

SUBSIDIARY LEGISLATION 220.03
APPOINTMENTS AND CONDITIONS OF
SERVICE OF THE REGULAR FORCE
REGULATIONS

29th September, 1970

LEGAL NOTICE 91 of 1970, as amended by Legal Notices 37 of 1973, 20 and 98 of 1975, 42 of 1980, 54 of 1981, 36 and 64 of 1982, 45 of 1983, 10 and 14 of 1984, 47 of 1990, 139 of 1991, 130 of 1998, 13 of 1999, 227 of 2004, 411 of 2007, 58 and 227 of 2008, 127 of 2012, 66 of 2013, 61 of 2015 and 168 of 2016; and Act XLI of 2016 and Legal Notice 287 of 2018 and 272 of 2019, Act XXI of 2020 and Legal Notices 315 of 2023 and 126 and 236 of 2024 and 16 of 2025.

1. The title of these Regulations is Appointments and Conditions of Service of the Regular Force Regulations.

Title.
Amended by:
L.N. 37 of 1973.

2. (1) In these Regulations, unless the context otherwise requires -

Interpretation.
Amended by:
L.N. 37 of 1973;
L.N. 66 of 2013;
L.N. 315 of 2023.
Cap. 220.

"the Act" means the Malta Armed Forces Act;

"Commander" means the Commander, Armed Forces of Malta appointed under the Designation, Command and Establishment Order and in his absence or inability to act includes the Deputy Commander, or other officer appointed to act as Commander, appointed under the Order aforesaid;

S.L. 220.02

"determine" in relation to the Minister means determine by order or instruction (whether issued by him or under his authority) or in such other form or manner, and subject to such publicity, as the Minister may deem appropriate;

"disciplined force" means -

- (a) the Armed Forces of Malta;
- (b) the Malta Police Force; and
- (c) the Malta Correctional Services;

"force" means the regular force;

"partner" shall have the same meaning as assigned to it in the Civil Unions Act;

Cap. 530.

"reckonable service" includes special reckonable service and service in a disciplined force;

"special reckonable service" means commissioned service and other reckonable service over the age of eighteen years prior to 1st October, 1970, in a Maltese unit of the forces of the United Kingdom of Great Britain and Northern Ireland by a person who is commissioned or enlisted in the force with effect from 1st October, 1970, and full-time service, between 1st April, 1965 and 30th September, 1970, with the territorial force by a person enlisted as

aforesaid;

"recruiting officer" shall be construed in accordance with regulation 19.

(2) Save as provided in sub-regulation (1), in these Regulations words and expressions shall have the same meaning as they have in the Act.

PART I

Officers

Appointments, Promotions, transfers, retirements and transfers to reserve

Commissioning of officer.
Amended by:
L.N. 37 of 1973;
L.N. 148 of 1975.

3. (1) Officers shall be commissioned by the President of Malta acting on the advice of the Minister.

(2) For the purpose of giving advice under this regulation the Minister may do or cause to be made any one or more of the following -

- (a) cause to be advertised in the Gazette any vacancies in the force it is intended to fill;
- (b) call for applications by prospective candidates for commissions in the force or for entry to a military academy or similar institution with a view to obtaining a commission in the force;
- (c) determine the qualifications and other conditions for the grant of commissions in the force;
- (d) determine the qualifications and other conditions for entry to a military academy or similar institution;
- (e) determine the qualifications and other conditions for direct entry into the force as officers and/or the circumstances in which such direct entry is to take place;
- (f) determine the rank and seniority in which, and the period for which, a person will be granted a commission;
- (g) distinguish between combatant and noncombatant officers, and make such other distinctions as he may deem proper;
- (h) make such other provision or arrangement for the selection, appointment and commissioning of officers in the force as he may deem appropriate.

(3) Without prejudice to the provisions of sub-regulation (2)(e) all persons serving as officers in a Maltese unit of the forces of the United Kingdom and Northern Ireland on 30th September, 1970, may, if they so elect, be commissioned in the force with effect from 1st October, 1970, in the same rank and seniority which they held in the Maltese unit aforesaid and any person so commissioned shall be allowed to serve until he is due to retire under these Regulations.

(4) All persons commissioned in the force and who have not been attested in the force shall, before taking up their duties, take the oath of allegiance set out in the First Schedule, and such oath may be administered by the Commander, by a staff officer designated in that behalf by the Commander, or by a Commissioner for Oaths.

4. Subject to any modifications and exceptions authorised by the Minister after consultation with the Commander, the following provisions of this regulation shall have effect with respect to the appointments referred to hereunder:

Appointments in
the force.
Amended by:
L.N. 37 of 1973;
XXI of 2020.

- (1) Staff employment -
 - (a) Appointments to the staff in the rank of colonel and above shall be made by the Minister;
 - (b) Appointments to the staff of officers of the rank of lieutenant colonel and below shall be made by the Commander;
 - (c) The qualifications and procedure for staff appointment, the tenure of appointment on the staff and the termination of such appointment shall be such as the Minister may from time to time determine.
- (2) Adjutant -
 - (a) The appointment of regimental adjutant shall be made by the Commander upon a report by a commanding officer of the names of the officers serving under his command whom he recommends for appointment, and confirming that the officer has not previously served as such;
 - (b) Subject to any variations authorised by the Commander in the interest of the service, the tenure of appointment as adjutant shall be three years; and an officer shall not, except in exceptional circumstances and with the prior approval of the Commander have his term prolonged or serve a second term;
 - (c) The relinquishment of an officer's appointment as adjutant shall be subject to the approval of the Commander, who may also terminate such appointment if he considers such action to be in the interests of the service.
- (3) Officer-in-Charge Records -
 - (a) An officer not below the rank of major shall be appointed by the Commander for duty as Officer-in-Charge Records in the Finance and Records Office of the Armed Forces of Malta;
 - (b) Subject to any variations authorised by the Commander in the interests of the service, the tenure of such appointment shall be three years.
- (4) Second-in-Command -
 - (a) Where authorised by establishment, a second-in-

command shall be appointed in the units of the force commanded by a lieutenant-colonel, and such appointment shall be made by the Commander;

- (b) Subject to any variations authorised by the Commander in the interests of the service, the tenure of such appointment shall be not less than two and not more than three years;
- (c) The procedure for selection and the rules to be followed with respect to the selection, posting and relief of a second-in-command, shall be such as the Minister may from time to time determine.

(5) Commanding Officer -

- (a) A commanding officer shall be appointed by the Commander;
- (b) Appointments shall be by selection and not by seniority;
- (c) Appointments to command shall be for a period of three years.

(6) Other appointments -

Other appointments shall be made by the Commander in consultation with commanding officers and the length of tour of duty of any of these appointments shall be determined by the Commander in the interests of the service.

(7) Chaplains -

- (a) Officiating chaplains shall be nominated by the Minister for such term (renewable at the end thereof) and under such conditions as he may deem appropriate;
- (b) The appointment may be terminated by the Minister at any time or at the request of the chaplain concerned.

Overseas and
extra-regimental
employment.

5. (1) Without prejudice to the terms and conditions contained in their commission and in any other provision relating to their conditions of service, officers shall be liable to universal service and to extra-regimental employment:

Provided that a subaltern shall not be extra-regimentally employed until he has two years' service.

(2) The normal tour of extra-regimental employment shall not be less than two and not more than three years, but may be varied by the Commander in the interests of the service.

6. (1) Saving the provisions of this regulation in regard to accelerated promotions, promotion to the ranks specified below shall be made subject to recommendation based on efficiency, seniority and selection to fill a vacancy.

- A. Combatant Officers:
Lieutenant

Promotion.
Substituted by:
L.N. 37 of 1973;
L.N. 139 of 1991.
Amended by:
L.N. 127 of 2012;
L.N. 272 of 2019;
XXI of 2020;
L.N. 236 of 2024.

Captain
Major
Lieutenant-Colonel
Colonel
Brigadier

- B. Non-Combatant Officers:
- (i) Lieutenant (Medical Officer)
Captain (Medical Officer)
Major (Medical Officer)
Lieutenant Colonel (Medical Officer)
Colonel (Medical Officer);
 - (ii) Lieutenant (Legal Officer)
Captain (Legal Officer)
Major (Legal Officer)
Lieutenant Colonel (Legal Officer)
Colonel (Legal Officer)
 - (iii) Any other non-combatant officer in possession of a warrant to practise a profession relevant to the service, as the Commander may from time to time determine:
Provided that such officer shall not be capable of being promoted to a rank equal to or exceeding that applicable to the head of the Branch or Section where he performs his duties.
 - (iv) Deleted by Legal Notice 272 of 2019.
- (2) In exceptional cases, accelerated promotions may be authorised, in the interests of the service, by the Commander.
7. (1) Local rank may be granted - Local rank.
- (a) when it is necessary to raise the status of an officer who, by virtue of his appointment, has to deal with officers of higher rank of the forces of a foreign country or senior officials or dignitaries of foreign governments, or
 - (b) to officers who are posted to appointments carrying the rank of lieutenant-colonel or above from the date of joining the new unit and for the necessary period of take over.
- (2) Local rank confer no financial benefits unless specific provision in that behalf is made in any regulations or orders made under the Act.
- (3) Local rank shall be relinquished on the date the holder thereof ceases to fulfil the function for which local rank was granted.
8. (1) Acting rank may be granted only by the Commander to an officer who is selected to fill a vacancy above his substantive

Acting rank.
Amended by:
XXI of 2020.

rank in an approved establishment on a permanent or semi-permanent basis.

(2) Where acting rank is held for more than twenty-one consecutive days, pay of a higher rank shall be authorised from the date of assumption of the acting rank.

(3) Acting rank shall be relinquished when the appointment in the establishment is downgraded or when the officer ceases to fill the appointment for which he was given acting rank.

Retention of
substantive rank
and honorary rank.

9. (1) A regular officer who is eligible by length of service for pension or gratuity, or who retires on account of ill-health having been reported by the approved medical authority as being unfit for military service, shall retain his substantive rank on retirement.

