

CHAPTER 93

PENSIONS ORDINANCE

To repeal and re-enact with amendments the law relating to the grant of pensions, gratuities and other allowances to persons in the Public Service of Malta, and to the grant of pensions and gratuities to dependants in certain cases.

1st April, 1937

ORDINANCE XVII of 1937, as amended by Ordinances: XIII of 1939, XXXI of 1940, XV of 1944, X, XXVI and XXXVIII of 1946, XXVI of 1947; Proclamation XI of 1947; Acts: XIII, XIV and XLVI of 1948, XXII of 1956; Emergency Ordinance VI of 1958; Ordinances: VI of 1959, I of 1960, XX of 1961, I and XXV of 1962; Legal Notice 46 of 1965; Acts: LVIII of 1974 and VIII of 1975; Legal Notice 148 of 1975; and Acts: XXII of 1976, XVI of 1977, XII of 1979, XLIX of 1981, XIII of 1983, V of 1988, IX of 1990 and VII of 1992; and, in regard to the regulations contained in the Schedule, by Government Notices: 128 and 259 of 1939, 430 of 1940, 24 of 1941, 177 and 509 of 1943, 178 of 1944, 357 of 1947, 448 of 1948, 140 and 698 of 1949, and 600 of 1955; Act XXII of 1956; Government Notice 338 of 1957; Emergency Ordinances: VI and XIV of 1958; Legal Notices: 7 of 1961 and 1 of 1962; Ordinance XXV of 1962; Legal Notices: 46 of 1965, 3 of 1966, 65 of 1967, 55 of 1970 and 34 of 1971; Act LVIII of 1974; Legal Notice 148 of 1975; Acts: XXII of 1976 and XI of 1977; Legal Notices: [38 of 1980](#), [20 of 1981](#), [21 of 1987](#) and [27 of 1988](#); Acts: [VIII](#) and [IX of 1990](#), [VII of 1992](#), [XVI of 1997](#), [VIII of 1999](#) and [XV of 2002](#); Legal Notice [211 of 2004](#); Acts [II](#) and [XIX of 2006](#); Legal Notice [408 of 2007](#); Acts [XV of 2009](#) and [I of 2010](#); Legal Notice [120 of 2012](#); and Acts [XLI of 2016](#) and [III](#) and [XX of 2019](#).

1. The short title of this Ordinance is the Pensions Ordinance.
2. (1) In this Ordinance and the regulations made thereunder -

"correctional services officer" means any officer appointed to the public service before the 15th January, 1979 and who occupies any post listed in the Schedule to the [Prisons Pensions Regulations](#);

"Minister" means the Minister from time to time responsible for the Department of Social Security, and includes any officer designated by the Minister for a particular purpose or class of purposes;

"month" means a calendar month;

"officer" means a person substantively appointed to an office in respect of which a pension or retiring allowance may be granted under this Ordinance.

In case of any question or dispute arising as to whether a person is to be regarded as an officer for the purpose of this Ordinance or of any regulations made thereunder the decision of the President of Malta shall be final;

"pensionable emoluments" -

(a) in respect of service in Malta, includes -

Short title.

Interpretation.
Amended by:
X. 1946.2;
Procl. XI of 1947;
XIII. 1948.2;
XLVI. 1948.5;
XXII. 1956.2;
VI. 1958.2;
I. 1960.2;
XX. 1961.17;
I. 1962.2;
XXV. 1962.2;
LVIII. 1974.68;
XXII. 1976.4;
XVII. 1977.47;
VII. 1992.2;
XVI. 1997.9;
VIII. 1999.2;
XIX. 2006.17;
XLI. 2016.20.
S.L. 260.04

- (i) salary,
- (ii) personal allowance,

but does not include duty allowance, entertainment allowance, house allowance, the estimated annual rental value of free quarters, value of rations, extra remuneration, any fees paid out of the Treasury by way of salary or any other emoluments whatever;

- (b) in respect of other public service, means emoluments which count for pension in accordance with the law or regulations in force in such service;

Provided that, with respect to officers who retire or die in service between the 1st day of January, 1991 and the 1st day of January, 1993 and who occupied a post on retirement or death in service the scale of salary of which is, on or after their retirement or death in service, increased in accordance with the Public Service Reform of 1991, the salary of such officers on their last day of service before retirement or death, as the case may be, shall, for the purpose of this Ordinance, but with effect only from the date of such increase, be deemed to be the salary as increased in accordance with such reform, no account however being taken of any increases granted for any increase in the cost of living after the retirement or death in service of such officers; and any pension and, or, gratuity payable in accordance with this Ordinance in respect of such officers shall, with effect from the date of any such increase in accordance with such reform as aforesaid, be adjusted as if the salary on their last day of service was that which would have been payable according to such increase as aforesaid had they remained in the service:

Provided further that, in the case of an officer who retires between the said dates and dies subsequent to retirement between the dates aforesaid, any gratuity or commuted pension shall be adjusted on the dates of such increase as aforesaid;

"pensionable office" means -

- (a) in respect of service in Malta, an office which has been declared by the President of Malta, by a notification in the Government Gazette, to be a pensionable office; and any such office may at any time be declared by the President of Malta, by a notification in the Government Gazette, to be no longer pensionable; but where any office is thus declared to be no longer pensionable, then so long as any person holding that office at the time of the declaration continues therein, the office shall, as respect that person, continue to be a pensionable office;
- (b) in respect of other public service, an office which is a pensionable office under the law or regulations in

force in such service;

- (c) the office of Auditor General or Deputy Auditor General, or any office in the National Audit Office;

"personal allowance" means a special addition to salary 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;

"prisons officer" shall have the same meaning assigned to it by article 2 of the [Prisons Act](#);

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"public service" means service of a civil capacity under the Government of Malta or such other service as the President of Malta may determine to be public service for the purposes of any provision of this Ordinance or of the regulations made thereunder;

"salary" means the salary attached to a pensionable office, or where provision is made for taking service in a non-pensionable office into account as pensionable service, the salary attached to that office;

"service in Malta" means service in a civil capacity under the Government of Malta and, in respect of members of the teaching staff of the University of Malta whose rights under any of the provisions of this Ordinance are saved under the proviso of article 136(2) of the [Education Act](#), and of officers or employees of the Government of Malta who at any time during their service in a civil capacity under the Government of Malta are detailed to perform duty at the University or with the Malta Government Tourist Board or with Enemalta or with the Malta Broadcasting Authority shall be deemed to include service in the University or with the Malta Government Tourist Board or with Enemalta or with the Malta Broadcasting Authority as the case may be;

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"year" means a calendar year.

(2) Nothing in this Ordinance or in any amendment made thereto from time to time shall, unless the contrary intention is explicitly stated, be interpreted as granting, or as ever having granted, a right, to any person who has been in the service of Malta or to his legal representatives or dependants, to a pension, gratuity or other allowance under this Ordinance, that is not, or that was not at any time, qualified by the requirement of a creditable performance by such person

3. (1) It shall be lawful for the President of Malta, from time to time to make, and when made, to vary and revoke regulations for the granting of pensions, gratuities and other allowances to persons who have been in the service of Malta or to their legal representatives or dependants:

President may make pension regulations.
Amended by:
XXXVIII. 1946.2;
XIII. 1948.2;
XIV. 1948.2;
VI. 1958.2;
XXV. 1962.2;
L.N. 46 of 1965;
LVIII. 1974.68

Provided that until varied or revoked by any such regulations, the regulations contained in the Schedule shall be in force.

