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Act 45

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LAWS OF MALAYSIA

Act 45

JUDGES' REMUNERATION ACT 1971

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LAWS OF MALAYSIA

Act 45

JUDGES' REMUNERATION ACT 1971

An Act to provide for the remuneration of Judges and for the pensions and other benefits of their dependants, and for matters connected therewith.

[Throughout Malaysia—3 September 1971]

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 Judges' Remuneration Act 1971.

(2) This Act applies to the office of Judge.

Interpretation

1A. In this Act, unless the context otherwise requires—

“child” means a child of a deceased Judge—

- (a) who is a child under twenty-one years of age and includes—
 - (i) a posthumous child, a dependent step-child and an illegitimate child of the Judge; and
 - (ii) a child adopted by the Judge under any written law relating to adoption or under any custom or usage, on satisfactory proof of such adoption;

and

- (b) who is a child of any age and is mentally retarded or physically and permanently incapacitated and is incapable of supporting himself;

“corresponding last drawn salary” means, in the case of a Judge to whom any of the current salaries does not apply by virtue of his having retired or died prior to the implementation of the current salaries, the equivalent salary that he would have drawn under the First Schedule had he held office as Judge on such implementation and had the appropriate current salary been applied to his case;

“current salary” means the latest appropriate salary specified in the First Schedule which is payable to a Judge;

“dependant” means a spouse, a child, the mother or the dependent father of a deceased Judge;

“Judge” means a Judge of the Federal Court, of the Court of Appeal or of the High Court and includes the Chief Justice, President and a Chief Judge;

“last drawn salary” means the actual last drawn monthly substantive salary of a Judge, specified in the First Schedule, prior to his death or retirement;

“pension and other benefit” or “pension or other benefit” includes pension, disability pension, gratuity, derivative pension, dependant’s pension and derivative gratuity granted, or granted and adjusted, under this Act, but does not include any allowance or other privilege specified in the Second Schedule;

“remuneration” shall have the meaning assigned to that expression in Clause (2) of Article 160 of the Federal Constitution;

“resident in Malaysia” means being habitually resident in Malaysia as evidenced by the person concerned having his sole or principal place of abode in Malaysia and residing therein for such period or periods of time as is not inconsistent with the continuity of residence in Malaysia and as point to durable ties between him and Malaysia;

“retirement” means—

- (a) retirement from the office of Judge under paragraph 8(a);
- (b) retirement from such office under section 8A or 8B;
- (c) resignation from such office under paragraph 8(c); or

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(d) ceasing to hold such office under paragraph 8(d);

“spouse” means the surviving husband or a surviving wife of a deceased Judge whose marriage to the Judge is recognized in Malaysia as a valid marriage under any written law, custom, religion or usage.

PART II

SALARIES AND ALLOWANCES OF JUDGES

Salaries and allowances of Judges

2. (1) There shall be paid to each of the Judges mentioned in the first column of the First Schedule salaries as may be specified in the corresponding second column of the said Schedule with effect from the date specified in the corresponding third column thereof.

(2) There shall be paid or accorded to each of the Judges mentioned in the first column of the Second Schedule such allowances or other privileges as may be specified in the said Schedule with effect from the date specified in the corresponding second column thereof.

PART III

PENSIONS AND OTHER BENEFITS OF
JUDGES AND DEPENDANTS

Pension and other benefits of Judge

3. A Judge shall on his retirement be entitled to a pension and other benefits in accordance with this Act.

Computation and amount of pension of Judge

4. Subject to this Part, a Judge's pension shall be computed at the rate of 1/360 of his last drawn salary in respect of each completed month's service as a Judge:

Provided that in no case shall the pension so computed be more than 1/2 of his last drawn salary but without prejudice, however,

to any adjustment of pension to his advantage that may be made in accordance with Part IIIA.

Period for maximum pension

5. (1) For the purpose of computing a Judge's pension, the period of service for him to qualify for maximum pension shall be 15 years service as a Judge.

(2) For the purposes of subsection (1), where a Judge—

- (a) has, as required by the Yang di-Pertuan Agong under section 8C, relinquished his office in order to serve in another capacity for any period in the national interest; and
- (b) having completed his tour of duty in the other capacity is immediately reappointed to the office of Judge,

the period of service as a Judge before, and the period during which he served in that other capacity after, he relinquished office as a Judge shall be counted as period of service as a Judge.

Guaranteed pension period

6. Subject to this Act, the pension and any other benefit payable under this Act shall continue for the life of that person to whom it is granted.

Gratuity

7. A Judge who is entitled to a pension under this Act shall also be entitled to a gratuity of an amount computed at the rate of seven and a half per centum of the amount arrived at by multiplying his total completed months of service as a Judge by his last drawn salary.

