

**396. Il-Ministru għall-Ġustizzja, Kultura u Gvern Lokali l-Onor. Owen Bonnici MP, jipproponi:**

BILLI skont l-Artikolu 3 tal-Att tal-2016 dwar il-Pensjonijiet tal-Membri tal-Ġudikatura, il-President ta' Malta tista' bla ħsara għall-Artikolu 113 tal-Kostituzzjoni ta' Malta, minn żmien għal żmien tagħmel, u meta tagħmel tbiddel, regolamenti dwar l-għoti ta' pensjonijiet, gratifikazzjonijiet u *allowances* oħra lill-membri tal-ġudikatura u lill-Avukat Ġenerali;

U BILLI huwa pprovdut fl-istess Artikolu 3 illi l-imsemmija regolamenti u kull regolament li jbidel jew iħassar l-istess regolamenti kif ingħad għandu jkollhom l-istess saħħa u effett għall-finijiet kollha bħallikieku kienu jagħmlu sehem mill-Att tal-2016 dwar il-Pensjonijiet tal-Membri tal-Ġudikatura;

U BILLI huwa provdut fis-sub-artikolu (4) tal-imsemmi Artikolu 3 illi ebda regolament magħmul taħt l-istess Artikolu ma għandu jkollu effett kemm il-darba ma jkunx irċeva minn qabel l-approvazzjoni tal-Kamra tad-Deputati mgħarrfa b'rizoluzzjoni;

U BILLI huwa propost illi l-President ta' Malta tagħmel ir-regolamenti msejja r-"Regolamenti tal-2016 dwar il-Pensjonijiet tal-Membri tal-Ġudikatura u tal-Avukat Ġenerali" li huma annessi ma' din ir-risoluzzjoni;

U BILLI din il-Kamra taqbel mal-istess regolamenti u tapprova li għandhom isiru;

GĦALHEKK din il-Kamra qiegħda għall-finijiet u l-effetti tal-Att dwar il-Pensjonijiet tal-Ġudikatura permezz ta' din ir-Risoluzzjoni tagħti l-approvazzjoni tagħha minn qabel għall-għemil tar-Regolamenti tal-2016 dwar il-Pensjonijiet tal-Membri tal-Ġudikatura u tal-Avukat Ġenerali li huma annessi ma' din l-istess risoluzzjoni.

3.10.16

**- REVIEWED -**  
**LEGISLATION UNIT**  
**MINISTRY FOR**  
**JUSTICE,**  
**CULTURE & LOCAL**  
**GOVERNMENT**

.....  
 President ta' Malta

.....  
 Prim Ministru

**A.L. tal-2016**

**ATT DWAR IL-PENSIJONIJET TAL-MEMBRI**  
**TAL-ĠUDIKATURA**  
**(KAP. 564)**

**Regolamenti tal-2016 dwar il-Pensjonijiet**  
**tal-Membri tal-Ġudikatura u tal-Avukat Ġenerali**

BIS-SAHHA tas-setgħat mogħtija bl-artikolu 3 tal-Att dwar il-Pensjonijiet tal-Membri tal-Ġudikatura, Il-President ta' Malta għamlet dawn ir-regolamenti li ġejjin:-

**1.** It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2016 dwar il-Pensjonijiet tal-Membri tal-Ġudikatura u tal-Avukat Ġenerali. Titolu.

**2.** Bla ħsara għad-dispożizzjonijiet tal-Att dwar il-Pensjonijiet tal-Membri tal-Ġudikatura, hawn iżjed 'il quddiem imsejjaħ "l-Att", u ta' dawn ir-regolamenti, lil kull Membru tal-Ġudikatura u lill-Avukat Ġenerali wara mhux inqas minn tliet snin servizz għandha tingħata pensjoni bir-rata ta' waħda minn mitejn u sebghin tal-ħlas tiegħu pensjonabbli għal kull xahar sħiħ ta' servizz pensjonabbli, u suġġetta għal-limitazzjoni msemmija fl-artikolu 7 tal-Att sa meta tintlaħaq il-proporzjoni massima ta' żewġ terzi ta' dak il-ħlas pensjonabbli. Dritt u rati ta' pensjoni. Kap. 564.

