

MALTA

ATT Nru. X ta' l-1990

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ATT biex jemenda l-Ordinanza dwar il-Pulizija ta' Malta (Kap. 164).

ACT No. X of 1990

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Malta Police Ordinance (Cap. 164).

Naghti l-kunsens tieghi.

(L.S.)

ĊENSU TABONE
President

30 ta' Marzu, 1990

ATT Nru. X ta' l-1990

ATT biex jemenda l-Ordinanza dwar il-Pulizija ta' Malta (Kap. 164).

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' jissejjaħ l-Att ta' l-1990 li jemenda l-Ordinanza dwar il-Pulizija ta' Malta, u għandu jinqara u jiftiehem haġa wahda ma' l-Ordinanza dwar il-Pulizija ta' Malta, hawnhekk iżjed 'il quddiem imsejha "il-liġi prinċipali".

Titolu fil-qosor
u bidu fis-sehh.

Kap. 164

(2) Id-dispożizzjonijiet ta' dan l-Att għandhom jitqiesu li bdew isehħu fit-12 ta' Lulju, 1989.

2. Minnufih wara l-artikolu 29 tal-liġi prinċipali, għandu jizjed dan li ġej:

Żieda ta'
Taqsimi IX ġdida
mal-liġi prinċipali.

"TAQSIMA IX

Pensjonijiet

Il-Ministru
jagħmel
regolamenti
dwar
pensjonijiet.

30. (1) Il-Ministru responsabbli għall-Pulizija, bi ftehim mal-Ministru responsabbli għall-Finanzi, jista' jagħmel u meta jagħmel, ibiddel u jhassar regolamenti dwar l-ghoti ta' pensjonijiet lil persuni li kienu fis-servizz tal-Korp tal-Pulizija jew lir-rappreżentanti legali jew dipendenti tagħhom:

Izda sakemm ma jiġux imbidla jew imhassra bis-saħħa ta' dawn ir-regolamenti, isehħu r-regolamenti li hawn fit-Tielet Skeda ma' din l-Ordinanza.

(2) Ir-regolamenti kollha li jsiru bis-saħħa ta' dan l-artikolu jista' jkollhom effett retrospettiv sabiex jikkonferixxu benefiċċju lil, jew inehħu xi disabilità li persuna jew klassi ta' persuni jista' jkollhom.

(3) Ebda regolament magħmul taħt dan l-artikolu ma għandu jkollu effett kemm-il darba ma jkunx irċieva minn qabel l-approvazzjoni tal-Kamra tad-Deputati mgħarrfa b'riżoluzzjoni.

(4) Kull pensjoni mogħtija taħt din l-Ordinanza għandha tingħadd skond id-dispożizzjonijiet fis-seħħ f'dak il-jum li fih l-uffiċjal jirtira.

Il-pensjonijiet jithallsu minn fuq ir-renti ta' Malta. 31. Dawk is-somom kollha illi minn żmien għal żmien jiġu assenjati bhala pensjoni taħt din l-Ordinanza għandhom jitqiegħdu għad-debitu tal-Fond Konsolidat u għandhom jithallsu minnu.

Ċirkostanzi li fihom il-pensjoni tista' tingħata. 32. Ebda pensjoni ma tingħata lil ebda uffiċjal tal-Pulizija hliet meta jirtira mill-Korp f'wieħed mill-każijiet li ġejjin —

(a) meta jew wara li jagħlaq l-età ta' hamsa u hamsin sena, jew jekk ikun għalaq hamsa u għoxrin sena servizz fil-Korp;

(b) meta titnehħa l-kariga tiegħu;

(c) meta jiġi rtirat bil-fors halli jagħti lok issir aħjar l-organizzazzjoni tal-Korp, biex b'hekk ikun hemm effiċjenza u ekonomija akbar;

(d) fil-każ ta' tmiem ta' impieg fl-interess pubbliku kif maħsub f'din l-Ordinanza;

(e) fuq prova medika ta' sodisfazzjon tal-Prim Ministru illi dak l-uffiċjal tal-Pulizija mhux kapaċi minhabba mard tal-moħħ jew tal-ġisem li jesegwixxi d-dmirijiet tal-kariga tiegħu u li din il-marda aktarx hija permanenti.

Irtir minhabba interess pubbliku. 33. Meta servizz ta' uffiċjal tal-Pulizija jiġi mitmum minhabba f'dak li hemm imsemmi fil-paragrafu (iii) ta' l-artikolu 11 ta' din l-Ordinanza u pensjoni, ma tkunx tista' tingħata xort'oħra skond id-dispożizzjonijiet ta' din l-Ordinanza, dak l-uffiċjal tal-Pulizija jista' jingħata pensjoni li ma tkunx iżjed minn dak l-ammont li għalih kien ikun eliġibbli kieku rtira mill-Korp fiċ-ċirkostanzi msemmijin fil-paragrafu (e) ta' l-artikolu 32 ta' din l-Ordinanza.

Maximum ta' pensjoni li jista' jingħata. 34. (1) Il-pensjoni mogħtija lil uffiċjal tal-Pulizija taħt din l-Ordinanza ma tistax tkun iżjed minn żewġ terzi ta' l-ogħla hlas pensjonabbli li f'kull żmien li jkun kien idahħal matul is-servizz tiegħu fil-Korp.

(2) Għall-finijiet tas-subartikolu ta' qabel dan, ma jitteħidtx qies ta' pensjoni addizzjonali mogħtija lil uffiċjal minhabba li tkun ġratlu ħsara fil-persuna; iżda, meta tingħata lil uffiċjal tal-Pulizija din il-pensjoni addizzjonali, l-ammont li huwa jista' jieħu ta' din il-pensjoni addizzjonali ma jistax jaqbeż is-sest ta' l-oghla ħlas pensjonabbli tiegħu f'kull żmien li jkun matul is-servizz tiegħu fil-Korp b'aktar milli bis-somma li biha l-pensjoni jew pensjonijiet tiegħu, appart minn dik il-pensjoni addizzjonali, ikun anqas minn żewġ terzi ta' dak l-oghla ħlas pensjonabbli.

