

I assent.

(L.S.)

ANTON BUTTIGIEG
President

24th April, 1981

ACT No. XIII of 1981

AN ACT to amend the Members of Parliament Pensions Act, 1979.

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:—

Short title and
commencement.

1. (1) This Act may be cited as the Members of Parliament Pensions (Amendment) Act, 1981, and shall be read and construed as one with the Members of Parliament Pensions Act, 1979, hereinafter referred to as “the principal Act”.

(2) The provisions of this Act shall have effect from the 5th day of January, 1981, with the exception of section 3 which shall have effect from the 14th day of August, 1979.

Amendment of
section 2
of the
principal Act.

2. Subsection (1) of section 2 of the principal Act shall be amended as follows:

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

“(a) in respect of a member over the age of sixty-one years who is still a member, means —

(i) the implementation of the decision by such member to cease to be a member or not to seek re-election as a member, and includes the failure to be re-elected if he has sought re-election, or

(ii) the attainment of the age of sixty-five years, whichever is the earlier;”, and

(b) in the definition of “service” —

(i) for the words “any service as a member of the House and any prior service” there shall be substituted the words

“any service performed by such member prior to his attaining the age of sixty-five years as a member of the House and any service”; and

(ii) immediately after paragraph (b) thereof there shall be added the following new paragraphs:

“(c) in respect of a person who on the 5th day of January, 1981 was a member and had attained the age of sixty-five years shall also include any period during which he served as a member between his attaining the age of sixty-five years and the 4th day of January, 1981;

(d) in respect of a person who on the 4th day of January, 1981, was a member over the age of fifty-five years and had served as member for less than an aggregate of ten years, shall also include any period commencing on the 5th day of January, 1981, or the day on which he attains the age of sixty-five years, whichever is the later, and ending on the day on which he shall have completed an aggregate of ten years service as a member.”.

3. Section 4 of the principal Act shall be amended as follows:

Amendment of
section 4
of the
principal Act.

(a) in subsection (1) thereof, for the words “by subsection (3) of this section” there shall be substituted the words “by subsection (4) of this section”; and

(b) in subsection (3) thereof, for the words “the proviso to subsection (1) of section 16A and subsection (3) of section 17 of the National Insurance Act, 1956, shall apply” there shall be substituted the words “the provisions of the National Insurance Act, 1956, insofar as they refer to pensions under that Act shall apply”.

4. Immediately after section 4 of the principal Act there shall be added the following new section:

Addition
of new
section 4A
to the
principal Act.

“Pension
payable
in
certain
cases.

4A. Notwithstanding the provisions of section 4 of this Act, a member who attained the age of sixty-five years before the 5th day of January, 1981 and who, had his retirement occurred before such date, would have been entitled to a pension under this Act shall, if the honorarium or salary payable to him between the day on which he attained the age of sixty-five years and the 4th day of January, 1981 was less than the pension to which he would have been entitled had his retirement occurred, be entitled to receive for the period between the day on which he attained the age of sixty-five years and the 4th day of January, 1981, an amount equivalent to the difference between the said pension and the honorarium or salary aforesaid; and for the purposes of this Act the amount so payable shall be deemed to be a pension under this Act.”.

5. Section 5 of the principal Act shall be amended as follows:

Amendment of
section 5
of the
principal Act.

(a) in subsection (1) thereof, immediately after the words “payable by every member” there shall be inserted the words “under the age of sixty-five years”;

(b) for subsection (2) thereof there shall be substituted the following new subsections:

“(2) The rate of contribution shall be one-twelfth of the honorarium or salary of the contributing member.

(2A) Where the amount of contribution payable by a member under the National Insurance Act, 1956, is equal to or greater than the amount of contribution payable by him under this Act, calculated on a weekly basis, the payment of contribution made in accordance with the provisions of the National Insurance Act, 1956, shall, for the purposes of this section, be deemed to be a payment made under this Act.

(2B) Where the amount of contribution payable by a member under the National Insurance Act, 1956, is less than the amount of contribution payable by him under this Act, calculated on a weekly basis, the amount of contribution payable under this Act shall be abated by the amount of contribution payable under the National Insurance Act, 1956.”.

(c) immediately after subsection (4) thereof there shall be added the following new subsection:

“(5) Notwithstanding the provisions of subsection (1) of this section a contribution under this section shall be payable by a member to whom the provisions of paragraph (d) of the definition of “service” in subsection (1) of section 2 of this Act apply in respect of any period taken into consideration under that paragraph for the purpose of calculating the term of service, during which he is over the age of sixty-five years.”.

Amendment of
section 6
of the
principal Act.

6. For subsection (1) of section 6 of the principal Act there shall be substituted the following:

“(1) Where a former member below the age of sixty-five years who is in receipt of a pension under this Act again becomes a member, no pension shall be payable while he continues to be a member and until he attains the age of sixty-five years:

Provided that where the honorarium or salary currently payable to such member is less than the amount of pension to which he would have been entitled under this Act had he not again become a member, he shall be entitled to receive by way of pension under this Act the difference between such honorarium or salary and such pension until he subsequently ceases to be a member or attains the age of sixty-five years, whichever is the earlier, and thenceforth his pension shall be such as he may be entitled to in accordance with the provisions of this Act.”.

Addition
of new
section 6A
to the
principal Act.

7. Immediately after section 6 of the principal Act there shall be added the following new section:

“Pension
to
widows.

6A. (1) Subject to the provisions of this section, a widow of a member who was at the time of his death entitled to a pension under this Act, shall be entitled to receive a pension.

(2) The provisions of subsection (1) of this section shall also apply to a widow of a member who, but for the fact that he continued to be a member after attaining the age of sixty-one years, would have been entitled to a pension under this Act.

(3) The rate of pension payable under this section shall be equivalent to two-thirds of the pension to which the member was, or, but for the fact that he did not cease to be

a member before his death, would have been, entitled in accordance with subsection (1) of section 4 of this Act; and for the purposes of this subsection, the reference to the pensionable emoluments in subsection (1) of section 4 of this Act shall be construed as reference to the current pensionable emoluments that would have been applicable to the member but for his death.

(4) The rate of pension payable under this section shall be abated by the amount of any pension payable to the widow under the National Insurance Act, 1956, and by the amount of any pension payable to her by an employer of her late husband which is related to the employment of her late husband.

(5) No pension shall be payable to a widow under the age of sixty-five years during any time in which she is in receipt of earnings from a gainful occupation exceeding the amount specified under subsection (1) of section 90 of the National Insurance Act, 1956, in respect of any period of four weeks."

Passed by the House of Representatives at Sitting No. 491 of the 14th April, 1981.

C. AGIUS
Speaker

C. MIFSUD
Clerk to the House of Representatives