(2) A regular officer who retains his substantive rank under sub-regulation (1) may be granted the honorary rank equivalent to the highest acting rank held by him in the force provided such rank was held by him for an aggregate period of six months.

(3) The period of six months aforesaid may be disregarded if the officer's service in the acting rank was terminated by wounds or sickness which involved absence from duty and subsequent unemployment or cessation of service on the active list.

(4) The grant of honorary rank shall be granted only if the officer concerned has given satisfactory service throughout his career; and an officer may be deprived of his honorary rank on conviction by a civil court or at the discretion of the Minister.

(5) Honorary rank shall be suspended automatically if an officer is re-employed on the active list of the regular or territorial force. At the end of any such service the honorary rank so suspended may be restored unless the officer has qualified for a higher honorary rank during that service, in which case the higher honorary rank may be granted.

Authority to grant
local, acting or
honorary rank.

10. A local, acting or honorary rank may, subject to any other provision of these Regulations, be granted by the same authority that has power to grant a corresponding substantive rank.

Transfers.
Amended by:
XXI of 2020.

11. An officer may be compulsorily transferred from one corps to another according to the exigencies of the service only if -

- (a) a state of war exists between Malta and any foreign power; or
- (b) officers of the reserve are called out on permanent service; or
- (c) the Commander orders or approves the compulsory transfer.

12. (1) Except as otherwise provided by or under these Regulations, an officer shall retire on reaching the age of fifty-five years but may be allowed to remain on the active list beyond this age for such period or periods as the Minister may from time to time determine:

Normal retirement.
Substituted by:
L.N.37 of 1973.
Amended by:
L.N. 64 of 1982;
L.N. 47 of 1990;
L.N. 58 of 2008;
L.N. 287 of 2018.

Provided that an officer shall have the option to retire on, or on any day after, completion of twenty-five years service, subject to any service obligations and other terms which he may have entered into by means of a form of undertaking, and subject to the officer declaring his intent to retire to the Minister in writing, through the Commander, not later than three months prior to his intended date of retirement.

(2) For the purpose of computing the aforementioned twenty-five years service, the following shall be considered as reckonable service:

- (i) Special reckonable service,
- (ii) Service in the force as a "man" of the force.

(3) Notwithstanding the provisions of sub-regulation (1), a police officer commissioned in the force on or before the 1st October, 1982 may opt to retire on any day on which he would have been entitled to retire had he remained in the Malta Police Force and all the provisions of the Pensions Ordinance which would have been applicable to him had he remained in the Malta Police Force shall be applicable to him on his retirement from the force; and for the purposes of the said Ordinance service in the force shall count as service in the Malta Police Force.

Cap. 93.

(4) An officer who -

- (a) reaches the age of fifty-five years; and
- (b) has not upon reaching the said age completed twenty five years of service in the force; and
- (c) upon reaching the age of fifty-five years has his engagement with the force terminated; and
- (d) immediately upon his termination of engagement with the force enlists in the Detention Service; and
- (e) does not start receiving a pension in terms of these regulations upon his termination of engagement with the force

shall, notwithstanding any other provision of these regulations, be entitled for the purposes of the computation of his pension under these regulations to have his service with the Detention Service reckoned as service in the force until such time as the aggregate of service in the force and service in the Detention Service amounts to twenty five years when such officer shall be entitled to receive a pension in terms of these regulations computed on the basis of twenty-five years of service in the force in accordance with the Pensions Ordinance:

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Provided that an officer who after enlisting in the Detention Service as stipulated in this sub-regulation leaves the said services or has his enlistment therein terminated before completing a total

of twenty five years of service in accordance with this subregulation shall be entitled to a pension to be computed on the basis of the aggregate of his service in the force and of his service in the Detention Service

Increase in pensionable emoluments.
Added by:
L.N. 315 of 2023.
Amended by:
L.N. 126 of 2024;
L.N. 16 of 2025.

12A. (1) The provisions of this regulation shall apply to officers in service on or after 1st October 2023:

Provided that officers who retired during the year 2023 because they reached pension age or were medically boarded out shall also benefit from these provisions:

Provided further that these provisions shall apply to officers who were reinstated as members of the force as long as they serve for a period of at least four (4) years from the date of reinstatement, as stipulated in sub-regulation (2).

(2) Save as otherwise expressly provided in the Act and any subsidiary legislation made thereunder, an officer who has completed the twenty-five (25) years of service and who decides to remain in the force for an additional period of four (4) years shall be entitled to an increase of twenty-three per cent (23%) in his pension.

(3) If the officer continues to serve beyond the twenty-nine (29) years in the service in accordance with sub-regulation (2), he shall be entitled to an additional sum equivalent to six (6) months' basic salary for each additional year of service, which additional period of service for the purposes of the said payment shall not exceed a maximum of four (4) years of service.

(4) Without prejudice to sub-regulation (3), the officer shall be granted a gratuity on a *pro rata* basis if a full year or years of additional service have not been completed due to illness or if the officer has reached retirement age as defined in the Social Security Act.

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(5) Gratuities in accordance with these regulations shall be payable on retirement of the officer or on completion of thirty-three (33) years of service:

Provided that upon the request of the beneficiary, gratuities shall be paid at the end of each of the four (4) years covered by this provision.

(6) Where an officer who has completed twenty-five (25) years of service and has also satisfied the conditions set out in item 11(1) of Part II of the Third Schedule opts to continue his service thereafter, the said officer shall be entitled to the pension payable upon the completion of twenty-five (25) years of service, notwithstanding any event which may occur during the period subsequent to the completion of the said twenty-five (25) years of service and which may give rise to the applicability of the provisions of item 11(2) of Part II of the Third Schedule:

Provided that this shall be without prejudice to the possibility of accruing additional pensions benefits:

Provided further that the provisions of item 11(2) of Part II of the Third Schedule shall apply to the pension payable to the officers referred to in this regulation for the period subsequent to the completion of the said twenty-five (25) years of service.

12B. Where an officer dies before reaching his pension age as defined in the Social Security Act, whether he is still in service as well as if he already retired and is receiving a pension under the Act, the surviving spouse or partner shall be paid a widows pension for a period not exceeding five (5) years from the death of the said officer, or until the date when the officer would have reached the said pension age, whichever comes first. The widows pension shall be equivalent to the proportion indicated in the Twelfth Schedule to the Social Security Act, equivalent to two-thirds of the basic salary of the officer on his death or on his retirement, as applicable:

Pensionable
emoluments to
surviving spouse or
partner.
Added by:
L.N. 315 of 2023.
Cap. 318.

Provided that the pension shall only be granted if the said officer has served in the force for a period of at least ten (10) years:

Provided further that the provisions of this regulation shall apply retroactively in case of officers who were deceased on or after 1st January 2022, but before the coming into force of these regulations.

13. (1) An officer may, on application, be allowed to retire or resign prematurely if the exigencies of the service permit:

Voluntary
retirement.
Amended by:
L.N. 47 of 1990;
L.N. 287 of 2018.

Provided that an officer may not be allowed to retire or resign if he has been warned for overseas service or, if he has attended any training course subjected to a service obligation, earlier than such period, not exceeding twelve years, commencing with the date of completion of such training course, as indicated in the form of undertaking or as the Minister may determine.

(2) An officer retiring or resigning voluntarily shall have the reserve liability specified in regulation 16.

14. (1) An officer may be called upon to retire or resign or may be removed at any time by the Commander on grounds of inefficiency, unsuitability or misconduct.

Compulsory
premature
retirement.
Amended by:
XXI of 2020.

(2) An officer may be called upon to retire or resign or may be removed in manner aforesaid on grounds of non-recommendation or failure to pass promotion examination in such circumstances and under such conditions as the Commander may determine.

(3) An officer may be called upon to retire or resign or may be removed on account of ill-health if an approved medical authority certifies him as being unfit for military service and that he is likely to remain so permanently.

15. Where an officer is engaged on active service or on service in a national emergency, he shall be liable to be compulsorily retained on the active list beyond his normal retiring age.

Compulsory
retention beyond
normal retiring
age.

Reserve liability.
Amended by:
L.N. 20 of 1975.

16. Officers, other than officers in the Malta Reserve Pioneer Corps, shall have a liability to serve in the Armed Forces of Malta Regular Reserve of Officers up to the following ages -

- (a) Brigadiers and Colonels57 years
- (b) Lieutenant-Colonels and below 55 years.

Corresponding
ranks or grades.
Added by:
L.N. 139 of 1991.

17. For the purposes of the Act, any rank or grade specified in any column of the list set out below is declared to correspond with the ranks or grades specified in relation to it in the other column of that list.

Column A	Column B
Major	Senior Air Traffic Control Officer Assistant Senior Air Traffic Control Officer
Captain	Air Traffic Control, Officer-in-Charge
Lieutenant	Air Traffic Control Officer.

Pay, allowances and pensions

Pay and
allowances.

18. The scales of pay and allowances for officers shall be such as the Minister may from time to time determine and announce.

Pensions and
gratuities.
Amended by:
L.N. 10 of 1984;
L.N. 47 of 1990.
Cap. 93.

19. Officers commissioned in the force shall, in respect of service in the force, be eligible to such pension or gratuity as may be granted under the Pensions Ordinance to an officer holding a pensionable office in Malta within the meaning of that Ordinance; and the said Ordinance shall for such purpose apply to officers commissioned in the force, their widows and legal representatives, as they apply to an officer holding a pensionable office as aforesaid, his widow or legal representative, subject to such adaptations and modifications as may be required and in particular subject to the modification that the retiring ages for officers commissioned in the forces are those specified in regulation 12, and in the application of article 7, article 11(3) and article 18 of the said Ordinance and of regulations 2, 9, 10 and 14 of the Pensions Regulations to officers commissioned in the force, those articles and regulations shall apply as they apply to members of the Police Force:

Provided that an officer commissioned in the force having special reckonable service shall qualify for a pension independently of the length of his reckonable service provided his retirement takes place under either regulation 12 or regulation 14(3):

Provided further that service in command of the Territorial Force shall be deemed to be pensionable service.