(3) Għall-finijiet ta' din it-Taqsima ta' din l-Ordinanza u r-regolamenti magħmulin bis-saħħa tagħha:

“xahar” tfisser xahar skond il-kalendarju;

“ħlas pensjonabbli” jidhlu fiha —

(i) is-salarju

(ii) l-*allowance* personali,

iżda ma jidhlux fih l-*allowance* għal xi servizz, l-*allowance* għat-trattament, l-*allowance* għall-kera, il-valur tal-kera frank kif stmat fis-sena, il-valur tar-razzjoni, ir-rimunerazzjoni *extra*, u kull dritt imħallas mit-Teżor bħala salarju jew kull xorta ta' ħlasijiet ohra;

“*allowance* personali” tfisser zieda speċjali mogħtija personalment lid-detentur tal-kariga għal dak iż-żmien, iżda ma tinkludix dik iż-żieda jekk tkun mogħtija bħala sugġetta għall-kondizzjoni li ma tkunx pensjonabbli;

“uffiċjal tal-Pulizija” tfisser uffiċjal tal-Pulizija mahtur fil-Korp fil jew wara l-15 ta' Jannar, 1979;

“sena” tfisser sena skond il-kalendarju.

Il-pensjonijiet
ma jistgħux
jiġu ċeduti.

35. Ebda pensjoni mogħtija taht din l-Ordinanza ma tista' tiġi ċeduta jew ittrasferuta jew maqbuda, issekwestrata jew tkun sugġetta għal atti ġudizzjarji minhabba jew dwar dejn jew jedd ieħor, hlief sa fejn iġoddu d-dispożizzjonijiet tas-subartikolu (3) ta' l-artikolu 381 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Kap. 12

Pensjoni tkun
imnaqqsa
f'ċerti
ċirkostanzi.

36. Uffiċjal tal-Pulizija li jirtira għal raġunijiet elenkati fil-paragrafu (e) ta' l-artikolu 32 ta' din l-Ordinanza li tkun inġhatatlu pensjoni taht din l-Ordinanza u li jkun qed jirċievi —

(a) xi rimunerazzjoni dwar xi impieg, jew xi servizzi mogħtija, jew xi kariga miżmuma; jew

(b) xi dħul li jkun ġej mill-eżerċizzju ta' kummerċ, negozju, professjoni jew vokazzjoni; jew

(ċ) xi dhul li jkun ġej minn xi pensjoni, *allowance* jew hlas ieħor dwar xi impieg, servizz jew kariga kif intqal qabel,

ikollu, sakemm jilhaq l-età ta' hamsa u hamsin sena, jew sal-hamsa u għoxrin anniversarju ta' l-ewwel hatra tiegħu fil-Korp, skond liema jiġi l-ewwel, il-pensjoni tiegħu mnaqqsa bl-ammont li bih id-dhul totali stabbilit skond id-dispożizzjonijiet li ġejjin ta' dan l-artikolu jkun iżjed mis-salarju li f'dak iż-żmien jithallas dwar il-kariga miżmuma minn dak l-uffiċjal meta rtira, billi jitqiesu biss, jekk dak is-salarju jkun b'żidiet inkriminali, dawk iż-żidiet korrispondenti li jkunu ttieħdu qabel dak l-irtir, jew, jekk dak il-post ikun ġie abolit, dwar post analogu:

Iżda l-pensjoni fis-sena ma għandha f'ebda każ titnaqqas għal anqas mis-somma ta' hamsin lira u jekk il-pensjoni jew *allowance* oħra fis-sena ma tkunx iżjed mill-iżgħar somma li għandha tithallas kif inghad qabel ebda tnaqqis ma għandu jsir minnha.

(2) Għall-finijiet tas-subartikolu (1) ta' dan l-artikolu, id-dhul totali għandu jiġi stabbilit billi jinghadu flimkien —

(a) il-pensjoni li kienet tiġi riċevuta taħt din l-Ordinanza, kieku ma kienx għad-dispożizzjonijiet ta' dan l-artikolu; u

(b) kull rimunerazzjoni jew dhul kif imsemmi fil-paragrafu (a), (b) jew (ċ) tas-subartikolu (1) ta' dan l-artikolu, jew dawk ir-rimunerazzjoni u dhul flimkien, u

billi jitnaqqsu minnhom is-somma ta' hamsin lira fis-sena.

(3) Kull tnaqqis fil-pensjoni taħt is-subartikolu (1) ta' dan l-artikolu għandu jiġi kalkolat fuq il-bażi tal-pensjoni, ir-rimunerazzjoni jew *income* ieħor, u s-salarju, li għandhom jiġu riċevuti matul perijodu ta' tnaħ-il xahar li jispiċċa fil-31 ta' Diċembru, iżda bla ħsara għal kull aġġustament li, jista' jkun jew li jista' jsir meħtieġ għal xi raġuni tkun li tkun, u safejn ikun prattikabbli, għandu jsir mill-hlasijiet ta' kull xahar jew hlasijiet oħra perjodiċi tal-pensjoni.

(4) Kull uffiċjal li għalih japplika s-subartikolu (1) ta' dan l-artikolu għandu mingħajr dewmien iġharraf lill-*Accountant General* u jzommu mġharraf f'kull żmien, biċ-ċirkostanzi kollha li jagħmlu l-imsemmi subartikolu (1) applikabbli għalih u l-limiti safejn huma hekk applikabbli, u b'kull tibdil fiċ-ċirkostanzi jew fl-imsemmija limiti, u għandu jagħti lill-*Accountant General*, meta jkun mitlub it-tagħrif kollu rilevanti; u jekk dak l-uffiċjal jonqos li jħares xi waħda mid-dispożizzjonijiet ta' dan is-subartikolu, kull pensjoni li għaliha huwa jista' jkollu dritt tieqaf minnufih:

Iżda jekk tinghata raġuni tajba, il-pensjoni jew l-*allowance* l-oħra tista' terġa' tinghata b'effett retroattiv jew minghajru, mill-Prim Ministru.”.

