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WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN TATATERTIB
TABUNG HAJI (PINDAAN) 2014

*TABUNG HAJI DISCIPLINARY
(AMENDMENT) REGULATIONS 2014*



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AKTA TABUNG HAJI 1995

PERATURAN-PERATURAN TATATERTIB TABUNG HAJI (PINDAAN) 2014

PADA menjalankan kuasa yang diberikan oleh seksyen 14 Akta Tabung Haji 1995 [Akta 535], Lembaga, dengan kelulusan Menteri, membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Tatatertib Tabung Haji (Pindaan) 2014**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 7 Mac 2014.

Pindaan peraturan 36

2. Peraturan-Peraturan Tatatertib Tabung Haji 2010 [P.U. (A) 281/2010], yang disebut “Peraturan-Peraturan ibu” dalam Peraturan-Peraturan ini dipinda dalam subperaturan 36(1)—

(a) dengan memasukkan sebelum perkataan “Jawatankuasa” perkataan “Pengerusi”; dan

(b) dengan menggantikan perkataan “dua puluh satu” dengan perkataan “empat belas”.

Pindaan peraturan 37

3. Peraturan 37 Peraturan-Peraturan ibu dipinda—

(a) dalam subperaturan (1), dengan memasukkan sebelum perkataan “Jawatankuasa” perkataan “Pengerusi”;

(b) dalam subperaturan (2), dengan memasukkan sebelum perkataan “Jawatankuasa” perkataan “Pengerusi”; dan

(c) dalam perenggan (2)(b), dengan menggantikan perkataan “dua puluh satu” dengan perkataan “empat belas”.

Peraturan baru

4. Peraturan-Peraturan ibu dipinda dengan memasukkan selepas peraturan 56 peraturan yang berikut:

“Memulakan prosiding undang-undang dengan bantuan guaman

57. (1) Jika seseorang pekerja mengingini bantuan guaman sebagaimana yang diperuntukkan di bawah subperaturan (3) pekerja itu tidak boleh memulakan prosiding undang-undang bagi kepentingan peribadinya berkaitan dengan perkara yang berbangkit daripada tugas rasminya tanpa persetujuan terlebih dahulu daripada Pengarah Urusan Kumpulan dan Ketua Pegawai Eksekutif Lembaga.

(2) Seseorang pekerja yang menerima notis mengenai permulaan prosiding undang-undang atau permulaan prosiding undang-undang yang dicadangkan terhadapnya berkaitan dengan perkara-perkara yang berbangkit daripada tugas rasminya atau yang menerima apa-apa proses mahkamah yang berhubungan dengan prosiding undang-undang tersebut hendaklah dengan segera melaporkan perkara itu kepada Ketua Jabatan bagi mendapat arahan tentang sama ada dan bagaimana notis atau, mengikut mana-mana yang berkenaan, proses mahkamah itu hendaklah diakui terima, dijawab atau dibela.

(3) Seseorang pekerja yang mengingini bantuan guaman untuk mengambil khidmat dan mengarah seseorang peguam bela dan peguam cara bagi maksud prosiding undang-undang berkaitan dengan perkara yang berbangkit daripada tugas rasminya boleh membuat suatu permohonan kepada Ketua Pegawai Eksekutif Lembaga.

(4) Permohonan di bawah subperaturan (3) hendaklah mengandungi segala fakta dan hal keadaan kes itu berserta dengan pendapat Ketua Jabatan yang telah dipertimbangkan tentang jenis penglibatan pekerja itu dan hendaklah

dialamatkan dan dikemukakan kepada Pengarah Urusan Kumpulan dan Ketua Pegawai Eksekutif Lembaga.

(5) Apabila diterima permohonan itu di bawah subperaturan (3), Ketua Pegawai Eksekutif Lembaga boleh melulus atau menolak permohonan itu, tertakluk kepada nasihat Penasihat Undang-Undang Lembaga tentang—

- (a) amaun bantuan guaman yang hendak diluluskan;
- (b) peguam bela dan peguam cara yang hendak diambil dan diarahkan oleh pekerja itu; atau
- (c) apa-apa syarat lain yang Penasihat Undang-Undang Lembaga fikirkan wajar,

dan tentang syarat tersirat selanjutnya bahawa, sekiranya pekerja itu diawardkan kos oleh mahkamah apabila selesai prosiding undang-undang tersebut, tiada bayaran berkenaan dengan bantuan guaman yang diluluskan sedemikian akan dibuat oleh Lembaga melainkan jika amaun kos yang diawardkan sedemikian kepadanya itu tidak mencukupi untuk membayar caj-caj mengambil dan mengarah seorang peguam bela dan peguam cara.

