

A.L. ta' l-1999

**ATT DWAR IL-HABS
(KAP. 260)**

**Regolamenti ta' l-1999 dwar Pensjonijiet ghal Min
Jahdem fil-Habs**

BIS-SAHHA tas-setghat moghtija bl-artikolu 10 ta' l-Att dwar il-Habs, il-Ministru ta' l-Intern, bi ftehim mal-Ministru tal-Finanzi, ghamel dawn ir-regolamenti li gejjin: —

1. Dawn ir-regolamenti jistghu jissejhu r-Regolamenti ta' l-1999 ^{Titolu.} dwar Pensjonijiet ghal Min Jahdem fil-Habs.

2. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma ^{Tifsir.} tehtiegx xort' ohra:

“*allowance* personali” tfisser zieda speċjali moghtija personalment lid-detentur tal-kariga ghal dak iż-żmien, iżda ma tinkludix dik iż-żieda jekk tkun moghtija bhala suggetta ghall-kondizzjoni li ma tkunx pensjonabbli;

“Att” tfisser l-Att dwar il-Habs, kif sussegwentement emendat;

“hlas pensjonabbli” jidhlu fiha —

- (i) is-salarju,
- (ii) l-*allowance* personali,

iżda ma jidhlux fiha l-*allowance* ghal xi servizz speċjali, ir-rimunerazzjoni *extra*, u kull dritt imhallas mit-Teżor bhala salarju jew kull xorta ta' hlasijiet ohra;

“Ministru” tfisser il-Ministru responsabbli ghall-habs u tinkludi, sal-limitu ta' l-awtorità moghtija, kull persuna awtorizzata ghal hekk ghal xi wiehed mill-ghanijiet ta' l-Att;

“sena” tfisser sena skond il-kalendarju;

“xahar” tfisser xahar skond il-kalendarju;

“uffiċjal tas-servizzi korrettivi” tfisser uffiċjal mahtur fis-servizz pubbliku fi jew wara l-15 ta’ Jannar, 1979 u li jkun jokkupa l-kariga elenkata fl-Iskeda li tinsab ma’ dawn ir-regolamenti.

Ċirkostanzi li fihom il-pensjoni tista’ tinghata.

3. Ebda pensjoni ma tinghata lil xi uffiċjal tas-servizzi korrettivi hliet meta jirtra mid-Dipartiment għal Servizzi Korrettivi f’ wiehied mill-kazijiet li ġejjin: —

(a) meta jew wara li jaghlaq l-età ta’ hamsa u hamsin sena, jew jekk ikun għalaq hamsa u ghoxrin sena servizz fid-Dipartiment għal Servizzi Korrettivi;

(b) meta tiġi abolita l-kariga tiegħu;

(ċ) meta jiġi irtirat bil-fors halli jagħti lok issir ahjar l-organizzazzjoni tad-Dipartiment għal Servizzi Korrettivi, biex b’hekk ikun hemm effiċjenza u ekonomija akbar;

(d) meta jiġi irtirat bil-fors fl-interess pubbliku;

(e) fuq prova medika ta’ sodisfazzjon tal-Prim Ministru illi dak l-uffiċjal tas-servizzi korrettivi ma jkunx kapaċi minhabba mard tal-mohħ jew tal-ġisem li jsegwixxi d-dmirijiet tal-kariga tiegħu u li dik il-marda x’aktarx li tkun waħda permanenti.

Irtir fl-interess pubbliku.

4. Meta servizz ta’ uffiċjal tas-servizzi korrettivi jiġi mitmum mill-Prim Ministru wara li jitqiesu l-kondizzjonijiet tad-Dipartiment għal Servizzi Korrettivi, l-utilità ta’ dak l-uffiċjal tas-servizzi korrettivi f’ dak id-Dipartiment, kif ukoll iċ-ċirkostanzi kollha tal-kaz, u jitqies li jkun fl-interess pubbliku li dak l-uffiċjal ma jibqax fis-servizz bhala membru tad-Dipartiment għal Servizzi Korrettivi, u pensjoni ma tkunx tista’ tinghatalu xort’ohra skond id-dispożizzjonijiet ta’ dawn ir-regolamenti, dak l-uffiċjal tas-servizzi korrettivi jista’ jinghata pensjoni li ma tkunx iżjed minn dak l-ammont li għalih kien ikun eliġibbli kieku rtira mid-Dipartiment għal Servizzi Korrettivi fiċ-ċirkostanzi msemmijin fil-paragrafu (e) tar-regolament 3.