Pension and gratuity in certain cases of retirement, resignation and ceasing to hold office

8. Where a person—

- (a) retires from the office of a Judge on attaining the age of sixty-six years or such later time, not being later

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- than six months after he attains that age pursuant to Clause (1) of Article 125 of the Federal Constitution;
- (b) retires from the office of a Judge of the Federal Court, of the Court of Appeal or of the High Court under section 8A or 8B;
 - (c) resigns such office after reaching the age of sixty years; or
 - (d) ceases to hold such office before attaining the age of sixty-six years or at any time after he attains that age if he is holding such office pursuant to Clause (1) of Article 125 of the Federal Constitution on grounds of inability, from infirmity of body or mind or any other cause, properly to discharge the functions of his office,

he shall be entitled to a pension and a gratuity appropriate to his case under this Act:

Provided that the amount of pension granted to a person who retires from such office in the circumstances referred to in paragraph (d) or in section 8A shall not be less than 1/5 of his last drawn salary but without prejudice, however, to any adjustment of pension to his advantage that may be made in accordance with Part IIIA.

Retirement on ill-health

8A. (1) A Judge who has not attained the age of sixty years may make representations in writing to the Chief Justice for permission to retire on grounds of ill-health.

(2) On receiving any representations from a Judge under subsection (1), the Chief Justice may constitute, in consultation with the Director General of Medical Services, a board of not less than three Medical Officers who have served for not less than ten years in the public service and of whom at least one is a person possessing specialist qualification in the branch of medicine relevant to the ill-health of the Judge concerned, to inquire into and report to the Chief Justice as to the health of the said Judge.

(3) Upon receipt of the report of such board of Medical Officers, the Chief Justice may, if satisfied that it would be in the interests of judicial administration that such Judge be granted permission to retire, recommend to the Prime Minister that

permission be so granted to the said Judge; and the Prime Minister may thereupon submit the matter to the Yang di-Pertuan Agong who shall refer the same to a tribunal appointed by him in accordance with Clause (4) of Article 125 of the Constitution for its recommendations.

(4) The Yang di-Pertuan Agong may on the recommendations of the tribunal grant such permission and approve the retirement.

(5) Where the Chief Justice desires to retire from the office of Chief Justice on grounds of ill-health, the foregoing subsections shall not apply, but the Prime Minister may, after such reference as he may deem fit to make, submit the facts to the Yang di-Pertuan Agong who shall refer the matter to a tribunal appointed by him in accordance with Clause (4) of Article 125 of the Constitution for its recommendations; and the Yang di-Pertuan Agong may on the recommendations of the tribunal approve the retirement.

Retirement on special ground

8B. (1) A Judge of the Federal Court, of the Court of Appeal or of a High Court who has not attained the age of sixty years but has held the office of a Judge for a period in the aggregate of not less than ten years may, with the approval of the Chief Justice, make representations to the Yang di-Pertuan Agong for permission to retire to serve in another capacity; and the Yang di-Pertuan Agong may, upon being satisfied, on the recommendation of the Prime Minister, that it is of special significance and importance to the interests of a State or in the interests of Malaysia as a whole for the said Judge to serve in such said capacity, grant permission for the said Judge to so retire.

(2) For the avoidance of doubt, “a Judge of the Federal Court”, for the purposes of this section, shall include the Chief Judges, President and the Chief Justice; and in its application to the Chief Justice, subsection (1) shall be read as if the words “with the approval of the Chief Justice” have been omitted therefrom.

Relinquishment of office in the national interest

8C. A Judge of the Federal Court, the Court of Appeal or High Court who has not attained the age of sixty years may be required by the Yang di-Pertuan Agong to relinquish the office of a Judge

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in order to serve in another capacity for any period in the national interest.

Special provision for Chief Justice, President and Chief Judge

9. Notwithstanding anything in this Act but subject to section 8 a person holding the office of Chief Justice, President or Chief Judge shall be entitled to maximum pension if—

- (a) he has held either office or all the offices for a period in the aggregate of not less than three years; and
- (b) he has held the office of a Judge in the aggregate of not less than ten years prior to his retirement including the period during which he has served as Chief Justice, President or Chief Judge.

Derivative pension and derivative gratuity where Judge dies in service

10. (1) Subject to subsection (4), where a Judge dies in service, the Yang di-Pertuan Agong may grant—

- (a) a derivative pension and a derivative gratuity to his spouse or child, or both spouse and child; and
- (b) a derivative gratuity to his mother or, if his mother is not living, to his dependent father,

according to the entitlement of the Judge, computed in accordance with sections 4 and 7:

Provided that the amount of derivative pension granted shall not be less than 1/5 of the last drawn salary but without prejudice, however, to any adjustment of derivative pension to the recipients' advantage that may be made in accordance with Part IIIA.

(2) A derivative pension granted under subsection (1) shall be payable for a period of twelve and a half years from the date immediately following the date of death in service of the Judge; and thereafter the recipient, provided he is resident in Malaysia, shall continue to be paid seventy per centum of the amount granted.

(3) The derivative pension granted under subsection (1) shall be paid in accordance with subsection (2)—

- (a) for life if the recipient is—
 - (i) a spouse;
 - (ii) a child referred to in paragraph (b) of the interpretation of “child” in section 1A;
- (b) for the duration of his education if the recipient is a child who is receiving education in an institution of higher learning but not education leading beyond a first degree.

