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REPRINT

Act 185

STATUTORY AND LOCAL AUTHORITIES SUPERANNUATION FUND ACT 1977

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**STATUTORY AND LOCAL AUTHORITIES
SUPERANNUATION FUND ACT 1977**

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Act 185

STATUTORY AND LOCAL AUTHORITIES SUPERANNUATION FUND ACT 1977

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LAWS OF MALAYSIA**Act 185****STATUTORY AND LOCAL AUTHORITIES
SUPERANNUATION FUND ACT 1977**

An Act for the grant of superannuation benefits for employees of statutory and local authorities and for matters connected therewith.

[1 May 1969]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I**PRELIMINARY****Short title and application**

1. (1) This Act may be cited as the Statutory and Local Authorities Superannuation Fund Act 1977.

(2) This Act shall apply throughout Malaysia.

Interpretation

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

“appropriate authority” means the pensions authority or management of a statutory or local authority;

“employee” means a person in the employment of a statutory or local authority and who by virtue of his option is bound by the new scheme or who is appointed under the new scheme;

“employer” means a statutory or local authority;

“last drawn salary” means the last drawn monthly salary in accordance with the salary scales of the new scheme;

“Minister” means the Minister charged with responsibility for pensions;

“new scheme” means the revision of salaries and terms and conditions of service of employees in the statutory and local authorities pursuant to the recommendations of the Royal Commission appointed by the Yang di-Pertuan Agong [*P.U.(B) 202/1971*];

“pensionable employee” means an employee who has been emplaced on the pensionable establishment or deemed to have been so emplaced;

“pensions authority” means the Director General of Public Services or any officer authorized by him in writing to act on his behalf;

“salary” means a monthly salary including any pensionable allowance payable in accordance with the salary scales of the new scheme;

“service” means service in a civil capacity under the Government, any State Government, or in any statutory or local authority;

“statutory or local authority” means a statutory or local authority within the purview of the new scheme;

“superannuation benefits” means an award or grant which is payable under this Act.

PART II

(Deleted by Act A496)

3–5. *(Deleted by Act A496).*

PART III

(Deleted by Act A496)

6–10. *(Deleted by Act A496).*

PART IV

SUPERANNUATION BENEFITS FOR PENSIONABLE
EMPLOYEES

Pension, *etc.*, not of right

11. (1) No employee shall have any right to compensation for past services or to any pension, gratuity or other award under this Part.

(2) Where it is established to the satisfaction of the Minister by an appropriate authority, that an employee has been guilty of negligence, irregularity or misconduct, it shall be lawful for the Minister to reduce or withhold the pension, gratuity or other award for which such employee would be eligible but for this section.

Pensions, *etc.*, charged on the Consolidated Fund

11A. All pensions, gratuities and other benefits granted under the Act shall be charged on the Consolidated Fund.

Cases in which pensions, *etc.*, may be granted

12. No pension, gratuity or other award shall be granted under this Part to an employee until the employee has retired from service in a statutory or local authority—

- (a) on or after attaining the age of *fifty-five years;
- (b) on or after attaining the age of *fifty years in the case of a male employee, or forty-five years in the case of a female employee and an employee of the Fire Services holding the rank of Sub-Officer and below, with the prior consent of the appropriate authority;
- (c) on medical evidence acceptable to the appropriate authority that he is incapable of discharging the duties of his office, by reason of infirmity of mind or body likely to be permanent;
- (d) on the abolition of his office;
- (e) on the termination of his employment in the public interest;

*NOTE—The compulsory age of retirement as provided in the Statutory and Local Authorities Pensions Act 1980 [Act 239] has been amended to “fifty-six”—see Statutory and Local Authorities Pension (Amendment) Act 2001 [Act A1125].

- (f) on compulsory retirement for the purpose of facilitating improvement in the organization of the statutory or local authority to which he belongs by which greater efficiency or economy may be effected; or
- (g) on the ground of national interest at the instance of the Government.

Retirement in the public interest

13. Where an employee's services are terminated on the ground that, having regard to the conditions of the service, the usefulness of the employee thereto and all the other circumstances of the case, such termination is desirable in the public interest, and a pension, gratuity or other award cannot otherwise be granted to him under this Act, the Minister may, if he thinks fit, grant such pension, gratuity or other award as he thinks just and proper, but in no case exceeding the amount for which the employee would be eligible if he had retired from the service in the circumstances described in paragraph 12(c).

Emplacement on the pensionable establishment

14. (1) A permanent employee shall be eligible for emplacement on the pensionable establishment on completion of not less than ten years' service provided that the following periods shall not be taken into account except with the approval of the pensions authority—

- (a) any past service broken as a result of voluntary resignation; and
- (b) any past service in the Government, any State Government or any statutory or local authority which has been superannuated.

(2) For the purpose of subsection (1), the following periods of service shall not be taken into account—

- (a) any period of leave without pay and periods of training for which only allowances were paid; and
- (b) any period of past service broken as a result of termination of service on disciplinary grounds or dismissal.

Pension contribution

15. (1) Upon an employee being emplaced on the pensionable establishment, his employer shall make monthly contributions to the Consolidated Fund at the appropriate rate set out in the Second Schedule.

(2) The Minister may, with the concurrence of the Minister of Finance, amend the rates in the Second Schedule by order.

Reckonable past service

16. (1) An employee who is pensionable shall be eligible to have his past service in the Government, any State Government or any statutory or local authority reckoned as service for pension purposes provided that the following periods may not be taken into account except with the approval of the pensions authority—

(a) any past service broken as a result of voluntary resignation; and

(b) any past service in the Government, any State Government or any statutory or local authority which has been superannuated.

(2) For the purpose of subsection (1), the following periods shall not be reckoned for pension purposes—

(a) any period of leave without pay and periods of training for which only allowances were paid; and

(b) any period of past service broken as a result of termination of service on disciplinary grounds or dismissal.

(3) In the case of an employee appointed to another statutory or local authority under the new scheme, his past service prior to the date of appointment shall not be taken into account unless a written approval for his release from his former employer had first been sought and obtained.

Option to pensionable employees on retirement

17. A pensionable employee who was a contributor to the Employees Provident Fund or any other provident fund established by any statutory or local authority may on retirement either—

- (a) accept the full pension and gratuity or gratuity for which he is eligible provided that payment is made to the Fund of an amount equivalent to the contributions with interest which the Government or any State Government or employer made to the Employees Provident Fund or other provident fund established by the statutory or local authority on his behalf during any period of reckonable past service as in section 16; or
- (b) forgo that portion of pension and gratuity or gratuity that would otherwise have accrued in respect of service during which he was a contributor to the Employees Provident Fund or other provident fund established by the statutory or local authority and to retain his provident fund credit instead.

Maximum pension from service

18. (1) A pension granted to an employee under this Part shall not exceed one-half of his last drawn salary.

(2) For the purpose of subsection (1), an allowance granted in respect of injury or disease shall not be taken into account but where the employee is granted such an allowance the amount thereof together with the amount of his pension shall not exceed two-thirds of his last drawn salary.

Rate of pension

19. A pensionable employee who retires under section 12 after completion of not less than ten years' service shall be eligible for a pension calculated at the rate of one-six-hundredth of his last drawn salary for each completed month of reckonable service.

Rate of gratuity

20. A pensionable employee who retires under section 12 shall be eligible for a gratuity calculated at the rate of one-twentieth of his last drawn salary for each completed month of reckonable service.

Pension, etc., not to be assignable

21. A pension, gratuity or other award granted under this Part shall not be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim except for the purpose of satisfying—

- (a) a debt due to the Government, any State Government or any statutory or local authority; or
- (b) an order from a court for the payment of periodical sums of money towards the maintenance of the wife or former wife or minor children, whether legitimate or not, of the employee to whom the pension, gratuity or other award has been granted.

Pension, etc., to cease on bankruptcy

22. (1) No pension, gratuity or other award which would under this Part be granted to an employee shall be so granted if, at the date of his retirement from the service, such employee has been adjudged a bankrupt or declared insolvent by judgement of a court and the employee has not obtained his discharge from such adjudication or declaration.

(2) If any employee to whom a pension or other award has been granted under this Part is adjudicated a bankrupt or is declared insolvent by judgement of a court then such pension or award shall forthwith cease.

(3) In any case where, by reason of bankruptcy or insolvency of the employee, a pension, gratuity or other award is not granted or where a pension or other award ceases by reason of the bankruptcy or insolvency of the pensioner, it shall be lawful for the Minister from time to time, during the remainder of that person's life, or during such shorter period or periods either continuous or otherwise as he shall think fit, to cause all or any part of the moneys to which such person would have been entitled by way of pension, gratuity or other award had he not become a bankrupt or insolvent, to be paid to, or applied for the maintenance and personal support or benefit of, all or any, to the exclusion of the other or others, of the following persons, namely, such pensioner himself and any wife, child or children of his in such proportions and manner as the Minister thinks proper, and such moneys shall be paid or applied accordingly and moneys applied for the discharge of debts of the employee or pensioner shall, for the purposes of this subsection, be regarded as applied for his benefit.

(4) When a person to whom a pension or other award has not been granted or whose pension or other award has ceased under this section, obtains a full and proper discharge from his bankruptcy or insolvency, his pension or other award shall be restored to him with effect from the date of such discharge.

Pension, etc., to cease on conviction

23. (1) If any person to whom a pension or other award has been granted under this Part is sentenced to death or penal servitude or any term of imprisonment by any court for any offence, the Minister may direct that such pension or other award shall forthwith cease and thereupon such pension or other award shall cease accordingly:

Provided that the pension or other award shall be restored with retrospective effect in the case of a person who at any time after conviction receives a free pardon.

(2) Where a pension or award ceases under subsection (1) the Minister shall cause all or any part of the moneys to which the pensioner would have been entitled by way of a pension or other award to be paid to or applied for the benefits of any wife, child or children of the pensioner, or after the expiration of his sentence, also for the benefit of the pensioner himself, in the same manner and subject to the same qualifications and restrictions as in the case of bankruptcy or insolvency.

Pension, etc., may cease on accepting employment in certain companies or in engaging in certain occupations for gain

24. (1) If any pensioner to whom a pension has been granted under this Act, becomes either a director of any company, the principal part of whose business is in any way directly concerned with Malaysia, or is employed by any such company in Malaysia or engages in any occupation for gain in Malaysia without the prior permission of the Minister in writing, it shall be lawful for the Minister to direct that such pension or award shall cease accordingly:

Provided that it shall be lawful for the Minister on being satisfied that the pensioner in respect of whose pension any such direction shall have been given, has ceased to be a director of such company or to be employed by any such company in Malaysia or has ceased

to be engaged in such occupations, as the case may be, to give directions for the restoration of such pension, with retrospective effect if he shall see fit, to such date as he shall specify, and such pension shall be restored accordingly.

(2) Subsection (1) shall not apply to a pensioner who has been retired from the service for a period of not less than five years or who has attained the age of sixty years.

Derivative pension or gratuity where an employee dies in service or after retirement

25. (1) Where an employee dies in service and would have become eligible to be granted a pension or gratuity had he retired at the date of his death in the circumstances described in paragraph 12(c), the Minister may grant to such of his dependants as the Minister may think fit, a derivative pension or gratuity appropriate to his case, or if there are no dependants, to his legal personal representatives, a derivative gratuity; and where a derivative pension is granted, such a derivative pension may be paid for a period not exceeding twelve and a half years with effect from the date immediately following the date of the death of the employee.

(2) Where an employee who has retired on pension from the service dies within the period of twelve and a half years of his date of retirement, the Minister may grant to his widow or his widow and minor children or his minor children a derivative pension of the same amount as the pension which was paid or payable to the pensioner on account of his retirement, for a period not exceeding the difference between the period of twelve and a half years and the period during which the pension was paid or payable to the pensioner.

(3) Where a derivative pension is granted under this section to any dependant in respect of the death of an employee the pension so granted shall take into account the compensation awarded under any written law relating to workmen's compensation or other social security benefits for the time being in force.

(4) Where a dependant who is not entitled to such workmen's compensation or social security benefits is eligible to choose to receive either a derivative pension under this section or a pension or allowance under any written law for the time being in force,

the grant of a derivative pension under this section by the Minister shall only be determined if the dependant elects to forgo the payment of a pension or allowance under such written law for the time being in force.

(5) 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 re-marriage.

(6) 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 eighteen years or upon marriage below that age.

PART V

GENERAL

Compulsory retirement

26. An appropriate authority may require any employee to retire from its service—

- (a) upon attaining the age of *fifty five years;
- (b) on medical evidence acceptable to the appropriate authority that he is incapable of discharging the duties of his office, by reason of infirmity of mind or body likely to be permanent;
- (c) on the abolition of his office;
- (d) on the termination of his employment in the public interest;
or
- (e) for the purpose of facilitating improvement in the organization of the statutory or local authority to which he belongs by which greater efficiency or economy may be effected.

27. *(Deleted by Act A496).*

Power to make regulations

28. The Minister may make regulations for the purpose of carrying out or giving effect to any of the provisions of this Act.

*NOTE—The compulsory age of retirement as provided in the Statutory and Local Authorities Pensions Act 1980 [Act 239] has been amended to “fifty-six”—see Statutory and Local Authorities Pension (Amendment) Act 2001 [Act A1125].

29. *(Deleted by Act A496).*

Winding up of fund of pension scheme

30. (1) The fund of a pension scheme of a statutory or local authority shall be wound up on such date as the Minister of Finance may by notification in the *Gazette* appoint in each particular case, and on the winding up of the fund all assets shall be transferred to, and liabilities charged on, the Consolidated Fund.

(2) Notwithstanding any written law to the contrary, upon the winding up of the fund of a pension scheme of a statutory or local authority, the pensions authority shall exercise the powers and perform the duties of the appropriate authority of the pension scheme.

(3) Nothing in this Act shall diminish the amount of a pension, gratuity or other benefit to which an employee would have been eligible if not for this Act.

Winding up of the Fund established under the Act

30A. Consequent upon the deletion of Part III, action shall be taken to commence the winding up of the Fund established under this Act and all assets shall be transferred to, and liabilities charged on, the Consolidated Fund.

Previous actions

31. Acts by any person or authority on behalf of the Fund in the preparation of and towards the proper implementation of any of the provisions of this Act and any expenditure incurred in relation thereto in anticipation of the promulgation of this Act shall be deemed to have been authorized by this Act; and all rights and obligations acquired or imposed on behalf of the Fund from anything so done or any expenditure so incurred shall upon the coming into force of this Act be deemed to be the rights and obligations of the Fund.

FIRST SCHEDULE

(Deleted by Act A496)

SECOND SCHEDULE

[Section 15]

When salary exceeds	But does not exceed	Monthly Pension Contribution by the employer
RM 10.00	RM 20.00	RM 4.00
20.00	40.00	7.00
40.00	60.00	11.00
60.00	80.00	14.00
80.00	100.00	18.00
100.00	120.00	21.00
120.00	140.00	25.00
140.00	160.00	28.00
160.00	180.00	32.00
180.00	200.00	35.00
200.00	220.00	39.00
220.00	240.00	42.00
240.00	260.00	46.00
260.00	280.00	49.00
280.00	300.00	53.00
300.00	320.00	56.00
320.00	340.00	60.00
340.00	360.00	63.00
360.00	380.00	67.00
380.00	400.00	70.00
400.00	420.00	74.00
420.00	440.00	77.00
440.00	460.00	81.00
460.00	480.00	84.00
480.00	500.00	88.00
500.00	520.00	91.00
520.00	540.00	95.00
540.00	560.00	98.00
560.00	580.00	102.00
580.00	600.00	105.00
600.00	620.00	109.00
620.00	640.00	112.00

