

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,450, 10 ta' Lulju, 2015

Taqsimha C

Nru. 111

10. 07. 2015

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Carmelo Abela, M.P., Ministru għall-Intern u s-Sigurtà Nazzjonali, u moqri għall-Ewwel darba fis-Seduta tas-6 ta' Lulju, 2015.

A BILL introduced by the Honourable Carmelo Abela, M.P., Minister for Home Affairs and National Security, and read the First time at the Sitting of the 6th July, 2015.

ATT biex jemenda l-Att dwar il-Pulizija, Kap 164.

AN ACT to amend the Police Act, Cap 164.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda l-Att dwar il-Pulizija, Kap 164.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, harget b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2015 li jemenda l-Att dwar il-Pulizija, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-Pulizija, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehh.

Kap. 164.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Ministru responsabbli għall-Pulizija jista' jistabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal disposizzjonijiet differenti jew għanijiet differenti ta' dan l-Att.

2. L-artikolu 123 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-
artikolu 123 tal-
Att prinċipali.

(a) id-dispożizzjoni preżenti għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) tal-imsemmi artikolu;

(b) fil-paragrafu (e) tas-subartikolu (1) tiegħu, kif enumerat mill-ġdid, minflok il-kliem "u li din il-marda aktarx hija permanenti." għandhom jidhlu l-kliem "u li din il-marda aktarx hija permanenti.";

(ċ) minnufih wara l-paragrafu (e) tiegħu għandhom jiżdiedu l-*provisos* li ġejjin, għall-imsemmi paragrafu (e):

"Izda jekk uffiċjal tal-Pulizija, mhux minhabba xi nuqqas tiegħu, jiġi mwegġa b'mod serju waqt li jkun qed jiżvolgi l-obbligi tiegħu u minhabba fit-tali korriment ma jkunx possibbli għalih li jaqdi d-dmirijiet tax-xogħol

C 1098

tiegħu, u jkun gie ċċertifikat kif meħtieġ mill-Bord dwar il-Korrimenti magħmul minn professjonisti mediċi u professjonisti oħrajn maħtura mill-Ministru responsabbli għall-Pulizija, it-tali ufficjal jista' jiġi intitolat għall-ħlas tal-pensjoni daqs li kieku għamel il-25 sena servizz:

Izda wkoll jekk ufficjal tal-Pulizija, mhux minħabba f'xi nuqqas tiegħu, jmut b'konsegwenza diretta li jkun żvolga d-dmirijiet tax-xogħol tiegħu, id-dipendenti tiegħu, sakemm ma jkunx prekluz mill-liġi, ikunu intitolati għall-ħlas tal-pensjoni, kif jidher hawn taħt."; u

(d) minnufih wara s-subartikolu (1) tiegħu, kif enumerat mill-ġdid, għandu jiżjed is-subartikolu ġdid li ġej:

"(2) Għall-fini tas-subregolament (1)(e), il-ħlas tal-pensjoni għandu jiġi mogħti lil:

Kap. 530.

(a) il-konjuġi jew sieheb superstiti tal-mejjet sakemm dan il-konjuġi jerga' jizzewweg jew is-sieheb jidhol f'unjoni oħra ta' status ekwivalenti skont l-Att dwar l-Unjoni Civili, jew jilhaq l-età pensjonabbli; jew;

(b) fin-nuqqas ta' konjuġi jew sieheb eligibbli, it-tifel jew it-tfal tal-mejjet sakemm dak it-tifel jew tfal jilhaq l-età ta' 18-il sena jew sakemm dak it-tifel jew tfal jilhaq l-età ta' 23 sena jekk jattendu istituzzjoni edukattiva *full-time*; jew

(ċ) fin-nuqqas ta' tfal, ġenitur jew qarib immedjat tal-familja li kien jkun jiddependi minnu għall-manteniment, għal perjodu ta' 5 snin mill-mewt tal-ufficjal tal-Pulizija sakemm dan jkun fi stat ta' dipendenza.

Kap. 285.