(4) The derivative pension and derivative gratuity granted under subsection (1) shall be paid or be payable in such proportion as the Yang di-Pertuan Agong may determine and the derivative pension may be reapportioned among other eligible recipients whenever any recipient dies or ceases to be eligible for such payment.

(5) Where a Judge dies in service and leaves no spouse, child, mother or dependent father surviving him, there shall be paid to the legal personal representative of the deceased Judge a derivative gratuity only, computed in accordance with section 7.

Derivative pension where Judge dies in retirement

11. (1) (a) Where a Judge dies within a period of twelve and a half years from the date of his retirement, the Yang di-Pertuan Agong may grant to his spouse or child, or both spouse and child, a derivative pension according to the entitlement of the Judge for a period not exceeding the difference between a period of twelve and a half years and the period during which the Judge had been in retirement; and thereafter the recipient, provided he is resident in Malaysia, shall continue to be paid seventy per centum of the amount granted.

(b) Where a Judge dies after a period of twelve and a half years from the date of his retirement, the Yang di-Pertuan Agong may grant to his spouse or child, or both spouse and child, a derivative pension equivalent to seventy per centum of the Judge’s pension, provided that the recipient is resident in Malaysia.

(2) The derivative pension granted under subsection (1) shall be paid in accordance with that subsection—

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- (a) for life if the recipient is—
 - (i) a spouse;
 - (ii) a child referred to in paragraph (b) of the interpretation of “child” in section 1A;
- (b) for the duration of his education if the recipient is a child who is receiving education in an institution of higher learning but not education leading beyond a first degree.

(3) Notwithstanding subsection (2), the payment of such derivative pension shall only be made where the recipient—

- (a) if a spouse, was married to the Judge prior to the date of his retirement;
- (b) if a child or dependent step-child, is a child or dependent step-child of a marriage that had taken place prior to the date of retirement of the Judge;
- (c) if an adopted child, was adopted prior to the date of retirement of the Judge;
- (d) if an illegitimate child, was conceived prior to the date of retirement of the Judge.

(4) For the avoidance of doubt, it is declared that where the marriage to the Judge concerned had been contracted after the date of his retirement and his death occurs within a period of twelve and a half years from the date of his retirement, his spouse or a child of that marriage, or both such spouse and child, shall be entitled to a derivative pension according to the entitlement of the Judge but only for a period which is the difference between the period of twelve and a half years and the period during which the Judge had been in retirement; and where the death of the Judge occurs after the period of twelve and a half years from the date of his retirement, no derivative pension whatsoever shall be payable.

(5) The derivative pension granted under subsection (1) shall be paid or be payable in such proportion as the Yang di-Pertuan Agong may determine and it may be reapportioned among other eligible recipients whenever a recipient dies or ceases to be eligible for such payment.

Circumstances in which payment of derivative pension shall not be made or shall cease

11A. (1) Notwithstanding sections 10 and 11, no payment of derivative pension shall be made or, if made, such payment shall cease where the recipient is—

- (a) *(Deleted by Act A1170);*
- (b) a child, other than a child referred to in paragraph (b) of the interpretation of “child” in section 1A or in paragraph (c), upon marriage or attaining the age of twenty-one years, whichever occurs earlier;
- (c) a child who is receiving education in an institution of higher learning but not education leading beyond a first degree, upon completing or ceasing to receive such education or upon marriage, whichever occurs earlier.

(2) Where any person is in receipt of or would otherwise be entitled to receive any derivative pension—

- (a) under subsection 10(2), after the expiry of the period of twelve and a half years from the date immediately following the date of death in service of the Judge;
- (b) under paragraph 11(1)(a), after the expiry of the period which is the difference between the period of twelve and a half years from the date of retirement of the Judge and the retirement period of the Judge where the Judge dies within the period of twelve and a half years from the date of retirement; or
- (c) under paragraph 11(1)(b), on the death of the Judge in retirement where the Judge dies after a period of twelve and a half years from the date of retirement,

is not or ceases to be resident in Malaysia, he shall not be paid or be entitled to be paid any derivative pension under any of the provisions referred to in paragraph (a), (b) or (c) after the expiry of any of the periods referred to in paragraph (a) or (b) or on the occurrence of the event referred to in paragraph (c); and he shall not, in the event of his becoming resident or resuming residence in Malaysia, be paid or be entitled to be paid such derivative pension.

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(3) Notwithstanding subsection (2) and sections 10 and 11, the Yang di-Pertuan Agong may generally or specially exempt any person or class of persons for such reasons and subject to such conditions, if any, as may be specified in the exemption from complying with the requirement of that subsection and those sections for that person or class of persons to be resident in Malaysia in order to qualify for any derivative pension under this Act.

