

I assent.

(L.S.)

GUIDO DE MARCO
President

18th May, 1999

ACT No. VII of 1999

AN ACT to amend the Prisons Act, Cap. 260.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Prisons (Amendment) Act, 1999, and shall be read and construed as one with the Prisons Act, hereinafter referred to as “the principal Act”. Short title.
Cap. 260

2. Section 2 of the principal Act shall be amended as follows: Amendment of
section 2 of the
principal Act.

(a) for the definition of “Director” there shall be substituted the following:

“ “Director” means the Director of Correctional Services and includes any other public officer authorised in that behalf by such Director;” and

(b) for the definition of “prisons officer” there shall be substituted the following:

“ “prisons officer” means any public officer of whatever grade or category, who is appointed or seconded to serve in the Department of Correctional Services and includes the Director.”.

Deletion of section 5 and renumbering of sections, 6, 7, 8 and 9 of the principal Act.

3. Section 5 of the principal Act shall be deleted and sections 6, 7, 8 and 9 thereof shall be renumbered 5, 6, 7 and 8 respectively.

Addition of new sections to the principal Act.

4. Immediately after section 8 of the principal Act as renumbered there shall be added the following sections:

"Duties and powers of prisons officers.

9. (1) Prisons officers shall carry out such duties as may be assigned to them by or under regulations made under this Act or by any direction of the Minister.

(2) In the performance of their duties within a prison and when on escort duties with prisoners outside the prisons, prisons officers shall be vested with all such functions, powers and duties as are by law vested in an officer of the Malta Police Force.

Pensions regulations.

10. (1) The Minister, with the concurrence of the Minister responsible for Finance, may make regulations for the granting of pensions to persons who have served in the Department of Correctional Services or to their legal representatives or dependants.

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

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

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

Pensions to be charged on revenues of Malta

11. There shall be charged on and paid out of the Consolidated Fund all such sums of money as may from time to time be granted by way of pension in accordance with this Act.

Removal from office.

12. It shall be lawful for the Minister to remove from his office at any time an officer of the Department of Correctional Services who –

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

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

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

Circumstances
in which
pension may
be granted.

13. No pension shall be granted to any officer of the Department of Correctional Services except on his retirement from the Department of Correctional Services in any one of the following cases –

(i) 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 after he attains the age of fifty;

(ii) on the abolition of his office;

(iii) 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;

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

(v) on medical evidence to the satisfaction of the Minister that such officer of the Department of Correctional Services 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.

Retirement
on the
ground of
public
interest.

14. Where the services of an officer of the Department of Correctional Services is terminated on the ground referred to in paragraph (iii) of section 12 of this Act, and a pension cannot otherwise be granted under the provisions of this Act, such officer may be granted a pension not exceeding in amount that for which he would be eligible if he retired from the Department of Correctional Services in the circumstances described in paragraph (v) of section 13 of this Act.”.

Renumbering of
section 10 of the
principal Act.

5. Section 10 of the principal Act shall be renumbered as section 15 thereof.

Amendments to the
Criminal Code,
Cap. 9.

6. The Criminal Code shall be amended as follows:

(a) for section 151 thereof there shall be substituted the following section:

“151. Any person under sentence and any other prisoner who shall be guilty of simple escape or who escapes from the custody of the person or persons charged with his custody, shall, on conviction, be liable to imprisonment for a term of not less than six months but not more than one year.

In this section “prisoner” means any person who is confined in prison and includes a prisoner while he is being moved to or from a prison or from one prison to another or while he is under treatment or observation in any hospital.”; and

(b) for section 152 thereof there shall be substituted the following section:

“152. Any prisoner who shall be guilty of escape from any place of confinement or of punishment or from a hospital where he is under treatment or observation, or from the custody of the person or persons charged with his custody, shall, when the escape has been effected by violence on the person, or with breach of the places mentioned, be liable, on conviction, to imprisonment for a term from two years to four years saving any other punishment to which he may be subject under any other provision of this Code or of any other law.

In this section “prisoner” has the same meaning assigned to it in section 151.”.

Passed by the House of Representatives at Sitting No. 89 of the 4th May, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives