

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,485, 13 ta' Ottubru, 2015*  
*Taqsim A*

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MALTA

**ATT Nru XXVIII tal-2015**

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

**ACT No. XXVIII of 2015**

AN ACT enacted by the Parliament of Malta.

**ATT biex jemenda l-Att dwar il-Protezzjoni Ċivili, Kap. 411.**

**AN ACT to amend the Civil Protection Act, Cap. 411.**



Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE LOUISE  
COLEIRO PRECA  
President**

13 ta' Ottubru, 2015

**ATT Nru XXVIII tal-2015**

*ATT biex jemenda l-Att dwar il-Protezzjoni Ċivili, Kap. 411.*

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.** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2015 li jemenda l-Att dwar il-Protezzjoni Ċivili u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar il-Protezzjoni Ċivili, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 411.

**2.** Fit-tifsira "Forza" fl-artikolu 2 tal-Att prinċipali, minnufih wara l-kliem "bl-artikolu 8;" għandhom jiżdiedu l-kliem "li tikkonsisti fl-Uffiċjali Kapijiet tal-Għajnuna u s-Salvataġġ, l-Uffiċjali tal-Istazzjon, l-Uffiċjali Gholja tal-Għajnuna u Salvataġġ, l-Uffiċjali tal-Għajnuna u Salvataġġ u r-Rekluti *Trainee* tal-Għajnuna u Salvataġġ jew xi uffiċjali fi grad ekwivalenti li jwettqu dmirijiet ekwivalenti;".

Emenda tal-artikolu 2 tal-Att prinċipali.

**3.** Minnufih wara l-artikolu 11 tal-Att prinċipali għandhom jiżdiedu l-artikoli godda li ġejjin:

Żjieda ta' artikoli godda fl-Att prinċipali.

"Regolamenti  
dwar il-  
pensjonijiet.

**12. (1)** Il-Ministru, bi qbil mal-Ministru responsabbli għall-Finanzi, jista' jagħmel regolamenti għall-ghoti ta' pensjonijiet lil persuni li servew fil-Forza.

**(2)** Kull regolament magħmul taht dan l-artikolu jista' b'effett retroattiv jikkonferixxi benefiċċju fuq jew inehhi diżabilità annessa ma' kull persuna jew klassi ta' persuni.

A 982

(3) Kull pensjoni mogħtija taħt dan l-Att għandha tinħadem skont id-dispożizzjonijiet li huma fis-seħħ fid-data attwali tal-irtirar tal-uffiċjal.

(4) L-ebda regolament magħmul taħt dan l-artikolu m'għandu jkollu effett qabel ma jkun approvat permezz ta' riżoluzzjoni mressqa fil-Kamra tad-Deputati.

Pensjonijiet li jġu imposti fuq id-dhul ta' Malta.

13. Għandhom jiġu imposti fuq, u mhallsa mill-Fond Konsolidat, is-somom kollha ta' flus li minn żmien għal żmien jistgħu jingħataw bhala pensjoni skont dan l-Att.

Tnehhija mill-kariga.

14. Il-Ministru jista' f'kull żmien ineħhi mill-kariga tiegħu f'kull hin uffiċjal tal-Forza li:

(i) jkun meqjus li probabbilment mhux ser isir, jew naqas milli jkun, uffiċjal effiċjenti tal-Forza;

(ii) mhuwiex kapaci, minhabba mard mentali jew tal-ġisem, jaqdi dmirijiet tal-kariga tiegħu meta x'aktarx dik il-marda tkun waħda permanenti; u

(iii) jkun ġie kkunsidrat, wara li ġew meqjusa l-kondizzjonijiet tal-Forza, il-bżonn tal-uffiċju għal dak il-għan, u ċ-ċirkostanzi kollha tal-każ, li dak l-uffiċjal m'għandux, fl-interess pubbliku, jibqa' jservi aktar bhala membru tal-Forza.

Ċirkostanzi li pensjoni tista' tingħata.

15. M'għandhiex tingħata pensjoni lil xi uffiċjal tal-Forza hliet meta jirtira mill-Forza, f'xi waħda minn dawn il-każijiet li ġejjin:

(i) kif, jew wara li jkun għamel hamsa u għoxrin sena servizz mal-Forza;

(ii) meta jkun ġie abolit il-post tax-xogħol tiegħu;

(iii) fuq irtirar obbligatorju bil-għan sabiex jittejbu l-facilitajiet fl-organizzazzjoni tal-Forza, sabiex ikun hemm aktar effiċjenza u aktar ekonomija;

(iv) fil-każ ta' terminazzjoni ta' impjeg li jkun sar fl-interess pubbliku kif provdut f'dan l-Att; u

(v) fuq prova medika għas-sodisfazzjon tal-Ministru li dak l-uffiċjal tal-Forza mhux kapaċi, minhabba mard tal-moħħ jew tal-ġisem, iwettaq id-dmirijiet tal-kariga tiegħu u li dik il-marda x'aktarx tkun permanenti.

Riżerva rigward  
uffiċjali tal-  
Forza.

16. Bla hsara għal xi regolamenti magħmula taħt dan l-Att li jiddeterminaw il-pensjoni massima li tingħata lil xi uffiċjal tal-Forza, li jkunu fis-seħħ minn żmien għal żmien, meta persuna tkun inġatret bhala uffiċjal tal-Forza, kull perjodu qabel dik il-ħatra fejn il-persuna tkun serviet bhala uffiċjal tal-Forza, gwardjan tal-ħabs jew membru tal-korp dixxiplinat kif imfisser fl-artikolu 47(1) tal-Kostituzzjoni, għandu jitqies servizz bhala uffiċjal tal-Forza għall-finijiet ta' xi pensjoni li tista' tingħata taħt dan l-Att jew xi regolamenti magħmula taħtu.