Pensions to
officers
commissioned
on or after 15th
January, 1979.
Added by:
L.N.47 of 1990.

20. Officers commissioned on or after the 15th January, 1979 shall be eligible for a pension as may be granted in accordance with the Articles and Rules contained in the Third Schedule.

PART II

Enlistment, service, promotion, transfer, employment and discharge

21. Any officer of the force authorised in that behalf by the Commander may enlist recruits in the force and such officer shall be a recruiting officer for the purposes of the Act and of these Regulations.

Recruiting officers.

22. The notice to be given for the purposes of article 6(1) of the Act shall be in the form set out in Part I of the Second Schedule, and the attestation paper shall be in the form set out in Part II of the said Schedule.

Prescribed notice and attestation paper.

23. The procedure for enlisting a person in the force shall be the following:

Procedure for attestation.

- (a) the recruiting officer shall warn the person to be enlisted that if he makes any false answer to the questions to be read out to him he will be liable to be punished as provided by the Act;
- (b) he shall then read, or cause to be read, to that person the questions set out in the attestation paper and satisfy himself that he understands each of those questions and that his answers thereto have been duly recorded in the attestation paper;
- (c) he shall then ask that person to make and sign the declaration set out in the attestation paper as to the truth of the answers and shall administer to him the oath of allegiance set out in the attestation paper;
- (d) upon signing the declaration and taking the oath the said person shall become a man of the force;
- (e) the recruiting officer shall by signature attest, in the manner required by the attestation paper, that the requirements of the Act as to the attestation of the recruit have been carried out and shall deliver the attestation paper duly dated to the Officer-in-Charge Records;
- (f) when the recruit is finally approved for service by the commanding officer of the unit responsible for recruit training, the officer by whom he is approved shall at his request furnish him with a certified copy of the attestation paper.

24. (1) Candidates shall be selected in such manner and during such period or periods as the Minister may from time to time determine.

Selection and condition for engagement.
*Substituted by:
L.N. 37 of 1973.*

(2) Candidates must satisfy such conditions for enlistment as the Minister may from time to time determine and must be -

- (a) citizens of Malta;
- (b) certified to possess such minimum medical standards as the Minister may from time to time determine;
- (c) of good conduct.

Enlistment in particular corps and right to purchase discharge.

25. (1) Recruits may, if the Commander so directs (within generally or in particular cases) be enlisted in particular corps.

(2) The rights conferred by article 14(1) of the Act shall not be exercisable by a recruit before the expiration of two months beginning with the date of his attestation.

Engagement.
Substituted by:
L.N. 37 of 1973;
L.N. 42 of 1980.
Amended by:
L.N. 54 of 1981;
L.N. 36 of 1982;
L.N. 45 of 1983;
L.N. 14 of 1984.

26. (1) Successful candidates shall be enlisted -

- (a) on an initial engagement of three years with the colours to count from the date of attestation or the eighteenth birthday whichever is the later, or
- (b) on a five year engagement with the colours to count from the date of attestation, or
- (c) where a man enlists on secondment from the public service, on a three year engagement with the colours to count from the date of attestation, or
- (d) on a fourteen month engagement with the colours to count from the date of attestation, or
- (e) on an eighteen month engagement with the colours to count from the date of attestation, or
- (f) on a twelve month engagement with the colours to count from the date of attestation,

as the Minister may determine:

Provided that the engagement shall be deemed to be completed -

- (i) in the case of candidates who are enlisted on a five year engagement but are over fifty-five years of age on the date of enlistment, on their attaining the age of sixty-one years or on completion of the said period of engagement whichever is the earlier; but such candidates may opt to terminate their engagement on attaining the age of sixty years;
- (ii) in the case of candidates who are enlisted on a three year engagement on secondment from the public service on the date on which they are recalled to the public service.

(2) There shall be no terminal benefits and, subject to the provisions of sub-regulation (3) and (4), there shall be no reserve liability on completion of -

- (a) the initial engagement of three years, or
- (b) the five year engagement, or
- (c) the three year engagement, or,
- (d) the fourteen month engagement, or
- (e) the eighteen month engagement, or
- (f) the twelve month engagement,

referred to in sub-regulation (1).

(3) Male soldiers enlisted on a fourteen month engagement shall have a reserve liability of ten years from the date of termination of their engagement:

Provided that male soldiers enlisted before 1st day of June, 1982 may be accepted for service in the reserve for such term.

(4) Male and female soldiers enlisted on a twelve or eighteen month engagement shall have a reserve liability of twenty years from the date of termination of their engagement.

27. (1) Such percentage of men enlisted on an initial engagement under the immediately foregoing regulation as the Minister may, according to the exigencies of the service, determine, may be allowed to serve for a second engagement of nine years.

Re-engagement to complete 12 years' service.

(2) A man who is allowed to serve for a second engagement as aforesaid may, at the end of every three year period terminate his service by giving a six months' notice of his intention to terminate his service to his commanding officer.

(3) A man who is allowed to serve for a second engagement as aforesaid shall have a reserve liability equal to the balance, if any, of nine years service uncompleted.

28. (1) Subject to the exigencies of the service, such percentage of men on re-engagement under the immediately foregoing regulation as the Minister may, according to the exigencies of the service, determine, may be allowed to serve for a third engagement of ten years to complete twenty-two years' service.

Re-engagement to complete 22 years' service.

(2) A man serving a third engagement may, at the end of fifteen years' service, terminate his service by giving a six months' notice of his intention to terminate his service to his commanding officer; and a man with sixteen years reckonable service may terminate his service at any time upon giving three months' notice as aforesaid.

(3) A man on a third engagement shall have a reserve liability equal to the balance, if any, of twenty-two years' service uncompleted.

29. A man shall not have any reserve liability beyond the age of 55 years.

Maximum reserve liability for men.
Added by:
L.N. 64 of 1982.

30. Notwithstanding any other provision of these regulations a man of the force shall have his engagement terminated on reaching the age of fifty-five years, but may be allowed to remain on the active list beyond this age for such period or periods as the Minister may, from time to time, determine.

Termination of engagement at the age of 55 years.
Added by:
L.N. 10 of 1984.

31. Such percentage of men on a twenty-two years' engagement as the Minister may, according to the exigencies of the service, determine, may be allowed to continue their service beyond twenty-two years on a yearly basis until the age of fifty-five years but may be allowed to continue their service beyond this age for such period or periods as the Minister may from time to

Continuance beyond 22 years' service.
Amended by:
L.N. 37 of 1973.

time determine.

Purchase of
discharge.

32. Discharge from colour service, except at option points as provided in the foregoing provisions of these Regulations, may be purchased in such circumstances and against such payment as the Minister may from time to time determine.

Special promotions
for men enlisting
with special
reckonable service.

33. (1) Notwithstanding any other provision of these Regulations, any person who on 30th September 1970 was serving with a Maltese unit of the forces of the United Kingdom of Great Britain and Northern Ireland or was serving full-time with the territorial force and who elects to join the force with effect from 1st October, 1970, may, on such latter date be attested in accordance with the Act and with these Regulations and any person so attested shall be enlisted under the following terms:

- (a) all such persons (irrespective of their type of engagement) shall be deemed to have been originally enlisted on a twenty-two year engagement and shall be allowed to serve in the force for any balance of service which would enable them to complete a total of twenty-two years service, inclusive of all special reckonable service and, thereafter, may be allowed to continue that engagement on a yearly basis until the age of fifty-five years or until such subsequent age as the Minister may from time to time determine;
- (b) any such person who completes his twenty-two years service (reckoned as aforesaid) before his fifty-fifth birthday may be allowed to continue in the service up to the age or until such subsequent age as the Minister may from time to time determine subject to the current quota permitted for such extensions;
- (c) any such person shall be allowed to serve beyond his fifty-fifth birthday or beyond such subsequent age as the Minister may from time to time determine if this should occur before he has fully completed a total of twenty-two years' service reckoned as aforesaid, until such total service is completed;
- (d) any such person may opt to be discharged from colour service at the end of six years' reckonable service and at the end of any succeeding three year period, by giving six months' notice of his intention to terminate his service to his commanding officer; and any such person with sixteen years reckonable service may terminate his service at any time upon giving three months' notice as aforesaid;
- (e) the reserve liability of any such person will be -
 - (i) of six years if the discharge is at the end of six years' reckonable service;
 - (ii) of three years if the discharge is at the end of nine years' reckonable service;
 - (iii) the balance of twenty-two years' service uncompleted if the discharge is at the end of

twelve years or more reckonable service;

- (f) all such persons holding substantive or acting warrant officer or non-commissioned officer rank in the Maltese unit aforesaid on 30th September, 1970 will be granted the same rank and seniority in the force with effect from 1st October, 1970;
- (g) in all other respects these Regulations shall apply:

Provided that -

- (i) any such person who is over the age of twenty-six years but under the age of thirty-five years shall be enlisted for a twelve year engagement, inclusive of all special reckonable service;
- (ii) any such person who is over the age of thirty-five years shall be enlisted for a twelve year engagement commencing on 1st October, 1970, and, thereafter may be allowed to continue that engagement on a yearly basis until the age of fifty-five years or until such subsequent age as the Minister may from time to time determine.

34. A police officer enlisted in the force on or before the 1st October, 1982 may opt to terminate his service on any day on which he would have been entitled to retire had he remained in the Malta Police Force and all the provisions of the Pensions Ordinance which would have been applicable to him had he remained in the Malta Police Force shall be applicable to him on his termination of service from the force; and for the purposes of the said Ordinance service in the force shall count as service in the Malta Police Force.

Special conditions
for men enlisting
from the Malta
Police Force.
Added by:
L.N. 64 of 1982.
Cap. 93.

35. (1) A man of the force shall have the option to retire on, or on any day after, completion of twenty-five years service, subject to any service obligations and other terms which he may have entered into by means of a form of undertaking and subject to him giving three months notice of his intention to retire in writing, to the Commander through his Commanding Officer, accordingly:

Men of the force
may retire after 25
years service.
Added by:
L.N. 47 of 1990.
Amended by:
L.N. 58 of 2008;
L.N. 287 of 2018.