Għall-finijiet tal-fil-paragrafu (b), il-ħlas tal-pensjoni mogħti lit-tifel jew lit-tfal kif għandu jinqasam b'mod ugwali u, fil-każ ta' minuri, fdat lill-gwardjan legali tagħhom kif stabbilit fl-Att dwar Tfal u Żgħażaġh (Ordnijiet għall-Harsien).".

Emenda tal-Hames Skeda li tinsab mal-Att prinċipali.

3. Il-Hames Skeda li tinsab mal-Att prinċipali għandha tigi emendata kif ġej:

(a) ir-regolament 9 tagħha għandu jiġi sostitwit b'dan li ġej:

"9. Meta uffiċjal tal-Pulizija tigrilu hsara permanenti fil-persuna li twassal għal dizabilità permanenti -

(a) mingħajr htija tiegħu; u

(b) fil-waqt li jkun qiegħed jaqdi dmirijietu; u

(c) minhabba f'tali korriment huwa inkapaċi li jaqdi l-ebda rwol ieħor fil-Korp; u

(d) ikun ġie debitament iċċertifikat minn Bord dwar il-Korrimenti maħtur mill-Ministru responsabbli għall-Pulizija,

dak l-uffiċjal għandu jkun intitolat għal hlas ta' pensjoni bħalikeku huwa kien temm il-25 sena servizz."; u

(b) ir-regolament 10 tagħha għandu jiġi sostitwit b'dan li ġej:

"10. (1) Meta uffiċjal tal-Pulizija, mhux minhabba f'xi nuqqas tiegħu, imut b'konsegwenza diretta li jkun żvolġa d-dmirijiet tax-xogħol tiegħu, id-dipendenti tiegħu, sakemm ma jkunx prekluz mill-liġi, jkunu intitolati għall-hlas tal-pensjoni, kif jidher hawn taħt.

(2) Għall-fini tas-subregolament (1), il-hlas tal-pensjoni tiegħu għandu jiġi mogħti lil:

(a) il-konjuġi jew sieheb superstiti tal-mejjet sakemm dan il-konjuġi jerga' jżżewweġ jew is-sieheb jidhol f'unjoni oħra ta' status ekwivalenti skont l-Att dwar l-Unjoni Ċivili, jew jilhaq l-età pensjonabbli; jew

C 1100

(b) fin-nuqqas ta' konjuġi jew sieheb eligibbli, it-tifel jew it-tfal tal-mejjet sakemm dak it-tifel jew tfal jilhq l-età ta' 18-il sena jew sakemm dak it-tifel jew tfal jilhq l-età ta' 23 sena jekk jattendu istituzzjoni edukattiva *full-time*; jew

(ċ) fin-nuqqas ta' tfal, ġenitur jew qarib immedjat tal-familja li kien ikun jiddependi minnu għall-manteniment, għal perjodu ta' 5 snin mill-mewt tal-uffiċjal tal-Pulizija sakemm dan jkun fi stat ta' dipendenza:

Izda l-ħlas tal-pensjoni mogħti lit-tifel jew lit-tfal kif previst fil-paragrafu (b) għandu jinqasam b'mod ugwali u, fil-każ ta' minuri, fdat lill-gwardjan legali tagħhom kif stabbilit fl-Att dwar Tfal u Żgħażaġh (Ordinament għall-Ħarsien).".

Kap. 285.

Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' Liġi hu biex jiġu emendati u aġġornati d-dispożizzjonijiet, fl-Att dwar il-Pulizija, dwar il-pensjoni li titħallas lil uffiċjali tal-Pulizija li jiġu mwegġa b'mod serju waqt il-qadi ta' dmirijethom jew li titħallas lil dipendenti ta' uffiċjali tal-Pulizija li jmutu b'konsegwenza diretta li jkunu żvolgiew id-dmirijiet tax-xogħol tagħhom.

**A BILL
entitled**

AN ACT to amend the Police Act, 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:-

1. (1) The short title of this Act is the Police (Amendment) Act, 2015, and this Act shall be read and construed as one with the Police Act, hereinafter in this Act referred to as "the principal Act".

Short title and commencement.
Cap. 164.