3. Minnufih wara t-Tieni Skeda li tinsab mal-liġi prinċipali għandu jiżdied dan li ġej:

Żieda
tat-Tielet Skeda
mal-liġi prinċipali.

“IT-TIELET SKEDA

(Artikolu 30)

Regolamenti ta' l-1990 dwar il-Pensjonijiet tal-Pulizija

Regolamenti Ġenerali

Titolu
fil-qosor. 1. Dawn ir-regolamenti jistgħu jissejhu Regolamenti ta' l-1990 dwar il-Pensjonijiet tal-Pulizija.

Lil min u
b'lema rati
jinghataw il-
pensjonijiet. 2. Bla hsara tad-dispożizzjonijiet ta' l-Ordinanza dwar il-Pulizija ta' Malta iżjed 'il quddiem imsejha l-Ordinanza, u ta' dawn ir-Regolamenti, lil kull uffiċjal tal-Pulizija li jkun ilu fil-Korp għal għaxar snin jew iżjed, tista' tinghata pensjoni bir-rata ta' wahda minn erba' mija u hamsin tal-hlas tiegħu pensjonabbli għal kull xahar shih ta' servizz pensjonabbli, sugġetta għal-limitazzjoni msemmija fl-artikolu 34 ta' l-Ordinanza.

Is-servizz
m'għandux
ikun maqtugħ. 3. Is-servizz li għalih tista' tinghata pensjoni ma għandux ikun maqtugħ, hlief fil-każijiet li fihom is-servizz ikun ġie maqtugħ minhabba li tnehhiet il-kariga jew ġie sospiż għal xi żmien l-impieg, u mhux minhabba imġieba hażina jew irtir volontarju mill-impieg:

Iżda, iż-żmien ta' servizz qabel ma s-servizz ikun ġie maqtugħ jista' jiġi kkalkolat għall-pensjoni, flimkien maż-żmien tas-servizz wara li dan ikun ġie maqtugħ:

(a) jekk iż-żmien kollu ta' bejn is-servizz u iehor l-uffiċjal ikun għaddih f'impieg iehor fis-servizz tar-Repubblika; jew

(b) fil-każ meta dak l-uffiċjal tal-Pulizija, wara li jkun irriżenja mill-Korp, ikun sussegwentement issejjaħ lura fil-Korp bl-approvazzjoni tal-Prim Ministru minhabba fl-esiġenzi tal-Korp, u dik is-sejha lura tigi ċertifikata mill-Prim Ministru.

Salarji li
jitqiesu għal
kalkolu ta'
pensjoni.

4. (1) Għall-fini biex jiġi kalkolat l-ammont tal-pensjoni ta' uffiċjal tal-Pulizija li kellu perijodu ta' mhux anqas minn tliet snin ta' servizz pensjonabbli skond l-Ordinanza qabel l-irtir tiegħu —

(a) fil-każ ta' uffiċjal tal-Pulizija li jkun zamm l-istess kariga għal żmien ta' tliet snin minnufih qabel id-data ta' l-irtir tiegħu, għandhom jitqiesu l-hlasijiet pensjonabbli annwali shaħ li jkun igawdi f'dik id-data dwar dik il-kariga;

(b) fil-każ ta' uffiċjal tal-Pulizija li f'xi żmien matul dak il-perijodu ta' tliet snin ikun ġie trasferit minn kariga għal oħra, iżda li l-hlasijiet pensjonabbli tiegħu ma jkunux tbiddu minhabba dak it-trasferiment jew trasferimenti, hlief bl-ghoti ta' xi zieda fl-iskala, għandhom jitqiesu l-hlasijiet pensjonabbli annwali shaħ li jkun igawdi fid-data ta' l-irtir tiegħu dwar il-kariga li kellu f'dak iż-żmien;

(c) f'każijiet oħra għandu jitqies it-terz tat-total tal-hlasijiet pensjonabbli li jkun igawdi l-uffiċjal tal-Pulizija dwar is-servizzi tiegħu matul it-tliet snin tas-servizz tiegħu minnufih qabel id-data ta' l-irtir tiegħu:

Iżda —

(i) jekk dak it-terz ikun anqas mill-ogħla hlasijiet pensjonabbli annwali li hu jkun igawdi fid-data ta' xi trasferiment f'dak iż-żmien ta' tliet snin għandhom jitqiesu dawk il-hlasijiet pensjonabbli annwali; u

(ii) jekk dak it-terz ikun anqas mill-hlasijiet pensjonabbli annwali li hu kien igawdi fid-data ta' l-irtir tiegħu, kieku baqa' f'xi kariga li minnha ġie trasferit f'xi żmien matul dak il-perijodu ta' tliet snin, u kien irċieva ż-żidiet kollha fl-iskala li, fil-fehma tal-Prim Ministru kienu jingħataw lilu, għandhom jitqiesu l-hlasijiet pensjonabbli annwali li kien ikun hekk igawdi.

(2) Għall-fini biex jiġu stabbiliti skond il-paragrafu (1) ta' dan ir-regolament il-hlasijiet pensjonabbli li uffiċjal tal-Pulizija kellu jew kien ikollu, skond il-każ, huwa għandu jitqies —

(a) li kien fis-servizz bil-hlasijiet pensjonabbli shaħ matul il-perijodu ta' tliet snin minnufih qabel id-data ta' l-irtir tiegħu; u

(b) li kellu l-benefiċċju ta' kull zieda minhabba reviżjoni ta' salarji fil-hlasijiet pensjonabbli ta' kull kariga tiegħu bhallikieku dik iż-żieda kellha tithallas matul dak il-perijodu ta' tliet snin.