Provided that a man of the force may not be allowed to retire or resign if he has been warned for overseas service or, if he has attended any training course subjected to a service obligation, earlier than such period, not exceeding twelve years, commencing with the date of completion of such training course, as indicated in the form of undertaking or as the Minister may determine.

(2) For the purposes of sub-regulation (1), special reckonable service shall be considered as service for the computation of the twenty-five years service.

(3) An man of the force who -

- (a) reaches the age of fifty-five years; and
- (b) has not upon reaching the said age or upon having his enlistment with the force terminated at an age of more than fifty five years and less than sixty-one years completed twenty-five years of service in the force;

and

- (c) upon reaching an age of at least fifty-five years but less than sixty-one years has his engagement with the force terminated; and
- (d) immediately upon his termination of engagement with the force enlists in the Detention Service; and
- (e) does not start receiving a pension in terms of these regulations upon his termination of engagement with the force,

shall, notwithstanding any other provision of these regulations, be entitled for the purposes of the computation of his pension under these regulations to have his service with the Detention Service reckoned as service in the force until such time as the aggregate of service in the force and service in the Detention Service amounts to twenty-five years when such man of the force shall be entitled to receive a pension in terms of these regulations computed on the basis of twenty five years of service in the force in accordance with the Articles and Rules contained in the Third Schedule:

Provided that a man of the force who after enlisting in the Detention Service as stipulated in this sub-regulation leaves the said services or has his enlistment therein terminated before completing a total of twenty five years of service in accordance with this sub-regulation shall be entitled to a pension to be computed on the basis of the aggregate of his service in the force and of his service in the Detention Service.

Junior leaders.

36. (*Deleted by Legal Notice 227 of 2008*).

Promotion.
Amended by:
L.N.37 of 1973.

37. (1) Promotion shall be made subject to recommendation based on efficiency, seniority, qualifications and selection to fill a vacancy.

(2) Subject to these regulations, the procedure to be followed, the tests to be passed, the military and other qualifications required, the age limits to be observed and other conditions for promotion shall be such as the Minister may from time to time determine.

(3) Outstanding warrant officers and noncommissioned officers may be considered for accelerated promotion provided that, in addition to any requirements required under the foregoing sub-regulations, they have earned at least two recommendations for accelerated promotion in three consecutive annual confidential reports.

(4) Reckonable service shall be allowed to reckon for promotion.

Establishment of
W.O.s and N.C.O.s
and acting and
local ranks.

38. (1) The Commander shall from time to time lay down the percentage of the establishment of warrant officers and non-commissioned officers which may be filled by substantive ranks.

(2) Any balance which is not filled by substantive ranks and any deficiency resulting from holders of substantive ranks being temporarily non-effective may be made up by the grant, subject to the control of the Officer-in-Charge Records, of acting rank in

accordance with the provisions contained in instructions issued for this purpose by the Commander.

(3) Acting rank may be retained during a period of probation which includes an army course.

(4) Authority for the grant of local rank may be given by the Commander under the circumstances stipulated in the instructions aforesaid.

39. (1) For the purposes of the Act, any rank or grade specified in any column of the list set out below is declared to correspond with the rank or grade specified in relation to it in the other column of that list.

Corresponding
ranks or grades.
Added by:
L.N. 139 of 1991.

Column A	Column B
Warrant Officer	Senior Assistant Controller
Senior Non-Commissioned Officer	Assistant Controller.

(2) The ranks listed in Column B are Non-Combatant ranks.

40. (1) A warrant officer or a non-commissioned officer may, with the consent of his commanding officer, voluntarily revert to a lower rank.

Resignation of
rank.

(2) The commanding officer shall, before consenting to such reversion, satisfy himself that there is no disciplinary action pending or outstanding against the man concerned.

(3) For the purposes of such reversion a certificate shall be signed by the man and personally countersigned by the commanding officer that the reversion is voluntary, and such certificate shall be attached to the man's documents.

(4) Seniority in the rank to which the man reverts shall count from the date of his original promotion to that rank.

(5) A man reverting to a lower rank under this regulation shall remain ineligible for further promotion until such time as the Officer-in-Charge Records receives an application from the man, countersigned by his commanding officer, that he wishes to be reconsidered for promotion under the normal rules.

41. (1) Where a substantive warrant officer or non-commissioned officer is by reason of unsuitability or inefficiency of a nature which does not warrant disciplinary action undeserving of retention in his substantive rank, his commanding officer, may, after giving him three months warning in writing to that effect, apply to the Commander for the reduction in rank of the warrant officer or non-commissioned officer concerned.

Reduction in rank.

(2) At the time the warning aforesaid is given the warrant officer or non-commissioned officer concerned shall, if practicable, be cross-posted to another company or equivalent sub-unit under the same commanding officer for the period of the warning and shall be given adequate opportunity to improve.

(3) All applications under sub-regulation (1) shall state the rank to which the reduction is recommended and shall be accompanied by the following documents:

- (i) a full statement by the commanding officer giving the reasons for the recommended reduction;
- (ii) a copy of the warning notice aforesaid;
- (iii) a copy of the conduct sheet and record of service of the man concerned;
- (iv) any statement the man concerned may wish to make,
- (v) the recommendations of intermediate commanders.

Relinquishment of acting rank and removal from appointment.

42. A commanding officer may, on grounds of inefficiency or unsuitability -

- (a) order any warrant officer class II, non-commissioned officer or soldier to relinquish any acting rank which he may be holding and to revert to his substantive rank;
- (b) order any warrant officer, non-commissioned officer or acting non-commissioned officer to be removed from any appointment which he may be holding and to assume any other appointment appropriate to his rank or acting rank;
- (c) order any substantive lance-corporal to be reduced to the ranks.

Effects of reduction in ranks on seniority, promotion, etc.

43. (1) A warrant officer or non-commissioned officer who is reduced to a lower rank for inefficiency or unsuitability under these Regulations, shall be placed in the promotion roll in the lower rank according to the date he was originally promoted to that rank. If he has never served in the lower rank before reduction, the Officer-in-Charge Records shall grant the man such seniority in the lower rank as will place him in the zone for promotion to the next higher substantive rank at the expiration of the relevant period specified in sub-regulation (2); and if two or more warrant officers or non-commissioned officers are reduced simultaneously, the Officer-in-Charge Records shall grant seniority in the lower rank so as to maintain their relative seniority.

(2) Warrant officers and non-commissioned officers who are reduced to a lower rank for inefficiency or unsuitability shall not, unless they merit promotion for distinguished service, be eligible for substantive or acting promotion to a higher rank -

- (a) if reduced to a rank not below corporal, before the expiration of eighteen months;
- (b) if reduced to the rank of lance-corporal before the expiration of twelve months:

Provided that if the reduction is to the rank of private, promotion to lance-corporal may be granted under the normal rules

at any time.

(3) At the expiration of the time limits specified in sub-regulation (2), the man may be promoted to the next higher rank under the normal rules, or he may be promoted to the next higher substantive rank, if he is recommended and is qualified, provided that -

- (a) where such promotion is granted by selection to fill a vacancy, a vacancy exists in the rank quota for the higher rank; or
- (b) where such promotion is dependent wholly on time, the promotion is authorised by the Officer-in-Charge Records.

(4) A man promoted to the acting or to the substantive rank of lance-corporal under sub-regulation (2) shall not be further promoted before the expiration of twelve months of his reduction to the rank of private.

(5) A warrant officer or non-commissioned officer holding an appointment which carries a minimum rank who is reduced for inefficiency or unsuitability to a rank below the minimum for the appointment shall be deprived of such appointment and, in accordance with instructions of the Officer-in-Charge Records, shall either be returned to the roll appropriate to his original trade or be re-classified in a trade on a roll appropriate to the circumstances of the case. Any such warrant officer or non-commissioned officer shall not be re-appointed before the expiration of eighteen months.

(6) When re-promotion is approved, seniority will reckon from the date of such substantive promotion and shall in no case confer any retrospective financial advantage.

(7) Further promotion which may follow any initial promotion after reduction in a rank may be granted under the normal rules, subject to the provisions of sub-regulation (3); and where such further promotion is granted the following rules as to seniority shall apply -

- (a) in the case of men on vacancy promotion, seniority in the new rank shall reckon from the latest date of substantive promotion to that rank;
- (b) in the case of men on time promotion, only service rendered after the date on which the man was reduced in rank will count as service reckonable for promotion:

Provided that, individual cases may be considered jointly by the Officer-in-Charge Records and the man's commanding officer at the time, and if the circumstances so justify the commanding officer may recommend to the Commander such re-grant of seniority as is thought fit, so however that the seniority so re-granted shall not be greater than that which the man would have held but for his reduction in rank.

44. The following provisions shall have effect with respect to the transfer of a man from one corps to another where such transfer

Transfers.

is consented to or requested by the man concerned:

- (a) If a warrant officer or a non-commissioned officer consents to or requests a transfer, the Officer-in-Charge Records will inform him as soon as practicable whether he may retain his substantive rank on transfer and will notify him what substantive rank and seniority in his new corps can be granted if his transfer is approved. If a vacancy in his rank does not exist or if his qualifications and experience do not qualify him for transfer in his substantive rank and he is unwilling to accept the rank and seniority offered he shall be entitled to withdraw his request or consent. In such circumstances as would entitle a man to withdraw his request or consent, a transfer shall not be authorised unless -
 - (i) the man concerned is willing to revert voluntarily to a substantive rank in which he can be accepted; or
 - (ii) the transfer arises out of a recommendation for re-employment and the man is to be reduced in rank under the provisions of the Act or of any regulations made thereunder.
- (b) A man who consents to a transfer to another corps shall not be permitted at any future time to be re-transferred to his former corps unless such re-transfer is in the interest of the service.
- (c) A transfer will take effect from the date on which a man is taken on the strength of his new corps and such man shall be struck off the strength of his previous corps with effect from the preceding day.
- (d) Unless otherwise ordered by the competent military authority, a man shall be retained on the strength of his corps during the period of probation which he may be required to spend with the corps to which he has requested or consented to be transferred, and the transfer shall unless otherwise ordered as aforesaid, be authorised with effect from the date following the completion of such probation or the date on which the vacancy occurs in the corps to which the man is being transferred, whichever is the later date:

Provided that where such period of probation as aforesaid includes a military course, the man may be struck off the posted strength of his corps with effect from the first day of attachment to the other corps.

