

L.N. 169 of 2016**PRISONS ACT
(CAP. 260)****Prisons Pensions (Amendment) Regulations, 2016**

IN EXERCISE of the powers conferred by article 12 of the Prisons Act, the Minister for Home Affairs and National Security has made the following regulations:-

Citation.

S.L. 260.04

Amends
regulation 3 of
the principal
regulations.

1. The title of these regulations is the Prisons Pensions (Amendment) Regulations, 2016, and these regulations shall be read and construed as one with the Prisons Pensions Regulations, hereinafter referred to as "the principal regulations".

2. Regulation 3 of the principal regulations shall be amended as follows:

(a) in paragraph (e) thereof the words "of the Prime Minister" there shall be substituted the words "of the Minister"; and for the words "that such infirmity is likely to be permanent." shall be substituted by the words "that such infirmity is likely to be permanent:";

(b) immediately after paragraph (e) thereof there shall be added the following new provisos:

"Provided that if a correctional services officer is, without his own default, seriously injured during the course of his duties and due to such injury he is incapable of discharging the duties of his office, and has been duly certified by an Injuries Board made up of medical and other professionals appointed by the Minister responsible for Prisons, such officer may be entitled to pensionable emoluments as if he had completed the 25 years' service:

Provided further that, if a correctional services officer, without his own default, dies as a direct consequence of him having carried out the duties of his office, his dependants, unless otherwise precluded at law, will be entitled to the payment of such pensionable emoluments, as provided in regulation 16."

3. Regulation 15 of the principal regulations shall be substituted by the following:

Amends regulation 15 of the principal regulations.

"Correctional Service officer sustaining physical injury on duty leading to a permanent disability.

15. Where a correctional services officer has sustained a physical injury on duty leading to a permanent disability:

- (a) without his own default, and
- (b) during the actual discharge of his duties, and
- (c) is due to such injuries incapable of fulfilling any other role in the Department of Correctional Services, and

(d) has been duly certified by an Injuries Board appointed by the Minister responsible for Prisons in accordance with the first proviso to paragraph (e) of regulation 3, such officer shall be entitled to pensionable emoluments as if he had completed the 25 years service."

4. Regulation 16 of the principal regulations shall be deleted and regulations 17 and 18 shall be renumbered as regulations 16 and 17 respectively.

Deletes regulation 16 of the principal regulations.

5. Regulation 16 of the principal regulations, as renumbered, shall be substituted by the following:

Amends regulations 16, as renumbered, of the principal regulations.

"To whom the pensionable emoluments shall be granted.

16. (1) Where the correctional services officer has, without his own default, died as a direct consequence of him having carried out the duties of his office, his pensionable emoluments shall be granted to:

(a) the surviving spouse or partner of the deceased until such spouse remarries or such partner contracts another union of equivalent status in accordance with the Civil Union Act, or reaches pensionable age, or in the absence of an eligible spouse or partner;

(b) the child or children of the deceased until such child or children attain the age of 18 years or until such child or children attain the age of 23 years if attending a full-time educational institution; or in the absence of children;

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(c) a parent or immediate family relative who was wholly dependent on him for maintenance, for a period of 5 years from the death of the officer subject to the retention of a state of dependency.

(2) For the purposes of sub-regulation (1)(b) the pensionable emoluments shall be granted to the child or children equally divided and in the case of minors, entrusted to their legal guardian as defined in the Children and Young Persons (Care Orders) Act."