L-oghla pensjoni li jista’ jinghata.

5. (1) Il-pensjoni mogħtija lil uffiċjal tas-servizzi korrettivi taħt dawn ir-regolamenti ma tistax tkun iżjed minn żewġ terzi ta’ l-oghla hlas pensjonabbli li f’kull żmien li jkun kien idahhal matul is-servizz tiegħu fid-Dipartiment għal Servizzi Korrettivi.

(2) Għall-finijiet tal-paragrafu ta' qabel dan, ma jittiehidx qies ta' pensjoni addizzjonali mogħtija lil uffiċjal minhabba li tkun ġratlu hsara fil-persuna; iżda, meta tingħata lil uffiċjal tas-servizzi korrettivi dik il-pensjoni addizzjonali, l-ammont li huwa jista' jiehu ta' dan il-pensjoni addizzjonali ma jistax jaqbeż is-sitt parti ta' l-ogħla hlas pensjonabbli tiegħu f'kull żmien li jkun matul is-servizz tiegħu fid-Dipartiment għal Servizzi Korrettivi b'aktar milli bis-somma li biha l-pensjoni tiegħu, apparti minn dik il-pensjoni addizzjonali, ikun anqas minn żewġ terzi ta' dak l-ogħla hlas pensjonabbli.

6. Ebda pensjoni mogħtija taħt dawn ir-regolamenti ma tista' tiġi Il-pensjonijiet ma jistgħux jiġi ceduti. ceduta, trasferuta jew maqbuda, sekwestrata jew tkun suġġetta għal atti ġudizzjarji, minhabba jew dwar xi dejn jew jedd iehor, hliet sa fejn jgħoddu d-dispożizzjonijiet tas-subartikolu (3) ta' l-artikolu 381 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

7. (1) Uffiċjal tas-servizzi korrettivi li jirtira għal raġunijiet Pensjoni tkun imnaqqa f'ċerti ċirkostanzi. elenkati fil-paragrafu (e) tar-regolament 3, li tkun ingħatatlu pensjoni taħt dawn ir-regolamenti u li jkun qed jirċievi —

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

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

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

għandu, sakemm jilhaq l-età ta' hamsa u hamsin sena, jew sal-hamsa u għoxrin anniversarju ta' l-ewwel hatra tiegħu fid-Dipartiment għal Servizzi Korrettivi, skond liema jiġi l-ewwel, ikollu l-pensjoni tiegħu mnaqqa bl-ammont li bih id-dhul totali stabbilit skond id-dispożizzjonijiet li ġejjin ta' dan ir-regolament ikun 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 tteħdu 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 tinaqqas 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 imsemmi qabel, ebda tnaqqis ma għandu jsir minnha.

(2) Għall-finijiet tal-paragrafu (1) ta' dan ir-regolament, id-dhul totali għandu jiġi stabbilit billi jingħaddu flimkien —

(a) il-pensjoni li kienet tigi riċevuta taht dawn ir-regolamenti, kieku ma kienx għad-dispożizzjonijiet ta' dan ir-regolament; u

(b) kull rimunerazzjoni jew dhul kif imsemmi fis-subparagrafi (a), (b) jew (c) tal-paragrafu (1) ta' dan ir-regolament, jew dawk ir-rimunerazzjoni u dhul flimkien, u

billi titnaqqas minnhom is-somma annwali ta' hamsin lira.

(3) Kull tnaqqis fil-pensjoni taht il-paragrafu (1) ta' dan ir-regolament għandu jiġi kalkolat fuq il-bażi tal-pensjoni, ir-rimunerazzjoni jew dhul iehor, u s-salarju, li għandhom jiġu riċevuti matul perijodu ta' tnaqqis ta' xahar li jtemm fil-31 ta' Diċembru ta-sena meta t-tnaqqis ikun dovut li jsir, iżda bla ħsara għal kull agġustament li, jista' jkun jew li jista' jsir mehtieg għal xi raġuni tkun li tkun, u safejn ikun prattikabbli, għandu jsir mill-ħlasijiet ta' kull xahar jew ħlasijiet ohra perjodiċi tal-pensjoni.

