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WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN KUMPULAN WANG SIMPANAN
PEKERJA (INSTITUSI PENGURUSAN DANA) 2016

*EMPLOYEES PROVIDENT FUND (FUND MANAGEMENT
INSTITUTION) REGULATIONS 2016*



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AKTA KUMPULAN WANG SIMPANAN PEKERJA 1991

PERATURAN-PERATURAN KUMPULAN WANG SIMPANAN PEKERJA
(INSTITUSI PENGURUSAN DANA) 2016

PADA menjalankan kuasa yang diberikan oleh seksyen 71 Akta Kumpulan Wang Simpanan Pekerja 1991 [*Akta 452*], Menteri, atas syor Lembaga, membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Kumpulan Wang Simpanan Pekerja (Institusi Pengurusan Dana) 2016**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 1 Januari 2017.

Tafsiran

2. Dalam Peraturan-Peraturan ini, melainkan jika konteksnya menghendaki makna yang lain—

“akaun pelaburan” ertinya akaun ahli Kumpulan Wang dengan institusi pengurusan dana;

“institusi pengurusan dana” ertinya institusi pengurusan dana atau institusi lain yang diluluskan, yang dilantik oleh Menteri di bawah peraturan 3.

Pelantikan institusi pengurusan dana

3. (1) Menteri boleh melantik suatu institusi pengurusan dana untuk menguruskan pelaburan yang dibuat oleh ahli Kumpulan Wang di bawah Bahagian IIIA Akta.

(2) Pelantikan institusi pengurusan dana di bawah subperaturan (1) adalah tertakluk kepada terma dan syarat yang ditentukan oleh Menteri, sebagaimana yang dinyatakan dalam Garis Panduan Institusi Pengurusan Dana di bawah Skim Pelaburan Ahli Kumpulan Wang Simpanan Pekerja.

Fi

4. Institusi pengurusan dana hendaklah membayar fi yang dinyatakan dalam Jadual kepada Lembaga dan fi itu hendaklah dibayar dalam tempoh sebagaimana yang ditentukan oleh Lembaga.

Penutupan akaun pelaburan atau pencairan pelaburan

5. (1) Sesuatu institusi pengurusan dana hendaklah memberitahu Lembaga apabila institusi pengurusan dana itu menerima suatu notis daripada ahli Kumpulan Wang untuk menutup akaun pelaburannya, atau mencairkan kesemua atau sebahagian daripada pelaburannya, dengan institusi pengurusan dana itu.

(2) Apabila menerima notis ahli Kumpulan Wang di bawah subperaturan (1), institusi pengurusan dana hendaklah—

(a) dalam hal penutupan akaun pelaburan, menutup akaun pelaburan ahli Kumpulan Wang itu dan memindahkan kesemua akaun yang ada dalam akaun itu ke dalam Kumpulan Wang; atau

(b) dalam hal pencairan pelaburan, mencairkan kesemua atau sebahagian daripada pelaburan ahli Kumpulan Wang itu dan memindahkan ke dalam Kumpulan Wang pelaburan yang dicairkan itu termasuklah apa-apa dividen ke atas pelaburan itu.

(3) Pemindahan ke dalam Kumpulan Wang di bawah subperaturan (2) hendaklah mengikut apa-apa cara dan dalam apa-apa tempoh sebagaimana yang ditentukan oleh Lembaga.

(4) Peraturan ini tidak terpakai jika institusi pengurusan dana itu telah menerima suatu pemberitahuan daripada Lembaga di bawah peraturan 7.