Disability pension for Judge

11B. (1) Where a Judge ceases to hold office on the ground of inability from infirmity of body or mind or any other cause properly to discharge the functions of his office as a result of—

- (a) sustaining an injury in the course and arising out of performing his official duty or due to a travel accident; or
- (b) contracting a disease from his working environment,

he shall be entitled, in addition to his pension and gratuity, to a disability pension computed as a fraction of his salary as follows:

| <i>Degree of Impairment</i> | <i>Rate Payable</i> |
|-----------------------------|---------------------|
| Slightly impaired... .. | 1/12 |
| Impaired | 1/6 |
| Materially impaired | 1/4 |
| Totally impaired | 1/3 |

(2) Notwithstanding subsection (1), a Judge appointed prior to the date following the date of publication of the Judges' Remuneration (Amendment) Act 1984 [*Act A609*] in the *Gazette* shall elect in writing within six months of the date following the date of such publication whether he, his dependants or personal representatives, shall be granted either—

- (a) the death and disablement benefits provided as appropriate under paragraph 13 of the Second Schedule; or
- (b) the disability pension and dependant's pension provided as appropriate under this section and section 11C respectively,

in the event of his death or his sustaining an injury in the circumstances referred to in subsection (1)(a) as a result of an accident referred to in paragraph 13 of the Second Schedule, and if he does not so elect, paragraph 13 of the Second Schedule shall continue to apply to his case.

(3) Subject to subsection (2), where a Judge referred to in subsection (1) had sustained such injury in a security area proclaimed under section 47 of the Internal Security Act 1960 [Act 82], the fractions specified in subsection (1) shall be read as if there had been substituted in that subsection wherever they occur $1/8$ for $1/12$, $1/4$ for $1/6$, $3/8$ for $1/4$ and $1/2$ for $1/3$.

(4) No Judge shall qualify for a disability pension under this section unless the impairment in question is permanent, as determined by a board of medical officers constituted for that purpose under section 8A.

(5) For the purpose of subsection (1), “injury” or “disease” means injury or disease which is not due to, or which is not aggravated or contributed by, negligence or misconduct on the part of the Judge concerned.

(6) For the purposes of this section and section 11C, “salary” means the salary of the Judge as specified in the First Schedule at the time of sustaining the injury or contracting the disease.

(7) Where a Judge appointed on or after the date following the date of publication of the Judges’ Remuneration (Amendment) Act 1984 in the *Gazette* sustains an injury in the circumstances referred to in paragraph (1)(a), he shall be entitled to a disability pension only under this section and he shall not have any right of election under subsection (2) to be granted the death and disablement benefits provided as appropriate under paragraph 13 of the Second Schedule.

Dependant’s pension

11C. (1) Subject to subsection (5), where a Judge dies in any of the circumstances referred to in paragraph 11B(1)(a) or (b) and such death occurs within seven years of the date of sustaining the injury or contracting the disease referred to therein, his dependants shall be entitled, in addition to a derivative pension and any derivative gratuity, to a dependant’s pension computed as a fraction of the Judge’s salary as follows:

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- (a) to the widow 1/6
- (b) if the deceased Judge leaves a widow to whom a dependent's pension is granted under paragraph (a), in respect of each child up to six in number 1/48
- (c) if the deceased Judge does not leave a widow or no dependent's pension is granted to the widow under paragraph (a), in respect of each child up to six in number 1/24
- (d) with effect from the date of remarriage or the date following the date of death of the widow to whom a dependant's pension had been granted under paragraph (a), in respect of each child up to six in number 1/24
- (e) if the deceased Judge's mother was wholly or mainly dependent on him for support at the time of his death, to the mother whilst without adequate means of support—
 - (i) if the deceased Judge does not leave a widow or no dependant's pension is granted to the widow under paragraph (a) 1/6
 - (ii) if the deceased Judge leaves a widow to whom a dependant's pension is granted under paragraph (a) 1/12
- (f) if the deceased Judge's father was wholly or mainly dependent on him for support at the time of his death, to the father whilst without adequate means of support—
 - (i) if the deceased Judge does not leave a widow or no dependant's pension is granted to the widow under paragraph (a), and the mother of the Judge is dead or 1/6

- (ii) if the deceased Judge leaves a widow to whom a dependant's pension is granted under paragraph (a), and the mother of the Judge is dead 1/12

(2) Subject to subsection (5), where a Judge referred to in subsection (1) had sustained such injury in a security area proclaimed under section 47 of the Internal Security Act 1960, the fractions specified in subsection (1) shall be read as if there had been substituted in that subsection wherever they occur 1/4 for 1/6, 1/24 for 1/48, 1/12 for 1/24 and 1/8 for 1/12.

(3) Notwithstanding subsections (1) and (2), no payment of a dependant's pension shall be made or, if made, such payment shall cease where the recipient is—

- (a) *(Deleted by Act A1170)*;
- (b) a child, other than a child referred to in paragraph (b) of the interpretation of "child" in section 1A or in paragraph (c), upon marriage or attaining the age of twenty-one years, whichever occurs earlier;
- (c) a child who is receiving education in an institution of higher learning but not education leading beyond a first degree, upon completing or ceasing to receive such education or upon marriage, whichever occurs earlier;
- (d) a deceased Judge's parent, on evidence that the parent is adequately provided with other means of support.