(4) Kull uffiċjal li għalih japplika l-paragrafu (1) ta' dan ir-regolament għandu minghajr dewmien jgħarraf lill-*Accountant General*, u jzommu mgħarraf f'kull żmien, biċ-ċirkostanzi kollha li jagħmlu l-imsemmi paragrafu (1) applikabbli għalih u l-limiti safejn ikun hekk applikabbli, u b'kull tibdil fl-imsemmija ċirkostanzi jew limiti, u għandu jagħti lill-*Accountant General*, meta jkun hekk mitlub, it-tagħrif kollu rilevanti; u jekk dak l-uffiċjal jonqos milli jhares xi waħda mid-dispożizzjonijiet ta' dan il-paragrafu, kull pensjoni li huwa jista' jkun intitolat għaliha taht dawn ir-regolamenti għandha ttemm minnufih:

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

Lil min u b'liema rati jinghataw il-pensjonijiet.

8. Bla ħsara għad-dispożizzjonijiet ta' l-Att dwar il-Habs, u ta' dawn ir-regolamenti, lil kull uffiċjal tas-servizzi korrettivi li jkun ilu fid-Dipartiment għal Servizzi Korrettivi għal għaxar snin jew iżjed, tista' tinghata pensjoni bir-rata ta' waħda minn erba' mija u hamsin tal-ħlas tiegħu pensjonabbli għal kull xahar shih ta' servizz pensjonabbli, bla ħsara għal-limitazzjoni msemmija fir-regolament 5.

Is-servizz ma għandux ikun maqtugh.

9. Is-servizz li għalih tista' tinghata pensjoni ma għandux ikun maqtugh, ħlief fil-każijiet li fihom is-servizz ikun gie maqtugh minhabba li tnehhiet il-kariga jew ikun gie sospiz għal xi żmien l-impieg, u mhux minhabba imġieba ħażina jew irtir volontarju mill-impieg:

Izda, iż-żmien ta' servizz qabel ma s-servizz ikun gie maqtugh jista' jiġi kalkolat għall-pensjoni flimkien maż-żmien tas-servizz wara li dan ikun gie maqtugh:

(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 tas-servizzi korrettivi, wara li jkun irriżenja mid-Dipartiment għal Servizzi Korrettivi, ikun sussegwentement issejjah lura fid-Dipartiment għal Servizzi Korrettivi bl-approvazzjoni tal-Prim Ministru minhabba fl-esiġenzi tad-Dipartiment għal Servizzi Korrettivi, u dik is-sejha lura tiġi ċertifikata mill-Prim Ministru.

10. (1) Għall-fini biex jiġi kalkolat l-ammont tal-pensjoni ta' uffiċjal tas-servizzi korrettivi li kellu perijodu ta' mhux anqas minn tliet snin ta' servizz pensjonabbli taht dawn ir-regolamenti qabel l-irtir tiegħu —

Salarji li jitqiesu għal kalkolu ta' pensjoni.

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

(b) fil-każ ta' uffiċjal tas-servizzi korrettivi li f'xi żmien matul dak il-perijodu ta' tliet snin ikun gie trasferit minn kariga għal oħra ġewwa d-Dipartiment għal Servizzi Korrettivi, iżda li l-hlasijiet pensjonabbli tiegħu ma jkunux tbiddu minhabba dak it-trasferiment jew trasferimenti ġewwa d-Dipartiment għal Servizzi Korrettivi, hlief bl-ghoti ta' xi żieda fl-iskala, għandhom jitqiesu l-hlasijiet pensjonabbli annwali shah 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 tas-servizzi korrettivi dwar is-servizzi tiegħu matul it-tliet snin tas-servizz tiegħu minnufih qabel id-data ta' l-irtir tiegħu:

Izda —

(i) jekk dak it-terz anqas mill-oghla hlasijiet pensjonabbli annwali li hu jkun igawdi fid-data ta' xi trasferiment ġewwa d-Dipartiment għal Servizzi Korrettivi, 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 tieghu, kieku baqa' f'xi kariga gewwa d-Dipartiment ghal Servizzi Korrettivi li minnha jkun gie trasferit f'xi zmien matul dak il-perijodu ta' tliet snin, u kien ircieva z-ziediet kollha fl-iskala li, fil-fehma tal-Prim Ministru, kienu jinghataw lilu, ghandhom jitqisu l-hlasijiet pensjonabbli annwali li kien ikun hekk igawdi.