45. (1) In addition to any other case provided for by the Act or of any regulations, rules or orders made thereunder, colour service may be terminated in the cases and manner hereafter provided:

- (a) a recruit who has been attested but has not been finally approved may be rejected and discharged by his commanding officer on any of the following grounds -

Discharge.
Amended by:
L.N. 14 of 1984.

- (i) that he is unlikely to become an efficient soldier;
or
 - (ii) that he is a misfit or an undesirable influence; or
 - (iii) that he is likely to bring discredit on the service,
or
 - (iv) for any other reason in the interest of the
service;
- (b) a junior leader who has not been finally approved for
engagement in man's service, may be rejected and
discharged by the Commander on grounds of
inefficiency, misconduct or failure to maintain the
standards of training set at any time up to final
approval as aforesaid;
- (c) a man of the force who during his service is convicted
by a civil court of an offence committed before his
enlistment, or is convicted of an offence against article
18 or 66 of the Act, may have his colour service
terminated by the Commander;
- (d) a man of the force whose retention in the service is
considered undesirable on account of -
 - (i) inefficiency; or
 - (ii) persistent petty breaches of discipline
insufficient to warrant discharge for misconduct
under paragraph (e); or
 - (iii) persistent indebtedness which has led to
inefficiency or to indiscipline or to any action by
the man that has repeatedly brought the service
into disrepute,and in respect of whom the provisions of sub-
regulation (2) have been observed, may have his
colour service terminated by the Commander;
- (e) a man of the force who during his service has been
sentenced -
 - (i) by a civil court or a court-martial to
imprisonment; or
 - (ii) by a civil court to detention; or
 - (iii) by a court-martial to a period of detention which
on confirmation is for twelve months or more,shall be discharged unless in the opinion of the
Commander his retention is desirable in the interests
of the service;
- (f) a man of the force who has been convicted by a civil
court or by court-martial of an offence involving -
 - (i) serious dishonesty or violence; or
 - (ii) disgraceful conduct of a cruel, indecent or
unnatural kind; or
 - (iii) contravention of any enactment relating to
dangerous drugs,

but has been awarded a lesser sentence than would warrant discharge under paragraph (e), may be discharged by the Commander if, on the commanding officer's recommendation to that effect, he considers the man's discharge to be in the interests of the service:

For the purposes of this paragraph a person who has been placed on probation or has been discharged absolutely or conditionally by a civil court shall not be deemed to have been convicted;

- (g) a deserter who in manner provided by article 87 of the Act has signed a written confession that he has been guilty of desertion may be discharged by the Commander, whether or not he has been sentenced by court-martial for that offence;
 - (h) a man of the force may be discharged by the commanding officer if he has become medically unfit for further service and is likely to remain so permanently, and is so certified in manner satisfactory to the commanding officer;
 - (i) the Commander may permit the termination of service by a man of the force free of charge at his request on compassionate grounds;
 - (j) a man of the force with more than three months' service may, at his request, be allowed to terminate his service by the Commander against payment of such sum as the Minister may from time to time determine;
 - (k) a man of the force may be discharged by the Commander in any case in which the Commander is satisfied that, in the interest of the service, a man's service is no longer required or should he terminated;
 - (l) a man of the force shall be discharged on appointment to a commission in the force;
 - (m) the Commander may permit a man of the force to terminate his engagement in order to re-enlist on another engagement.
- (2) The provisions referred to in sub-regulation (1)(d) are:
- (a) a man whose discharge is under consideration shall be informed by his commanding officer of his shortcomings and shall be warned by him in writing -
 - (i) that if his efficiency or conduct does not improve within three months, his discharge would be applied for, and
 - (ii) that if he persists in committing petty breaches of discipline, his immediate discharge will be applied for;

and the man concerned shall be asked to sign the written warning in acknowledgement;
 - (b) a copy of the warning or of the signed warning, as the

case may be, shall be sent to the Officer-in-Charge Records who shall retain it for the period of its validity, and shall then either retain it as proof that the man was properly warned if the man is discharged under the sub-paragraph aforesaid or destroy it if the warning period lapses and the man is retained in the service;

- (c) after the written warning has been given, the man shall, if practicable, be cross-posted to another company or equivalent sub-unit under the same commanding officer for the period of the warning and shall be given adequate opportunity to improve;
- (d) if breaches of discipline continue after the written warning has been given, the commanding officer may apply to the Commander for the man's discharge, notwithstanding that the warning period may not have expired, and in such case the Commander may authorise the immediate discharge of the man if he considers such action essential for disciplinary reasons;
- (e) if by the end of the warning period the man concerned has not shown satisfactory improvement the commanding officer shall apply for his discharge unless he considers that further time should be granted, in which case he shall re-impose the warning for a further period of three months, but shall not give any further extensions of time;
- (f) if a man's discharge is not applied for within one week of the expiration of the warning period, the warning shall lapse and the commanding officer shall notify the Officer-in-Charge records to that effect.

(3) An officer cadet who fails to reach the required standard at the military academy or other similar institution to which he has been entered under regulation 3 may terminate his engagement without completing his three years service as a soldier.

Pay, allowances and pensions

46. The scales of pay and allowances for men of the force shall be such as the Minister may from time to time determine and announce.

Pay and allowances.

47. Men of the force shall, in respect of service in the force, be eligible to such pension or gratuity as may be granted under the Pensions Ordinance to an officer holding a pensionable office in Malta within the meaning of that Ordinance; and the said Ordinance shall for such purpose apply to men of the force, their widows and legal representatives, as they apply to an officer holding a pensionable office as aforesaid, his widow and legal representative, subject to such adaptations and modifications as may be required and in particular subject to the modifications required by the difference in the length of normal service, and in the application of article 7, article 11(3) and article 18 of the said Ordinance and regulations 2, 9, 10 and 14 of the Pensions

Pensions and gratuities.
Amended by:
L.N. 10 of 1984;
L.N. 47 of 1990.
Cap. 93.

Regulations to men in the force, those articles and regulations shall apply as they apply to members of the Police Force:

Provided that, subject to regulation 26(2), a man of the force having special reckonable service shall qualify for a pension independently of the length of his reckonable service provided he completes or has opted to complete a twenty-two year engagement:

Provided further that in respect of men of the force having a special reckonable service by reason of full-time service, between 1st April 1965 and 1st October, 1970, with the territorial force, such special reckonable service shall be deemed to be pensionable service.

Pension to men of the force enlisted after the 15th January, 1979.
Added by:
L.N. 47 of 1990.

48. Men of the force, enlisted on or after the 15th January, 1979, shall be eligible for a pension as may be granted in accordance with the Articles and Rules contained in the Third Schedule.

Increase in pensionable emoluments.
Added by:
L.N. 126 of 2024.
Amended by:
L.N. 16 of 2025.

48A. (1) The provisions of this regulation shall apply to men of the force who are in service on or after 1st October 2023:

Provided that men of the force who retired during the year 2023 because they reached pension age or were medically boarded out shall also benefit from these provisions:

Provided further that these provisions shall apply to men of the force who were reinstated as members of the force as long as they serve for a period of at least four (4) years from the date of reinstatement, as stipulated in sub-regulation (2).

(2) Save as otherwise expressly provided in the Act and any subsidiary legislation made thereunder, a man of the force who has completed the twenty-five (25) years of service and who decides to remain in the force for an additional period of four (4) years shall be entitled to an increase of twenty-three per cent (23%) in his pension.

(3) If a man of the force continues to serve beyond the twenty-nine (29) years in the service in accordance with sub-regulation (2), he shall be entitled to an additional sum equivalent to six (6) months' basic salary for each additional year of service, which additional period of service for the purposes of the said payment shall not exceed a maximum of four (4) years of service.

(4) Without prejudice to sub-regulation (3), the man of the force shall be granted a gratuity on a *pro rata* basis if a full year or years of additional service have not been completed due to illness or if the man of the force has reached retirement age as defined in the Social Security Act.

Cap. 318.

(5) Gratuities in accordance with these regulations shall be payable on retirement of the man of the force or on completion of thirty-three (33) years of service:

Provided that upon the request of the beneficiary, gratuities shall be paid at the end of each of the four (4) years covered by this provision.

(6) Where a man of the force who has completed twenty-five (25) years of service and has satisfied the conditions set out in item 11(1) of Part II of the Third Schedule opts to continue his service thereafter, the said man of the force shall be entitled to the pension payable upon the completion of twenty-five (25) years of service, notwithstanding any event which may occur during the period subsequent to the completion of the said twenty-five (25) years of service and which may give rise to the applicability of the provisions of item 11(2) of part II of the Third Schedule:

Provided that this shall be without prejudice to the possibility of accruing additional pensions benefits:

Provided further that the provisions of item 11(2) of Part II of the Third Schedule shall apply to the pension payable to the men of the force referred to in this regulation for the period subsequent to the completion of the said twenty-five (25) years of service.

48B. Where a man of the force dies before reaching his pension age as defined in the Social Security Act, whether he is still in service as well as if he already retired and is receiving a pension under the Act, the surviving spouse or partner shall be paid a widows pension for a period not exceeding five (5) years from the death of the said man of the force, or until the date when the man of the force would have reached the said pension age, whichever is the earliest. The widows pension shall be equivalent to the proportion indicated in the Twelfth Schedule to the Social Security Act, equivalent to two-thirds of the basic salary of the man of the force on his death or on his retirement, as applicable:

Pensionable
emoluments to
surviving spouse or
partner.
Added by:
L.N. 126 of 2024.
Cap. 318.