(3) Għall-fini ta' kalkolu ta' l-ammont tal-pensjoni ta' uffiċjal tal-Pulizija li kellu perijodu ta' anqas minn tliet snin servizz pensjonabbli qabel l-irtir tiegħu —

(a) għandha titqies il-medja tal-ħlasijiet pensjonabbli annwali li kellu matul dak il-perijodu;

(b) għandu jitqies li kien fis-servizz bil-ħlasijiet pensjonabbli sħaħ matul dak il-perijodu;

(ċ) għandu jitqies li kellu l-benefiċċju ta' kull żieda minhabba reviżjoni ta' salarji fil-ħlasijiet pensjonabbli ta' kull kariga tiegħu bħallikieku dik iż-żieda kellha tithallas matul dak il-perijodu; u

(d) il-perijodu li fihom huwa ma kienx jattendi għax-xogħol bil-*leave* mingħajr salarju, mogħti minhabba raġunijiet ta' hteġa pubblika bl-approvazzjoni tal-President, u li fihom hu ma kienx ikkwalifika għal pensjoni rigward servizz pubbliku ieħor.

(4) F'ebda ċirkostanzi ma għandhom il-ħlasijiet pensjonabbli li għandhom jitqiesu jkunu iżjed mill-ħlasijiet pensjonabbli annwali sħaħ li kellu l-uffiċjal tal-Pulizija fid-data ta' l-irtir tiegħu dwar il-kariga li jkollu dak iż-żmien.

(5) Fil-każ ta' uffiċjal tal-Pulizija li għalih japplika s-subparagrafu (d) tal-paragrafu (1) tar-regolament 5, id-data ta' l-irtir tiegħu għandha:

(a) meta dak l-uffiċjal jilhaq l-età ta' l-irtir; jew

(b) meta dak l-uffiċjal kien ikun, li ma kenitx għat-tkeċċija tiegħu, għalaq 25 sena servizz; jew

(ċ) meta dak l-uffiċjal imut;

qabel ma t-tkeċċija tiegħu tkun giet dikjarata nulla mill-awtorità kompetenti, titqies li tkun id-data meta dak l-uffiċjal jilhaq l-età ta' l-irtir, jew id-data meta jkun għalaq 25 sena servizz, jew id-data meta jmut, skond liema tiġi l-ewwel, u l-ħlasijiet pensjonabbli tiegħu li għandhom jitqiesu għandhom ikunu dawk li hu kieku kien qiegħed jirċievi f' dik id-data li kieku ma kienx hekk tkeċċa.

Kalkolu ta' pensjonijiet.

5. (1) Għall-finijiet ta' kalkolu ta' l-ammont ta' pensjoni ta' uffiċjal tal-Pulizija, il-perijodi li ġejjin għandhom jitqiesu bħala servizz pensjonabbli:

(a) il-perijodi li fihom huwa kien jattendi għax-xogħol;

(b) il-perijodi li fih irċieva nofs salarju;

(ċ) il-perijodi li fihom huwa ma kienx jattendi għax-xogħol bil-*leave* b'salarju shih jew b'nofs salarju;

(d) il-perijodu wara t-tkeċċija mill-Korp, meta dik it-tkeċċija tiġi sussegwentement dikjarata minn awtorità kompetenti li kienet invalida, saż-żmien tat-tqegħid tiegħu lura mill-ġdid, jew id-data meta dak l-uffiċjal tal-Pulizija kien ikun għalaq 25 sena servizz, jew id-data meta dak l-uffiċjal tal-Pulizija jkollu jirtira minhabba fl-età, jew id-data meta dak l-uffiċjal imut, skond liema tiġi l-ewwel.

U l-perijodi li fihom huwa kien nieqes bil-*leave*, minbarra dawk imsemmijin hawn fuq, għandhom jitnaqqsu mis-servizz kollu ta' l-uffiċjal sabiex jintlaħaq il-perijodu ta' servizz pensjonabbli tiegħu.

(2) Għall-finijiet tas-subparagrafu (d) tal-paragrafu (1) ta' dan ir-regolament u għall-finijiet tal-paragrafu (5) tar-regolament 4, il-kelma "tkeċċija" għandha titqies li tinkludi "irtir obligatorju għal raġuni ta' interess pubbliku" u l-kelma "tkeċċa" għandha tiftiehem bl-istess mod.

Servizz magħmul fil-kariga ta' haddiehor.

6. Meta uffiċjal jaġixxi flok haddiehor f'kariga pensjonabbli fil-Korp, iż-żmien ta' dan is-servizz jista' jingħadd bħala servizz pensjonabbli taht l-Ordinanza:

Basta li —

(a) iż-żmien illi fih l-uffiċjal ikun aġixxa ma jkunx biċċa mis-servizz pensjonabbli ta' l-uffiċjal li qabel kien fil-kariga, u m'għandux jiġi kkalkolat bħala biċċa mis-servizz pensjonabbli ta' dan l-uffiċjal taht l-Ordinanza fil-Korp;

(b) sewwa sew qabel dan iż-żmien ta' servizz jew sewwa sew warajh ikun hemm servizz fi kwalità effettiva fil-Korp,

Tnehhija ta' kariga jew organizzazzjoni mill-ġdid ta' kariga.