Penggantungan atau penamatan pelantikan institusi pengurusan dana

6. (1) Menteri boleh menggantung atau menamatkan pelantikan mana-mana institusi pengurusan dana atas mana-mana sebab yang berikut:

- (a) institusi pengurusan dana itu tidak mematuhi mana-mana peruntukan Akta, Peraturan-Peraturan ini atau Kaedah-Kaedah Kumpulan Wang Simpanan Pekerja (Pelaburan dalam Institusi Pengurusan Dana) 2016 [P.U. (A) 380/2016];
- (b) institusi pengurusan dana itu telah melanggar apa-apa terma dan syarat yang dikenakan ke atas institusi pengurusan dana itu;
- (c) institusi pengurusan dana itu telah melanggar apa-apa garis panduan, arahan, pekeliling atau apa-apa kehendak lain yang dikenakan oleh Lembaga, Suruhanjaya Sekuriti Malaysia atau mana-mana pihak berkuasa yang lain;
- (d) institusi pengurusan dana itu telah gagal melaksanakan tugas dan kewajipannya;
- (e) institusi pengurusan dana itu telah bertindak secara cuai dalam melaksanakan tugas dan kewajipannya;
- (f) institusi pengurusan dana itu telah berhenti menjalankan perniagaannya;
- (g) institusi pengurusan dana itu telah memohon secara bertulis supaya pelantikannya ditamatkan;
- (h) institusi pengurusan dana itu telah dibubarkan di bawah mana-mana undang-undang bertulis; atau

(i) apa-apa sebab lain yang boleh menjejaskan kemampuan institusi pengurusan dana untuk melaksanakan tugas dan kewajipannya.

(2) Jika pelantikan suatu institusi pengurusan dana digantung di bawah subperaturan (1), institusi pengurusan dana itu hendaklah terhalang daripada—

(a) membuka apa-apa akaun pelaburan baharu mana-mana ahli Kumpulan Wang; atau

(b) menerima apa-apa pemindahan kredit baharu ahli Kumpulan Wang daripada Kumpulan Wang.

(3) Walau apa pun subperaturan (2), institusi pengurusan dana itu hendaklah terus bertanggungjawab untuk melabur kredit ahli Kumpulan Wang yang telah dipindahkan ke institusi pengurusan dana itu sebelum tarikh penggantungannya.

(4) Jika pelantikan institusi pengurusan dana ditamatkan di bawah subperaturan (1), institusi pengurusan dana itu hendaklah—

(a) mencairkan kesemua pelaburan ahli Kumpulan Wang dan memindahkan ke dalam Kumpulan Wang semua amaun yang ada dalam akaun pelaburan ahli Kumpulan Wang itu termasuklah semua dividen ke atas pelaburan itu mengikut apa-apa cara dan dalam apa-apa tempoh sebagaimana yang ditentukan oleh Lembaga; dan

(b) mengemukakan kepada Lembaga semua penyata, dokumen, rekod, laporan dan apa-apa maklumat lain sebagaimana yang dikehendaki oleh Lembaga berhubung dengan pelaburan itu mengikut apa-apa cara sebagaimana yang ditentukan oleh Lembaga.

(5) Institusi pengurusan dana yang telah ditamatkan pelantikannya boleh memohon untuk pelantikan semula selepas satu tahun dari tarikh penamatan pelantikannya atau apa-apa tempoh lain sebagaimana yang ditentukan oleh Lembaga.

Tanggungjawab institusi pengurusan dana apabila ahli Kumpulan Wang mati

7. (1) Jika ahli Kumpulan Wang yang telah membuat pelaburan di bawah Bahagian IIIA Akta mati, kesemua amaun yang ada dalam akaun pelaburan ahli Kumpulan Wang itu hendaklah disifatkan sebagai telah dikeluarkan daripada kredit ahli Kumpulan Wang itu pada tarikh institusi pengurusan dana itu menerima notis mengenai kematian ahli Kumpulan Wang itu daripada Lembaga.

(2) Institusi pengurusan dana itu hendaklah, apabila menerima notis mengenai kematian ahli Kumpulan Wang itu daripada Lembaga, mengagihkan kesemua amaun yang ada dalam akaun pelaburan ahli Kumpulan Wang itu menurut peruntukan undang-undang yang terpakai yang berhubungan dengan pembahagian harta pusaka.

Kesan pengeluaran di bawah perenggan 54(1)(c) atau (e), atau seksyen 54C, Akta

8. (1) Lembaga hendaklah memberitahu institusi pengurusan dana jika mana-mana ahli Kumpulan Wang yang telah membuat pelaburan dengan institusi pengurusan dana membuat pengeluaran di bawah perenggan 54(1)(c) atau (e), atau seksyen 54C, Akta.

(2) Kesemua amaun yang ada dalam akaun pelaburan ahli Kumpulan Wang itu hendaklah, daripada tarikh pemberitahuan di bawah subperaturan (1), disifatkan sebagai telah dikeluarkan daripada kredit ahli Kumpulan Wang itu dan ahli Kumpulan Wang itu hendaklah berurusan terus dengan institusi pengurusan dana itu berhubung dengan amaun yang ada dalam akaun pelaburan ahli Kumpulan Wang itu.

JADUAL
[Peraturan 3]

Fi

1. Fi perkhidmatan

(a) Institusi pengurusan dana hendaklah membayar fi perkhidmatan sebanyak 0.125 peratus setahun kepada Lembaga.

(b) Fi perkhidmatan dikira secara bulanan berdasarkan formula pengiraan seperti yang berikut:

$$= \left[\sum_{T=1}^n \frac{NAB_T}{n} \right] \times 0.125\% \times \frac{1}{12}$$

iaitu—

NAB = Nilai Aset Bersih

T = Hari

n = Jumlah hari berniaga

(c) Pengiraan fi perkhidmatan adalah berdasarkan jumlah nilai aset bersih harian dana ahli Kumpulan Wang yang diuruskan oleh institusi pengurusan dana bagi bulan berkenaan, tertakluk kepada amaun minimum sebanyak seratus ringgit sebulan.

Dibuat 29 Disember 2016

[9/1/GUB(U)-4 Vol. 4; KK/SID/(S)/9/419/379/23/1]ld. 38; PN(PU2)498/X]

DATUK JOHARI BIN ABDUL GHANI
Menteri Kewangan Kedua

EMPLOYEES PROVIDENT FUND ACT 1991

EMPLOYEES PROVIDENT FUND (FUND MANAGEMENT INSTITUTION)
REGULATIONS 2016

IN exercise of the powers conferred by section 71 of the Employees Provident Fund Act 1991 [Act 452], the Minister, on the recommendation of the Board, makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Employees Provident Fund (Fund Management Institution) Regulations 2016**.

(2) These Regulations come into operation on 1 January 2017.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"investment account" means an account of the member of the Fund with a fund management institution;

"fund management institution" means the fund management institution or other approved institution, appointed by the Minister under regulation 3.

Appointment of fund management institution

3. (1) The Minister may appoint a fund management institution to manage the investment made by a member of the Fund under Part IIIA of the Act.

(2) The appointment of the fund management institution under subregulation (1) shall be subject to the terms and conditions determined by the Minister, as specified in the Guidelines of the Fund Management Institution under the Employees Provident Fund Members Investment Scheme.

Fees

4. A fund management institution shall pay the fees specified in the Schedule to the Board and the fees shall be paid within the period as determined by the Board.

Closing of investment account or liquidation of investment

5. (1) A fund management institution shall notify the Board when the fund management institution receives a notice from a member of the Fund to close his investment account or, to liquidate the whole or part of his investment, with the fund management institution.

(2) Upon receipt of the notice of the member of the Fund under subregulation (1), the fund management institution shall—

(a) in the case of closing of investment account, close the investment account of the member of the Fund and transfer all amount standing to such account to the Fund; or

(b) in the case of liquidation of investment, liquidate the whole or part of the investment of the member of the Fund and transfer to the Fund the investment so liquidated including any dividend on the investment.