(4) A dependant's pension granted under this section may be re-determined whenever any recipient dies or ceases to be eligible for such payment.

(5) This section shall not apply to the dependants of a Judge to whom paragraph 13 of the Second Schedule apply pursuant to subsection 11B(2).

Provisional award where amount of pension or other benefit yet to be determined

11D. Where a Judge or his dependants are eligible for any pension or other benefit under this Act but the amount of such pension or

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other benefit has not yet been determined, the Yang di-Pertuan Agong may make to such Judge or his dependants a provisional award of the pension or other benefit pending determination of the amount.

Payment without probate or letters of administration

11E. (1) Notwithstanding any written law to the contrary, where a Judge who is entitled to any payment under this Act dies before the payment is made, the amount remaining unpaid may be paid to his dependants without probate or letters of administration.

(2) Any unpaid amount under this section shall not form part of the deceased Judge's estate and shall be used for the benefit of his dependants.

(3) For the purpose of this section, "unpaid" means not yet paid by the Government or not yet drawn by the Judge.

Judges appointed from the public service

12. (1) Where a Judge is appointed from amongst members of the public service and he has not attained the age of fifty years, the person so appointed shall, for the purpose of the law relating to pension or gratuity applicable to him be deemed to have retired from that service as if he had attained the age of fifty years on the date immediately before the date of such appointment and that person shall be eligible for a pension or gratuity in accordance with the aforesaid law calculated with reference to the number of completed months reckonable service prior to the date of such appointment.

(2) Where a Judge is appointed from amongst members of the public service and he has attained the age of fifty years, the person so appointed shall for the purpose of the law relating to pension or gratuity applicable to him be deemed to have exercised his option to retire from that service after attaining the age of fifty years on the date immediately before the date of such appointment and that person shall be eligible for a pension or gratuity accordingly.

(3) Any pension or gratuity which may be granted to a Judge under subsection (1) or (2) shall become payable in the case of a Judge referred to in subsection (1) upon his attaining the age of

fifty years and in the case of a Judge referred to in subsection (2) upon his appointment as a Judge:

Provided that when he attains the age of fifty years, a person referred to in subsection (1)—

- (a) is holding office as Judge; or
- (b) is serving in the capacity in respect of which he was granted permission to retire under section 8B.

(3A) Where a person referred to in subsection (1)—

- (a) dies while holding office as Judge; or
- (b) dies while serving in the capacity in respect of which he was granted permission to retire from the office of Judge under section 8B,

before attaining the age of fifty years, his dependants shall be granted a derivative pension and a derivative gratuity in accordance with the law mentioned in subsection (1).

(3B) Notwithstanding subsection (3), where a Judge referred to in subsection (1) retires from office under paragraph 8(d) or under section 8A before attaining the age of fifty years, he shall be granted a pension and a gratuity in accordance with the law mentioned in subsection (1), and in the event of his death in retirement, his dependants shall be granted a derivative pension in accordance with such law.

(3C) The pension, gratuity, derivative pension or derivative gratuity granted under this section shall be in addition to the pension and other benefits to which a person may be entitled under this Act.

(3D) Where eligibility for any derivative pension or dependant's pension under the law mentioned in subsection (1) is dependent upon the computation of any period of time from the occurrence of an event under that law, such computation of time shall commence from the date on which the pension or disability pension of the person referred to in subsection (1) was paid or became due to be paid under this section and not otherwise, and the law mentioned in subsection (1) shall be applied as modified by this subsection to the dependants of Judges to whom this section applies.

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(3E) The proviso to subsection (3) shall not apply to a Judge who has, as required by the Yang di-Pertuan Agong under section 8C, relinquished the office of a Judge in order to serve in another capacity for any period in the national interest, and is still serving in the other capacity when he attains the age of fifty years.

(4) This section shall be deemed to have come into force on the date on which this Act came into force:

Provided that in the case of a Judge appointed from amongst members of the public service—

- (a) who attained the age of fifty years but not the age of fifty-five years prior to 1 July 1977, such Judge shall not be paid a pension and a gratuity in respect of any period prior to 1 July 1977; and
- (b) who attained the age of fifty-five years prior to 1 July 1977, such Judge shall be paid a pension and a gratuity from the date on which he attained such age,

and subsection (3) shall apply in all other cases from 1 July 1977.

Pension not assignable or attachable

13. No pension or other benefit granted under this Act shall be assignable or transferable, or liable to be attached, sequestered or levied upon, for or in respect of any debt or claim whatsoever other than a debt due to the Government.

Consequential amendments

14. (1) Section 2 of the Pensions Ordinance 1951 [*No. 1 of 1951*], as applicable to the States of Malaya, is hereby amended by deleting the words “a Judge of the Supreme Court and” from the definition of “officer” therein.

(2) Subject to sections 12 and 16, so much of the Pensions Ordinance 1951 aforesaid, the Pensions Ordinance 1963, of Sabah [*No. 3 of 1963*] and the Pensions Ordinance of Sarawak [*Cap. 89*] as may be applicable to a Judge of the Federal Court or of the High Courts of Malaya and Sabah and Sarawak and so much of any notification made under section 2 respectively of the

aforesaid pension laws respecting the office of a Judge shall upon the commencement of this Act be deemed to have no force or effect.