Provided that the pension shall only be granted if the said man of the force has served in the force for a period of at least ten (10) years:

Provided further that the provisions of this regulation shall apply retroactively in case of men of the force who were deceased on or subsequent to 1st January 2022, but before the coming into force of these regulations.

PART III

Officers and Men

Leave

49. (1) The leave year shall begin on the 1st April of one year and end on the 31st March of the following year. Annual leave.

(2) Subject to the exigencies of the service, the entitlement to annual leave shall be as follows:

- (a) Officers - 42 days in respect of a full year's service
- (b) Sergeants and above - 42 days in respect of a full year's service
- (c) Corporals and below - 30 days in respect of a full year's service.

(3) When it is necessary to postpone, or stop leave or recall individuals already on leave, the reasons shall be explained to the person concerned.

(4) Individuals entering or leaving the service during the leave year shall be eligible for leave on a proportionate basis; and where the rank of an individual is changed during a leave year, leave entitlement shall be assessed in proportion to the period of service in each rank.

(5) For the purposes of this regulation:

- (a) references to a rank include references to substantive, acting and local rank,
- (b) periods in detention or forfeited periods of service shall not count as service for the purpose of reckoning a man's eligibility for annual leave.

Embarkation and disembarkation leave.

50. (1) Personnel posted overseas shall be granted embarkation leave as follows -

- (a) 7 days if posted to any place in Europe;
- (b) 14 days if posted elsewhere.

(2) On reversion to Malta from any overseas station, personnel shall be eligible for disembarkation leave, to be taken on arrival in Malta, at the following scales:

- (a) in respect of service overseas for more than three but less than six months - 7 days;
- (b) in respect of the first completed six months overseas - 14 days;
- (c) in respect of every completed month overseas in excess of six months - 1 additional day.

Compassionate leave.

51. (1) Compassionate leave may be granted in any of the following cases:

- (a) death, imminent death or dangerous illness of spouse, child, parent or other recorded next of kin;
- (b) for urgent reasons of an exceptional or personal nature, when the presence of the individual concerned is essential to lessen domestic hardship.

(2) Except in extreme urgency, the compassionate circumstances shall be verified before leave is granted. In cases of extreme urgency leave may be granted immediately and the circumstances investigated as soon as possible afterwards.

(3) Authority to grant compassionate leave shall be as follows:

- (a) for periods not exceeding 28 days - Commanding Officer;
- (b) for any extension beyond 28 days - Commander.

(4) Compassionate leave shall not count against eligibility for annual leave.

(5) In respect of personnel serving overseas, the Commander may authorise compassionate leave with travel at public expense if the situation so warrants.

52. (1) Special medical leave may be authorized, provided it is recommended by the medical officer, as follows: Medical leave.
Amended by:
XXI of 2020.

- (a) for periods not exceeding 28 days - Commanding Officer;
- (b) for any extension beyond 28 days - Commander

(2) Personnel who are unable to report for duty due to illness shall contact their unit as soon as practicable.

53. Terminal leave of a continuous period of twenty-eight days ending on the last day of service shall be granted to - Terminal leave.

- (a) officers who are compulsorily retired or who retire on reaching the age of compulsory retirement;
- (b) men who are compulsorily discharged for reason other than disciplinary reasons or have completed their current engagement and do not re-engage.

54. (1) All leave shall be recorded on the individual's record or leave. Documentation.

(2) The following types of leave shall be published in the relevant orders -

- (a) medical leave when pay is affected;
- (b) terminal leave.

55. (1) Officers and men shall be entitled to free medical treatment by a medical officer appointed for that purpose, in a medical centre equipped for that purpose. Medical facilities
for officers and
men.

(2) Officers and men shall be entitled to hospitalisation without any charge to them.

(3) Officers and men who are unable to report for duty due to illness or injury shall be visited by the medical officer during working hours. Special arrangements shall be made for treatment of urgent cases outside working hours.

56. (1) Families of officers and men shall be entitled to free medical treatment by the medical officer provided they report for such treatment to the medical centre during working hours. Medical facilities
for families.

(2) Special arrangements shall be made for those cases of families who require urgent medical treatment at their residence.

57. Officers and men shall be entitled to dental treatment Dental facilities.

without any charge to them.

Applicability of
regulations 55, 56
and 57.

Added by:

L.N. 37 of 1973.

58. Notwithstanding the provisions of regulations 55, 56 and 57, officers and men who join the force after the 19th April, 1973, shall be entitled to such medical and dental facilities as the Minister may from time to time determine.

Establishment and
Statute of the
Armed Forces of
Malta Staff
Association.

Added by:

L.N. 130 of 1998.

59. *(Deleted by Legal Notice 61 of 2015).*

FIRST SCHEDULE
(Regulation 3)

*Substituted by:
L.N. 42 of 1980.*

OATH OF ALLEGIANCE TO BE TAKEN BY OFFICER ON
COMMISSIONING

I, solemnly swear/affirm that I will bear true faith and
allegiance to the people and the Republic of Malta and its Constitution, and that I
will, as in duty bound, honestly and faithfully defend the Republic of Malta against
all enemies, and will observe and obey all orders of the President of Malta, and of
the authorities and officers set over me.

(So help me God)

.....

signature

.....

date

The said has taken the oath before
me at on this day of
.....

.....
(signature and authority of
person administering oath)

Amended by:
L.N. 42 of 1980;
L.N. 54 of 1981;
L.N. 36 of 1982;
L.N. 64 of 1982;
L.N. 45 of 1983;
L.N. 14 of 1984;
L.N. 411 of 2007;
L.N. 227 of 2008;
XXI of 2020.

SECOND SCHEDULE (Regulation 22)

PART I

Notice to be given under article 6(1) of the Malta Armed Forces Act, to a person offering to enlist in the Regular Force

This paper sets out the general conditions of the various enlistments and the questions you will be required to answer before the officer who will attest you for the Regular Force.

General conditions of enlistments

1. You must serve for the whole of the term for which you enlist, unless you are enlisted on an engagement where, as explained below, you will have the right to leave the service or to transfer to the reserve before its end. If you have not previously served in the regular force you have a right to purchase your discharge during the early months of your service (See 11 below). The military authorities have the right to discharge you at any time if your services are no longer required.
2. If you have already enlisted under regulation 26(1)(c) you will retain your right to terminate your service from the force on any day on which you would have been entitled to retire had you remained in the Malta Police Force and all the provisions of the Pensions Ordinance which would have been applicable to you had you remained in the Malta Police Force shall be applicable to you on your termination of service from the force; and for the purposes of the said Ordinance service in the force shall count as service in the Malta Police Force.
3. Service with the colours means full time regular army service and during that service you may be called on to serve in any part of the world. During reserve service you will return to civilian life but will be liable to be called on in any emergency.

Types of enlistments

4. For men over the age of 18 enlisting after 1st October, 1970, on an initial engagement of three years.
 - a. You will be enlisted on an initial engagement of 3 years.
 - b. At the end of 3 years you may be allowed to re-engage for a further 9 years subject to the quota for re-engagements existing at the time. You may opt to terminate your service without payment at each 3 year point.
 - c. At the end of 12 years you may be allowed to re-engage for a further 10 years subject to the quota for re-engagements existing at the time. You may opt to terminate your service without payment at the 15 year point and at any time after 16 years service.
 - d. At the end of 22 years service you may be allowed to continue for one year at a time up to the age of 55 years or until such subsequent age as the Minister may from time to time determine.

- e. Your reserve liability will be as follows:

Reckonable Service	Reserve Liability
(1) After initial 3 year engagement	NIL
(2) If discharged after 3 years service but before completing 12 years service	The balance of 9 years uncompleted.
(3) If discharged after 12 years service but before completing 22 years service	The balance of 22 years uncompleted.
(4) On attaining the age of 55 years	NIL

5. For men under the age of 18 but over the age of 17 enlisting after 1st October, 1970, on an initial engagement of three years.

- a. Your term is up to your 18th birthday and then as in para. 3.
- b. The same conditions as specified in para. 3 apply save that periods at which you are entitled to break your service with the colours etc., will be reckoned from your 18th birthday and not from the date you are attested.

6. *(Deleted by Legal Notice 227 of 2008).*

7. For men enlisting on a five year engagement -

- a. You will be enlisted on a five year engagement but if you are over 55 years on date of enlistment you will serve up to the age of 60 years.
- b. You will have no reserve liability after you have been discharged.

8. For men enlisting on a three year engagement -

You will be enlisted on a three year engagement, but, if you are recalled to the public service, the engagement will be deemed to be completed on the day on which you are so recalled.

9. For men enlisting on a fourteen month engagement -

You will be enlisted on a fourteen month engagement.

10. For male soldiers enlisting after the 1st June, 1982 on a fourteen month engagement -

You will be enlisted on a fourteen month engagement and you will have reserve liability for a period of ten years from the date of termination of your engagement.

11. For men enlisting on an eighteen month engagement -

You will be enlisted on an eighteen month engagement and you have a reserve liability for a period of twenty years from the date of termination of your engagement.

12. For men enlisted on a twelve month engagement -

You will be enlisted on a twelve month engagement and you will have a reserve liability for a period of twenty years from the date of termination of your engagement.

General

13. You may be enlisted into a corps of your choice if there is a vacancy in that corps and you are duly qualified. While in the corps to which you are appointed you may be posted from one unit or branch to another.

14. If at any time during the first 6 months of your service you are found unsuitable for the corps for which you are appointed but suitable for service in another corps you will be given the option either of transferring voluntarily to another corps for which you are suitable and in which there is a vacancy, or of being discharged, unless the interests of the Force render necessary your compulsory transfer to another corps. You can only be compulsorily transferred from one corps to another by order of the Commander.

15. When you have been attested you will be subject to military law, and you will be required to carry out whatever duties may be ordered by those in authority over you.

16. No guarantee can be given that you will be employed on any particular duties but if you are enlisted with a view to being trained and employed in a particular trade, you will normally be trained and employed in that trade providing the requirements of the service so permit. Employment in a trade depends upon passing a specified trade test and there being a vacancy in that trade.