(2) The said regulations and any regulations varying or revoking the same as aforesaid, shall have the same force and effect for all purposes as if they were contained in this Ordinance, and the

term "this Ordinance" shall in the following articles be read and construed accordingly.

(3) Whenever the President of Malta is satisfied that any regulation made under this article should have retrospective effect in order to confer a benefit upon, or remove a disability attaching to any person or class of persons, that regulation may be given retrospective effect for that purpose.

(4) No regulation made under this article shall have effect unless it has received the prior approval of the House of Representatives signified by resolution.

(5) Any pension or gratuity granted under this Ordinance shall be computed in accordance with the provisions in force at the actual date of an officer's retirement.

Pensions, etc., to be charged on the revenues of Malta.
Amended by:
VI. 1958.2;
XXV.1962.2;
L.N. 46 of 1965;
LVIII. 1974.68.

4. 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 the President of Malta by way of pension, gratuity or other allowance in accordance with this Ordinance.

Pensions not of right
Amended by:
VI. 1958.2;
XXV. 1962.2;
LVIII. 1974.68;
L.N. 148 of 1975.

5. (1) No officer shall have an absolute right to compensation for past services, or to pension, gratuity, or allowance under this Ordinance or under any regulations made thereunder, nor shall anything herein or in such regulations contained, limit the right of the Government of Malta to dismiss any officer without compensation.

(2) Where it is established to the satisfaction of the President of Malta that an officer has been guilty of negligence, irregularity or misconduct, the pension, gratuity or other allowance may be reduced or altogether withheld.

Service not qualifying for pension.

6. No pension, gratuity or other allowance shall be granted to any officer in respect of any service -

- (a) while on probation or agreement, unless without break of service he is confirmed in a pensionable office in Malta or in an office in other public service which is at the time of confirmation pensionable under the pension regulations applicable to such service; or
- (b) while under the age of eighteen:

Provided that the provisions of paragraph (b) shall not apply to an officer or other person in the service of Malta at the commencement of this Ordinance.

7. (1) No pension, gratuity or other allowance shall be granted to any officer except on his retirement from the public service in one of the following cases:

Circumstances in which pension may be granted.

Amended by:

XIII. 1939.2;

XIII. 1948.2;

XLVI. 1948.2;

XXII. 1956.3;

VI. 1958.2;

I. 1962.3;

XXV. 1962.2;

LVIII. 1974.68;

L.N. 148 of 1975;

XXII. 1976.4;

IX. 1990.2;

VIII. 1999.3;

II. 2006.3.

- (a) (i) on or after attaining the age of sixty years, or
- (ii) in the case of an officer with other public service, on or after attaining the age of fifty-five years, or
- (iii) in the case of a correctional services officer or a member appointed to the Police Force, on or after attaining the age of fifty-five years or, if he has completed twenty-five years' service as a correctional services officer or in the Police Force, or
- (iv) in special cases, with the approval of the President of Malta, on or after attaining the age of fifty years;
- (b) in the case of transfer to other public service, on or after attaining the age at which an officer is permitted by the law or regulations of the service in which he is last employed to retire on pension or gratuity;
- (c) on the abolition of his office;
- (d) on compulsory retirement for the purpose of facilitating improvement in the organization of the department to which he belongs, by which greater efficiency and economy can be effected;
- (e) on medical evidence to the satisfaction of the President of Malta that he is incapable by reason of some infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent;
- (f) in the case of termination of employment in the public interest as provided in this Ordinance;
- (g) on relinquishing his office in the service of Malta with Government approval to take up appointment in a full time post in the University of Malta:

Provided that such officer shall not be entitled to any pension or gratuity in respect of his office in the service of Malta except as from the date on which he attains the age on which he is permitted by the law or by the statute or regulations of the University of Malta to retire with or without a pension:

Provided further that where an officer relinquished his office in the service of Malta after 31 December, 1978 to take up employment with the University of Malta, service with the University of Malta shall be deemed to be service with Government:

Provided further that where such officer retires from the service of the University of Malta before attaining the age of sixty for any of the reasons set out in paragraphs (c), (d), (e) and (f) it shall be lawful for the President of Malta to authorize the grant of a pension as from the actual date of the officer's retirement.

(2) A gratuity in accordance with the provisions of this Ordinance may be granted to a female officer who resigns her office for the reason that she has married or is about to marry, notwithstanding that she is not otherwise eligible under this article for the grant of any pension, gratuity or other allowance.

Retirement on the ground of public interest.

Substituted by:

XXII. 1956.4.

Amended by:

VI. 1958.2;

XXV. 1962.2;

LVIII. 1974.68;

IX. 1990.3.

8. Where an officer's service is terminated on the ground that, having regard to the conditions of the public service, the usefulness of the officer thereto and all the other circumstances of the case, such termination is desirable in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted under the provisions of this Ordinance, the President of Malta may, if he thinks fit, grant such pension, gratuity or other allowance as he thinks just and proper, not exceeding in amount that for which the officer would be eligible if he retired from the public service in the circumstances described in article 7(1)(e).

Termination of service to take up employment with designated company or entity.

Added by:

VII. 1992.3.

Amended by:

II. 2006.4.

***8A.** Where an officer's or other employee's service is terminated in order that he may, with the approval of the President of Malta, take up full time employment with such company or entity as may be designated by an Order of the President of Malta for the purposes of this article, the employment of that officer with that company or entity shall be deemed to be service with the Government for the purposes of this Ordinance, and such employee shall be entitled to a pension or gratuity, as the case may be, under this Ordinance upon the termination of his service with such company or entity as if such service were service with the Government:

Provided that, where the termination of such service with the company or entity is due to the winding up of such company or entity whether voluntary or otherwise or due to its bankruptcy, such termination shall be considered as if it were due to abolition of office:

Provided further that no such Order shall be made unless such company or entity shall first have bound itself with the Government to contribute towards the Government the difference between the cost of the pension or gratuity payable at the time of retirement from the company or entity and the cost of the pension or gratuity, as the case may be, computed at the time of the termination of the service with the Government for the aforesaid reason of full time employment with the company or entity:

Provided further that for the purpose of establishing the date of the termination of the service with the Government with a view to calculating the contribution due by the company or entity towards the cost of pension and, or gratuity, as the case may be, such date shall be deemed to be, and to have always been, either the date when an officer was detailed for service or otherwise commenced performing his duties with the company or entity from which he eventually retired, or the date when an officer took up full time employment with the company or entity, whichever is the earlier.

*See [S.L. 93.01](#)

8B. (1) Where an officer's service with the Government has been terminated to take up permanent employment with a company or entity as provided in article 8A, or in accordance with the provisions of any other law which provides or provided that in respect of an officer, detailed for duty with the corporation or entity referred to in the relevant law, and who accepts permanent employment with such corporation or entity, service with the said corporation or entity shall, for the purposes of the Ordinance in so far as applicable to him, be deemed to be service with the Government, the pensionable emoluments of such officer on retirement shall be deemed to be the pensionable emoluments established in accordance with the following sub-articles:

Calculation of pensionable emoluments in certain cases.
Added by:
XV. 2002.3.
Amended by:
XLI. 2016.21.

Provided that nothing in this article shall be deemed to detract from any rights granted to any officer in virtue of article 8C.

(2) The pensionable emoluments of an officer to whom sub-article (1) apply shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at the incremental level corresponding to the post and incremental level at which the officer retires from the company, corporation or entity as the case may be.

