew f'data wara."

Għanijiet u Raġunijiet

L-Għan ta' dan l-Abbozz huwa li jwettaq il-ftehim milhuq bejn il-Gvern u l-MAM — The Medical Union — sabiex jirrisolvu t-tilwima medika ta' għaxar snin, u dan dwar l-ghoti mill-ġdid ta' drittijiet għal pensjoni ta' tobba li s-servizz tagħhom mal-Gvern kien twaqqaf jew ġie sospiż jew li mod ieħor kienu tilfu l-impieg tagħhom mal-Gvern b'konsegwenza ta' dik it-tilwima.

A BILL
entitled

AN ACT further to amend the Pensions Ordinance, Cap. 143.

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. This Act may be cited as the Pensions Ordinance (Amendment) Act, 1987, and shall be read and construed as one with the Pensions Ordinance, hereinafter referred to as “the principal law”.

Short title.

2. Immediately after section 11 of the principal law there shall be added the following new section:

Addition of new section 11A of the principal law.

“Pension of officers affected by medical dispute of June 1977.”

11A. (1) Saving the provisions of subsection (3) of this section, any officer who had been in the service of Malta and who as a consequence of the medical dispute which led to industrial action taken on the 2nd June, 1977, had his service terminated or was suspended from such service or otherwise lost his employment with the Government, may nonetheless be granted such pension or gratuity in respect of effective service.

(2) Such officer may only be entitled to such pension or gratuity —

(a) with effect from the 19th June, 1987, if he has attained the age of sixty years on or before that date; or

(b) if he has attained the age of sixty years on or before that date and has been re-employed, with effect from the date of his retirement; or

(c) if he has not attained the age of sixty years on the 19th June, 1987 and has not resumed service, with effect from the date on which he has attained that age; or

(d) if he has not attained the age of sixty years on the 19th June, 1987 and has resumed service, with effect from the date of his retirement;

and such pension or gratuity shall, in respect of officers referred to in paragraph (a) or (c) of this subsection, be computed as if he retired from service in Malta on the day following his last day of effective service.

(3) Any service prior to a break of service may be allowed to count for pension purposes together with any service subsequent to such break if the break of service —

(a) is due to termination of service under subsection (8) of section 18 of the Industrial Relations Act, 1976; or

(b) is otherwise a consequence of the said medical dispute.

(4) Where the grade or category in which any such officer as is referred to in subsection (1) of this section had been employed has ceased to exist as such or has been absorbed in another grade or category, and such officer had given notice to the Superintendent of Health by the 19th July, 1987 of his intention to resume duty or accept re-employment, but has declined the offer made to him to resume duty or to accept re-employment in an equivalent grade or category under the conditions of such post, the provisions as contained in this Ordinance regarding the abolition of post may, where applicable, apply:

Provided that a pension granted as a result of the abolition of post may only be payable with effect from the 19th June, 1987 and be computed as if such abolition took place on the last day of effective service of employment.

(5) the provisions of section 18 of this Ordinance shall apply in respect of such officer as is referred to in subsection (1) of this section, who has died on or after the 2nd June, 1977."

Objects and Reasons

The Object of this Bill is to implement the agreement reached between the Government and MAM — The Medical Union — to settle the ten-year-old medical dispute, as regards the re-instatement of pension rights of doctors whose service with the Government was terminated or suspended or who otherwise lost their employment with the Government as a consequence of that dispute.