17. a. If this is your first enlistment in the Regular Force you will be entitled to claim your discharge on payment of a sum not exceeding forty-six euros and fifty-nine cents (46.59); provided that the claim is made after the expiration of two months and before the expiration of three months from attestation.
- b. If you make a claim for discharge during the appropriate period you will then be discharged with all convenient speed unless, when you make your claim, an order has been made ordering that soldiers who would otherwise be transferred to the reserve shall continue to serve with the colours. In such a case your discharge will be deferred for as long as the order remains in force.

18. You will be liable to forfeit service if you are found guilty of, or confess to, deserting the service. Such forfeited service will not count towards the period of service for which you are enlisted and consequently the date of your discharge, and will alter the dates of the ends of the periods on which you have a right to be transferred to the reserve or to terminate your service, and the dates on which notice should be given.

19. You may be discharged if you make a false answer to any of the questions at the end of this Paper or because of any other irregularities concerned with your enlistment.

20. Examples of other grounds on which you may be discharged before the termination of your engagement by order of the competent military authority are misconduct, unfitness on medical grounds or the benefit of the public service.

21. If when a soldier would otherwise be entitled to be discharged or to be transferred to the reserve, he is liable to be proceeded against by court-martial, or is serving a sentence of imprisonment or detention abroad, his discharge or transfer to the reserve will be postponed. What is said above about entitlement to be discharged or to be transferred to the reserve must be read as subject to this.

22. a. If, when you would otherwise become entitled to be discharged, you are serving with the Force:

(1) outside Malta, or
 (2) while a state of war exists, or
 (3) while soldiers in the reserve are called out for permanent service,
 you may be retained with the colours for a further period not exceeding twelve months.

b. If, when you would otherwise become entitled to be transferred to the reserve, you are serving with the Force -

- (1) outside Malta, or
 (2) while a state of war exists, or
 (3) while soldiers in the reserve are called out for permanent service,
 or
 (4) while there is in force an order ordering that soldiers who would otherwise be transferred to the reserve shall continue to serve with the colours,

you may be retained with the colours for a further period; this period may continue until 12 months after you would otherwise become entitled to be discharged.

23. If you are transferred to the reserve you may be liable to be called out as follows:

- a. in any year, for training in Malta or elsewhere for one period not exceeding fifteen days and for such other periods not exceeding thirty-six hours, as may be prescribed.
 b. for permanent service if national danger is imminent or a great emergency has arisen.

24. If during your service with the reserve, you are called out for permanent service, you may be retained with the colours for the rest of your term in the reserve and for a further twelve months.

QUESTIONS TO BE PUT TO THE RECRUIT BEFORE ENLISTMENT

Under the provisions of articles 18 and 66 of the Malta Armed Forces Act if any person knowingly makes a false answer to any question contained in the attestation paper he is liable to punishment

Q. 1	What is your full name?	(a) Christian Name(s)	or Fore	(b) Surname
Q. 2.	What is your address?	Q. 3. What is the date of your birth?		
Q. 4.	Where were you born? (give town, country)	Q. 5. What is your nationality now?		
Q. 6.	What was the nationality at birth of:			

(a) yourself?	(c) your mother?	(e) your wife?
(b) your father?	(d) your paternal grand- father and	

Q. 7. Are you single, married, widowed?

Q. 8. How many children are dependent on you?

Q. 9. What is your trade or calling?

Q. 10. Do you belong to, or have you ever served in any armed force of Malta or of a Commonwealth Country? If so, state which, and the periods of service and the reasons for and dates of discharge.

Q. 11. Have you ever been charged before any civil court with an offence of which you have not been acquitted (even though you may only have been absolutely or conditionally discharged, or placed on probation)? If so, give full particulars of each charge.

Q. 12. Have you ever been rejected for service in any armed force of Malta or of a Commonwealth Country? If so, on what grounds?

Q. 13. (a) Are you, or have you ever been an apprentice?

(b) If so, when will, or did, the period of your apprenticeship expire?

Q. 14. (a) Into what corps do you wish to enlist?

(b) If you have been informed that there is no vacancy in that corps, into what other corps in which there is a vacancy do you wish to enlist?

Q. 15. Have you received a notice paper setting out the questions to be answered on attestation and the general conditions of the enlistment to be entered into including reserve liability?

Do you understand the contents of the notice paper and wish to be enlisted?

Q. 16. Are you willing to serve:

- (a) *If under the age of 18 years, the period from the date of attestation up to the date on which you attain the age of 18 years, and thereafter for a term of years with the colours and years with the reserve.
- (b) If over the age of 18 years either:
- (1) *A term of years with the colours with the option to be discharged from colour service at the end of years reckonable service, or
- (2) *A term of years with the colours less reckonable service within the meaning of the Appointments and Conditions of Service of the Regular Force of the Armed Forces of Malta Regulations with the option to be discharged from colour service at the end of years inclusive of service reckonable as aforesaid.
- (c) A term of five years with the colours or, if you are over 55 years on date of enlistment, up to the age of 60 years.
- (d) A term of three years, or, if you are recalled to the public service, up to the date on which you are so recalled.
- (e) A term of fourteen months with the colours to count from the date of attestation.
- (f) A term of eighteen months with the colours to count from the date of attestation.
- (g) A term of twelve months with the colours to count from the date of attestation.

(*Delete whichever is inapplicable - Answer "Yes" to relevant question)

I, do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagement made.

.....
(Date) (Signature of Recruit) (Signature of witness)

Note: On signing the above declaration and taking the Oath the recruit becomes a soldier of the Regular Force and subject to military law.

PART II

Attestation Paper

Army No..... Nature of Engagement (Note 1)

Corps years with the Colours years with the Reserve

General Instructions for completing the Attestation Paper

1. The Recruit will first be given a copy of the Notice Paper.
2. Any alterations in this Attestation Form will be initialled in ink by the Recruiting Officer. A ball-point type of pen will NOT be used.
3. The Recruiting Officer will delete all paragraphs referring to types of

engagement which are not appropriate.

QUESTIONS TO BE PUT TO THE RECRUIT BEFORE ENLISTMENT

Under the provisions of articles 18 and 66 of the Malta Armed Forces Act, if a person knowingly makes a false answer to any of the questions contained in the Attestation Paper he renders himself liable to punishment.

Q. 1. What is your full name?	(a) Christian or Fore Name(s)	(b) Surname
Q. 2. What is your address?	Q. 3. What is the date of your birth?	
Q. 4. Where were you born? (give town, country)	Q. 5. What is your nationality now?	
Q. 6. What was the nationality at birth of: (a) yourself? (b) your father?	(c) your mother? (d) your paternal grand-father and	(e) your wife?
Q. 7. Are you single, married, widowed?	Q. 8. How many children are dependent on you?	Q. 9. What is your trade or calling?
Q. 10. Do you belong to, or have you ever served in any armed force of Malta or of a Commonwealth Country? If so, state which, and the periods of service and the reasons for and dates of discharge. (Note 2).		
Q. 11. Have you ever been charged before any civil court with an offence of which you have not been acquitted (even though you may only have been absolutely or conditionally discharged, or placed on probation)? If so, give full particulars of each charge.		
Q. 12. Have you ever been rejected for service in any armed force of Malta or of a Commonwealth Country? If so, on what grounds?		

- Q. 13. (a) Are you, or have you ever been an apprentice?
(b) If so, when will, or did, the period of your apprenticeship expire?

- Q. 14. (a) Into what corps do you wish to enlist?
(b) If you have been informed that there is no vacancy in that corps, into what other corps in which there is a vacancy do you wish to enlist?

- Q. 15. Have you received a notice paper setting out the questions to be answered on attestation and the general conditions of the enlistment to be entered into including reserve liability?
Do you understand the contents of the notice paper and wish to be enlisted?

- Q. 16. Are you willing to serve:
- (a) *If under the age of 18 years, the period from the date of attestation up to the date on which you attain the age of 18 years, and thereafter for a term of years with the colours and years with the reserve.
 - (b) If over the age of 18 years either:
 - (1) *A term of years with the colours with the option to be discharged from colour service at the end of years reckonable service, or
 - (2) *A term of years with the colours less reckonable service within the meaning of the Appointments and Conditions of Service of the Regular Force of the Armed Forces of Malta Regulations with the option to be discharged from colour service at the end of years inclusive of service reckonable as aforesaid.
 - (c) A term of five years with the colours or, if you are over 55 years on date of enlistment, up to the age of 60 years.
 - (d) A term of three years, or, if you are recalled to the public service, up to the date on which you are so recalled.
 - (e) A term of fourteen months with the colours to count from the date of attestation.
 - (f) A term of eighteen months with the colours to count from the date of attestation.
 - (g) A term of twelve months with the colours to count from the date of attestation.

(*Delete whichever is inapplicable - Answer "Yes" to relevant question)

SOLEMN DECLARATION

I, do solemnly declare that the above answers made by me to the above questions are true, and that I am willing to fulfil the engagement made.

.....		
(Date)	(Signature of Recruit)	(Signature of witness)

OATH TO BE TAKEN BY RECRUIT ON ATTESTATION

I, affirm that I will bear true faith and allegiance to the people and the Republic of Malta and its Constitution, and that I will, as in duty bound, honestly and faithfully defend the Republic of Malta against all enemies, and will observe and obey all orders of the President of Malta, and of the officers set over me.

(So help me God)

.....	
signature	date

The said has taken the oath before me at, on this day of

.....
(signature and authority of
person administering oath)

CERTIFICATE OF RECRUITING OFFICER

The Recruit named above was cautioned by me that if he knowingly made any false answer to any of the questions above he would be liable to be punished as provided in the Malta Armed Forces Act.

The questions above were then read to the Recruit in my presence.

I have taken care that he understands each question, and that his answer to each question has been duly entered.

I have taken care to see that the Recruit has received a copy of the Notice Paper and I am satisfied that he is fully aware of the terms and general conditions of service on which he has entered.

I am satisfied from the evidence produced or the statements made by the Recruit that he has attained the minimum age for man's service.

