

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,533, 5 ta' Frar, 2016

Taqsim A

MALTA

ATT Nru XI tal-2016

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

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

ACT No. XI of 2016

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Police Act, Cap. 164.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

5 ta' Frar, 2016

ATT Nru XI tal-2016

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'ligi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 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.

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(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-Pulizija jista' jistabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet 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 kif enumerata mill-ġdid bhala s-subartikolu (1) tal-imsemmi artikolu;

(b) fil-paragrafu (e) tas-subartikolu (1) tiegħu, kif enumerat mill-ġdid, minflok il-kliem "Prim Ministru" għandha tidhol il-kelma "Ministru", u 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

jizdiedu 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 jizvolgi l-obbligi tiegħu u minhabba fit-tali korriment ma jkunx possibbli għalih li jaqdi d-dmirijiet tax-xogħol tiegħu, u jkun ġie ċċertifikat kif meħtieġ mill-Bord dwar il-Korrimenti magħmul minn professjonisti mediċi u professjonisti oħrajn mahtura mill-Ministru responsabbli għall-Pulizija, it-tali uffiċjal jista' jiġi intitolat għall-ħlas tal-pensjoni daqsliekeku għamel il-25 sena servizz:

Izda wkoll jekk 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 mil-liġi, ikunu intitolati għall-ħlas tal-pensjoni, kif jidher hawn taħt."; u

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

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

(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 Ċivili, 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 jattendi 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 ikun fi stat ta' dipendenza.

Kap. 285. Għall-finijiet tal-paragrafu (b), il-ħlas tal-pensjoni mogħti lit-tifel jew lit-tfal għandu jinqasam b'mod ugwali u, fil-każ ta' minuri, fdat lill-gwardjan legali tagħhom kif stabbilit fl-Att dwar Tfal u Żgħażaġh (Ordinijiet għall-Ħarsien).".

3. Il-Ħames Skeda li tinsab mal-Att prinċipali għandha tiġi emendata kif ġej:

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

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

"9. Meta uffiċjal tal-Pulizija tiġrilu ħsara permanenti fil-persuna li twassal għal dizabilità permanenti -

(a) mingħajr htija tiegħu; u

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

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

(d) ikun gie debitament iċċertifikat minn Bord dwar il-Korrimenti maħtur mill-Ministru responsabbli għall-Pulizija skont l-ewwel proviso tal-paragrafu 123(e),

dak l-uffiċjal għandu jkun intitolat għal ħlas ta' pensjoni bħallikieku 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 minħabba f'xi nuqqas tiegħu, imut b'konsegwenza diretta li jkun żvolġa d-dmirijiet tax-xogħol tiegħu, id-dipendenti tiegħu, sakemm ma jkunx prekluz mil-ligi, ikunu intitolati għall-ħlas tal-pensjoni, kif jidher hawn taħt.

(2) Għall-fini tas-subregolament (1), il-ħlas tal-pensjoni tiegħu 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 jattendi 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 ikun 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 (Ordinijiet għall-Ħarsien).".

Kap. 285.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 348 tal-25 ta' Jannar, 2016.

ANGLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

5th February, 2016

ACT No. XI of 2016

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, 2016, 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 "Prime Minister" there shall be substituted the word "Minister", and 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 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:

(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 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 in accordance with the first proviso to paragraph 123(e),

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:

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Cap. 530.

(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

(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 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:

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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."

Passed by the House of Representatives at Sitting No. 348 of the 25th January, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