(3) The transfer to the Fund under subregulation (2) shall be in any manner and within any period as determined by the Board.

(4) This regulation shall not apply if the fund management institution has received a notification from the Board under regulation 7.

Suspension or termination of appointment of fund management institution

6. (1) The Minister may suspend or terminate the appointment of any fund management institution on any of the following reasons:

- (a) the fund management institution has failed to comply with any provisions of the Act, these Regulations or the Employees Provident Fund (Investment in Fund Management Institution) Rules 2016 [P.U. (A) 380/2016];
- (b) the fund management institution has breached any terms and conditions imposed on the fund management institution;
- (c) the fund management institution has breached any guidelines, instruction, circular or any other requirement imposed by the Board, the Securities Commission Malaysia or any other authority;
- (d) the fund management institution has failed to perform its duties and obligations;
- (e) the fund management institution has acted negligently in performing its duties and obligations;
- (f) the fund management institution has ceased to carry on its business;
- (g) the fund management institution has requested in writing for its appointment to be terminated;
- (h) the fund management institution has been dissolved under any written law; or
- (i) any other reasons that may affect the ability of the fund management institution to perform its duties and obligations.

(2) Where the appointment of the fund management institution is suspended under subregulation (1), the fund management institution shall be prevented from—

(a) opening any new investment account of any member of the Fund; or

(b) receiving any new credit transfer of the member of the Fund from the Fund.

(3) Notwithstanding subregulation (2), the fund management institution shall continue to be responsible to invest the credit of the member of the Fund which has been transferred to the fund management institution before the date of its suspension.

(4) Where the appointment of the fund management institution is terminated under subregulation (1), the fund management institution shall—

(a) liquidate all investments of the member of the Fund and transfer to the Fund all amount standing to the investment account of the member of the Fund including all dividend on the investment in any manner and within any period as determined by the Board; and

(b) furnish to the Board all statements, documents, records, reports and any other information as may be required by the Board in relation to the investment in any manner as determined by the Board.

(5) The fund management institution which appointment has been terminated may apply for reappointment after one year from the date of termination of its appointment or any other period as determined by the Board.

Responsibility of fund management institution upon death of member of the Fund

7. (1) Where a member of the Fund who has made an investment under Part IIIA of the Act dies, all amount standing to the investment account of the member of the Fund shall be deemed to have been withdrawn from the credit of the member of the Fund on the date the fund management institution receives notice of the death of the member of the Fund from the Board.

(2) The fund management institution shall, upon receiving the notice of the death of the member of the Fund from the Board, distribute all amount standing to the investment account of the member of the Fund in accordance with the provisions of the applicable laws relating to the distribution of estate.

The effect of withdrawal under paragraph 54(1)(c) or (e), or section 54C, of the Act

8. (1) The Board shall notify the fund management institution if any member of the Fund who has made an investment with the fund management institution makes a withdrawal under paragraph 54(1)(c) or (e), or section 54C, of the Act.

(2) All amount standing to the investment account of the member of the Fund shall, from the date of the notification under subregulation (1), be deemed to be withdrawn from the credit of the member of the Fund and the member of the Fund shall deal directly with the fund management institution in relation to the amount standing to the investment account of the member of the Fund.

SCHEDULE

[Regulation 3]

Fees

1. Service fee

(a) The fund management institution shall pay a service fee of 0.125 percent per year to the Board.

(b) The service fee is calculated monthly based on the calculation formula as follows:

$$= \left[\sum_{T=1}^n \frac{NAB_T}{n} \right] \times 0.125\% \times \frac{1}{12}$$

where—

NAB = Net Asset Value

T = Day

n = Total day of business

(c) The calculation of the service fee is based on the total daily net asset value of the fund of the member of the Fund which is managed by the fund management institution for that month, subject to the minimum amount of one hundred ringgit per month.

Made 29 December 2016

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DATUK JOHARI BIN ABDUL GHANI
Second Minister of Finance