(3) For the purposes of sub-article (2), posts and salary grades with the respective company, corporation or entity shall be classified in the most nearly corresponding grades and incremental level under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(4) The classification referred to in sub-article (3) shall be carried out by a board in respect of each company, corporation or entity composed of a chairman appointed by the Minister and two other members, one appointed by the Minister responsible centrally for personnel policies in the public service and one appointed by the Minister responsible for the company, corporation or entity, if any, and in cases where no such ministry exists, by the Minister responsible for industrial relations. The classification shall in each case be subject to the final approval of the Minister.

(5) Such classification shall take place within three months of any adjustment of salaries of employees in Government Service and, or, of employees of the company, corporation or entity as the case may be.

(6) No post shall be classified in a grade higher than Grade 3 in the service of the Government or such other grade that the Minister may, from time to time, by notice in the Gazette determine.

8C. (1) Notwithstanding the provisions of article 8B, where an officer took permanent employment with a company, corporation or entity as is referred to in sub-article (2) before 1st April, 2002 or was detailed for service with such company, corporation or entity before the 1st April, 2002 and retires or takes up permanent employment with such company, corporation or entity before such date as the Prime Minister may by Order establish, the pensionable emoluments of such officer on retirement shall for the purposes of this Ordinance be the emoluments actually paid to such officer at

Calculation of pensionable emoluments of officers with particular entities.
Added by:
XV. 2002.3.
Amended by:
XV. 2009.49;
I. 2010.7.

the time of his retirement:

Provided that in no case shall such pensionable emoluments be higher than those payable to an officer in grade 3 in the service of the Government or such other grade as the Minister responsible for finance may, from time to time by notice in the Gazette, establish.

(2) The companies, corporations or entities to which this article applies are:

- (a) the University of Malta, the Malta Government Tourist Board, Enemalta, and the Malta Broadcasting Authority, in each case referred to in the definition "service in Malta" in article 2;
- (b) Malta International Airport plc, Public Broadcasting Services, Malta Financial Services Authority, the Junior College, Water Services Corporation, Maltapost plc, Posta Ltd., Planning Authority, Malta Environment and Planning Authority, Public Transport Authority, Authority for Transport in Malta, Telemalta Corporation, Maltacom plc, National Audit Office, Management Systems Unit, Malta Information Technology and Training Services Ltd and Malta Information Technology Agency.

Minister may
extend provisions
of article 8A.
Added by:
XV. 2002.3.
Amended by:
XLI. 2016.22.

8D. The Minister responsible for finance may, from time to time by Order, declare that the provisions of article 8A shall apply to officers or other employees who had terminated their service with the Government in accordance with the provisions of article 8A or with the provisions of article 8B(1) or with any of the entities referred to in article 8C(2) (hereinafter referred to as the relevant articles), in order to take up employment with a company designated in article 8A or with the respective entity referred to in the relevant articles, as the case may be, and, upon the making of such an order by that Minister, the provisions of article 8A or 8C, as the case may be, shall apply to such persons as if such persons were at the time of making the said Order, officers or employees of the Government.

Pension of certain
public officers.
Added by:
XV. 2002.3.
Amended by:
II. 2006.5;
XIX. 2006.17;
XX. 2019.2.

8E. (1) Notwithstanding anything to the contrary under this Ordinance, where a public officer retires from the offices referred to in sub-article (2) after having served for at least twelve months in such an office or retires from the public service after having served for a term of three years in such an office, the pensionable emoluments of such officer on retirement shall be, when such officer accomplishes a creditable performance, those attached to the salary scale, at the date of the officer's retirement, of the highest or higher of the offices referred to in sub-article (2) held by such officer as aforesaid at any time before his retirement:

Provided that nothing in this article shall be deemed as reducing any pension to which such officer would but for the provisions of this article have been entitled to.

(2) The offices referred to in sub-article (1) are the following:

- (a) Cabinet Secretary;

- (b) Principal Permanent Secretary;
- (c) Permanent Secretary;
- (d) Headship positions under a performance agreement;
- (e) Ambassador, High Commissioner or other principal representative of Malta in any other country, when appointed from the public service in terms of the proviso to article 111(1) of the [Constitution](#) of Malta and provided that, prior to such appointment, the holder of any of the said offices was eligible for appointment as a head of a department of Government in terms of article 92(4) of the [Constitution](#) of Malta.

8F. Any Order made in accordance with articles 8A and 8D and authorisations made thereunder may be retrospective to such date as may be established in the respective Order or authorisation.

Retrospective effect of orders and authorisations.
Added by:
XV, 2002.3.

9. (1) It shall be lawful for the President of Malta to require any officer other than a judge to retire from the service of Malta at any time after he attains the age of sixty years or, in special cases, at any time after he attains the age of fifty years, provided that retirement shall be regulated by the provisions of the Social Security Act concerning pensionable age:

Age of compulsory retirement.
Amended by:
XIII, 1939.4;
XIII, 1948.2;
XLVI, 1948.3;
VI, 1958.2;
I, 1962.4;
XXV, 1962.2;
LVIII, 1974.68;
IX, 1990.4;
XVI, 1997.9;
VIII, 1999.4;
XX, 2019.3.

Provided that -

- (i) an officer with other public service, other than a judge, Attorney General or magistrate may be required by the President of Malta to retire at any time after he attains the age of fifty-five years;
- (ii) a correctional services officer or a member appointed to the Police force, not being an officer holding the office of Commissioner of Police, Deputy Commissioner of Police, Director of Correctional Services or Correctional Manager, may be required by the President of Malta on the recommendation of the Commissioner of Police or of the Director of Correctional Services, as the case may be, to retire at any time after he attains the age of fifty-five years or, if he has completed twenty-five years' service in the Police force or as a correctional services officer after he attains the age of fifty years.

(2) The provisions of sub-article (1) shall not apply to any officer holding the office of Auditor General or Deputy Auditor General.

(3) Without prejudice to the provisions of sub-article (1), any officer may be allowed to remain in service beyond pensionable age.

Maximum pension
grantable.
Amended by:
XXII. 1976.4.

10. (1) A pension granted to an officer under this Ordinance shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in Malta.

(2) For the purpose of the preceding sub-article an additional pension granted in respect of injury shall not be taken into account; but where an 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 public service by more than the sum by which the amount of his pension or pensions, apart from such additional pension, falls short of two-thirds of such highest emoluments.

Liability of
pensioners to be
called upon to take
further
employment.
Amended by:
XXII. 1976.4;
XLIX. 1981.6;
IX. 1990.5;
VIII. 1999.5.

11. (1) Every pension granted under this Ordinance shall be subject to the condition that unless or until the officer has attained the age of fifty years, he may, if physically fit for service, be called upon by the Prime Minister to accept, in lieu of his pension, an office not less in value than the office which he held at the date of the grant of his pension.

(2) If a pensioner so called upon declines to accept the office for which he may have been selected, the payment of his pension may be suspended until he has attained the age of fifty years.

(3) The provisions of sub-articles (1) and (2) shall not apply to a pensioner who retired as a correctional services officer or as a member of the Police Force on grounds other than those listed in article 7(1)(e).

Pension of officers
affected by
medical dispute of
June 1977.
Added by:
V. 1988.2.

11A. (1) Saving the provisions of sub-article (3), any officer who had been in the service of Malta and who as a consequence of the medical dispute which led to industrial action taken on the 2nd June, 1977, had his service terminated or was suspended from such service or otherwise lost his employment with the Government, may nonetheless be granted such pension or gratuity in respect of effective service.