*Statutory and Local Authorities
Superannuation Fund*

When salary exceeds	But does not exceed	Monthly Pension Contribution by the employer
RM640.00	RM660.00	RM116.00
660.00	680.00	119.00
680.00	700.00	123.00
700.00	720.00	126.00
720.00	740.00	130.00
740.00	760.00	133.00
760.00	780.00	137.00
780.00	800.00	140.00
800.00	820.00	144.00
820.00	840.00	147.00
840.00	860.00	151.00
860.00	880.00	154.00
880.00	900.00	158.00
900.00	920.00	161.00
920.00	940.00	165.00
940.00	960.00	168.00
960.00	980.00	172.00
980.00	1,000.00	175.00
1,000.00	1,020.00	179.00
1,020.00	1,040.00	182.00
1,040.00	1,060.00	186.00
1,060.00	1,080.00	189.00
1,080.00	1,100.00	193.00
1,100.00	1,120.00	196.00
1,120.00	1,140.00	200.00
1,140.00	1,160.00	203.00
1,160.00	1,180.00	207.00
1,180.00	1,200.00	210.00
1,200.00	1,220.00	214.00
1,220.00	1,240.00	217.00
1,240.00	1,260.00	221.00
1,260.00	1,280.00	224.00
1,280.00	1,300.00	228.00
1,300.00	1,320.00	231.00
1,320.00	1,340.00	235.00
1,340.00	1,360.00	238.00
1,360.00	1,380.00	242.00
1,380.00	1,400.00	245.00

When salary exceeds	But does not exceed	Monthly Pension Contribution by the employer
RM1,400.00	RM1,420.00	RM249.00
1,420.00	1,440.00	252.00
1,440.00	1,460.00	256.00
1,460.00	1,480.00	259.00
1,480.00	1,500.00	263.00
1,500.00	1,520.00	266.00
1,520.00	1,540.00	270.00
1,540.00	1,560.00	273.00
1,560.00	1,580.00	277.00
1,580.00	1,600.00	280.00
1,600.00	1,620.00	284.00
1,620.00	1,640.00	287.00
1,640.00	1,660.00	291.00
1,660.00	1,680.00	294.00
1,680.00	1,700.00	298.00
1,700.00	1,720.00	301.00
1,720.00	1,740.00	305.00
1,740.00	1,760.00	308.00
1,760.00	1,780.00	312.00
1,780.00	1,800.00	315.00
1,800.00	1,820.00	319.00
1,820.00	1,840.00	322.00
1,840.00	1,860.00	326.00
1,860.00	1,880.00	329.00
1,880.00	1,900.00	333.00
1,900.00	1,920.00	336.00
1,920.00	1,940.00	340.00
1,940.00	1,960.00	343.00
1,960.00	1,980.00	347.00
1,980.00	2,000.00	350.00
2,000.00	2,020.00	354.00
2,020.00	2,040.00	357.00
2,040.00	2,060.00	361.00
2,060.00	2,080.00	364.00
2,080.00	2,100.00	368.00
2,100.00	2,120.00	371.00
2,120.00	2,140.00	375.00
2,140.00	2,160.00	378.00

*Statutory and Local Authorities
Superannuation Fund*

When salary exceeds	But does not exceed	Monthly Pension Contribution by the employer
RM2,160.00	RM2,180.00	RM382.00
2,180.00	2,200.00	385.00
2,200.00	2,220.00	389.00
2,220.00	2,240.00	392.00
2,240.00	2,260.00	396.00
2,260.00	2,280.00	399.00
2,280.00	2,300.00	403.00
2,300.00	2,320.00	406.00
2,320.00	2,340.00	410.00
2,340.00	2,360.00	413.00
2,360.00	2,380.00	417.00
2,380.00	2,400.00	420.00
2,400.00	2,420.00	424.00
2,420.00	2,440.00	427.00
2,440.00	2,460.00	431.00
2,460.00	2,480.00	434.00
2,480.00	2,500.00	438.00
2,500.00	2,520.00	441.00
2,520.00	2,540.00	445.00
2,540.00	2,560.00	448.00
2,560.00	2,580.00	452.00
2,580.00	2,600.00	455.00
2,600.00	2,620.00	459.00
2,620.00	2,640.00	462.00
2,640.00	2,660.00	466.00
2,660.00	2,680.00	469.00
2,680.00	2,700.00	473.00
2,700.00	2,720.00	476.00
2,720.00	2,740.00	480.00
2,740.00	2,760.00	483.00
2,760.00	2,780.00	487.00
2,780.00	2,800.00	490.00
2,800.00	2,820.00	494.00
2,820.00	2,840.00	497.00
2,840.00	2,860.00	501.00
2,860.00	2,880.00	504.00
2,880.00	2,900.00	508.00