(2) Ghall-fini biex jigu stabbiliti taht il-paragrafu (1) ta' dan ir-regolament il-hlasijiet pensjonabbli li ufficjal tas-servizzi korrettivi kellu jew kien ikollu, skond il-każ, huwa ghandu jitqies —

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

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

(3) Ghall-fini ta' kalkolu ta' l-ammont tal-pensjoni ta' ufficjal tas-servizzi korrettivi li kellu perijodu ta' anqas minn tliet snin servizz pensjonabbli qabel l-irtir tieghu —

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

(b) ghandu jitqies li kien fis-servizz bil-hlasijiet pensjonabbli shaħ matul dak il-perijodu;

(c) ghandu jitqies li kellu l-beneficċju ta' kull zieda minhabba revizjoni ta' salarji fil-hlasijiet pensjonabbli ta' kull kariga tieghu bhallikieku dik iż-zieda kellha tithallas matul dak il-perijodu; u

(d) il-perijodu li fihom huwa ma kienx jattendi ghax-xoghol bil-leave minghajr salarju, moghti minhabba raġunijiet ta' hteġa pubblika bl-approvazzjoni tal-President, u li fihom hu ma kienx ikkwalfika ghal pensjoni rigward servizz pubbliku iehor.

(4) F'ebda ċirkostanzi ma ghandhom il-hlasijiet pensjonabbli li ghandhom jitqiesu jkunu iżjed mill-hlasijiet pensjonabbli annwali shaħ li kellu l-ufficjal tas-servizzi korrettivi fid-data ta' l-irtir tieghu ghall-kariga li jkollu dak iż-zmien.

(5) Fil-każ ta' uffiċjal tas-servizzi korrettivi li ghalih japplika s-subparagrafu (d) tal-paragrafu (1) tar-regolament 11, 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

(c) 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-hlasijiet pensjonabbli tiegħu li għandhom jitqiesu għandhom ikunu dawk li hu kieku kien qiegħed jirċievi f'dik id-data li kieku ma kienx hekk tkeċċa.

11. (1) Għall-finijiet ta' kalkolu ta' l-ammont ta' pensjoni ta' uffiċjal tas-servizzi korrettivi, il-perijodi li ġejjin għandhom jitqiesu bhala servizz pensjonabbli:

Kalkolu ta' pensjonijiet.

(a) kull perijodu li fih huwa kien jattendi għax-xogħol;

(b) kull perijodu li fih irċieva nofs salarju;

(c) kull perijodu li fih huwa ma kienx jattendi għax-xogħol bil-leave b'salarju shih jew b'nofs salarju;

(d) kull perijodu wara t-tkeċċija mid-Dipartiment għal Servizzi Korrettivi, 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 tas-servizzi korrettivi kien ikun għalaq 25 sena servizz, jew id-data meta dak l-uffiċjal tas-servizzi korrettivi ikollu jirtira minhabba fl-età, jew id-data meta dak l-uffiċjal imut, skond liema tiġi l-ewwel.

U kull perijodu li fih huwa kien nieqes bil-leave, minbarra dawk imsemmijin hawn aktar qabel, għandu jitnaqqas mis-servizz kollu ta' l-uffiċjal sabiex jinkiseb 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 10, 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.

12. Meta uffiċjal jaġixxi flok haddiehor f'kariga pensjonabbli fid-Dipartiment għal Servizzi Korrettivi, iż-żmien ta' dak is-servizz jista' jingħadd bhala servizz pensjonabbli taht dawn ir-regolamenti:

Sakemm —

(a) iż-żmien illi fih l-uffiċjal ikun aġixxa ma jkunx biċċa mis-servizz pensjonabbli ta' l-uffiċjal li qabel kien fil-kariga u ma jiġix kalkolat bhala biċċa mis-servizz pensjonabbli ta' dan l-uffiċjal taht dawn ir-regolamenti fid-Dipartiment għal Servizzi Korrettivi;

(b) sewwasew qabel dan iż-żmien ta' servizz jew sewwasew warajh ikun hemm servizz f'kapacità sostantiva fid-Dipartiment għal Servizzi Korrettivi.