7. Jekk uffiċjal tal-Pulizija jirtira jew jitneħħa mill-Korp minhabba t-tnehhija tal-kariga tiegħu, inkella sabiex jagħti lok li jsir aħjar il-Korp biex b'hekk jista' jkun hemm iżjed effiċjenza u ekonomija, lil dan l-uffiċjal tista' tingħata pensjoni:

Iżda, madankollu, jekk huwa jkun ilu fil-Korp għal anqas miż-żmien ta' għaxar snin, mehtieg biex jikkwalifikah għal pensjoni jista' jiġi mogħti pensjoni kkalkolata skond ir-regolament 2 bħallikieku ma kien hemm ebda żmien ta' kwalifika:

Iżda wkoll din il-pensjoni tinghata taht il-kondizzjoni illi hu jista' jerga' jigi msejjah ghas-servizz fil-korp:

Iżda, barra minn dan, jekk dan l-uffiċjal tal-Pulizija ma jkunx tajjeb ghal impieg iehor fil-Korp jew jekk ma jkunx hemm raġuni ta' tama, fil-fehma tal-Prim Ministru, illi fi żmien qasir jista' jerga' jigi mpjegat, tista' tiġi lil moghtija pensjoni minghajr il-kondizzjoni msemmija hawn fuq.

Rati ta' Pensjoni
meta karigi jigu
mnehhija.

8. Uffiċjal tal-Pulizija li l-kariga tiegħu tiġi mnehhija, tista' tinghatalu żieda fil-pensjoni bir-rata ta' wahda minn sittin tal-hlas tiegħu pensjonabbli fis-sena ghal kull perijodu shih ta' tliet snin servizz pensjonabbli:

Iżda —

(a) iż-żieda m'ghandha f'ebda każ taqbeż il-ghaxra minn sittin; u

(b) ebda żieda m'ghandha ssir b'mod illi tikkwalifika uffiċjal ghal pensjoni ta' valur fis-sena oghla minn dak li għalih huwa kien ikkwalifikat b'tul ta' servizz meta jilhaq l-età li fiha huwa jista' jigi mgieghel li jirtira, jew ghal pensjoni ta' valur fis-sena oghla mill-*maximum* stabbilit fl-artikolu 34 ta' l-Ordinanza.

Uffiċjali li
jirtiraw
minhabba
hsara fil-
persuna.

9. (1) Meta uffiċjal tal-Pulizija tiġrilu hsara permanenti fil-persuna —

(a) fil-waqt li jkun qiegħed jagħmel ix-xogħol tiegħu, u

(b) minghajr htija tiegħu, u

(ċ) minhabba hsara li tagħha tkun speċifikatament kaġun ix-xorta tax-xogħol tiegħu,

u b'hekk l-irtir tiegħu mis-servizz isir mehtieg jew ikollu jsir wisq qabel iż-żmien li jmiss, jekk hu jkun ikkwalifikat ghal pensjoni taht ir-regolament 2, lilu tinghata, b'żieda tal-pensjoni moghtija lilu taht dan ir-regolament, pensjoni addizzjonali bir-rata tal-proporzjon tal-hlas pensjonabbli li jkun qiegħed jiehu fid-data li ġratlu l-hsara u li tkun taqbel għall-każ tiegħu kif imfisser fit-tabella ta' hawn taht:

Meta l-hila sabiex jipprovdi għall-manteniment tiegħu nnifsu —

tonqos kemm xejn	minn	sittin	hamsa;
tonqos	minn	sittin	ghaxra;
tonqos sewwa	minn	sittin	hmistax;
tispiċċa ghal kollox	minn	sittin	ghoxrin;

Iżda l-ammont tal-pensjoni addizzjonali jitnaqqas sa dik is-somma li l-Prim Ministru jidhirlu xieraq f'dawn il-kazijiet li ġejjin:

(i) meta l-uffiċjal tal-Pulizija li tiġrilu l-ħsara jkun baqa' fis-servizz għal mhux anqas minn sena wara li tkun ġratlu l-ħsara illi minħabba fiha irtira mis-servizz;

(ii) meta uffiċjal tal-Pulizija li tiġrilu ħsara jkun, fid-data li tiġrilu l-ħsara, jonqsu għaxar snin għall-età li fiha jista' jkun imġieghel jirtira; jew

(iii) meta l-ħsara li tkun ġratlu ma tkunx hija waħedha l-kaġun ta' l-irtir, iżda l-kaġun ta' l-irtir ikun ukoll minħabba l-età jew mard mhux ikkaġunat mill-ħsara:

Iżda wkoll, l-ammont kollu tal-pensjoni addizzjonali m'għandux ikun iżjed mill-ammont stabbilit fis-subartikolu (2) ta' l-artikolu 34 ta' l-Ordinanza.

Pensjonijiet lil uffiċjali b'servizz anqas minn għaxar snin.

(2) Meta uffiċjal tal-Pulizija li tiġrilu din il-ħsara ma jkunx għamel żmien hekk twil fis-servizz li jikkwalifikah għal pensjoni taht ir-regolament 2 lil dan l-uffiċjal tkun tista', b'dankollu, tinghata pensjoni bir-rata ta' waħda minn erba' mija u hamsin tal-ħlas tiegħu pensjonabbli għal kull xahar shih ta' servizz pensjonabbli flimkien ma' dik iż-żieda ta' pensjoni li tista' tinghata lilu taht il-parti ta' qabel ta' dan ir-regolament li kieku kien ikkwalifikat għal pensjoni.

Pensjoni lil nisa romol ta' uffiċjali maqtula waqt is-servizz.

10. (1) Meta uffiċjal tal-Pulizija mingħajr htija tiegħu jiġi maqtul fil-waqt li jkun qed jaqdi dmiru jew imut minħabba xi ħsara li b'mod speċifiku tkun ġejja mix-xorta tax-xogħol tiegħu jew jiġi maqtul fil-waqt li jkun qed jaqdi dmiru, tista' tinghata pensjoni lill-armla li jhalli sakemm ma tiżżewwiġx ta' mhux iżjed minn għaxra fis-sittin tas-salarju pensjonabbli ta' żewġha fil-jum li tiġrilu l-ħsara; u tista' tinghata pensjoni lil kull wild ta' dak l-impjegat sa ma dak il-wild jagħlaq it-tmintax-il sena, ta' mhux iżjed mis-sitta wieħed tar-rata li tinghata lill-armla, sakemm il-pensjonijiet miġburin flimkien ta' l-ulied ma jisbqux ir-rata li tisthoqq lill-armla.

