PARLIMEN MALAYSIA

RANG UNDANG-UNDANG

Penchen (Pindaan) (No. 2) 1971

DR.62/1971

D. R. No: 62 71

RANG UNDANG[2]

bernama

Suatu Akta bagi meminda Ordinan Penchen, 1951 untok membuat peruntokan bagi kadar[2] baharu mengenaï penchen, ganjaran dan lain[2] elaun.

[*1hb Ogos, 1968.*]

MAKA INI-LAH DI-PERBUAT UNDANG[2] oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Ra'ayat yang bersidang dalam Parlimen, dan dengan kuasa daripada-nya, saperti berikut:

1. Akta ini boleh-lah di-namakan Akta Penchen (Pindaan) (No. 2), 1971 dan hendak-lah di-sifatkan sa-bagai telah mula berkuatkuasa pada 1 haribulan Ogos, 1968. Tajok ringkas dan mula berkuatkuasa.

2. (1) Tertaklok kapada sekshen-kechil (2), Ordinan Penchen, 1951 ada-lah dengan ini di-pinda mengikut chara yang di-nyatakan dalam Jadual bersama ini. Pindaan. *1/51.*

(2) Peruntokan Ordinan tersebut, sa-bagaimana di-pinda oleh sekshen-kechil (1), hendak-lah di-pakai bagi—

(*a*) semua pegawai dalam perkhidmatan awam dalam Persekutuan yang sharat[2] pengambilan kerja mereka pada masa perlantekan ada memperuntokkan supaya mereka di-beri penchen, ganjaran atau lain[2] elaun mengikut Ordinan tersebut, sa-bagaimana di-pinda saperti tersebut di-atas; dan

(*b*) semua pegawai dalam perkhidmatan awam dalam Persekutuan yang berkenaan dengan-nya, pemberian penchen, ganjaran atau lain[2] elaun menurut Perkara 147 Perlembagaan Persekutuan hendak-lah di-tetapkan mengikut Ordinan tersebut sa-bagaimana di-pinda saperti tersebut di-atas.

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Peman-sokhan.

3. Ordinan No. 67 (Kuasa² Perlu) Dharurat, 1971 ada-lah dengan ini di-mansokhkan.

JADUAL

(Pindaan² bagi Ordinan Penchen, 1951)

Peruntokan di-pinda	Pindaan
Sekshen 6 ...	Potong perenggan (*c*) dalam sekshen ini.
Sekshen 11 ...	(i) Gantikan perbahasaan "two-thirds" yang terdapat dalam sekshen-kechil (1), (2) dan (4) dalam sekshen ini dengan perbahasaan "one-half"; dan (ii) Gantikan perbahasaan "one-sixth" yang terdapat dalam sekshen-kechil (4) dalam sekshen ini dengan perbahasaan "one-eighth".
Sekshen 17 ...	Gantikan sekshen ini dengan yang berikut—

"Derivative pension or gratuity where officer dies in service or after retirement.

17. (1) Where an officer dies in the public service in the Federation and would have become eligible to be granted a pension, annual allowance or gratuity if he had retired at the date of his death in the circumstances described in paragraph (*d*) in subsection (2) of section 8 of this Ordinance, it shall be lawful for the Yang di-Pertuan Agong to grant to such of his dependants as the Yang di-Pertuan Agong may think fit, a derivative pension or gratuity appropriate to his case, or if there are no dependants, to his legal personal representative, a derivative gratuity; and where a derivative pension is granted, such a derivative pension may be paid for a period not exceeding 12½ years with effect from the date immediately following the date of the death of the officer.

(2) Where an officer who has retired on pension or annual allowance from the public service in the Federation dies within a period of 12½ years of his date of retirement, it shall be lawful for the Yang di-Pertuan Agong to grant to his widow or his widow and minor children or minor children a derivative pension of the same amount as the pension or annual allowance which was paid or payable to the officer on account of his retirement, for a period not exceeding the difference between the aforesaid period of 12½ years and the period during which the pension or annual allowance was paid or payable to the officer.

Peruntokan di-pinda	Pindaan
	(3) (*a*) No derivative pension under this section shall be granted to any dependant in respect of the death of any officer if such dependant is entitled in respect of the same death, to compensation under any written law relating to workmen's compensation for the time being in force in the Federation or any part thereof.
F.M.S. Cap. 26.	(*b*) Where a dependant who is not entitled to such workmen's compensation is eligible to receive both a derivative pension under this section and a pension or allowance under any written law (other than the Widows and Orphans Pension Enactment) for the time being in force in the Federation or any part thereof, the grant of a derivative pension under this section or a pension or allowance under any such written law shall be determined by the Yang di-Pertuan Agong, whose decision shall be final.
	(4) (*a*) A widow in respect of whom a derivative pension is granted under this section shall cease to be eligible for such a pension upon her remarriage.
	(*b*) A minor child in respect of whom a derivative pension is granted under this section shall cease to be eligible for such a pension upon such child attaining the age of 18 years or upon marriage below such age.
	(5) For the purposes of this section, 'minor children' means unmarried children under the age of 18 years.".
Sekshen 18 ...	(i) Gantikan perbahasaan "one-twelfth" yang terdapat dalam sekshen ini dengan perbahasaan "one-sixteenth"; dan
	(ii) Gantikan perbahasaan "one-year's" yang terdapat dalam sharat pertama kapada sekshen ini dengan perbahasaan "nine months'".

HURAIAN

Yang di-Pertuan Agong telah mengishtiharkan Ordinan No. 67 (Kuasa² Perlu) Dharurat, 1971 untok meminda Ordinan Penchen, 1951. Pindaan² itu ada-lah perlu untok melaksanakan shor² tertentu mengenaï penchen yang telah di-buat oleh Surohanjaya Diraja Penyemakan Gaji (Surohanjaya Suffian).

2. Rang Undang² ini sa-mata² bertujuan untok memasokkan pindaan² itu dalam suatu undang² yang kekal.

3. Jadual kapada Rang Undang² ini menyatakan dengan lengkap pindaan² yang di-buat kapada Ordinan Penchen. Dengan memotong sekshen 6 (*c*), perkhidmatan sa-masa berumor kurang daripada 18 tahun akan di-kira pada masa depan sa-bagai perkhidmatan bagi maksud penchen. Memandang kapada "prinsip gaji berseh" sa-bagaimana di-shorkan oleh Surohanjaya Diraja, kadar bagi maksud mengira penchen, ganjaran dan lain² elaun telah di-ubah (*lihat* pindaan kapada sekshen 11 dan 18). Sekshen 17, yang memperuntokkan supaya ganjaran di-bayar kapada orang² tanggongan sa-saorang pegawai yang mati sa-masa berkhidmat atau sa-lepas bersara, ada-lah di-pinda bagi memper-untokkan suatu penchen dan ganjaran (yang masing² di-namakan "derivative pension" dan "derivative gratuity") bagi orang² tanggongan sa-saorang pegawai itu.

4. Peruntokan Ordinan Penchen sa-bagaimana di-pinda itu ada-lah di-pakai hanya bagi pegawai² yang tersebut dalam Fasal 2 (2) (*a*) dan (*b*) sahaja.

[P.N. (U²) 195.]

D.R.62/71

PINDAAN KAPADA RANG UNDANG2 PENCHEN (PINDAAN) (NO.2)

Gantikan angka "1971" yang terdapat di-baris dua dalam Fasal 2 Rang Undang2 itu dengan angka "1972".

AMENDMENT TO PENSIONS (AMENDMENT) (NO.2) BILL

Substitute for the figures "1971" appearing in the second line in Clause 2 of the Bill the figures "1972".