



PARLIMEN MALAYSIA



BILL

Pension (Public Authorities) 1960

D.R.5/1960

(Presented and read a first time and ordered to be printed, 22nd February, 1960.)

A BILL *intituled*

An Act to regulate and ensure uniformity in the granting of pensions, gratuities and other allowances to officers in the public service of the Federation who are transferred to the service of certain public authorities.

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BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Pensions (Public Authorities) Act, 1960. Short title.

2. (1) In this Act, unless the context otherwise requires— Interpretation.
 “the Government” includes the Government of the Federated Malay States or of the Straits Settlements in Penang and Malacca or of the Malayan Union or of the Federation of Malaya or of any State;

“public authority” means any local authority, and any statutory authority exercising powers vested in it by any written law, specified in the Schedule to this Act;

“transferred non-pensionable officer” means any person, other than a person holding a pensionable office, transferred after the coming into force of this Act from the public service in the Federation to the service of a public authority;

“transferred pensionable officer” means an officer transferred after the coming into force of this Act from a pensionable office in the public service of the Government to the service of a public authority.

(2) Unless the context otherwise requires, section 2 of the Pensions Ordinance, 1951, shall apply for the interpretation of this Act as it applies for the interpretation of the Pensions Ordinance, 1951. 1 of 1951.

3. (1) Where a transferred pensionable officer retires from the service of a public authority in circumstances in which he would, if he had continued in the service of the Government, have been permitted to retire on pension or gratuity, and his aggregate service under the Government and the authority would have rendered him eligible, had his service Grant of pension or gratuity to transferred pensionable officer.

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been wholly under the Government, for a pension under the Pensions Ordinance, 1951, he may be granted a pension by such public authority; and such pension shall be of an amount equal to the pension for which such officer would have been eligible had his service been wholly under the Government, and shall be granted upon the same terms and conditions as those which would have been applicable thereto had the pension been granted to him by the Government.

(2) Where a transferred pensionable officer retires from the service of a public authority in circumstances in which he would, if he had continued in the service of the Government, have been permitted to retire on pension or gratuity, but has not completed in the aggregate the minimum period of service qualifying him for a pension, he may be granted a gratuity by such public authority; and such gratuity shall be of an amount equal to the gratuity for which such officer would have been eligible had his service been wholly under the Government, and shall be granted upon the same terms and conditions as those which would have been applicable thereto had the gratuity been granted to him by the Government.

Grant of gratuity or allowance to transferred non-pensionable officer.

4. Where a transferred non-pensionable officer retires from the service of a public authority in circumstances in which there would have been payable in respect of such officer, if he had continued in the service of the Government a gratuity or allowance, such public authority may grant in respect of such officer such gratuity or allowance as would have been payable by the Government had the service of such officer been wholly under the Government; and such gratuity or allowance shall be granted upon the same terms and conditions as those which would have been applicable thereto if granted by the Government.

Gratuity where officer dies in service.

5. Where a transferred pensionable or non-pensionable officer dies in the service of a public authority in circumstances in which a gratuity would have been payable in respect of such officer if he had continued in the service of the Government such public authority may grant in respect of such officer such gratuity as would have been payable by the Government had the service of such officer been wholly under the Government; and such gratuity shall be granted upon the same terms and conditions as those which would have been applicable thereto if granted by the Government.

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6. (1) Where a pension, gratuity or allowance has been granted under section 3 or 4 there shall be paid by the Government to the public authority by which such pension, gratuity or allowance was granted a contribution in respect of such pension, gratuity or allowance of an amount equal to the pension, gratuity or allowance for which the officer concerned would have been eligible if he had retired from the service of the Government at the date of his transfer.

Contribution in respect of service under the Government.