Saving

15. (1) Nothing in this Act shall affect any pension or gratuity which has been granted or to which a Judge was eligible before the commencement of this Act; and the payment of the pension or gratuity so granted may be continued and the pension or gratuity in respect of which he was eligible may be granted, under such laws as may be applicable unless he has elected in accordance with section 16 to be governed by this Act.

(2) Nothing in this Act shall render the Government liable to pay any sum in excess of the amount payable to a Judge as pension or gratuity whether as interest or otherwise and whether the pension or gratuity shall have become payable before or after the commencement of this Act.

PART IIIA

ADJUSTMENT OF PENSIONS AND OTHER BENEFITS OF JUDGES AND DEPENDANTS

Application of Part

15A. (1) Subject to this section, this Part shall apply in respect of—

- (a) Judges who on retirement receive or are entitled to receive pensions or other benefits under Part III;
- (b) the dependants of Judges referred to in paragraph (a) who, on the death in service or in retirement of the Judges concerned, receive or are entitled to receive pensions or other benefits under Part III,

and who are resident in Malaysia.

(2) Where—

- (a) a Judge who on retirement; or
- (b) any of his dependants who, on the death in service or in retirement of the Judge,

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is in receipt of or would otherwise be entitled to receive any pension or other benefit under Part III and this Part is not or ceases to be resident in Malaysia, he shall be paid or be entitled to be paid the pension or other benefit, if any, which was originally granted under Part III and he shall not be paid or be entitled to be paid any pension or other benefit under this Part; and he shall not, in the event of his becoming resident or resuming residence in Malaysia, be paid or be entitled to be paid any pension or other benefit after adjustment under this Part.

(3) Notwithstanding subsections (1) and (2), the Yang di-Pertuan Agong may generally or specially exempt any person or class of persons for such reasons and subject to such conditions, if any, as may be specified in the exemption from complying with the requirement of this section for that person or class of persons to be resident in Malaysia in order to qualify for the adjustment of any pension or other benefit under this Part.

Adjustment of pensions and other benefits of Judges and dependants

15B. (1) Subject to Part III and this Part, pensions and other benefits granted to Judges and their dependants under that Part before or on the implementation of any current salary shall be adjusted in accordance with this Act and shall be paid or be payable with effect from the date of implementation of the current salary.

(2) The pension of a Judge granted under Part III shall be adjusted as provided in the Third Schedule.

(3) Any derivative pension granted under Part III shall be adjusted as provided in the Fourth Schedule.

(4) Any disability pension or dependant's pension granted under Part III shall be adjusted based on the Judge's corresponding last drawn salary but the factor applicable shall be the factor under that Part.

(5) In the event of any doubt in the determination of the corresponding last drawn salary of—

(a) a Judge of a High Court;

- (b) a Judge of the Federal Court or of the Court of Appeal or a President or a Chief Judge; or
- (c) a Chief Justice,

the corresponding last drawn salary in each case shall be determined respectively by—

- (i) the Chief Judge of the High Court concerned;
- (ii) the Chief Justice; or
- (iii) the Yang di-Pertuan Agong.

PART IV
GENERAL

Election

16. A person who has been appointed a Judge before the commencement of this Act may within three months of the date of the commencement elect in writing to be governed by this Act; and if he does not so elect he shall continue to be governed by such other laws as may be applicable to him as if this Act has not been passed.

Payment of pension or other benefit

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

Charge on the Consolidated Fund

18. All payments made under this Act shall be charged on the Federal Consolidated Fund.

Regulations

19. (1) The Yang di-Pertuan Agong may, after consultation with the Chief Justice, make regulations for the purpose of carrying into effect any of the provisions of this Act.

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(2) Regulations made under subsection (1) may amend or vary the First, Second and Fifth Schedules.

Remuneration of Judicial Commissioners

19A. A person appointed to be a full time Judicial Commissioner under Article 122A of the Federal Constitution shall be entitled to receive such remuneration as is provided in the Fifth Schedule.

Repeal

20. The Judges Remuneration Act 1963 is repealed.

FIRST SCHEDULE

[Subsection 2(1)]

| (1) | (2) | (3) |
|--|---------------------------------|---------------------------|
| <i>Judges</i> | <i>Salary (pensionable)</i> | <i>Effective date</i> |
| 1. Chief Justice | RM15,972.00 per month | 1-1-2004 |
| 2. President of the Court of Appeal | RM14,002.12 per month | 1-1-2004 |
| 3. Chief Judge of the High Court in Malaya | RM13,869.02 per month | 1-1-2004 |
| 4. Chief Judge of the High Court in Sabah and Sarawak | RM13,509.65 per month | 1-1-2004 |
| 5. Judges of the Federal Court | RM13,017.18 per month | 1-1-2004 |
| 6. Judges of the Court of Appeal | RM12,531.37 per month | 1-1-2004 |
| 7. Judges of the High Courts in Malaya and Sabah and Sarawak | RM12,045.55 per month | 1-1-2004 |

