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FEDERAL GOVERNMENT GAZETTE

PERINTAH BADAN-BADAN BERKANUN (TATATERTIB DAN SURCAJ) (PINDAAN JADUAL KEDUA) 2011

STATUTORY BODIES (DISCIPLINE AND SURCHARGE) (AMENDMENT OF SECOND SCHEDULE) ORDER 2011



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AKTA BADAN-BADAN BERKANUN (TATATERTIB DAN SURCAJ) 2000

PERINTAH BADAN-BADAN BERKANUN (TATATERTIB DAN SURCAJ)
(PINDAAN JADUAL KEDUA) 2011

PADA menjalankan kuasa yang diberikan oleh subseksyen 23(1) Akta Badan-Badan Berkanun (Tatatertib dan Surcaj) 2000 [*Akta 605*], Perdana Menteri membuat perintah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Perintah ini bolehlah dinamakan **Perintah Badan-Badan Berkanun (Tatatertib dan Surcaj) (Pindaan Jadual Kedua) 2011**.

(2) Perintah ini mula berkuat kuasa pada 1 Januari 2012.

Pindaan peraturan 43

2. Jadual Kedua Akta Badan-Badan Berkanun (Tatatertib dan Surcaj) 2000, yang disebut “Jadual ibu” dalam Perintah ini, dipinda dalam peraturan 43–

(a) dalam subperaturan (1)–

(i) dengan menggantikan perkataan “Jawatankuasa Tatatertib” dengan perkataan “Tertakluk kepada subperaturan (6), Jawatankuasa Tatatertib”;

(ii) dalam perenggan (a), dengan menggantikan perkataan “secara mendatar dalam peringkat gaji yang sama” dengan perkataan “dalam jadual gaji yang sama bagi pegawai yang diperuntukkan mata gaji”; dan

(iii) dalam perenggan (b), dengan memasukkan perkataan “, dengan syarat hukuman turun gaji tidak boleh menyebabkan pegawai menerima gaji kurang daripada gaji minimum yang ditentukan

bagi gred jawatan yang disandang oleh pegawai” selepas perkataan “tiga pergerakan gaji”; dan

(b) dengan memasukkan selepas subperaturan (4) subperaturan yang berikut:

“ (5) Bagi maksud perenggan (1)(b), pegawai yang gajinya tidak diperuntukkan mata gaji, “pergerakan gaji” adalah bersamaan amaun lima peratus daripada gaji hakiki.

(6) Hukuman turun gaji tidak terpakai ke atas pegawai yang berada di mata gaji minimum atau pegawai lantikan kontrak yang tidak diperuntukkan mata gaji tetapi tidak termasuk pegawai lantikan kontrak yang diberi kenaikan gaji berdasarkan peratusan.”

Penggantian peraturan 44

3. Jadual ibu dipinda dengan menggantikan peraturan 44 dengan peraturan yang berikut:

“Turun pangkat

44. (1) Tertakluk kepada subperaturan (3), Jawatankuasa Tatatertib yang berkenaan boleh mengenakan hukuman turun pangkat ke atas seseorang pegawai dan hukuman itu hendaklah dikenakan dengan—

(a) menurunkan gred pegawai itu ke satu gred yang lebih rendah dalam skim perkhidmatan yang sama; dan

(b) menentukan gaji pegawai itu menggunakan kaedah dalam subperaturan (2).

(2) Kaedah bagi menentukan gaji pegawai yang dikenakan hukuman turun pangkat adalah seperti yang berikut:

- (a) bagi pegawai yang diperuntukkan dengan mata gaji, gaji pegawai itu hendaklah terlebih dahulu diturunkan sebanyak tiga mata gaji daripada gaji terakhir yang diterima oleh pegawai itu dalam gred hakikinya sebelum hukuman dikenakan, dan kemudian gajinya hendaklah ditentukan pada suatu mata gaji yang lebih rendah, tetapi paling hampir, dalam jadual gaji bagi gred turun pangkat tersebut;
- (b) bagi pegawai yang diperuntukkan dengan mata gaji tetapi berada pada mata gaji tiga atau kurang semasa hukuman dikenakan, gaji terakhir di gred hakikinya sebelum hukuman itu hendaklah ditolak dengan suatu amaun yang bersamaan dengan amaun tiga kali pergerakan gaji di gred hakikinya itu, dan berdasarkan amaun yang diperoleh, gaji pegawai itu hendaklah ditentukan pada suatu mata gaji yang lebih rendah, tetapi paling hampir, dalam jadual gaji bagi gred turun pangkat, atau pada gaji minimum gred turun pangkat jika mata gaji yang paling hampir itu adalah sama atau kurang daripada gaji minimum di gred turun pangkat tersebut;
- (c) bagi pegawai yang tidak diperuntukkan dengan mata gaji, gaji terakhir di gred hakikinya sebelum hukuman dikenakan hendaklah dikurangkan terlebih dahulu amaunnya sebanyak lima belas peratus tanpa mengira sama ada amaun yang telah dikurangkan itu menjadi sama atau kurang daripada gaji minimum di gred sebelum pegawai dikenakan hukuman dan jumlah itu hendaklah menjadi gaji bagi pegawai itu di gred turun pangkat, dengan syarat sekiranya gaji itu lebih tinggi daripada gaji maksimum di gred turun pangkat, gaji maksimum

di gred turun pangkat itu hendaklah menjadi gaji pegawai itu di gred turun pangkat; atau

(d) bagi pegawai yang tidak diperuntukkan dengan mata gaji tetapi telah diturunkan pangkat ke gred yang diperuntukkan dengan mata gaji, gaji hakikinya di gred sebelum hukuman dikenakan hendaklah dikurangkan terlebih dahulu sebanyak lima belas peratus dan kemudian gajinya hendaklah ditentukan pada suatu mata gaji yang lebih rendah, tetapi paling hampir, dalam jadual gaji bagi gred turun pangkat, dan sekiranya mata gaji yang paling hampir itu adalah sama atau kurang daripada gaji minimum di gred turun pangkat, gaji pegawai itu hendaklah ditentukan pada mata gaji minimum gred turun pangkat itu.

(3) Sekiranya hukuman turun pangkat digabungkan dengan hukuman turun gaji, kedua-dua hukuman itu hendaklah dilaksanakan serentak.

(4) Hukuman turun pangkat tidak terpakai ke atas pegawai lantikan terus dan lantikan kontrak.”.

Kecualian dan peralihan

4. Jika sesuatu kesalahan itu berlaku sebelum Perintah ini mula berkuat kuasa, tidak kira sama ada prosiding tatatertib berkenaan dengannya telah dimulakan atau tidak, prosiding bagi kesalahan itu hendaklah dimulakan atau diteruskan di bawah dan dengan menepati peruntukan Jadual ibu sebelum dipinda oleh Perintah ini.

Dibuat 22 Disember 2011

[JPA(S)343/12/9(6); PN(PU2)613]

DATO' SRI MOHD NAJIB BIN TUN ABDUL RAZAK
Perdana Menteri

STATUTORY BODIES (DISCIPLINE AND SURCHARGE) ACT 2000

STATUTORY BODIES (DISCIPLINE AND SURCHARGE)(AMENDMENT OF SECOND SCHEDULE) ORDER 2011

IN exercise of the powers conferred by subsection 23(1) of the Statutory Bodies (Discipline and Surcharge) Act 2000 [*Act 605*], the Prime Minister makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Statutory Bodies (Discipline And Surcharge) (Amendment of Second Schedule) Order 2011**.

(2) This Order comes into operation on 1 January 2012.

Amendment of regulation 43

2. The Second Schedule of the Statutory Bodies (Discipline and Surcharge) Act 2000, which is referred to as the “principal Schedule” in this Order, is amended in regulation 43–

(a) in subregulation (1)–

- (i) by substituting for the words “The appropriate Disciplinary Committee” the words “Subject to subregulation (6), the appropriate Disciplinary Committee”;
- (ii) in paragraph (a), by substituting for the words “horizontally in the same salary level” the words “in the same salary schedule for an officer provided with a salary point”; and
- (iii) in paragraph (b), by inserting the words “, provided that the punishment of reduction of salary shall not render the officer to

receive a salary less than the minimum salary determined by the grade for the post held by the officer” after the words “three salary movements”; and

(b) by inserting after subregulation (4) the following subregulations:

“ (5) For the purpose of paragraph (1)(b), an officer whose salary is not provided with a salary point, a “salary movement” is equal to the amount of five percent of basic salary.

(6) The punishment of reduction of salary does not apply to an officer who is on the minimum salary point or to a contract officer who is not provided with the salary point but does not include a contract officer who is given a salary increment based on percentage.”

Substitution of regulation 44

3. The principal Schedule is amended by substituting for regulation 44 the following regulation:

“Reduction in rank

44. (1) Subject to subregulation (3), the appropriate Disciplinary Committee may impose the punishment of reduction in rank on an officer and such punishment shall be imposed by–

(a) reducing the grade of the officer to one lower grade in the same scheme of service; and

(b) determining the salary of the officer using the method in subregulation (2).

(2) The methods to determine the salary of the officer who is imposed with the punishment of reduction in rank are as follows:

- (a) for an officer who is provided with a salary point, the salary of the officer shall be first reduced by three salary points from the last drawn salary received by the officer in his substantive grade before the punishment is imposed, and thereafter his salary shall be determined on a salary point which is lower, but nearest, in the salary schedule of the such reduced grade;
- (b) for an officer who is provided with a salary point but is at a salary point of three or less when the punishment is imposed, the last drawn salary at his substantive grade before the punishment shall be deducted by an amount which is equivalent to the amount of three times the salary movement at that substantive grade, and based on the amount obtained, the salary of the officer shall be determined at a salary point which is lower, but nearest, in the salary schedule of the reduced grade, or at the minimum salary of the reduced grade if the nearest salary is equal to or less than the minimum salary in the reduced grade;
- (c) for an officer who is not provided with a salary point, his last drawn salary before the punishment is imposed shall be first reduced by an amount of fifteen percent regardless of whether the reduced amount becomes equal to or less than the minimum salary of the grade before the officer is imposed with the punishment and the amount shall be the salary for the officer at the reduced grade, provided that if the salary is higher than the maximum salary at the reduced grade, the maximum salary at the reduced grade shall be the salary of the officer at the reduced grade; or

(d) for an officer who is not provided with a salary point but was reduced in rank to a grade which is provided with a salary point, his substantive salary before the punishment is imposed shall be first reduced by fifteen percent and thereafter his salary shall be determined at a salary point which is lower, but nearest, in the salary schedule for the reduced grade, and if the nearest salary point is equal to or less than the minimum salary of the reduced grade, the salary of the officer shall be determined at the minimum salary point of the reduced grade.

(3) If the punishment of reduction in rank is combined with the punishment of reduction of salary, both punishments shall be carried out simultaneously.

(4) The punishment of reduction in rank is not applicable to an officer on lateral appointment and contract appointment.”.

Savings and transitional

4. If an offence occurs before this Order comes into operation, regardless of whether the disciplinary proceedings relating to it has commenced or not, the proceeding for the offence shall commence or continue under and in compliance with the principal Schedule before being amended by this Order.

Made 22 December 2011
[JPA(S)343/12/9(6); PN(PU2)613]

DATO' SRI MOHD NAJIB BIN TUN ABDUL RAZAK
Prime Minister