The said Recruit has made and signed the Declaration and taken the Oath before me at on this day of

Rank Appointment
.....

Signature of Recruiting Officer

Religious denomination

CERTIFICATE OF MEDICAL EXAMINATION

I /We have examined this Recruit in accordance
with current instructions and have assessed him as
follows:

P	U	L	H	E	E	M	S

Date

Signature(s) of Medical Officer(s)
.....

CERTIFICATE OF APPROVING OFFICER

I CERTIFY that this attestation paper of the above-named recruit is properly
completed and that the required forms relative to his enlistment appear to have been
complied with. I accordingly approve, and appoint him to -

*

Date Signature of Approving Officer

Place

* Here insert the "Corps" for which the recruit has been enlisted

NOTES FOR RECRUITING OFFICERS

1. Insert type of engagement e.g. Regular.
2. If the recruit has former service he is to be asked particulars of this former service, and will produce, if possible, all certificates issued on discharge. All certificates will be returned to the recruit and in cases of former service with any armed force of Malta certificates will be conspicuously endorsed in red ink as follows:

(Name) re-enlisted in the (Corps) on the (Date).

Added by:
L.N. 47 of 1990.
Amended by:
L.N. 227 of 2004;
L.N. 411 of 2007;
L.N. 66 of 2013;
L.N. 168 of 2016;
XLI. 2016.39.

THIRD SCHEDULE
(Regulations 20 and 48)

Part I

Pension Articles

- | | |
|--|--|
| Title. | 1. The title of these Articles is the Armed Forces of Malta Pension Articles. |
| Application. | 2. These Articles and the Armed Forces of Malta Pension Rules, 1990, hereinafter referred to as "the Rules", and which shall be read as an integral part of these Articles, shall apply to officers and men retiring on or after the 1st January, 1990. |
| Circumstances in which pension may be granted. | <p>3. No pension shall be granted under these Articles and the Rules, to any officer or man of the force except on his retirement from the force in any one of the following cases:</p> <ul style="list-style-type: none"> (a) on or after attaining the age of fifty-five years or if he has completed twenty-five years reckonable service in the force; (b) on the abolition of his office; (c) on compulsory retirement in accordance with regulation 14(1) of the Appointments and Conditions of Service of the Regular Force Regulations, hereinafter in these Articles and in the Rules called "the Regulations"; (d) on termination of service in accordance with regulation 14(3) or regulation 45(1)(h) of the Regulations. |
| S.L. 220.03 | |
| Maximum pension grantable. | <p>4. (1) A pension granted to an officer or man of the force under these Articles shall not exceed two-thirds of the highest pensionable emoluments drawn by him at any time in the course of his service in the force.</p> <p>(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 or man 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 service in the force by more than the sum by which his pension or pensions, apart from such additional pension, falls short of two-thirds of such highest emoluments.</p> <p>(3) For the purpose of these Articles and the Rules -</p> <p>"month" means a calendar month;</p> <p>"pensionable emoluments" include -</p> <ul style="list-style-type: none"> (i) salary, (ii) personal allowance, (iii) one working trade allowance <p>but does not include duty allowance, entertainment allowance, house allowance, the estimated annual rental value of free quarters,</p> |

value of rations, extra remuneration, any fees paid out of the Treasury by way of salary or other emoluments whatsoever;

"personal allowance" means a special addition 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;

"officer" and "man" mean an officer commissioned or a man enlisted in the force on or after 15 January, 1979;

"year" means a calendar year.

5. No pension under these Articles shall be assignable, transferable or liable to be attached, sequestrated or levied upon, for or in respect of any debt or claim whatsoever, except in so far as is provided in article 381(3) of the Code of Organization and Civil Procedure.

Pensions not to be
assignable.
Cap. 12

6. (1) An officer or man of the force, who retires on grounds listed in article 3(d) to whom a pension has been granted under these Articles and who is in receipt of -

Pension to be
reduced in certain
circumstances.

- (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,

shall, until he reaches the age of fifty-five years or until the twenty-fifth anniversary of his first appointment in the force, whichever is the earlier, have his pension 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 or man 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 shall in no case be reduced to less than the sum of one hundred and sixteen euros and forty-seven cents (116.47), and if the yearly pension or other allowance does not exceed the minimum payable as aforesaid no reduction shall be made therefrom.

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

- (a) the pension which, but for the provisions of this article, would have been receivable under these Articles; 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 the yearly sum of one hundred and sixteen euros and forty-seven cents (116.47).

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

(4) Any officer or man to whom sub-article (1) applies shall without delay inform the Director General (Social Security), and keep him 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 or man fails to comply with any of the provisions of this sub-article any pension to which he may be entitled under these Articles 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 Minister.

Part II

General Rules

Title.	1. The title of these Rules is the Armed Forces of Malta Pension Rules.
Pensions to whom and at what rates to be granted.	2. Subject to the provisions of the Regulations, the Armed Forces of Malta Pension Articles, hereinafter in these rules called "the Articles", and of these Rules, every officer and man who has been in the force for ten years or upwards, may be granted a pension at the rate of one four hundred and fiftieth of his pensionable emoluments for each complete month of pensionable service, subject to the limit described in article 4 of the Articles.
Service to be unbroken.	3. The service in respect of which a pension may be granted must be unbroken, except in cases where the service has been interrupted by abolition of office, normal termination of engagement, or voluntary retirement, and not arising from termination of service in accordance with regulation 14(1) and (2) and regulation 45, that is on ground of misconduct.
Emoluments to be taken for computing pensions.	4. (1) For the purpose of computing the amount of the pension of an officer or man who has had a period of not less than three years' pensionable service under the Articles before his retirement - (a) in the case of an officer or man 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 or man who at any time during such period of three years has been posted from one

office to another, but whose pensionable emoluments have not been changed by reason of such posting or postings 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 or man 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 posting 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 posted at any time during such period of three years, and had received all scale increments which, in the opinion of the Minister 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 sub-rule (1) the pensionable emoluments that an officer or man 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 of an officer or man 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;
- (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; and
- (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, and during which he has not qualified for pension in respect of other public service.

(4) In no circumstances shall the pensionable emoluments to be taken exceed the full annual pensionable emoluments enjoyed by the officer or man at the date of his retirement in respect of the office then held by him.

(5) In the case of an officer or man to whom rule 5(1)(c) applies, the date of retirement shall -

- (a) where such officer reaches the age of retirement; or
- (b) where such officer would have but for his dismissal completed 25 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 he reaches the age of retirement, or the day on which he would have completed 25 years' service, or on which he died, whichever is the earlier, and his pensionable emoluments to be taken into consideration shall be those which he would have been receiving on such date had he not been so dismissed.

Computation of
pensions.

5. (1) For the purpose of computing the amount of an officer's or man's pension the following periods shall be taken into account as pensionable service:

- (a) any periods during which he has been in service with the colours;
- (b) any periods during which he has been absent from duty on leave with full salary;
- (c) any period following dismissal from the force, where such dismissal is subsequently declared to have been invalid by a competent authority, up to the time of reinstatement, or the date when such officer or man would have completed 25 years' service, or the day on which such officer or man would have to retire because of age, or the date when such officer dies, whichever is the earlier;

And any periods during which he has been absent on leave other than those specified above shall be deducted from the officers' total service in order to arrive at his period of pensionable service.

(2) For the purposes of sub-rule (1)(c) and of rule 4(5), the term "dismissal" shall be deemed to include termination of service in terms of regulations 14 and 45 of the Regulations, and "dismissed" shall be construed accordingly.

Acting service.

6. Where an officer or man has performed acting service in a pensionable office in the force, the period of such service may be taken into account as pensionable service under the Articles:

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 or man's own pensionable service under the Regulations or Articles in the force;
- (b) this period of service is immediately preceded, or followed by service in a substantive capacity in the force.

7. If an officer or man retires or is removed from the force in consequence of the abolition of his office, or for the purpose of facilitating improvements in the force, by which greater efficiency and economy can be effected, he may be granted a pension:

Abolition or reorganisation of office.

Provided, however, that if he has been in the force for less than the qualifying period of ten years, he may be granted a pension calculated in accordance with rule 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 the force:

Provided further that if such an officer or man is not qualified for other employment in the force or if there is no reason, in the opinion of the Minister, to expect that he can be shortly re-employed, a pension may be granted to him free from the above mentioned condition.

8. An officer or man 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 or man 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 4 of the Articles.

9. Where an officer or man, has sustained a physical injury on duty leading to a permanent disability -

Officers retiring on account of injuries.

- (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 Force, and
- (d) has been duly certified by an Injuries Board composed of medical and other professionals and appointed by the Minister responsible for defence and including the Force's Principal medical officer,

such officer or man shall be entitled to pensionable emoluments as if he had completed the twenty-five years service.

Pension to widows of officers and men killed in the discharge of their duty.

10. (1) Where an officer or man, without his own default, dies as a direct and immediate consequence of him having carried out the duties of his office, his pensionable emoluments shall be granted to:

Cap. 530.

- (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 eighteen years or until such child attains the age of twenty-three years if attending a full-time educational institution; or in the absence of children;
- (c) a parent or immediate family relative who was dependent on him for maintenance for a period of five years from the death of the officer or man subject to the retention of a state of dependency:

Cap. 285.

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

Good conduct required.

11. (1) Pensions, computed at the rate before mentioned, shall only be granted in case of decidedly faithful and meritorious service.

(2) Where the fidelity and diligence of the officer or man fall short of the first degree of merit the computation may be made at lower rates.

Cross-border payments.

12. Pensions, gratuities and allowances payable under the Act shall also be payable to the person of the force 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 98149/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.

13. Where any person of the force is posted in another Member State of the European Community, such person shall be entitled to receive adequate information as to the relative rights under rule 12.

FOURTH SCHEDULE
(Regulation 59)

Added by:
L.N. 130 of 1998.
Amended by:
L.N. 13 of 1999.

Statute of the Armed Forces of Malta Staff Association
(Deleted by Legal Notice 61 of 2015)