SECOND SCHEDULE

[Subsection 2(2)]

1. ACCOMMODATION:

| (1) Judges | (2) Effective Date |
|---|--------------------------|
| 1. Chief Justice— | |
| (i) free fully furnished institutional quarters, or in lieu thereof a house rent subsidy of RM3,150.00 per month; | 1-1-1992 |
| (ii) a provision of RM2,100.00 per month for domestic help; and | 1-1-1996 |
| (iii) a provision of RM4,100.00 per annum for house and garden upkeep | 1-1-1996 |
| 2. President of the Court of Appeal— | |
| (i) free fully furnished institutional quarters, or in lieu thereof a house rent subsidy of RM2,500.00 per month; | 1-7-1994 |
| (ii) a provision of RM2,000.00 per month for domestic help; and | 1-1-1996 |
| (iii) a provision of RM3,000.00 per annum for house and garden upkeep | 1-1-1996 |
| 3. Chief Judges— | |
| (i) free fully furnished institutional quarters, or in lieu thereof a house rent subsidy of RM2,500.00 per month; | 1-1-1992 |
| (ii) a provision of RM2,000.00 per month for domestic help; and | 1-1-1996 |
| (iii) a provision of RM3,000.00 per annum for house and garden upkeep | 1-1-1996 |

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4. Judges of the Federal Court—

- | | | |
|-------|---|----------|
| (i) | free fully furnished institutional quarters which (including the compound) shall be maintained free of charge, or in lieu thereof a house rent subsidy of RM2,250.00 per month; | 1-1-1992 |
| (ii) | a provision of RM1,000.00 per month for domestic help; and | 1-1-1996 |
| (iii) | a provision of RM3,000.00 per annum for house and garden upkeep | 1-1-1996 |

5. Judges of the Court of Appeal—

- | | | |
|-------|---|----------|
| (i) | free fully furnished institutional quarters which (including the compound) shall be maintained free of charge, or in lieu thereof a house rent subsidy of RM2,250.00 per month; | 1-7-1994 |
| (ii) | a provision of RM1,000.00 per month for domestic help; and | 1-1-1996 |
| (iii) | a provision of RM3,000.00 per annum for house and garden upkeep | 1-1-1996 |

6. Judges of the High Courts—

- | | | |
|-------|---|----------|
| (i) | free fully furnished institutional quarters which (including the compound) shall be maintained free of charge, or in lieu thereof a house rent subsidy of RM2,250.00 per month; | 1-1-1992 |
| (ii) | a provision of RM1,000.00 per month for domestic help; and | 1-1-1996 |
| (iii) | a provision of RM3,000.00 per annum for house and garden upkeep | 1-1-1996 |

The privilege and allowance in this paragraph shall be accorded or paid notwithstanding that the Judge has been granted a loan under the housing loans scheme referred to in paragraph 14.

In this paragraph, “free fully furnished institutional quarters” means housing accommodation provided free of rent by the Government and furnished in accordance with the guidelines of the Government for the furnishing of such accommodation.

2. ENTERTAINMENT ALLOWANCE:

| (1) | (2) | (3) |
|--|-------------------------|----------------|
| Judges | Amount | Effective Date |
| 1. Chief Justice | RM5,400.00 per month | 1-3-1998 |
| 2. President of the Court of Appeal | RM5,100.00 per month | 1-3-1998 |
| 3. Chief Judge of the High Court in Malaya | RM5,100.00 per month | 1-3-1998 |
| 4. Chief Judge of the High Court in Sabah and Sarawak | RM5,100.00 per month | 1-3-1998 |
| 5. Judges of the Federal Court | RM5,000.00 per month | 1-3-1998 |
| 6. Judges of the Court of Appeal | RM4,800.00 per month | 1-3-1998 |
| 7. Judges of the High Courts in Malaya and Sabah and Sarawak | RM4,600.00 per month | 1-3-1998 |

3. REGIONAL ALLOWANCE:

| (1) | (2) |
|--|----------------|
| Allowance and Judges eligible therefor | Effective Date |
| A monthly regional allowance at the rate of 10 per centum of monthly salary shall be paid to the Chief Judge and Judges of the High Court in Sabah and Sarawak for so long as they serve in the States of Sabah and Sarawak. | 1-7-1977 |

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3A. REGIONAL ALLOWANCE FOR EMPLOYEES:

| (1) | (2) |
|---|----------------|
| Regional allowance for employee of a Judge | Effective Date |
| There shall be paid in respect of any employee of a Judge serving in the State of Sabah or Sarawak a monthly regional allowance at the rate of— | 1-7-1980 |
| (a) 25 per centum; or | |
| (b) 22 1/2 per centum, | |
| of such employee's monthly salary where his salary respectively is— | |
| (i) less than RM360.00; or | |
| (ii) between RM360.00 and RM549.00, | |
| per month. | |
| The allowance in this paragraph shall be paid to the employing Judge. | |