**3.** (1) Membru tal-Ġudikatura jew l-Avukat Ġenerali li, wara mhux anqas minn tlett snin f'dik il-kariga, jirtira b'servizz ta' anqas minn għaxar snin għandu jingħata pensjoni bir-rata ta' waħda minn mitejn u sebghin tal-ħlas tiegħu pensjonabbli għal kull xahar sħiħ ta' servizz bħala Membru tal-Ġudikatura jew bħala Avukat Ġenerali hekk iżda li l-anqas rata ta' pensjoni mogħtija lil Membru tal-Ġudikatura jew lill-Avukat Ġenerali m'għandhiex tkun anqas mir-rata ta' sittin, mitejn u sebghin tal-ħlas tiegħu pensjonabbli. Pensjonijiet rigward servizz ta' inqas minn għaxar snin.

(2) Membru tal-Ġudikatura jew l-Avukat Ġenerali li, qabel ma

jkun gie mahtur għall-kariga ta' Membru tal-Ġudikatura jew ta' Avukat Ġenerali, ikun serva f'xi kariga oħra fis-servizz pubbliku u li jkun serva bħala Membru tal-Ġudikatura jew bħala Avukat Ġenerali għal mhux inqas minn tliet snin, jista' jagħzel pensjoni bir-rata ta' waħda minn mitejn u sebghin tal-ħlas tiegħu pensjonabbli bħala Membru tal-Ġudikatura jew bħala Avukat Ġenerali għal kull xahar shih tas-servizz tiegħu fi kwalunkwe kariga sa meta tintlaħaq il-proporzjoni massima ta' żewġ terzi ta' dak il-ħlas pensjonabbli.

Għall-finijiet ta' dan is-subregolament servizz fi kwalunkwe kariga f'korp magħqud stabbilit bil-liġi, f'Kummissjoni, Bord jew Awtorità stabbiliti bil-liġi, jew f'Aġenzija tal-Gvern għandu jitqies li jikkostitwixxi servizz pubbliku.

Gratifikazzjoni  
u pensjoni  
mnaqqsa.

4. (1) Membru tal-Ġudikatura jew l-Avukat Ġenerali li lili tingħata pensjoni taht l-Att jista' jiġi mogħti, skont ma jagħzel, kif jingħad iżjed 'il quddiem, minflok dik il-pensjoni, pensjoni bir-rata ta' tliet kwarti ta' dik il-pensjoni flimkien ma' gratifikazzjoni li tkun daqs tmax-il darba u nofs l-ammont li hekk jitnaqqas mill-pensjoni.

(2) Meta Membru tal-Ġudikatura jew l-Avukat Ġenerali jkun fil-kariga fid-data tal-bidu fis-sehħ ta' dawn ir-regolamenti, l-għażla msemija fis-subregolament (1) tista' ssir mhux aktar tard mill-jum li jaħbat sew sew qabel il-jum li fih dak il-Membru tal-Ġudikatura jew l-Avukat Ġenerali jirtira.

(3) Fil-każ ta' Membru tal-Ġudikatura jew l-Avukat Ġenerali li jkun diġà rtira qabel id-data tal-bidu fis-sehħ ta' dawn ir-regolamenti, l-għażla msemija fis-subregolament (1) ma tkunx applikabbli, u kull pensjoni li tithallas lil dak il-Membru tal-Ġudikatura jew Avukat Ġenerali tibda' tithallas biss mid-data tal-bidu fis-sehħ ta' dawn ir-regolamenti.

(4) Mingħajr ħsara għad-dispożizzjonijiet tas-subregolament (2), jekk Membru tal-Ġudikatura jew l-Avukat Ġenerali jkun għamel l-għażla, id-deċiżjoni tiegħu ma tkunx tista' tithassar għal dik li hija pensjoni li għandha tingħata lili taht l-Att.

(5) Jekk Membru tal-Ġudikatura jew l-Avukat Ġenerali li ma jkunx għamel il-għażla jmut qabel ma tkun ingħatatlu pensjoni taht l-Att, il-President ta' Malta ikun jista' jagħti gratifikazzjoni lill-armla jew l-armel jew lis-superstiti ta' unjoni ċivili tal-Membru tal-Ġudikatura jew l-Avukat Ġenerali kif previst fis-subregolament (1) daqs li kieku l-Membru tal-Ġudikatura jew l-Avukat Ġenerali qabel mewtu kien għamel l-għażla. Dik il-gratifikazzjoni għandha tingħata mingħajr preġudizzju għall-pensjoni li tithallas skont l-artikolu 12 tal-

Att.

5. Kull Membru tal-Ġudikatura jew l-Avukat Ġenerali, li ma jkunx għalaq tliet snin servizz, jiġi mogħti gratifikazzjoni, bir-rata ta' nofs xahar h̄las pensjonabbli għal kull xahrejn s̄haħ ta' servizz.