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

13. Jekk uffiċjal tas-servizzi korrettivi jirtira jew jitneħħa mid-Dipartiment għal Servizzi Korrettivi minhabba t-tneħħija tal-kariga tiegħu, inkella sabiex jagħti lok li jsir aħjar id-Dipartiment għal Servizzi Korrettivi, biex b'hekk jista' jkun hemm iżjed effiċjenza u ekonomija, lil dan l-uffiċjal tista' tingħatalu pensjoni:

Iżda, madankollu, jekk huwa jkun ilu fid-Dipartiment għal Servizzi Korrettivi għal anqas miż-żmien ta' għaxar snin mehtieg biex jikkwalifikah għal pensjoni, huwa jista' jiġi mogħti pensjoni kalkolata skond ir-regolament 8 bħallikieku ma kien hemm ebda żmien ta' kwalifika:

Iżda b'dan illi dik il-pensjoni tingħatalu taht il-kondizzjoni illi hu jista' jerga' jiġi msejjah għas-servizz fid-Dipartiment għal Servizzi Korrettivi:

Iżda wkoll, jekk dak l-uffiċjal tas-servizzi korrettivi ma jkunx tajjeb għal impieg iehor fid-Dipartiment għal Servizzi Korrettivi jew jekk ma jkunx hemm raġuni ta' tama, fil-fehma tal-Prim Ministru, illi fi żmien qasir jista' jerga' jiġi impjegat, tista' tigi lilu mogħtija pensjoni mingħajr il-kondizzjoni msemmija hawn aktar qabel.

Rati ta' pensjoni
meta jiġu mneħħija
karigi.

14. Uffiċjal tas-servizzi korrettivi li l-kariga tiegħu tigi mneħħija, tista' tingħatalu zieda fil-pensjoni bir-rata ta' wahda minn sittin tal-hlas tiegħu pensjonabbli fis-sena għal 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 għal pensjoni ta' valur fis-sena oghla minn dak li għalih huwa kien ikun ikkwalifikat b'tul ta' servizz meta jilhaq l-età li fiha huwa jista' jiġi mgieghel li jirtira, jew għal pensjoni ta' valur fis-sena oghla mill-oghla wiehed stabbilit fir-regolament 5.

15. Meta uffiċjal tas-servizzi korrettivi tiġrilu hsara permanenti fil-persuna –

Uffiċjali li jirtiraw minhabba hsara fil-persuna.

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

(b) mingħajr htija tiegħu, u

(c) minhabba feriment li tiegħu ikun speċifikament kaġun ix-xorta tax-xogħol tiegħu,

u b'hekk l-irtir tiegħu mis-servizz isir meħtieġ jew ikollu jsir wisq qabel iż-żmien li jmiss, tista' lilu tinghata, jekk huwa jkun ikkwalifikat għal pensjoni taħt ir-regolament 8, b'żieda mal-pensjoni lilu mogħtija taħt dak ir-regolament, pensjoni addizzjonali bis-rata tal-proporzjon tal-hlas pensjonabbli li jkun qiegħed jiehu fid-data meta graṭlu l-hsara u li tkun taqbel għall-każ tiegħu skond kif imfisser fit-tabella li ġejja:

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 għal kollox	minn sittin ghoxrin;

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

(i) meta l-uffiċjal tas-servizzi korrettivi li tiġrilu l-hsara jkun baqa' fis-servizz għal mhux anqas minn sena wara li tkun graṭlu l-hsara illi minhabba fiha iritira mis-servizz;

(ii) meta uffiċjal tas-servizzi korrettivi li tiġrilu hsara jkun, fid-data li tiġrilu l-hsara, jonqsu għaxar snin għall-età li fiha jista' jkun imgieghel 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 fil-paragrafu (2) tar-regolament 5.

Pensjonijiet lil
uffiċjali b'servizz
anqas minn għaxar
snin.

16. Meta uffiċjal tas-servizzi korrettivi li tigrilu din il-ħsara ma jkunx għamel żmien hekk twil fis-servizz li jikkwalifikah għal pensjoni taht ir-regolament 8, lil dan l-uffiċjal tkun tista', b'danakollu, 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 ir-regolament 15 li kieku kien ikkwalfikat għal pensjoni.