(2) This Act shall come into force on such a date as the Minister responsible for the Police may by notice in the Gazette establish, and different dates may be so established for different provisions or different purposes of this Act.

2. Article 123 of the principal Act shall be amended as follows:

Amendment of article 123 of the principal Act.

(a) the present provision shall be re-numbered as sub-article (1) of the said article;

(b) in paragraph (e) of sub-article (1) thereof, as re-numbered, for the words "and that such infirmity is likely to be permanent." there shall be substituted the words "and that such infirmity is likely to be permanent:";

(c) immediately after paragraph (e) thereof there shall be added the following provisos to the said paragraph (e):

"Provided that if a Police Officer is, without his own default, seriously injured during the course of his duties and due to such injury he is incapable of discharging

C 1102

the duties of his office, and has been duly certified as such by an Injuries Board made up of medical and other professionals appointed by the Minister responsible for the Police, such officer may be entitled to pensionable emoluments as if he had completed the 25 years' service:

Provided further that, if a Police Officer, without his own default, dies as a direct consequence of him having carried out the duties of his office, his dependants, unless otherwise precluded at law, will be entitled to the payment of such pensionable emoluments, as mentioned hereunder."; and

(d) immediately after sub-article (1) thereof, as re-numbered, there shall be added the following new sub-article:

"(2) For the purpose of sub-regulation (1)(e), the pensionable emoluments shall be granted to:

Cap. 530.

(a) the surviving spouse or partner of the deceased until such spouse remarries or such partner contracts another union of equivalent status in accordance with the Civil Union Act or reaches pensionable age; or

(b) in the absence of an eligible spouse or partner, the child or children of the deceased until such child or children attain the age of 18 years or until such child or children attain the age of 23 years if attending a full-time educational institution; or

(c) in the absence of children, a parent or immediate family relative who was wholly dependent on him for maintenance, for a period of 5 years from the death of the Police Officer subject to the retention of a state of dependency.

Cap. 285.

For the purposes of paragraph (b), the pensionable emoluments shall be granted to the child or children equally divided and, in the case of minors, entrusted to their legal guardian as defined in the Children and Young Persons (Care Orders) Act."

3. The Fifth Schedule to the principal Act shall be amended as follows:

Amendment of the Fifth Schedule to the principal Act.

(a) regulation 9 thereof shall be substituted by the following:

"9. Where a Police Officer has sustained a physical injury on duty leading to a permanent disability -

- (a) without his own default, and
- (b) during the actual discharge of his duties, and
- (c) is, due to such injuries, incapable of fulfilling any other role in the Force, and
- (d) has been duly certified by an Injuries Board appointed by the Minister responsible for the Police,

such officer shall be entitled to pensionable emoluments as if he had completed the 25 years service."; and

(b) regulation 10 thereof shall be substituted by the following:

"10. (1) Where a Police Officer, without his own default, dies as a direct and immediate consequence of him having carried out the duties of his office, his dependants, unless otherwise precluded at law, shall be entitled to the payment of such pensionable emoluments as mentioned hereunder.

(2) For the purpose of sub-regulation (1), his pensionable emoluments shall be granted to:

- (a) the surviving spouse or partner of the deceased until such spouse or partner remarries or contracts a union of equivalent status in accordance with the Civil Union Act or reaches pensionable age; or

C 1104

(b) in the absence of an eligible spouse or partner, the child or children of the deceased until such child or children attain the age of 18 years or until such child or children attain the age of 23 years if attending a full-time educational institution; or

(c) in the absence of children, a parent or immediate family relative who was wholly dependent on him for maintenance for a period of 5 years from the death of the Police Officer subject to the retention of a state of dependency:

Provided that the pensionable emoluments granted to the child or children as provided in paragraph (b) shall be equally divided and, in the case of minors, entrusted to their legal guardian as defined in the Children and Young Persons (Care Orders) Act."

Cap. 285.

Objects and Reasons

The object of this Bill is to amend and update the provisions, in the Police Act, relating to the pensionable emoluments payable to Police officers who are seriously injured during the course of their duties or payable to their dependants in the case where Police officers die as a direct consequence of their having carried out the duties of their office.