Gratifikazzjoni jiet meta ž-zmien ta' servizz ma jintitolax għal pensjoni.

6. Bla h̄sara għad-dispożizzjonijiet tal-Att, is-servizz jitqies li jibda fid-data li fiha l-Membru tal-Ġudikatura jew l-Avukat Ġenerali jidhol fil-kariga tiegħu kif preskritt bl-artikoli 91 u 101, rispettivament, tal-Kostituzzjoni ta' Malta.

Bidu ta' servizz.

7. Is-servizz li għalih tista' tingħata pensjoni jew gratifikazzjoni m'għandux ikun maqtugħ h̄lief għal dawk il-każijiet fejn is-servizz gie interrott bis-sospensjoni temporanja ta' impjieg li ma n̄holqx minn riżenja volontarja jew minħabba t-transizzjoni bejn il-karigi li għalihom japplikaw dawn ir-regolamenti.

Is-servizz m'għandux ikun maqtugħ.

8. (1) Għall-fini biex jiġi kalkolat l-ammont tal-pensjoni jew gratifikazzjoni ta' Membru tal-Ġudikatura jew tal-Avukat Ġenerali li kellu perijodu ta' mhux anqas minn tliet snin ta' servizz pensjonabbli qabel l-irtir tiegħu -

H̄lasijiet li għandhom jitqiesu għal pensjoni jew gratifikazzjoni.

(a) fil-każ ta' Membru tal-Ġudikatura jew tal-Avukat Ġenerali li jkun żamm l-istess kariga għal żmien ta' tliet snin minnufih qabel id-data tal-irtir tiegħu, għandhom jitqiesu l-h̄lasijiet pensjonabbli annwali s̄haħ li jkun igawdi f'dik id-data dwar dik il-kariga;

(b) f'każijiet oħra għandu jitqies it-terz tat-total tal-h̄lasijiet pensjonabbli li jkun igawdi l-Membru tal-Ġudikatura jew l-Avukat Ġenerali dwar is-servizz tiegħu matul it-tliet snin tas-servizz tiegħu minnufih qabel id-data tal-irtir tiegħu.

(2) Għall-fini biex jiġu stabbiliti skont is-subregolament (1) il-h̄lasijiet pensjonabbli li Membru tal-Ġudikatura jew l-Avukat Ġenerali kellu jew kien ikollu, skont il-każ, huwa għandu jitqies -

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

(b) li kellu l-benefiċċju ta' kull żieda minħabba revizjoni ta' salarji fil-h̄lasijiet pensjonabbli ta' kull kariga tiegħu b̄hallikieku dik iż-żieda kellha tithallas matul dak il-perijodu ta' tliet snin.

(3) Għall-fini ta' kalkolu tal-ammont tal-pensjoni jew

gratifikazzjoni ta' Membru tal-Ġudikatura jew tal-Avukat Ġenerali 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; u

(ċ) għandu jitqies li kellu l-benefiċċju ta' kull zieda minħabba revizjoni ta' salarji fil-ħlasijiet pensjonabbli ta' kull kariga tiegħu bħallikieku dik iż-żieda kellha tithallas matul dak il-perijodu.

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

Regolamenti  
dwar il-  
pensjonijiet.  
Kap. 93.

**9.** Id-dispożizzjonijiet tar-regolamenti 22, 22A u 23 tar-Regolamenti dwar il-Pensjonijiet annessi mal-Ordinanza dwar il-Pensjonijiet għandhom japplikaw għal pensjonijiet li jithallsu taht dawn ir-regolamenti.

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**- REVIEWED -  
LEGISLATION UNIT  
MINISTRY FOR  
JUSTICE,  
CULTURE & LOCAL  
GOVERNMENT**

.....  
President of Malta

.....  
Prime Minister

**L.N. of 2016**

**MEMBERS OF THE JUDICIARY (PENSIONS) ACT  
(CAP. 564)**

**Pensions (Members of the Judiciary and Attorney General)  
Regulations, 2016**

IN EXERCISE of the powers conferred by article 3 of the Judiciary (Pensions) Act, the President of Malta has made the following regulations:-

1. The title of these regulations is the Pensions (Members of the Judiciary and Attorney General) Regulations, 2016. Citation.

2. Subject to the provisions of the Members of the Judiciary (Pensions) Act, hereinafter referred to as "the Act", and of these regulations, every Member of the Judiciary and the Attorney General after not less than three years of service shall be granted a pension at the rate of one two-hundred and seventieth of his pensionable emoluments for each complete month of pensionable service, and subject to the limit described in article 7 of the Act until the maximum proportion of two-thirds of such pensionable emoluments is attained. Entitlement and rates of pensions. Cap. 564.