(2) Id-dispożizzjonijiet ta' qabel ighoddu wkoll għal-każ ta' uffiċjal li, wara li jirtira bil-pensjoni taht ir-regolament 9, imut bl-effetti diretti u immedjati tal-ħsara li tkun ġratlu.

(3) Jekk mart l-uffiċjal tmut qablu, jew jekk ebda pensjoni ma tiġi mogħtija lilha taht dan l-artikolu, u huwa jhalli warajh ulied li kienu jkunu intitolati għal pensjoni li

kieku giet mogħtija pensjoni lill-armla, jistghu jingħataw lilhom pensjonijiet tad-doppju ta' l-ammont tal-pensjonijiet li għalihom fiċ-ċirkostanzi huma kienu jkunu intitolati.

(4) Jekk il-mejjet ma jhallix warajh armla jew ulied iltiema mill-omm, iżda jhalli 'l ommu li kienet tiddependi minnu għall-manteniment, is-somma tal-pensjoni li setgħet tiġi mogħtija lill-armla, li kieku kien hemm, tista' tingħata lill-omm, iżda din il-pensjoni tispicċa, jekk hija tkun armla u terġa' tiżżewweġ.

L-imġieba
tajba hija
meħtieġa.

11. (1) Il-pensjonijiet ikkalkolati bir-rati msemmijin hawn fuq, jingħataw biss fil-każ ta' servizz li jkun sar tassew bil-fedeltà u b'mod meritevoli.

(2) Meta l-fedeltà u bżulija ta' l-ufficjal ma jilhqax l-ewwel grad ta' mertu, il-kalkolu jista' jsir b'rati anqas minn dawk imsemmijin hawn fuq.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 356 ta' l-20 ta' Marzu, 1990.

LAWRENCE GONZI
Speaker

P. MUSCAT TERRIBILE
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

ĠENSU TABONE
President

30th March, 1990

ACT No. X of 1990

AN ACT to amend the Malta Police Ordinance (Cap. 164).

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. 164.

1. (1) This Act may be cited as the Malta Police (Amendment) Act, 1990, and shall be read and construed as one with the Malta Police Ordinance, hereinafter referred to as “the principal law”.

(2) The provisions of this Act shall be deemed to have come into force on the 12th of July, 1989.

Addition of
New Part IX
to the
principal law.

2. Immediately after section 29 of the principal law, there shall be added the following:

“PART IX

Pensions

Minister
may make
pension
regulations.

30. (1) It shall be lawful for the Minister responsible for the Police with the concurrence of the Minister responsible for Finance to make, and when made, to vary and revoke regulations for the granting of pensions to persons who have served in the Police Force or to their legal representatives or dependants:

Provided that until varied or revoked by any such regulations, the regulations contained in the Third Schedule to this Ordinance shall be in force.

(2) Any regulations made under this section may have retrospective effect in order to confer a benefit upon, or remove a disability attaching to any person or class of persons.

(3) No regulation made under this section shall have effect unless it has received the prior approval of the House of Representatives signified by resolution.

(4) Any pension granted under this Ordinance shall be computed in accordance with the provisions in force at the actual date of the officer's retirement.

Pensions to be charged on revenues of Malta.

31. There shall be charged on and paid out of the Consolidated Fund all such sums of money as may from time to time be granted by way of pension in accordance with this Ordinance.

Circumstances in which pension may be granted.

32. No pension shall be granted to any Police officer except on his retirement from the Force in any one of the following cases —

(a) on or after attaining the age of fifty-five years or if he has completed twenty-five years' service in the Force;

(b) on the abolition of his office;

(c) on compulsory retirement for the purpose of facilitating improvement in the organisation of the Force, by which greater efficiency and economy can be effected;

(d) in the case of termination of employment in the public interest as provided in this Ordinance;

(e) on medical evidence to the satisfaction of the Prime Minister that such Police officer is incapable by reason of infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent.

Retirement on the ground of public interest.

33. Where a Police officer's service is terminated on the ground referred to in paragraph (iii) of section 11 of this Ordinance, and a pension cannot otherwise be granted under the provisions of this Ordinance, such Police officer may be granted a pension not exceeding in amount that for which he would be eligible if he retired from the Force in the circumstances described in paragraph (e) of section 32 of this Ordinance.

Maximum pension grantable.

34. (1) A pension granted to a Police officer under this Ordinance shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in the Force.

(2) For the purpose of the preceding subsection an additional pension granted in respect of injury shall not be taken into account; but where a Police officer is granted such an additional pension, the amount of such additional pension which he may draw shall not exceed one-sixth of his highest pensionable emoluments at any time in the course of his service in the Force by more than the sum by which his pension or pensions, apart from such additional pension, falls short of two-thirds of such highest emoluments.

(3) For the purposes of this Part of this Ordinance and the regulations made thereunder:

“month” means a calendar month;

“pensionable emoluments” include —

- (i) salary,
- (ii) personal allowance,

but does not include duty allowance, entertainment allowance, house allowance, the estimated annual rental value of free quarters, value of rations, extra remuneration, any fees paid out of the Treasury by way of salary or any other emoluments whatsoever;

“personal allowance” means a special addition granted personally to the holder for the time being of the office, but does not include such an addition if it is granted subject to the condition that it shall not be pensionable;

“Police officer” means a Police officer appointed in the Force on or after the 15th January, 1979;

“year” means a calendar year.

Pensions not to be assignable.

Cap. 12.

35. No pension under this Ordinance shall be assignable, transferable or liable to be attached, sequestrated or levied upon, for or in respect of any debt or claim whatever, except in so far as is provided in subsection (3) of section 381 of the Code of Organisation and Civil Procedure.

Pension to be reduced in certain circumstances.