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

17. (1) Meta uffiċjal tas-sevizzi korrettivi mingħajr htija tiegħu jiġi maqtul fil-waqt li jkun qed jaqdi dmiru jew imut minħabba xi ħsara li b'mod speċifiku tkun gejjja mix-xorta tax-xogħol tiegħu jew jiġi maqtul fil-waqt li jkun qed jaqdi dmiru, tista' tinghata pensjoni lill-armla li jhalli, sakemm hija ma tiżzewwiġx, ta' mhux iżjed minn għaxra fis-sittin tas-salarju pensjonabbli ta' żewgħa fil-jum li tigrilu 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 minn wiehed minn sitta tar-rata li tinghata lill-armla, sakemm il-pensjonijiet ta' l-ulied miġburin flimkien ma jkunux jeċċedu r-rata li tisthoqq lill-armla.

(2) Id-dispożizzjonijiet ta' qabel jgħoddu wkoll għal każ ta' uffiċjal li, wara li jirtira bil-pensjoni taht ir-regolament 15, 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 ir-regolament, u huwa jhalli warajh ulied li kienu jkunu intitolati għal pensjoni li kieku għet mogħtija pensjoni lill-armla, jistgħu jingħataw lilhom pensjonijiet fid-doppju ta' l-ammont tal-pensjonijiet li għalihom huma kienu jkunu intitolati fiċ-ċirkostanzi.

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

18. (1) Il-pensjonijiet ikkalkolati bir-rati msemmin hawn fuq, jinghataw biss fil-każ ta' servizz li jkun sar tassew bil-fedeltà u b' mod meritevoli. L-imġieba tajba hija mehtieġa.

(2) Meta l-fedeltà ta' l-uffiċjal ma jilhqux l-ewwel grad ta' mertu, il-kalkolu jista' jsir b'rati anqas minn dawk imsemmin hawn fuq.

SKEDA

(Regolament 2)

Direttur tas-Servizzi Korrettivi
Correctional Manager
Assistent *Correctional Manager*

Correctional Supervisor
Uffiċjal Korrettiv Anzjan
Uffiċjal Korrettiv
Ghassies

L.N. of 1999

**PRISONS ACT
(CAP. 260)**

Prisons Pensions Regulations, 1999

IN exercise of the powers conferred by section 10 of the Prisons Act, the Minister for Home Affairs, with the concurrence of the Minister of Finance, has made the following regulations:—

Short title. 1. These regulations may be cited as the Prisons Pensions Regulations, 1999.

Intérpretation. 2. In these regulations, unless the context otherwise requires:

“Act” means the Prisons Act, as subsequently amended;

“correctional services officer” means any officer appointed to the public service on or after the 15th January, 1979 and who occupies any post listed in the Schedule to these regulations;

“Minister” means the Minister responsible for the prisons and includes, to the extent of the authority given, any person authorised on that behalf for any purpose of the Act;

“month” means a calendar month;

“pensionable emoluments” include —

(i) salary,

(ii) personal allowance,

but does not include special duty allowance, 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;

“year” means a calendar year.

3. No pension shall be granted to any correctional services officer except on his retirement from the Department of Correctional Services in any one of the following cases:—

Circumstances in which pension may be granted.

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

(b) on the abolition of his office;

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

(d) on compulsory retirement on the ground of public interest;

(e) on medical evidence to the satisfaction of the Prime Minister that such correctional services 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.

4. Where a correctional services officer's services is terminated by the Prime Minister after taking regard of the conditions of the Department of Correctional Services, the usefulness of the correctional services officer thereto, and all the circumstances of the case, and it is considered in the public interest that he should no longer serve as a member of the Department of Correctional Services, and a pension cannot otherwise be granted to him under the provisions of these regulations, such correctional services officer may be granted a pension not exceeding in amount that for which he would be eligible if he retired from the Department of Correctional Services in the circumstances described in paragraph (e) of regulation 3.

Retirement on the ground of public interest.

5. (1) A pension granted to a correctional services officer under these regulations shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his services in the Department of Correctional Services.

Maximum pension grantable.

(2) For the purpose of the preceding paragraph an additional pension granted in respect of injury shall not be taken into account; but where a correctional services 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 Department of Correctional Services by more than the sum by which his pension, apart from such additional pension, falls short of two-thirds of such highest emoluments.

Pensions not to be assignable.

Cap. 12.

Pension to be reduced in certain circumstances.

6. No pension granted under these regulations 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 Organization and Civil Procedure.