3. (1) A Member of the Judiciary or the Attorney General who, after not less than three years of service, retires with a service of less than ten years shall be awarded a pension of one two-hundred and seventieth of his pensionable emoluments for each complete month of his service as a Member of the Judiciary or as Attorney General, provided that the minimum rate of pension awarded to a Member of the Judiciary or to the Attorney General shall not be less than sixty, two hundred and seventieth of his pensionable emoluments. Pensions in respect of service of less than ten years.

(2) A Member of the Judiciary or the Attorney General who,

before the appointment to the Bench or to the office of Attorney General, has served in any other capacity in the public service and who has been a Member of the Judiciary or Attorney General for not less than three years, shall be entitled to claim a pension at the rate of one two hundred and seventieth of his pensionable emoluments as a Member of the Judiciary or as Attorney General for each complete month of pensionable service in any capacity until the maximum proportion of two-thirds of such pensionable emoluments is attained.

For the purposes of this sub-regulation service in any capacity in a body corporate established by law, in a Commission, Board or Authority established by law, or in a Government Agency shall be deemed to constitute public service.

Gratuity and  
reduced  
pension.

4. (1) Any Member of the Judiciary or the Attorney General to whom a pension is granted under the Act may, at his option exercisable as hereinafter provided, be paid in lieu of such pension, a pension at the rate of three-fourths of such pension together with a gratuity equal to twelve and a half times the amount of the reduction so made in the pension.

(2) Where a Member of the Judiciary or the Attorney General is in office on the date of coming into force of these regulations, the option referred to in sub-regulation (1) shall be exercisable not later than the day immediately preceding the date of retirement of such Member of the Judiciary or of the Attorney General.

(3) In the case of a Member of the Judiciary of Attorney General who has already retired on the date of coming into force of these regulations, the option referred to in sub-regulation (1) shall not be applicable, and any pension payable to such Member of the Judiciary or Attorney General shall only start to be payable as from the date of coming into force of these regulations.

(4) Subject to the provisions of sub-regulation (2), if a Member of the Judiciary or the Attorney General exercises the option, his decision shall be deemed irrevocable so far as concerns any pension to be granted to him under the Act.

(5) If a Member of the Judiciary or the Attorney General who has not exercised the option dies before a pension has been awarded under the Act, it shall be lawful for the President of Malta to grant a gratuity to the widow or widower or to the survivor of a civil union of the Member of the Judiciary or Attorney General as provided in sub-regulation (1) as if the Member of the Judiciary or the Attorney General had, before his death, exercised the option. Such gratuity shall be granted without prejudice to the pension payable in

accordance with article 12 of the Act,

5. Every Member of the Judiciary or the Attorney General, who has not completed three years of service, shall be granted a gratuity at the rate of half a month's pensionable emoluments for each complete two months of service.

Gratuities where length of service does not qualify for pension.

6. Subject to the provisions of the Act, service shall be deemed to commence on the date when the Member of the Judiciary or the Attorney General enters upon the duties of his or her office as prescribed by articles 91 and 101, respectively, of the Constitution of Malta.

Commencement of service.

7. The service in respect of which a pension or gratuity is granted must be unbroken except for cases where the service has been interrupted by temporary suspension of employment not arising from voluntary resignation or by reason of transition between the offices to which these regulations apply.

Service to be unbroken.

8. (1) For the purpose of computing the amount of the pension or gratuity of a Member of the Judiciary or of the Attorney General who has had a period of not less than three years' pensionable service before his retirement -

Emoluments to be taken for pension or gratuity.

(a) in the case of a Member of the Judiciary or Attorney General who has held 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 into account;

(b) in other cases one third of the aggregate pensionable emoluments enjoyed by the Member of the Judiciary or Attorney General in respect of his service during the three years of his service immediately preceding the date of his retirement shall be taken into account.

(2) For the purpose of determining under sub-regulation (1) the pensionable emoluments that a Member of the Judiciary or Attorney General 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 had been payable throughout

such period of three years.

(3) For the purpose of computing the amount of the pension or gratuity of a Member of the Judiciary or Attorney General 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 into account;

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

(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.

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

Pensions  
Regulations.  
Cap. 93.

9. The provisions of regulations 22, 22A and 23 of the Pensions Regulations annexed to the Pensions Ordinance shall apply to pensions payable under these regulations.

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