When salary exceeds	But does not exceed	Monthly Pension Contribution by the employer
RM2,900.00	RM2,920.00	RM511.00
2,920.00	2,940.00	515.00
2,940.00	2,960.00	518.00
2,960.00	2,980.00	522.00
2,980.00	3,000.00	525.00
3,000.00	3,020.00	529.00
3,020.00	3,040.00	532.00
3,040.00	3,060.00	536.00
3,060.00	3,080.00	539.00
3,080.00	3,100.00	543.00
3,100.00	3,120.00	546.00
3,120.00	3,140.00	550.00
3,140.00	3,160.00	553.00
3,160.00	3,180.00	557.00
3,180.00	3,200.00	560.00
3,200.00	3,220.00	564.00
3,220.00	3,240.00	567.00
3,240.00	3,260.00	571.00
3,260.00	3,280.00	574.00
3,280.00	3,300.00	578.00
3,300.00	3,320.00	581.00
3,320.00	3,340.00	585.00
3,340.00	3,360.00	588.00
3,360.00	3,380.00	592.00
3,380.00	3,400.00	595.00
3,400.00	3,420.00	599.00
3,420.00	3,440.00	602.00
3,440.00	3,460.00	606.00
3,460.00	3,480.00	609.00
3,480.00	3,500.00	613.00
3,500.00	3,520.00	616.00
3,520.00	3,540.00	620.00
3,540.00	3,560.00	623.00
3,560.00	3,580.00	627.00
3,580.00	3,600.00	630.00
3,600.00	3,620.00	634.00
3,620.00	3,640.00	637.00
3,640.00	3,660.00	641.00

*Statutory and Local Authorities
Superannuation Fund*

When salary exceeds	But does not exceed	Monthly Pension Contribution by the employer
RM3,660.00	RM3,680.00	RM644.00
3,680.00	3,700.00	648.00
3,700.00	3,720.00	651.00
3,720.00	3,740.00	655.00
3,740.00	3,760.00	658.00
3,760.00	3,780.00	662.00
3,780.00	3,800.00	665.00
3,800.00	3,820.00	669.00
3,820.00	3,840.00	672.00
3,840.00	3,860.00	676.00
3,860.00	3,880.00	679.00
3,880.00	3,900.00	683.00
3,900.00	3,920.00	686.00
3,920.00	3,940.00	690.00
3,940.00	3,960.00	693.00
3,960.00	3,980.00	697.00
3,980.00	4,000.00	700.00
4,000.00	4,020.00	704.00
4,020.00	4,040.00	707.00
4,040.00	4,060.00	711.00
4,060.00	4,080.00	714.00
4,080.00	4,100.00	718.00
4,100.00	4,120.00	721.00
4,120.00	4,140.00	725.00
4,140.00	4,160.00	728.00
4,160.00	4,180.00	732.00
4,180.00	4,200.00	735.00
4,200.00	4,220.00	739.00
4,220.00	4,240.00	742.00
4,240.00	4,260.00	746.00
4,260.00	4,280.00	749.00
4,280.00	4,300.00	753.00

LAWS OF MALAYSIA**Act 185****STATUTORY AND LOCAL AUTHORITIES
SUPERANNUATION FUND ACT 1977**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A496	Statutory and Local Authorities Superannuation Fund (Amendment) Act 1980	01-01-1981

LAW OF MALAYSIA

Act 185

STATUTORY AND LOCAL AUTHORITIES SUPERANNUATION FUND ACT 1977

LIST OF SECTIONS AMENDED

Section	Amending Authority	In force fom
Long title	Act A496	01-01-1981
2	Act A496	01-01-1981
Part II	Act A496	01-01-1981
3-5	Act A496	01-01-1981
Part III	Act A496	01-01-1981
6-10	Act A496	01-01-1981
11A	Act A496	01-01-1981
15	Act A496	01-01-1981
27	Act A496	01-01-1981
28	Act A496	01-01-1981
29	Act A496	01-01-1981
30	Act A496	01-01-1981
30A	Act A496	01-01-1981
First Schedule	Act A496	01-01-1981