(2) Such officer may only be entitled -

- (a) to such gratuity with effect from 19th June, 1987; and
- (b) to such pension -
 - (i) with effect from the 19th June, 1987, if he has attained the age of sixty years on or before that date; or
 - (ii) if he has attained the age of sixty years on or before that date and has been re-employed, with effect from the date of his retirement; or
 - (iii) if he has not attained the age of sixty years on the 19th June, 1987 and has not resumed service, with effect from the date on which he has attained that age; or
 - (iv) if he has not attained the age of sixty years on the 19th June, 1987 and has resumed service, with effect from the date of his retirement;

and such pension or gratuity shall, in respect of officers referred to in paragraph (a) and in paragraph (b)(i) and (iii), be computed as if he retired from service in Malta on the day following his last day of effective service.

(3) Any service prior to a break of service may be allowed to count for pension purposes together with any service subsequent to such break and the provisions of paragraph (b) of the proviso to regulation 8 of the Pensions Regulations shall not apply, if the break of service -

(a) is due to termination of service under the provisions of the [Employment and Industrial Relations Act](#), as a consequence of the medical dispute referred to in sub-article (1); or

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(b) is otherwise a consequence of the said medical dispute.

(4) Where the grade or category in which any such officer as is referred to in sub-article (1) had been employed has ceased to exist as such or has been absorbed in another grade or category, and such officer had given notice to the Superintendent of Health by the 19th July, 1987 of his intention to resume duty or accept re-employment, but has declined the offer made to him to resume duty or to accept re-employment in an equivalent grade or category under the conditions of such post, the provisions as contained in this Ordinance regarding the abolition of post may, where applicable, apply:

Provided that a pension granted as a result of the abolition of post may only be payable with effect from the 19th June, 1987 and be computed as if such abolition took place on the last day of effective service of employment.

(5) The provisions of article 19 shall apply in respect of such officer as is referred to in sub-article (1), who has died on or after the 2nd June, 1977.

12. (1) If any officer to whom a pension has been granted under his Ordinance is appointed to another office in the service of Malta, or is or was after his retirement appointed to an office established by the [Constitution](#) also being a pensionable office under this Ordinance, and subsequently retires in circumstances in which he may be granted a pension, or leaves office at the end of his appointment or re-appointment as the case may be, he may be granted in lieu of his previous pension, a pension computed as if the periods of his service had been continuous, and such pension may be based on his pensionable emoluments on his previous or final retirement from the service of Malta, or from the said office established by the [Constitution](#), whichever are the greater:

Pensions affected
by
re-employment.
Amended by:
XXII. 1976.4;
I. 2010.8.

Provided that if, on his previous retirement, he was paid a gratuity and reduced pension, the gratuity if any, to be paid to him on final retirement shall be reduced by the amount of the gratuity already paid:

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Provided further that in the case of an officer who has retired for the first time from one of the offices, posts or positions mentioned in paragraphs (a), (b) or (c), excluding the proviso, of sub-article (2) of article 2 of the [Public Administration Act](#), the provisions of this sub-article shall only apply if the final retirement from the service of Malta or from the office established by the [Constitution](#) took place before the 1st January, 2010.

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(2) Notwithstanding the other provisions of this Ordinance or of any other law or other regulations, when a person is the holder of one of the offices, posts or positions mentioned in paragraphs (a), (b) or (c), excluding the proviso, of sub-article (2) of article 2 of the [Public Administration Act](#), such person may, on being re-employed in the service of Malta after his retirement from the service of Malta or on being retained in employment in the service of Malta beyond the age of sixty-one years, during such period in employment after the age of sixty-one years receive and continue to receive any pension, including any gratuity or commuted pension, without any reduction except as specified under this Ordinance, provided that the said period of re-employment or of retention in employment shall not be taken into consideration for any other purposes of this Ordinance.

Gratuity affected
by re-employment.
Amended by:
XXII. 1976.4

13. If any officer to whom a gratuity without pension has been granted under this Ordinance is re-appointed to any office in the service of Malta, his previous service may be taken into account for the purposes of pension, if he refunds the gratuity on such reappointment.

Government
officers appointed
to University posts
and subsequently
rejoining
Government
service.
Added by:
XLVI. 1948.4.
Amended by:
L.N.148 of 1975.

14. If any officer who has been permitted to relinquish his office in the service of Malta to take up a full time appointment in the University of Malta is subsequently re-appointed to an office in the service of Malta after a lapse of not more than three calendar months from the date of his relinquishing this full time post in the University of Malta, the intervening period of his service in the University of Malta shall, together with such immediately succeeding period not in excess of three calendar months, be deemed, for purposes of computation of pension, to be leave without pay not granted on grounds of public policy:

Provided that the retirement from the University of Malta is for the purpose of immediate re-employment in the service of Malta.

Pensions, etc., not
to be assignable,
etc.

15. No pension, gratuity, or allowance granted under this Ordinance shall be assignable, transferable or liable to be attached, sequestered, or levied upon, for or in respect of any debt or claim whatever, except in so far as is provided in article 381(3) of the [Code of Organization and Civil Procedure](#).

Cap. 12.

Pensions, etc., to
cease on
bankruptcy.
Amended by:
XIII. 1948.2;
VI. 1958.2;
XXV. 1962.2;
LVIII. 1974.68;
XLIX. 1981.6

16. If any officer to whom a pension or allowance has been granted under this Ordinance becomes a bankrupt, then such pension or allowance shall forthwith cease:

Provided always that in any such case where a pension or allowance ceases by reason of the bankruptcy of the pensioner, it shall be lawful for the President of Malta, from time to time, during the remainder of such pensioner's life or during such shorter period

or periods, either continuous or discontinuous, as the President of Malta shall think fit, to cause all or any of the moneys to which such pensioner would have been entitled by way of pension or allowance had he not become a bankrupt, to be paid to or applied for the maintenance and personal support or benefit of all or any, exclusive of the other or others, of the following, namely, such pensioner himself and any wife, child or children of his, in such proportion and manner as the President of Malta thinks proper and such moneys shall be paid or applied accordingly.

17. If any officer to whom a pension or other allowance has been granted under this Ordinance is sentenced to a term of imprisonment by any competent court whether within or without Malta for any crime or offence, then, in every such case, it shall be lawful for the President of Malta to direct that such pension or allowance shall forthwith cease:

Pensions, etc., to cease on conviction.
Amended by:
XIII. 1948.2;
VI. 1958.2;
XXV. 1962.2;
LVIII. 1974.68.

Provided always that the pension or allowance shall be restored with retrospective effect in the case of a person who after conviction at any time receives free pardon:

Provided further that where a pension or allowance ceases for the reason aforesaid it shall be lawful for the President of Malta to cause all or any part of the moneys to which the pensioner would have been entitled by way of pension or allowance, to be paid to or applied for the benefit of any wife, child or children of the pensioner, or after the expiration of his sentence, also for the benefit of the pensioner himself, in the same manner precisely and subject to the same qualifications and restrictions as in the case of bankruptcy hereinbefore provided.

