



*Ministry of Justice
Kuala Lumpur
1971*

LAWS OF MALAYSIA

Act 23

**MEMBERS OF THE ADMINISTRATION AND MEMBERS OF
PARLIAMENT (PENSIONS AND GRATUITIES) ACT, 1971**

Date of Royal Assent 22nd April, 1971

Date of publication in *Gazette* ... 29th April, 1971

LAWS OF MALAYSIA

Act 23

**MEMBERS OF THE ADMINISTRATION AND
MEMBERS OF PARLIAMENT (PENSIONS AND
GRATUITIES) ACT, 1971**

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement.
2. Interpretation.
3. Pension for Members of the Administration.
4. Special provisions for Ministers becoming backbenchers.
5. Minimum pension for Prime Minister.
6. Rate of pension.
7. Gratuity.
8. Payment of pensions.
9. Pension and gratuity not to be assignable.
10. Payment out of Consolidated Fund.
11. Regulations.
12. Saving.
13. Reckonable service for the purpose of certain persons.
14. Repeal.

LAWS OF MALAYSIA

Act 23

MEMBERS OF THE ADMINISTRATION AND MEMBERS OF PARLIAMENT (PENSIONS AND GRATUITIES) ACT, 1971

An Act to make provisions for the pensions and gratuities

● Substitute the word "Deputy" for the word "Assistant" wherever it appears in the Act.

Am. Act A 120/70
Act A 121/70
Act A 122/70
Act A 123/70
Act A 124/70

(Act A 23/71)

[1st January, 1970.]

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 Members of the Administration and Members of Parliament (Pensions and Gratuities) Act, 1971, and shall be deemed to have come into force on the 1st day of January, 1970.

Short title and commencement.

(Act A 23/71)

2. In this Act, unless the context otherwise requires—

Interpretation.

"Member" means a Member of the Administration as defined in Article 160 (2) of the Federal Constitution and includes a Member of either House of Parliament but does not include a Political Secretary who is not a Member of Parliament or a Member of the Administration of a State;

"reckonable service" means the period during which a person is a Member whether continuously or in two or more separate periods; and for the purpose of calculating the length of a Member's "reckonable service", all periods of reckonable service shall be aggregated;

"salary" means—

(a) in relation to a Member of Parliament the monthly allowance payable to him under the Parliament (Members' Remuneration) Act, 1960;

(b) in relation to the Prime Minister, a Minister or an Assistant Minister, the salary payable to him in accordance with the law relating to the remuneration of such Members;

A285

Deputy

(c) in relation to a Parliamentary Secretary the salary in the form of monthly allowance payable to him under the Parliamentary Secretaries (Remuneration) Act, 1965;

(Sd A 211/25)

and includes, where applicable, the allowance as a Designated Minister, as Leader or Deputy Leader of the House of Representatives or as Leader of Opposition.

Pension for Members of the Administration.

3. (1) A person who ceases to be a Member may be granted a pension if he has completed nine years reckonable service and if when he so ceases has attained or thereafter attains the age of forty-five years.

(2) A pension under this section shall continue for the life of that person to whom it is payable but shall not be payable in respect of any period during which he is again a Member and is in receipt of a salary in respect thereof.

Special provisions for Ministers becoming back-benchers. A285

4. Notwithstanding subsection (2) of section 3, a Member who does not hold the office of Prime Minister, Minister or ~~Assistant~~ Minister may be granted a pension under subsection (1) of that section if he has previously served as Prime Minister or as a Minister or ~~Assistant~~ Minister for a period of not less than three years (whether continuously or otherwise).

Minimum pension for Prime Minister.

5. Notwithstanding section 6, a Member who has held the office of Prime Minister for a period of not less than 4 years (either continuously or otherwise) may be granted a pension under section 3 or section 4, as the case may be, of not less than \$3,000 per month.

Rate of Pension.

6. (1) The pension payable under section 3 shall be calculated at the rate of 1/540 of the annual salary of the Member for each completed month of reckonable service including any period during which he was in receipt of a pension under section 4.

(2) The pension payable under section 4 shall be calculated at the rate of 1/540 of the annual salary of the Member for each completed month of reckonable service prior to his last ceasing to hold office of Prime Minister, Minister or ~~Assistant~~ Minister.

A285

of A285/25

(3) The maximum pension due in either case as aforesaid shall be in respect of 240 completed months of reckonable service.

MEMBERS OF THE ADMINISTRATION AND MEMBERS OF
PARLIAMENT (PENSIONS AND GRATUITIES)

Sub.
WA 12/173

(4) The salary which shall be taken to compute the pension in any particular case as aforesaid shall be one-third of the total salary received during any 36 months of reckonable service (whether this period be continuous or otherwise) where the salary was at its maximum point or points.

Not a salary
Gratuity.

- 7. (1) A person may be granted a gratuity--
 - (a) on his death while being a Member;
 - (b) when he ceases to be a Member but not solely by reason of the dissolution of Parliament:
 Provided that where the Member is a Prime Minister, Minister or Assistant Minister, at his option, when he ceases to hold such office;
 - (c) where he is a Member, at his option, at the dissolution of a Parliament.

A285

(2) The salary which shall be taken to compute the gratuity in any particular case shall be one-third of the total salary received during any 36 months of reckonable service (whether this period be continuous or otherwise) where the salary was at its maximum point or points, or, where the reckonable service is less than three years, the average expressed on an annual basis of the salary drawn by him over the period of his reckonable service.

(3) The amount of gratuity shall be calculated at the rate of 1/96 of the annual salary of the Member for each completed month of reckonable service subject to a maximum gratuity due in respect of 240 months.

1/96 of salary

(4) Any period of reckonable service in respect of which a gratuity or cash award has been paid to a Member in respect of his service prior to the commencement of this Act or any period of reckonable service in respect of which a gratuity has been previously paid under the provisions of this Act shall be disregarded for the purpose of calculating a gratuity that falls due to be paid under this Act.

(b)

(5) Where a Member dies and a gratuity under this section is granted, such gratuity may be paid to such of his dependants as the Yang di-Pertuan Agong may decide or if there are no dependants, to his legal personal representative.

(Act. A. 28/74) ->

8. Pensions under this Act may be paid monthly at the end of each month in which the pension falls due or at such other intervals as the Yang di-Pertuan Agong may determine either generally or in any particular case.

Payment of pensions.

Pension and gratuity not to be assignable.

9. A pension or gratuity granted under this Act shall not be assignable or transferable except for the purpose of satisfying—

- (a) a debt due to the Government; or
- (b) an Order of any court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor child of the Member to whom the pension has been granted,

but shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the Government.

Act A. 120/72
Payment out of Consolidated Fund.

10A Any pension or gratuity payable under this Act shall be paid out of the Consolidated Fund.

Regulations.

11. (1) The Yang di-Pertuan Agong may make regulations for the purpose of carrying into effect any of the provisions of this Act.

(2) Without prejudice to subsection (1) regulations made under that subsection may provide that notwithstanding anything in this Act where a person prior to being a Member was a Member of the Legislative Assembly or Council Negri of a State, the period (continuous or otherwise) during which such person was a Member of the Legislative Assembly or Council Negri may be taken into account for the purpose of calculating the length of his reckonable service.

(3) Any regulations made under this section shall be laid before each House of Parliament.

Act A. 208/72
Savings.

12. ^{Subject to section 6A, nothing} Nothing in this Act shall affect the provisions of the—

A 31

- (a) Ministers (Remuneration) Ordinance, 1957;
- (b) ~~Assistant~~ Ministers Act, 1960;
- (c) Parliament (Members' Remuneration) Act, 1960; and
- (d) Parliamentary Secretaries (Remuneration) Act, 1965,

relating to accident benefits for Members.

MEMBERS OF THE ADMINISTRATION AND MEMBERS OF PARLIAMENT (PENSIONS AND GRATUITIES) 9

13. Where a person was a Member on 1st January, 1970, any period (continuous or otherwise) prior to that date but not earlier than 31st August, 1957 may be taken into account for the purpose of calculating the length of his reckonable service. *Reckonable service for the purpose of certain persons. Act 198/73*

14. Section 6 of the Ministers (Remuneration) Ordinance, 1957 is hereby repealed. *Repeal. 93/57*

SCHEDULE

Act 198/73