36. A Police officer, who retires on grounds listed in paragraph (e) of section 32 of this Ordinance, to whom a pension has been granted under this Ordinance and who is in receipt of —

(a) any remuneration in respect of any employment, or of any services rendered, or of any office held; or

(b) any income deriving from the exercise of a trade, business, profession or vocation; or

(c) any income deriving from any pension, allowance or other payment in respect of any employment, service or office aforesaid,

shall, until he reaches the age of fifty-five years or until the twenty-fifth anniversary of his first appointment in the Force, whichever is the earlier, have his pension reduced by the amount by which the aggregate income established in accordance with the following provisions of this section exceeds the salary which is then payable in respect of the post which the officer held on retirement, taking account only, if such salary is incremental, of the corresponding increments earned prior to retirement, or, if such post has been abolished, an analogous post:

Provided that the yearly pension shall in no case be reduced to less than the sum of fifty liri, and if the yearly pension or other allowance does not exceed the minimum payable as aforesaid no reduction shall be made therefrom.

(2) For the purposes of subsection (1) of this section, the aggregate income shall be established by adding —

(a) the pension which, but for the provisions of this section, would have been receivable under this Ordinance; and

(b) any remuneration or income referred to in paragraph (a), (b), or (c) of subsection (1) of this section, or both such remuneration and income; and

by subtracting therefrom the yearly sum of fifty liri.

(3) Any reduction in the pension under subsection (1) of this section shall be calculated on the basis of the pension, the remuneration or other income, and the salary, receivable during a period of twelve months ending on 31st December of the year in which the reduction is due to be made, but, subject to any adjustments that may be or become necessary for any reason whatsoever, and in so far as practicable, shall be made from the monthly or other periodical payments of the pension.

(4) Any officer to whom subsection (1) of this section applies shall without delay inform the Accountant General, and keep him at all times informed, of all the circumstances which render the said subsection (1) applicable to him and the extent to which it is so applicable, and of any change in the circumstances or extent aforesaid, and shall give the Accountant General on request, all relevant information; and if such officer fails to comply with any of the provisions of this subsection any pension to which he may be entitled under this Ordinance shall forthwith cease:

Provided that on good cause being shown the pension or other allowance may be restored, with or without retrospective effect, by the Prime Minister.”.

Addition of Third Schedule to the principal law.

3. Immediately after the Second Schedule to the principal law there shall be added the following:

“THIRD SCHEDULE

(Section 30)

Police Pension Regulations, 1990

General Regulations

Short title.

1. These regulations may be cited as the Police Pensions Regulations, 1990.

Pensions to whom and at what rates to be granted.

2. Subject to the provisions of the Malta Police Ordinance, hereinafter called the Ordinance, and of these regulations, every Police officer, who has been in the Force for 10 years or upwards, may be granted a pension at the rate of one four-hundred and fiftieth of his pensionable emoluments for each complete month of pensionable service, subject to the limit described in section 34 of the Ordinance.

Service to be unbroken.

3. The service in respect of which a pension may be granted must be unbroken, except in cases where the service has been interrupted by abolition of office or other temporary suspension of employment, and not arising from misconduct or voluntary resignation:

Provided that any service prior to a break of service may be allowed to count for pension together with any service subsequent to such break:

(a) if the whole intervening period has been spent in some other employment in the service of the Republic; or

(b) in the case where such Police officer, having resigned from the force, is subsequently recalled in the Force with the approval of the Prime Minister on account of the exigencies of the Force, and such recall is certified by the Prime Minister.

Emoluments
to be
taken for
computing
pension.

4. (1) For the purpose of computing the amount of the pension of a Police officer who has had a period of not less than three years' pensionable service under the Ordinance before his retirement —

(a) in the case of a Police officer who has held the same office for a period of three years immediately preceding the date of his retirement, the full annual pensionable emoluments enjoyed by him at that date in respect of that office shall be taken;

(b) in the case of a Police officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, otherwise than by the grant of any scale increments, the full annual pensionable emoluments enjoyed by him at the date of his retirement in respect of the office then held by him shall be taken;

(c) in other cases one third of the aggregate pensionable emoluments enjoyed by the Police officer in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken:

Provided that —

(i) if such one third is less than the highest annual pensionable emoluments enjoyed by him at the date of any transfer within such period of three years those annual pensionable emoluments shall be taken; and

(ii) if such one third is less than the annual pensionable emoluments which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office from which he has been transferred at any time during such period of three years, and had received all scale increments which, in the opinion of the Prime Minister would have been granted to him, the annual pensionable emoluments which would have been so enjoyed shall be taken.

(2) For the purpose of determining under paragraph (1) of this regulation the pensionable emoluments that a Police officer has enjoyed or would have enjoyed, as the case may be, he shall be deemed —

(a) to have been on duty on full pensionable emoluments throughout the period of three years immediately preceding the date of his retirement; and

(b) to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase has been payable throughout such period of three years.

(3) For the purpose of computing the amount of the pension of a Police officer who has had a period of less than three years' pensionable service before his retirement —

(a) the average annual pensionable emoluments enjoyed by him during such period shall be taken;

(b) he shall be deemed to have been on duty on full pensionable emoluments throughout such period;

(c) he shall be deemed to have enjoyed the benefit of any increase due to a revision of salaries in the pensionable emoluments of any office held by him as if such increase had been payable throughout such period; and

(d) any periods during which he has been absent from duty on leave without salary, granted on grounds of public policy with the approval of the President, and during which he has not qualified for pension in respect of other public service.

(4) In no circumstances shall the pensionable emoluments to be taken exceed the full annual pensionable emoluments enjoyed by the Police officer at the date of his retirement in respect of the office then held by him.