18. (1) With effect from 1st March, 1975, an officer who retires on grounds listed in article 7(1)(e), to whom, whether before or after the said date, a pension or other allowance has been granted under this Ordinance and who is in receipt of -

- (a) any remuneration in respect of any employment, or of any services rendered, or 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,

Pension etc., to be reduced in certain circumstances.
Amended by:
XIII. 1948.2;
VI. 1958.2;
VI. 1959.3;
XXV. 1962.2.
Substituted by:
VIII. 1975.2.
Amended by:
XIII. 1983.5;
IX. 1990.6;
VIII. 1999.6;
L.N. 408 of 2007;
XLI. 2016.23.

shall, until he reaches the age of sixty years, or if such officer retires as a correctional services officer or as a member of the Police Force until he reaches the age of fifty-five years, or until the twenty-fifth anniversary of his first appointment as a correctional services officer or as a member of the Police Force, whichever is the earlier, have his pension or other allowance reduced by the amount by which the aggregate income established in accordance with the following provisions of this article exceeds the salary which is then payable in respect of the post which the officer held on retirement, taking account only, if 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 or other allowance shall in no case be reduced to less than the sum of three hundred and forty-nine euro and forty-one cents (349.41) in the case of an officer retiring before 1st March, 1975 or the sum of one hundred and sixteen euro and forty-seven cents (116.47) in the case of an officer retiring on or after that date; and if the yearly pension or other allowance does not exceed the minimum payable as aforesaid no reduction shall be made therefrom:

Provided further that where a correctional services officer was in service as a prisons officer previous to his being appointed a correctional services officer, then the date he commenced service as a prisons officer shall be deemed the date of his first appointment as a correctional services officer for the purposes of this sub-article.

(2) For the purposes of sub-article (1), the aggregate income shall be established by adding -

- (a) the uncommuted pension or other allowance which, but for the provisions of this article, would have been receivable under this Ordinance; and
- (b) any remuneration or income referred to in sub-article (1)(a), (b), or (c), or both such remuneration and income; and

by subtracting therefrom -

- (i) in the case of an officer retiring before 1st March, 1975 the yearly sum of three hundred and forty-nine euro and forty-one cents (349.41); and
- (ii) in the case of an officer retiring on or after the said date, the yearly sum of one hundred and sixteen euro and forty-seven cents (116.47).

(3) Any reduction in the pension or other allowance under sub-article (1) shall be calculated on the basis of the pension or other allowance, 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 or other allowance.

(4) Any officer to whom sub-article (1) applies shall without delay inform the Director General (Social Security), and keep the Director General (Social Security) at all times informed, of all the circumstances which render the said sub-article (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 Director General (Social Security), on request, all relevant information; and if such officer fails to comply with any of the provisions of this sub-article any pension or other allowance to which he may be

entitled under this Ordinance 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 President of Malta.

19. (1) Where an officer holding a pensionable office who is not on probation or agreement, or an officer holding a non-pensionable office to which he has been transferred from a pensionable office in which he has been confirmed, dies while serving under the Government of Malta, the President of Malta may grant to his legal representative a gratuity of an amount not exceeding his annual pensionable emoluments or his commuted pension gratuity, if any, whichever is the greater.

Gratuity where officer dies in the service or after retirement.

Amended by:

XV. 1944.2;

XXVI. 1946.2;

VI. 1958.2.

Substituted by:

I. 1962.5.

Amended by:

LVIII. 1974.68;

XXII. 1976.4.

(2) Where an officer dies after retirement from service under the Government of Malta having been granted, or having become eligible for, a pension under this Ordinance and the sums paid or payable to him at the date of his death on account of such pension including any sum awarded by way of gratuity under regulation 4 of the Pensions Regulations but excluding any additional pension awarded in accordance with the provisions of regulation 14(1) of the Pensions Regulations are less in total than the amount of his annual pensionable emoluments, the President of Malta may grant a gratuity equal to the deficiency to his legal representative.

(3) The provisions of this article shall not apply in the case of the death of any officer where benefits corresponding to the benefits which may be granted under this article are payable under the Overseas Superannuation Scheme in respect of such death.

(4) In this article -

- (a) "annual pensionable emoluments" means the emoluments which would be taken for the purpose of computing any pension or gratuity granted to the officer under this Ordinance if on the date of his death he had retired from the public service on the ground of ill health;
- (b) "commuted pension gratuity" means the gratuity, if any, which might have been granted to the officer under regulation 4 of the Pensions Regulations if the pensionable service which would be taken for the purpose of computing any pension or gratuity granted to him under this Ordinance had been wholly in Malta and if, in the case of such officer as is described in sub-article (1), on the date of his death he had retired from the public service on the ground of ill-health and had elected to receive a gratuity and reduced pension or, in the case of such officer as is described in sub-article (2), he had before the date of his retirement elected to receive a maximum gratuity and a correspondingly reduced pension.

(5) For the purposes of this article an officer who has not been confirmed in his office and who dies in the circumstances mentioned in regulation 15 of the Pensions Regulations shall be

deemed to have been confirmed in his office.

(6) The grant of any gratuity under sub-articles (1) or (2) or any regulations made under this Ordinance, to the legal representative of a deceased officer, shall not be deemed to affect any right of the widow under the provisions of the [Civil Code](#) relating to the community of acquests.

Cap. 16.

Saving as to
members of Police
force.
Added by:
XIII. 1939.5

20. Subject to the provisions of article 10 nothing contained in this Ordinance shall prejudice the right preserved by article 4 of the Police Force (Amendment) Ordinance, 1939, to persons serving in the Police force on or after the 1st April, 1937 and appointed to the Police force before the 1st February, 1939, to reckon for purposes of pension any civil or military service prior to the date of their appointments to the force.

Saving as to
correctional
services officers.
Added by:
VIII. 1999.7.

20A. Subject to the provisions of article 10, where a person has been appointed a correctional services officer, any period previous to that appointment during which that person has served as a 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 a correctional services officer for the purposes of this Ordinance.

Application of
Ordinance.
Amended by:
XIII. 1939.6;
XXII. 1976.4.
Substituted by:
XII. 1979.2.
Amended by:
XLI. 2016.24;
III. 2019.42.

21. The provisions of this Ordinance shall apply to all officers appointed to the public service of Malta after the commencement of this Ordinance but prior to 15th January, 1979, and no pension, gratuity or other allowance shall be payable under this Ordinance, nor shall any other payment be made thereunder, to any person who was not an officer before the date aforesaid, or to the widow, child or other relative of any such person:

Provided that -

- (i) in respect of persons who, though not officers, were in the public service before 15th January, 1979, and in respect of the widow, child or other relative of any such person, the provisions of this Ordinance shall apply in such manner and to such extent as may be necessary to give effect to arrangements concerning such persons made prior to that date;
- (ii) any person appointed to the Police force before the 1st February, 1939, may, by giving notice in writing to the Minister, elect that the law applicable to his case prior to that date shall continue so to apply; and
- (iii) the provisions of this Ordinance shall not apply in the case of an officer to whom, by virtue of a notice given under article 5 of the Police Force (Amendment) Ordinance, 1939, the provisions of the articles repealed by that Ordinance apply:
- (iv) the provisions of this Ordinance and of any regulations made thereunder shall, notwithstanding the other provisions of this Ordinance or of any other law, apply to any employee in the public service who,

notwithstanding that he was appointed to the public service on or after the 15th January 1979, shall after the 15th January 1979 have served as Principal Permanent Secretary or as Permanent Secretary or as Cabinet Secretary or as Secretary to the Cabinet or as Auditor General or as Deputy Auditor General or as Ombudsman for one full respective term or equivalent period or in aggregate shall have served for the equivalent period of one respective term:

Provided that nothing in this paragraph shall exempt any employee to whom this Ordinance applies in virtue of this paragraph from the need to satisfy the other requirements of this Ordinance, other than the requirement that he must have been a public officer prior to 15th January 1979, in order to be eligible to receive a pension thereunder.