Irtirar abbażi ta'  
interess  
pubbliku.

17. Meta s-servizzi ta' uffiċjal tal-Forza jkunu terminati fuq bażi tal-artikolu 14(iii), u ma tkunx tista' xort'ohra tingħatalu pensjoni għall-finijiet ta' dan l-Att, l-uffiċjal jista' jingħata pensjoni li ma teċċedix l-ammont li għalih huwa jkun elegibbli li kieku rtira mill-Forza taħt iċ-ċirkostanzi msemmija fl-artikolu 15(v).

Hlasijiet  
transkonfinali.

18. Pensjonijiet, gratifikazzjonijiet u *allowances* li jithallsu taħt dan l-Att lil kull uffiċjal tal-Forza, għandhom jiġu wkoll imħallsa lill-persuna li jkollha jedd għalihom fi Stati Membri ohra tal-Komunità Ewropea netti minn kull taxxa u spejjeż għat-transazzjoni skont l-Artikolu 5 tad-Direttiva tal-Kunsill 98/49/KE tad-29 ta' Ġunju, 1998 dwar is-salvagwardja tad-drittijiet tal-pensjoni supplimentari ta' persuni impjegati u dawk li jaħdmu għal rashom li jiċċaqilqu fi hdan il-Komunità.

Informazzjoni  
għal persuni  
intitolati għal  
pensjoni,  
gratifikazzjoni  
jew *allowance*.

19. Meta xi uffiċjal tal-Forza jiġi mibgħut fi Stat Membru ieħor tal-Komunità Ewropea, dak l-uffiċjal għandu jkun intitolat li jirċievi informazzjoni adegwata dwar id-drittijiet tiegħu taħt l-Artikolu 7 tad-Direttiva tal-Kunsill 98/49/KE tad-29 ta' Ġunju, 1998 dwar is-salvagwardja tad-drittijiet tal-pensjoni supplimentari ta' persuni impjegati u dawk li jaħdmu għal rashom li jiċċaqilqu fi hdan il-Komunità."

A 984

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 298 tas-7 ta' Ottubru, 2015.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skriivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**MARIE LOUISE  
COLEIRO PRECA  
President**

13th October, 2015

**ACT No. XXVIII of 2015**

*AN ACT to amend the Civil Protection Act, Cap. 411.*

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.** The short title of this Act is the Civil Protection (Amendment) Act, 2015 and it shall be read and construed as one with the Civil Protection Act, hereinafter referred to as "the principal Act".

Short title.

Cap. 411.

**2.** In the definition "the Force" in article 2 of the principal Act, immediately after the words "article 8;" there shall be added the words "consisting of the Chief Assistance and Rescue Officers, the Station Officers, the Leading Assistance and Rescue Officers, the Assistance and Rescue Officers and the Trainee Assistance and Rescue Operatives, or any officers in equivalent grades performing equivalent duties;".

Amendment of article 2 of the principal Act.

**3.** Immediately after article 11 of the principal Act, there shall be added the following new articles:

Addition of new articles to the principal Act.

"Pensions regulations.

**12. (1)** The Minister, with the concurrence of the Minister responsible for Finance, may make regulations for the granting of pensions to persons who have served in the Force.

(2) Any regulations made under this article may with retroactive effect confer a benefit upon or remove a disability attaching to any person or class of persons.

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

(4) No regulation made under this article shall have effect unless it has been approved by a prior resolution of the House of Representatives.

Pensions to be charged on revenues of Malta.

13. 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 Act.

Removal from office.

14. It shall be lawful for the Minister to remove from his office at any time an officer of the Force who:

(i) is considered unlikely to become, or has ceased to be, an efficient officer of the Force;

(ii) is incapable by reason of some infirmity of mind or body of discharging the duties of his office when such infirmity is likely to be permanent; and

(iii) it is considered, having regard to the conditions of the Force, the usefulness of the office thereto, and all the circumstances of the case, that such officer should in the public interest no longer serve as a member of the Force.

Circumstances in which pension may be granted.

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

(i) on or after he has completed twenty-five years service in the Force;

(ii) on the abolition of his office;

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

(iv) in the case of termination of employment in the public interest as provided in this Act; and

(v) on medical evidence to the satisfaction of the Minister that such officer of the Force 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.

Saving as to officers of the Force.

16. Subject to any regulations made under this Act determining the maximum pension grantable to an officer of the Force as may be in force from time to time, where a person has been appointed an officer of the Force, any period previous to that appointment during which that person has served as an officer of the Force, prisons officer or as a member of a disciplined force as defined in article 47(1) of the Constitution shall be deemed as service as an officer of the Force for the purpose of any pension that may be granted under this Act or any regulations made thereunder.

Retirement on the grounds of public interest.

17. Where the services of an officer of the Force are terminated on the grounds referred to in article 14(iii), and a pension cannot otherwise be granted under the provisions of this Act, such 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 article 15(v).

Cross-border payments.

18. Pensions, gratuities and allowances payable under this Act to any officer of the Force shall also be payable to the person entitled thereto in other Member States of the European Community net of any taxes and transaction charges in accordance with Article 5 of Council Directive 98/49/EC of the 29th June, 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community.

Information to persons entitled to pension, gratuity or allowance.

19. Where any officer of the Force is posted in another Member State of the European Community, such officer shall be entitled to receive adequate information as to his rights under Article 7 of Council Directive 98/49/EC of the 29th June, 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community."

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A 988

Passed by the House of Representatives at Sitting No. 298 of the  
7th October, 2015.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