(5) In the case of a Police officer to whom subparagraph (d) of paragraph (1) of regulation 5 applies, the date of retirement shall:

(a) where such officer reaches the age of retirement; or

(b) where such officer would have but for his dismissal completed 25 years' service; or

(c) where such officer dies;

before his dismissal has been declared null by the competent authority, be deemed to be the day on which he reaches the age of retirement, or the day on which he would have completed 25 years' service, or on which he died, whichever is the earlier, and his pensionable emoluments to be taken into consideration shall be those which he would have been receiving on such date had he not been so dismissed.

Computation of pensions. 5. (1) For the purpose of computing the amount of a Police officer's pension the following periods shall be taken into account as pensionable service:

- (a) any periods during which he has been on duty;
- (b) any period during which he received half salary;
- (c) any periods during which he has been absent from duty on leave with full or half salary;
- (d) any period following dismissal from the Force, where such dismissal is subsequently declared to have been invalid by a competent authority, up to the time of reinstatement, or the date when such Police officer would have completed 25 years' service, or the day on which such Police officer would have to retire because of age, or the date when such officer dies, whichever is the earlier.

And any periods during which he has been absent on leave other than those specified above shall be deducted from the officer's total service in order to arrive at his period of pensionable service.

(2) For the purposes of subparagraph (d) of paragraph (1) of this regulation and for the purposes of paragraph (5) of regulation 4, the term "dismissal" shall be deemed to include "compulsory retirement on the ground of public interest," and the term "dismissed" shall be construed accordingly.

Acting service.

6. Where an officer has performed acting service in a pensionable office in the Force, the period of such service may be taken into account as pensionable service under the Ordinance:

Provided that —

- (a) the period of such acting service was not part of the pensionable service of the previous holder of the office and does not fall to be reckoned as part of the officer's own pensionable service under the Ordinance in the Force;
- (b) this period of service is immediately preceded or followed by service in a substantive capacity in the Force.

Abolition or reorganization of office.

7. If a Police officer retires or is removed from the Force in consequence of the abolition of his office, or for the purpose of facilitating improvements in the Force, by which greater efficiency and economy can be effected, he may be granted a pension:

Provided, however, that if he has been in the Force for less than the qualifying period of ten years, he may be granted a pension calculated in accordance with regulation 2 as if there had been no qualifying period:

And provided also that the grant of such pension shall be subject to the condition that he shall be liable to be recalled to service in the Force:

Provided further that if such a Police officer is not qualified for other employment in the Force or if there is no reason, in the opinion of the Prime Minister, to expect that he can be shortly re-employed, a pension may be granted to him free from the above-mentioned condition.

Rates of pension when offices are abolished.

8. A Police officer whose office is abolished may be granted an increase of his pension at the rate of one-sixtieth part of his annual pensionable emoluments for each complete period of three years' pensionable service:

Provided —

(a) the addition shall in no case exceed ten-sixtieths; and

(b) no addition shall be made so as to qualify an officer for a pension of higher annual value than that for which he would have been qualified by length of service on reaching the age at which he may be required to retire, or for a pension of higher annual value than the maximum prescribed in section 34 of the Ordinance.

Officers retiring on account of injuries.

9. (1) Where a Police officer has been permanently injured —

(a) in the actual discharge of his duty, and

(b) without his own default, and

(c) by some injury specifically attributable to the nature of his duty,

and his retirement is thereby necessitated or materially accelerated, he may, if he is qualified for a pension under regulation 2, be granted, in addition to the pension granted to him under that regulation, an additional pension at the rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as shown in the following table:

When his capacity to contribute to his own support is —

slightly impaired five-sixtieths;

impaired ten-sixtieths;

materially impaired fifteen-sixtieths;
 totally destroyed twenty-sixtieths:

Provided that the amount of the additional pension shall be reduced to such an extent as the Prime Minister shall think reasonable in the following cases:

(i) where the injured Police officer has continued to serve for not less than one year after the injury in respect of which he retires;

(ii) where the injured Police officer is at the date of injury within ten years of the age at which he may be required to retire; or

(iii) where the injury is not the sole cause of retirement, but the retirement is caused partly by age or infirmity not due to the injury:

Provided also that the total amount of the additional pension shall not exceed the amount prescribed in subsection (2) of section 34 of the Ordinance.

Pensions to officers when service is less than 10 years.

(2) A Police officer so injured, whose length of service is not such as to qualify him for a pension under regulation 2, may nevertheless be granted a pension at the rate of one four-hundred and fiftieth of his pensionable emoluments for each complete month of pensionable service together with such additional pension as might be awarded to him under the preceding part of this regulation if he were qualified for pension.

Pension to widows of officers, killed in the discharge of duty.

10. (1) Where a Police officer without his own default has been killed in the actual discharge of his duty or has died from such injury specifically attributable to the nature of his duty or has been killed while in the actual discharge of his duty, a pension may be granted to his widow, while unmarried not exceeding ten-sixtieths of the husband's pensionable emoluments at the day of the injury; and a pension may be granted to each child of such officer, until such child attains the age of eighteen years, not exceeding one-sixth of the rate awardable to the widow, so long as the aggregate of the children's pensions do not exceed the rate awardable to the widow.

(2) The foregoing provision shall apply also in case the officer, after he shall have been pensioned under regulation 9, dies from the direct and immediate effects of the injury sustained.

(3) If the officer's wife predeceases him, or if no pension is granted to her under this section, and he leaves children who would have been eligible for pension, if a

pension had been granted to the widow, pensions may be granted to them of twice the amount of the pensions for which they would have been eligible in the circumstances.

(4) If the deceased does not leave a widow or motherless children, but leaves a mother who was wholly dependent on him for maintenance, the award which might have been made to the widow had there been one left, may be made to the mother, but it shall cease, if she be widow, in case of remarriage.

Good conduct
required.

11. (1) Pensions, computed at the rates before mentioned, shall only be granted in case of decidedly faithful and meritorious service.

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

Passed by the House of Representatives at Sitting No. 356 of the 20th March, 1990.

LAWRENCE GONZI
Speaker

P. MUSCAT TERRIBILE
Clerk to the House of Representatives