

I assent.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

13th October, 2015

ACT No. XXVIII of 2015

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

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

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

Short title.

Cap. 411.

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

Amendment of article 2 of the principal Act.

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

Addition of new articles to the principal Act.

"Pensions regulations.

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

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

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

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

Pensions to be charged on revenues of Malta.

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

Removal from office.

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

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

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

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

Circumstances in which pension may be granted.

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

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

(ii) on the abolition of his office;

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

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

(v) on medical evidence to the satisfaction of the Minister that such officer of the Force is incapable by reason of infirmity of mind or body of discharging the duties of his office and that such infirmity is likely to be permanent.

Saving as to
officers of the
Force.

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

Retirement on
the grounds of
public interest.

17. Where the services of an officer of the Force are terminated on the grounds referred to in article 14(iii), and a pension cannot otherwise be granted under the provisions of this Act, such officer may be granted a pension not exceeding in amount that for which he would be eligible if he retired from the Force in the circumstances described in article 15(v).

Cross-border
payments.

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

Information to
persons entitled
to pension,
gratuity or
allowance.

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

A 988

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

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