22. The pensions granted to any persons who have retired from the public service before the commencement of this Ordinance shall continue to be governed by the Ordinances and regulations under which they were granted.

Pensions granted under former laws.

23. Where an officer shall have served with the armed forces of Malta in time of war, the following provisions shall have effect:

War service to count for pension purposes.

- (a) during the period of such service in the said forces, including any period after the determination of the war (in this article referred to as "military service"), he shall be deemed, for the purposes of this Ordinance, to have been on leave on full salary from the public service in which he was last employed, and to have held the substantive office last held by him in that service, prior to military service;
- (b) during any period between his leaving the public service for the purpose of serving in the said forces and the date of his commencing military service, he shall, for the purposes of this Ordinance, be deemed to be on leave without pay, not granted on grounds of public policy, from the public service in which he was last employed, and to have held the substantive office last held by him in that service, prior to military service; and during any period between the termination of his military service and the date of his re-entering the public service he shall, for the said purposes, be deemed to be on leave as aforesaid from the service, and to have held the substantive office, in which he is re-employed:

Added by:
XXXI. 1940.2.
Amended by:
XIII. 1948.2;
VI. 1958.2;
XXV. 1962.2;
LVIII. 1974.68;
XXII. 1976.4.

Provided that -

- (i) this article shall not apply when either period mentioned in paragraph (b) exceeds three months, or such longer period as the President of Malta may in any special case determine; or if the officer fails, after serving with the said

forces, to re-enter the public service otherwise than in circumstances in which he would be permitted, under the law applicable to the public service in which he is last employed prior to military service, to retire on pension or gratuity, such circumstances arising not later than the expiration of three months, or such longer period as may be determined as aforesaid, after the termination of his military service;

- (ii) if during any period mentioned in paragraph (a) the officer shall have qualified for pension, or received emoluments in lieu of pension rights, actually in respect of military service, paragraph (a) shall, as respects that period, have effect as if the words "leave without salary not granted on grounds of public policy" were substituted for the words "leave on full salary";
 - (iii) if during his military service the officer shall be injured or killed, he shall not, for the purposes of regulations 14 and 15 of the regulations scheduled to this Ordinance, be deemed to have been injured or killed in the discharge of his duty;
 - (iv) the provisions of this article which require that the officer shall be deemed to have held a specified office and to have been on leave from a specified service shall not apply in respect of any period during which he shall actually have held any other substantive office and have been on leave from any public service;
 - (v) save where in any particular case the President of Malta otherwise directs, this article shall not apply where the office in the public service last held by the officer prior to military service was not a pensionable office.
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SCHEDULE

PENSIONS REGULATIONS

GENERAL REGULATIONS

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

2. Subject to the provisions of the Pensions Ordinance, hereinafter called the Ordinance, and of these regulations, every officer holding a pensionable office in Malta, who has been in the service of Malta in a civil capacity for 10 years or upwards, may be granted a pension at the rate of one five-hundred and fortieth of his pensionable emoluments for each complete month of pensionable service, subject to the limit described in article 10 of the Ordinance:

Pensions to whom and at what rates to be granted.
Amended by:
G.N. 140 of 1949;
L.N. 1 of 1962;
L.N. 3 of 1966;
L.N. 65 of 1967;
IX. 1990.7;
VIII. 1999.8.

Provided that in the case of a correctional services officer or of a member of the Police Force such pension shall be at the rate of one four-hundred and fiftieth of his pensionable emoluments for each complete month of pensionable service, subject to the limits described in article 10 of the Ordinance.

3. (1) A judge of any of the superior courts after not less than seven years' service in that capacity who is compelled to retire on account of infirmity of mind or body or who has attained the age of sixty years, may be awarded a pension of one three-hundred and sixtieth of his pensionable emoluments for each complete month of his service as such judge, until the maximum rate of two-thirds is attained; and provided that the minimum rate of pension awarded to a judge be not less than one hundred and twenty three-hundred and sixtieths of his pensionable emoluments.

Pensions to judges.
Amended by:
G.N. 128 of 1939;
L.N. 3 of 1966;
L.N. 55 of 1970;
LVIII. 1974.68;
L.N. 148 of 1975;
L. N. 20 of 1981;
VIII. 1990.3;
XVI. 1997.9.

(2) A judge of any of the superior courts who, before his elevation to the Bench, has served in any other capacity in the service of Malta and who has not less than ten years in all, including the time in which he served as a judge, may be allowed to claim a pension at the rate of one three-hundred and sixtieth of his pensionable emoluments as a judge for each complete month of pensionable service in any capacity.

(3) The Attorney General, after not less than seven years' service in that capacity, if he is compelled to retire on account of infirmity of mind or body or when he has attained the age of sixty years, may be awarded a pension of one three-hundred and sixtieth of his pensionable emoluments for each complete month of his service in that office, until the maximum rate of two-thirds is attained:

Provided that the minimum rate of pension awarded to the Attorney General shall not be less than one hundred and twenty three-hundred and sixtieths of his pensionable emoluments.

(4) If the Attorney General, before being appointed as such, has served in any other capacity in the service of Malta and if he has not less than ten years' service in all, including the time in which

he has served as Attorney General, he may be allowed to claim a pension at the rate of one three-hundred and sixtieth of his pensionable emoluments as Attorney General for each complete month of pensionable service in any capacity.

(5) A magistrate of the Courts of Magistrates who has been in the service of Malta in a civil capacity for ten years or upwards, if he is compelled to retire on account of infirmity of mind or body or when he has attained the age of sixty years may be awarded a pension of one three-hundred and sixtieth of his pensionable emoluments for each complete month of pensionable service, until the maximum rate of two-thirds is attained.

(6) The Auditor General and/or, the Deputy Auditor General who, immediately preceding their appointment as such, were eligible for pension under this Ordinance, if they are compelled to terminate their term of office on account of infirmity of mind or body and thereupon effectively retire from the public service, or have attained the age of sixty on or after the expiry of that term without it having been immediately renewed or extended may be allowed to claim a pension at the rate of three-hundred and sixtieths of their pensionable emoluments as Auditor General and/or Deputy Auditor General for each complete month of pensionable service in any capacity in the service of Malta.

Gratuity and reduced pension.
Substituted by:
G.N. 357 of 1947.
Amended by:
VI. 1958.2;
L.N. 7 of 1961;
XXV. 1962.2;
L.N. 46 of 1965;
LVIII. 1974.68;
XXII. 1976.4;
XX.2019.4.

4. (1) Any officer to whom a pension is granted under the Ordinance 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) The option referred to in sub-regulation (1) of this regulation shall be exercisable, and if it has already been exercised may be revoked, not later than the day immediately preceding the date of such officer's retirement:

Provided that if the officer does not exercise the option prior to the day preceding the date of his retirement, the President of Malta may, if it appears to him in all the circumstances equitable so to do, allow him to exercise the option or to revoke such option if previously exercised at any time between that date and the actual date of award of pension under the Ordinance.

(3) Subject to the provisions of sub-regulation (2), if an officer has exercised the option, his decision shall be irrevocable so far as concerns any pension to be granted to him under the Ordinance.

(4) If an officer who has not exercised the option dies after he has finally retired but before a pension has been awarded under the Ordinance, it shall be lawful for the President of Malta to grant a gratuity and a reduced pension as provided in sub-regulation (1) as if the officer before his death had exercised the option.

5. Every officer, otherwise qualified for a pension, who has not completed ten years' service may be granted a gratuity at the rate of half a month's pensionable emoluments for each complete six months of service.