7. (1) A correctional services officer who retires on grounds listed in paragraph (e) of regulation 3, to whom a pension has been granted under these regulations and who is in receipt of –

(a) any remuneration in respect of any employment, or of any services rendered, 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 Department of Correctional Services, whichever is the earliest, have his pension reduced by the amount by which the aggregate income established in accordance with the following provisions of this regulation exceeds the salary which is then payable in respect of the post which the officer held in retirement, taking account only, of 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 purpose of paragraph (1) of this regulation, the aggregate income shall be established by adding –

(a) the pension which, but for the provisions of this regulation, would have been receivable under these regulations; and

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

by subtracting therefrom the yearly sum of fifty liri.

(3) Any reduction in the pension under paragraph (1) of this regulation 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 paragraph (1) of this regulation applies shall without delay inform the Accountant General, and keep him at all times informed, of all the circumstances which render the said paragraph (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 paragraph, any pension to which he may be entitled under these regulations 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.

8. Subject to the provisions of the Prisons Act, and of these regulations, every correctional services officer, who has been in the Department of Correctional Services for ten 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 regulation 5.

Pensions to whom
and at what rates
to be granted.

9. 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:

Service to be
unbroken.

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 correctional services officer, having resigned from the Department of Correctional Services, is

subsequently recalled in the Department of Correctional Services with the approval of the Prime Minister on account of the exigencies of the Department of Correctional Services, and such recall is certified by the Prime Minister.

Emoluments to be taken for computing pension.

10. (1) For the purpose of computing the amount of the pensions of a correctional services officer who has had a period of not less than three years' pensionable service under these regulations before his retirement –

(a) in the case of a correctional services 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 correctional services officer who at any time during such period of three years has been transferred from one office to another within the Department of Correctional Services, but whose pensionable emoluments have not been changed by reason of such transfer or transfers within the Department of Correctional Services, 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 correctional services 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 the Department of Correctional Services, within such period of three years those annual pensionable emoluments shall be taken; and

(ii) if such one third is less than the highest annual pensionable emoluments enjoyed by him at the date of his retirement, if he had continued to hold any office within the Department of Correctional Services 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 correctional services 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 on 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 correctional services 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 correctional services officer at the date of his retirement in respect of the office then held by him.

(5) In the case of a correctional services officer to whom subparagraph (d) of paragraph (1) regulation 11 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 reached 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.

11. (1) For the purpose of computing the amount of a correctional services 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 Department of Correctional Services, 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 correctional services officer would have completed 25 years' service, or the day on which such correctional services 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 10, 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.

12. Where an officer has performed acting service in a pensionable office in the Department of Correctional Services, the period of such service may be taken into account as pensionable service under these regulations:

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 officers' own pensionable service under these regulations in the Department of Correctional Services;

(b) this period of service is immediately preceded or followed by service in a substantive capacity in the Department of Correctional Services.

13. If a correctional services officer retires or is removed from the Department of Correctional Services in consequence of the abolition of his office, or for the purpose of facilitating improvements in the Department of Correctional Services, by which greater efficiency and economy can be effected, he may be granted a pension:

Abolition or reorganisation of office.

Provided, however, that if he has been in the Department of Correctional Services for less than the qualifying period of ten years, he may be granted a pension calculated in accordance with regulation 8 as if there had been no qualifying period:

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 Department of Correctional Services:

Provided further that if such a correctional services officer is not qualified for other employment in the Department of Correctional Services 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.

14. A correctional services 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:

Rates of pension when offices are abolished.

Provided that —

(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 regulation 5.

Officers retiring on account of injuries.

15. Where a correctional services 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 hereby necessitated or materially accelerated, he may, if he is qualified for a pension under regulation 8, 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 injured	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 correctional services officer has continued to serve for not less than one year after the injury in respect of which he retires;

(ii) where the injured correctional services 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 further that the total amount of the additional pension shall not exceed the amount prescribed in paragraph (2) of regulation 5.

16. A correctional services officer so injured, whose length of service is not such as to qualify him for a pension under regulation 8, 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 regulation 15 if he were qualified for pension.

Pensions to officers when service is less than ten years.

17. (1) Where a correctional services 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.

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

(2) The foregoing provision shall apply also in case the officer, after he shall have been pensioned under regulation 15, 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 regulation, 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 is a widow, in case of remarriage.

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

Good conduct required.

(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.

SCHEDULE

(Regulation 2)

Director of Correctional Services
Correctional Manager
Assistant Correctional Manager

Correctional Supervisor
Senior Correctional Officer
Correctional Officer
Guard