(6) Caj untuk mengambil khidmat seorang peguam bela dan peguam cara yang diambil dan diarah oleh atau bagi pihak seseorang pekerja dalam prosiding undang-undang berkaitan dengan perkara-perkara yang berbangkit daripada tugas rasminya selain dengan kelulusan Ketua Pegawai Eksekutif Lembaga, tidak akan dibayar oleh Lembaga.”.

Dibuat 25 Februari 2014
[UU(S)429/9/10-1 Jilid 3; PN(PU2)33A/III]

DATUK HAJI ABDUL AZEEZ BIN ABDUL RAHIM
Pengerusi Lembaga Tabung Haji

Diluluskan 25 Februari 2014
[UU(S)429/9/10-1 Jilid 3; PN(PU2)33A/III]

DATO' SERI JAMIL KHIR BIN HAJI BAHAROM
Menteri di Jabatan Perdana Menteri

TABUNG HAJI ACT 1995

TABUNG HAJI DISCIPLINARY (AMENDMENT) REGULATIONS 2014

IN exercise of the powers conferred by section 14 of the Tabung Haji Act 1995 [*Act 535*], the Lembaga, with the approval of the Minister, makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Tabung Haji Disciplinary (Amendment) Regulations 2014**.

(2) These Regulations come into operation on 7 March 2014.

Amendment of regulation 36

2. The Tabung Haji Disciplinary Regulations 2010 [*P.U. (A) 281/2010*], which are referred to as the “principal Regulations” in these Regulations are amended in subregulation 36(1)—

(a) by inserting before the words “the appropriate Disciplinary Committee” the words “the Chairman of”; and

(b) by substituting for the word “twenty-one” the word “fourteen”.

Amendment of regulation 37

3. Regulation 37 of the principal Regulations is amended—

(a) in subregulation (1), by inserting before the words “the appropriate Disciplinary Committee” the words “the Chairman of”;

(b) in subregulation (2), by inserting before the words “the appropriate Disciplinary Committee” the words “the Chairman of”; and

(c) in paragraph (2)(b), by substituting for the word “twenty-one” the word “fourteen”.

New regulation

4. The principal Regulations are amended by inserting after regulation 56, the following regulation:

“Institution of legal proceedings with legal aid

57. (1) Where an employee desires legal aid as provided under subregulation (3) he shall not institute legal proceedings in his own personal interests in connection with matters arising out of his official duties without the prior consent of the Group Managing Director and Chief Executive Officer of the Lembaga.

(2) An employee who receives a notice of the institution or intended institution of legal proceedings against him in connection with matters arising out of his official duties or who receives any process of court relating to the said legal proceedings shall immediately report the matter to the Head of Department for instructions as to whether and how the notice or, as the case may be, the process of court is to be acknowledged, answered or defended.

(3) An employee who desires legal aid to retain and instruct an advocate and solicitor for the purpose of legal proceedings in connection with matters arising out of his official duties may make an application to the Chief Executive Officer of the Lembaga.

(4) The application under subregulation (3) shall contain all the facts and circumstances of the case together with the considered opinion of the Head of Department as to the nature of the employee's involvement and shall be addressed and submitted to the Group Managing Director and Chief Executive Officer of the Lembaga.

(5) Upon receipt of the application under subregulation (3), the Chief Executive Officer of the Lembaga may approve or reject the said application, subject to the advice of the Legal Advisor of the Lembaga as to—

- (a) the amount of legal aid to be approved;
- (b) the advocate and solicitor to be retained and instructed by the employee; or
- (c) any other conditions which the Legal Advisor of the Lembaga may consider advisable,

and to a further implied condition that, in the event of the employee being awarded costs by the court at the conclusion of the said legal proceedings, no payment in respect of the legal aid so approved will be made by the Lembaga unless the amount of costs so awarded to him is insufficient to meet charges for retaining and instructing an advocate and solicitor.

(6) Charges for employing an advocate and solicitor retained and instructed by or on behalf of an employee in legal proceedings in connection with matters arising out of his official duties otherwise than by virtue of approval by the Chief Executive Officer of the Lembaga will not be paid for by the Lembaga.”.

Made 25 February 2014
[UU(S)429/9/10-1 Jilid 3; PN(PU2)33A/III]

DATUK HAJI ABDUL AZEEZ BIN ABDUL RAHIM
Chairman of Lembaga Tabung Haji

Approved 25 February 2014
[UU(S)429/9/10-1 Jilid 3; PN(PU2)33A/III]

DATO' SERI JAMIL KHIR BIN HAJI BAHAROM
Minister in the Prime Minister's Department