Gratuities where length of service does not qualify for pension.

6. Where a female officer having been in the service of the Government of Malta, whether in a pensionable office or not, for a period of not less than five years, resigns a pensionable office, which she is not holding on probation, for the reason that she has married or is about to marry, she may be granted a gratuity not exceeding one-twelfth of one month's pensionable emoluments in respect of each completed month of service or else one year's pensionable emoluments, whichever shall be the less, on the production by her, within the six months following the date of her resignation or within such longer period as the President of Malta may in any particular case allow, of satisfactory evidence of her marriage.

Gratuity to female officer on marriage.

Added by:

XXII. 1956.6.

Amended by:

L.N. 65 of 1967.

Substituted by:

L.N. 34 of 1971.

Amended by:

LVIII. 1974.68.

7. Service shall be deemed to commence at the date on which an officer commences to draw salary or half-salary from Malta funds.

Commencement of service.

8. The service in respect of which a pension or gratuity 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.

Amended by:

L.N. 38 of 1980;

IX. 1990.7.

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) if the break of service is due to termination of service under the provisions of the [Employment and Industrial Relations Act](#), and any compensation payable in terms of the said provisions has been either waived or refunded before the commencement of the service following the break in service, and if the Public Service Commission in the public interest so recommends; or
- (c) in the case where an officer, having resigned from the service, is subsequently recalled in the interest of the service on grounds of public interest, and such recall is so certified by the Prime Minister.

Cap. 452.

9. (1) For the purpose of computing the amount of the pension or gratuity of an officer who has had a period of not less than three years' pensionable service before his retirement-

Emoluments to be taken for computing pension or gratuity.

Substituted by:

G.N. 178 of 1944.

Amended by:

XXII. 1956.6.

Substituted by:

L.N. 1 of 1962.

Amended by:

L.N. 46 of 1965;

LVIII. 1974.68;

IX. 1990.7;

VIII. 1999.8.

- (a) in the case of an 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 an officer who at any time during such period of three years has been transferred from one office to another, but whose pensionable emoluments have not been changed by reason of such transfer or transfers, 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 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 such period of three years those annual pensionable emoluments shall be taken; and
- (ii) if such one third is less than the annual pensionable emoluments which would have been enjoyed by him at the date of his retirement, if he had continued to hold any office 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 President of Malta 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) the pensionable emoluments that an 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 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 an 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; 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 officer at the date of his retirement in respect of the office then held by him.

(5) In the case of an officer to whom regulation 10(1)(e) applies, the date of retirement shall:

- (a) where such officer reaches the age of retirement; or
- (b) where in the case of such an officer who had been dismissed when that officer was a correctional services officer or a member of the Police Force, such officer would but for his dismissal have completed twenty-five 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 such officer reaches the age of retirement, or in the case referred to in paragraph (b) the day on which he would have completed twenty-five years service, or on which he dies, whichever is the earlier, and his pensionable emoluments to be taken in consideration shall be those which he would have been receiving on such date had he not been so dismissed.

10. (1) For the purpose of computing the amount of an officer's pension or gratuity 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 from Malta funds while proceeding to Malta on first appointment;
- (c) any periods during which he has been absent from duty on leave with full or half salary;
- (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 of Malta, and during which he has not qualified for pension or gratuity in respect of other public service;
- * (e) any period following dismissal from the service, where such dismissal is subsequently declared to have been invalid by a competent authority, up to:
 - (i) the time of reinstatement; or
 - (ii) the date where such officer would have completed thirty years' service, or in the case of an officer who was dismissed when that officer was a correctional services officer or a member of the Police Force twenty-five years' service; or
 - (iii) the date on which such officer would have to retire because of age; or
 - (iv) the date when such officer dies, whichever is the earlier.

Computation of pensions.
Amended by:
G.N. 448 of 1948;
G.N. 600 of 1955;
XIV. 1958.2;
XXV. 1962.2;
XXII. 1976.4;
L.N. 21 of 1987;
L.N. 27 of 1988;
IX. 1990.7;
VIII. 1999.08.

And any periods during which he has been absent on leave other than those specified above shall be deducted from the officer's total

*See article 8 of Act IX of 1990.

service in order to arrive at his period of pensionable service.

(2) Where a period of service in a civil capacity in respect of which a retiring pension can be granted under regulation 16 is immediately followed by service in a pensionable office, such period may be taken into account.

(3) Where a period of service in a capacity in respect of which a gratuity can be granted under regulation 18, is immediately followed by service in a pensionable office such period may likewise be taken into account.

(4) For the purpose of computing the amount of the pension or gratuity of an officer who, during some period of his service in a pensionable office in Malta, has been on the active list of the Armed Forces of Malta, the whole or any part of such period during which no pension contributions have been paid by Malta, or if paid, have been refunded, may be taken into account.

*(5) For the purpose of subregulation (1)(e) and of regulation 9(5), 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.

11. Where an officer has performed acting service in a pensionable office in Malta, the period of such service may be taken into account as pensionable service:

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 officer's own pensionable service in other public service;
- (b) this period of service is immediately preceded or followed by service in a substantive capacity in a pensionable office in Malta.

Abolition or
reorganization of
office.
Amended by:
LVIII. 1974.68.

12. If an officer holding a pensionable office retires or is removed from the service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs, by which greater efficiency and economy can be effected, he may be granted a pension:

Provided, however, that if he has been in the service of Malta for less than the qualifying period of ten years, he may be granted a pension calculated in accordance with regulation 2 as if there had been no qualifying period:

And 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 Malta:

Provided further that if such an officer is not qualified for other employment in the public service or if there is no reason, in the

*See article 8 of Act IX of 1990.

opinion of the President of Malta, to expect that he can be shortly re-employed, a pension may be granted to him free from the abovementioned condition.

13. An 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 -

- (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 article 10 of the Ordinance.

14. (1) Where an 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 or as a result of enemy action or counter enemy action,

Officers retiring on account of injuries.
Amended by:
G.N. 177 of 1943;
VI. 1958.2;
XXV. 1962.2;
L.N. 1 of 1962;
L.N. 3 of 1966;
L.N. 65 of 1967;
LVIII. 1974.68;
IX. 1990.7;
VIII. 1999.8.

and his retirement is thereby necessitated or materially accelerated, he may, if he is qualified for a pension under regulation 2, 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 impaired..... 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 President of Malta shall think reasonable in the following cases:

- (i) where the injured officer has continued to serve for not less than one year after the injury in respect of which he retires;
- (ii) where the injured 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 also that the total amount of the additional pension shall not exceed the amount prescribed in article 10(4) of the Ordinance.

Pensions to officers when service is less than 10 years.

^{*}(2) An officer so injured, whose length of service is not such as to qualify him for a pension under regulation 2 but who is qualified for a gratuity under regulation 5, may nevertheless be granted in lieu of such gratuity a pension at the rate of one five-hundred and fortieth, or in the case of an officer who retires as a correctional services officer or from the Police Force, 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 the preceding part of this regulation if he were qualified for pension.

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

Amended by:
G.N. 177 of 1943;
L.N. 1 of 1962;
L.N. 65 of 1967;
XIII. 1983.5;
IX. 1990.7;
L.N. 408 of 2007.

15. (1) Where an officer holding a pensionable office, 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 or has died from an injury received as a result of enemy action or counter-enemy action 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 date of the injury or eighty-one euro and fifty-three cents (81.53) a year, whichever is the greater; 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.

(2) The foregoing provision shall apply also in case the officer, after he shall have been pensioned under regulation 14, 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 article, 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 be widow, in case of remarriage.

Pension to non-pensionable employees who have served 15 years.

Amended by:
VI. 1958.2;
XXV. 1962.2;
LVIII. 1974.68.
Substituted by:
L.N. 27 of 1988.
Amended by:
VII. 1992.4.

16. In the case of an employee who is not qualified for a pension or gratuity under regulation 2 of these regulations, but who has continuously served in Malta for fifteen years or upwards, a retiring pension or a commuted pension and gratuity may be granted under the same circumstances, at the same rate and subject to the same limits as the pension to which he would have been eligible had he been employed in a pensionable office.

^{*}See article 8 of Act IX of 1990.

17. Where a female officer, having served for not less than five years in any public department in an office in respect of which a retiring pension may be granted under regulation 16, and having been confirmed in such an office, resigns her office for the reason that she has married or is about to marry, a gratuity may be granted to such officer not exceeding three-fourths of such gratuity as she would have been eligible to under regulation 6 had she been employed in a pensionable office, on the production by her, within the six months following the date of her resignation or within such longer period as the President of Malta may in any particular case allow, of satisfactory evidence of her marriage.

Gratuity to female officer.

Added by:
XII. 1956.6.
Amended by:
VI. 1958.2;
XXV. 1962.2;
L.N. 65 of 1967;
LVIII. 1974.68;
L.N. 27 of 1988.

18. (1) If a person employed in any public department in a capacity in respect of which a retiring pension cannot be granted under regulation 16 and who is not qualified for a pension or gratuity under these regulations, retires at any time after the completion of sixty years of age or retires on the ground of infirmity of mind or body not caused by his own misconduct permanently incapacitating him from the duties of his employment, or is removed from his employment for any cause other than his misconduct, or resigns at his own request but not in order to avoid dismissal, and if the employment is one to which he was required to devote his whole time, and if he has served in the employment for not less than seven years, and if his service has been faithful and meritorious, the President of Malta may, if he thinks fit, grant to him a compassionate gratuity not exceeding three euro and forty-nine cents (3.49) or one week's wages, whichever is greater, for each year of his service in such employment.

Gratuities.
Amended by:
G.N. 338 of 1957;
VI. 1958.2;
XXV. 1962.2;
LVIII. 1974.68;
XIII. 1983.5;
L.N. 27 of 1988;
L.N. 408 of 2007.

(2) If any such person dies while being employed as aforesaid who would, at the date of his death, have been entitled to a compassionate gratuity had he retired from such employment on the ground of infirmity of mind or body, the President of Malta may, if he thinks fit, grant to his legal representative a compassionate gratuity not exceeding the amount of the gratuity which might have been granted to such person if he had retired on the ground of infirmity.

19. Where a person employed in any public department under the conditions of regulations 16 and 18, 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 or as a result of enemy action or counter enemy action, and
- (d) his retirement is thereby necessitated or materially accelerated,

Gratuities and annual allowances in case of injuries.
Amended by:
G.N. 177 of 1943;
VI. 1958.2;
L.N. 1 of 1962;
XXV. 1962.2;
L.N. 65 of 1967;
LVIII. 1974.68;
XIII. 1983.5;
L.N. 27 of 1988;
L.N. 408 of 2007.

he may be granted in addition to the retiring pension or gratuity for which he would be qualified by length of service, a gratuity not exceeding the undermentioned portion of his salary or wages for one year, as the case may be, at the date of the injury, or two hundred and thirty-two euro and ninety-four cents (232.94),

whichever is the lesser, namely:

where his capacity to contribute to his support is -

slightly impaired..... one-third
impaired two-thirds
materially impaired..... the whole.

When his capacity to contribute to his support is totally destroyed, he may receive an annual allowance exceeding by fifteen-sixtieths of his salary the rate of the pension for which he would have been qualified by length of service had he been eligible for a pension:

Provided that the total award shall not exceed two-thirds of his salary or wages for one year, as the case may be, at the date of the injury.

The award under any of the above scales may be diminished by such amount as the President of Malta may think reasonable in the following cases:

- (a) where the injured person has continued to serve for not less than one year after the injury in respect of which he retires; or
- (b) where the injured person is fifty years of age or upwards at the date of the injury; or
- (c) where the injury is not the sole cause of the retirement but the retirement is caused partly by age or infirmity not due to the injury.

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

Amended by:
G.N. 177 of 1943;
VI. 1958.2;
L.N. 1 of 1962;
XXV. 1962.2;
L.N. 65 of 1967;
XIII. 1983.5;
IX. 1990.7;
L.N. 408 of 2007.

20. (1) Where a person employed in any public department under the conditions of regulations 16 and 18 has without his own default been killed in the actual discharge of his duty or has died from some injury specifically attributable to the nature of his duty or has been killed or has died from an injury received as a result of enemy action or counter-enemy action while in the actual discharge of his duty, a pension may be granted to his widow while unmarried, not exceeding eight-sixtieths of her husband's salary or wages for one year, as the case may be, or fifty-eight euro and twenty-three cents (58.23), whichever is the greater; and a gratuity may be granted to any child or children of the deceased not exceeding one euro and eighty-six cents (1.86) multiplied by the total number of their years of age, starting from their ages at the date of their father's death and ending with fifteen years:

Provided that the total gratuity shall not be less than forty-six euro and fifty-nine cents (46.59) nor more than one hundred and thirty-nine euro and seventy-six cents (139.76).

(2) The foregoing provision shall apply also in the case of a person who after he has been in receipt of an annual allowance under regulation 19 dies from the direct and immediate effects of the injury sustained.

(3) If any such person's wife predeceases him, or if no pension is granted to her under this article, and he leaves children who would have been eligible for gratuity, if a pension had been granted

to the widow, gratuities may be granted to them of twice the amount of the gratuities 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, the award shall cease, in the case of remarriage of a widowed mother.

21. (1) Pensions, gratuities and allowances, computed at the rates beforementioned, shall only be granted in case of decidedly faithful and meritorious service.

Good conduct required.
Amended by:
VI. 1958.2;
XXV. 1962.2;
LVIII. 1974.68;
XI. 1977.2;
IX. 1990.7.

(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.

22. Pensions, gratuities and allowances payable under the Pensions Ordinance 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.

Cross-border payments.
Added by:
L.N. 211 of 2004.
Cap. 93

22A. (1) Pensions, gratuities and allowances payable under the Pensions Ordinance may be transferred to the EU Scheme by an officer who leaves the service in Malta and assumes service with an EU Institution. A request to this effect shall be made by the officer concerned and addressed to the Minister.

Transfer of pensions, gratuities and allowances.
Added by:
L.N. 120 of 2012.
Amended by:
XLI. 2016.25.

(2) For the purpose of this regulation, EU Scheme means the pension scheme provided for officers of EU Institutions in accordance with Articles 77 to 84, and Annex VII, of Council [Regulation \(EEC Euratom, ECSC\) No. 259/68](#) laying down staff regulations for officials and the conditions of employment of other services of the European Union:

Provided that the officer must satisfy the criteria listed under Article 11(2) of Annex VIII of the said Council Regulation:

Provided further that such transfer may not be exercised more than once.

23. Where any public officer to whom the Ordinance applies is posted in another Member State of the European Community, such public officer shall be entitled to receive adequate information as to his rights under regulation 22.

Information to persons entitled to pension, gratuity or allowance.
Added by:
L.N. 211 of 2004.