(2) For the purpose of computing the contribution to be paid by the Government under the provisions of sub-section (1) of this section in respect of a pension granted to a transferred pensionable officer—

- (a) where a transferred pensionable officer entered the service of the Government before the twenty-seventh day of February, 1951, but has not completed in the aggregate a period of ten years service, with the Government such contribution shall be calculated at the rate of one four-hundred-and-eightieth of such officer's annual pensionable emoluments in respect of each complete month of pensionable service;
- (b) where a transferred pensionable officer entered the service of the Government on or after the twenty-seventh day of February, 1951, such contribution shall be calculated at the rate of one six-hundredth of such officer's annual pensionable emoluments in respect of each complete month of pensionable service;
- (c) in all other cases such contribution may be calculated at the rate of one seven-hundred-and-twentieth of the annual pensionable emoluments of the officer concerned in respect of each complete month of pensionable service, with an addition of sixty seven-hundred-and-twentieths of such pensionable emoluments.

(3) For the purpose of computing the pension, gratuity or allowance for which an officer would have been eligible under the provisions of sub-section (1) of this section no regard shall be had to the attainment of a specified age or the completion of a minimum period of service qualifying or rendering such officer eligible for the grant of a pension.

7. (1) No contribution shall be made by or on behalf of a transferred pensionable officer to any provident fund or superannuation scheme established or maintained by a public authority for the benefit of its employees, nor shall a transferred pensionable officer be entitled to claim any benefit from such fund or scheme.

Special provision relating to provident fund or superannuation scheme.

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(2) In the case of any transferred pensionable or non-pensionable officer who became liable to contribute to the Employees Provident Fund under the provisions of the Employees Provident Fund Ordinance, 1951, during the period of his service with the Government, any period during which he was so liable to contribute shall not be taken into account as service qualifying for pension, gratuity or allowance except upon condition that there shall be first paid to Government by the officer a sum equal to the total amount of the contributions paid by Government to such fund in respect of such officer and of such period with the interest thereon.

(3) No allowance or gratuity shall be granted under this Act to any transferred non-pensionable officer who entered the service of the Government at any date after the coming into force of section 7 of the Employees Provident Fund Ordinance, 1951, in respect of any period during which he was liable to contribute to the Fund established under the provisions of the said Ordinance.

Pensions, gratuities, etc., to be charged on revenues of public authority.

8. All pensions, gratuities and allowances granted by a public authority under sections 3, 4 and 5 shall be charged on and paid out of the revenues of such authority.

Contributions, etc., of Government to be charged on Consolidated Fund.

9. There shall be charged on and paid out of the Consolidated Fund of the Federation all such sums of money as may from time to time be payable by the Government to a public authority in accordance with the provisions of section 6.

Widows and orphans' pensions.

10. Every transferred officer who, at the date of his transfer to the service of a public authority, was a contributor to the widows and orphans pension scheme established under the Widows and Orphans Pension Enactment of the Federated Malay States, shall continue to contribute to such scheme, and shall be entitled to benefit under such scheme, to all intents as if his service with such authority were service with the Government:

F.M.S. Cap. 26.

Provided that if at any time such authority shall establish a widows' and orphans' pensions scheme such officer may elect to contribute to such last-mentioned scheme, and in such event the provisions of sub-section (i) of section 12 of the said Enactment shall apply and, for such purpose, service with the public authority shall be deemed to be service to which such sub-section relates.

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11. Nothing in this Act contained shall authorise or be deemed to authorise the transfer of any officer in the public service of the Government to the service of any public authority without the consent of such officer. Saving.

12. The Yang di-Pertuan Agong may by order add to, vary or revoke the whole or any part of the Schedule to this Act. Amendment of Schedule.

SCHEDULE

(Sections 2 and 12)

The Municipal Council of Kuala Lumpur

EXPLANATORY STATEMENT

The above Bill is designed to protect the rights relating to the pensions, gratuities and other allowances of officers in the service of the Government who are transferred to the service of any public authority referred to in the Schedule to the Bill.

It is emphasized that no public authority will be included in the Schedule by virtue of any order under *clause 12* until it is clear that such authority has the power to implement the conditions of transfer prescribed by the Bill.

[AG. 1165.]