4. SPECIAL ALLOWANCE:

| (1) | (2) |
|---|----------------|
| Special allowance to a Judge | Effective Date |
| Such special allowance as the Government may in its discretion deem fit to grant to a Judge on an ad hoc basis. | 1-1-1974 |

4A. ALLOWANCE FOR CARRYING OUT DUTIES OF A HIGHER OFFICE:

| (1) | (2) |
|---|----------------|
| Allowance for carrying out duties of a higher office for a Judge | Effective Date |
| This allowance may be paid to a Judge who is carrying out the duties of a higher office on the direction of the Chief Justice for a period of not less than 28 days and the payment of the allowance is to be calculated at one fourth of the substantive salary for the higher office. | 1-1-1996 |

5. OFFICIAL CAR:

| (1) | (2) |
|--|----------------|
| Provision for a car, <i>etc.</i> , for a Judge | Effective Date |
| A Government car inclusive of all accessories shall be provided with syce to each of the Judges. Maintenance, provision of petrol/diesel, oil and lubrication for such car shall be borne by the Government. The official car of a Judge may be provided with a crest approved by the Chief Justice. | 1-1-1996 |

6. SYCE ALLOWANCE:

| (1) | (2) |
|---|----------------|
| Allowances and uniforms for a syce of a Judge | Effective Date |
| (a) There shall be provided an allowance (including lodging, subsistence and overtime allowances) for one syce for each of the Judges at such rates as may from time to time be determined by the Government. | 1-7-1977 |
| (b) The terms of service of such syce shall be as may be determined from time to time by the Government. | |
| (c) Until otherwise prescribed by the Government, the allowances which may be paid under this paragraph shall be the same as the salary and allowances paid to drivers in Government service. | 1-1-1996 |

The allowances and expenses in this paragraph shall be paid to the Judge employing a syce.

6A. OTHER ALLOWANCES OF EMPLOYEES:

| (1) | (2) |
|---|----------------|
| Allowances, contributions and perquisites for employees of a Judge | Effective Date |
| There shall be paid in respect of such employees of a Judge as are referred to in this Schedule such other allowances, contributions and perquisites for which no specific provision is made in this Schedule but which are paid or provided by Government from time to time in respect of the employees of an officer in superscale "A" and above in the Managerial and Professional Group of the public services, engaged in an equivalent or a similar capacity as the employees of a Judge. | 1-7-1980 |

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The allowances, contributions and perquisites in this paragraph shall be paid or made out to the employing Judge.

7. SUBSISTENCE ALLOWANCE:

| (1) | (2) |
|------------------------------|----------------|
| Allowance payable to a Judge | Effective Date |

| | |
|---|----------|
| The subsistence allowance payable in respect of officers serving in superscale "A" and above in the Managerial and Professional Group of the public services, as revised from time to time: | 1-7-1980 |
|---|----------|

Provided that where a Judge is on duty exceeding eight hours away from station, he shall be paid the full allowance.

8. LODGING EXPENSES:

| (1) | (2) |
|-------------------------------|----------------|
| Expenses claimable by a Judge | Effective Date |

| | |
|--|----------|
| The lodging expenses or lodging allowances payable in respect of officers serving in superscale "A" and above in the Managerial and Professional Group of the public services, as revised from time to time. | 1-7-1980 |
|--|----------|

9. ADVANCE TO PURCHASE A MOTOR-CAR:

| (1) | (2) |
|----------------------------|----------------|
| Advance granted to a Judge | Effective Date |

| | |
|--|----------|
| The car loans scheme applicable to officers serving in superscale "A" and above in the Managerial and Professional Group of the public services, as revised from time to time. | 1-7-1980 |
|--|----------|

10. OFFICIAL COSTUME, ETC.:

| (1) | (2) |
|---|----------------|
| Allowances for a Judge | Effective Date |
| (a) A Judge shall be eligible to claim a subsidised payment of RM750.00 once in 3 years as allowance for official attire used while presiding. | 1-1-1996 |
| (b) A Judge shall be eligible to be provided with ceremonial costume at a price approved by the Treasury. | 1-1-1996 |
| (c) A Judge shall be eligible to receive warm clothing allowance of RM600.00 once in 3 years when required to carry out duties overseas or in a country with temperate climate and subsidised payment for "Black Tie" attire of RM500.00 once in 3 years. | 1-1-1996 |

11. MEDICAL FACILITIES:

| (1) | (2) |
|--|----------------|
| Facilities of a Judge and members of family | Effective Date |
| (a) All medical facilities accorded to officers serving in Principal Grade A post in the public service as revised from time to time. | 1-1-1996 |
| (b) For treatment overseas, a certificate shall be issued by a medical board established by the Chief Justice, the membership of which shall be in accordance with subsection 8A(2). Before issuing the certificate, the medical board shall first obtain the approval of the Prime Minister. | 1-1-1996 |
| (c) A retired Judge receiving pension or other benefits under this Act, the spouse, and children, of the Judge are respectively eligible to receive the same medical benefits as an officer retired on Principal Grade A post in the public service, the spouse, and children, of the officer. | 1-1-1996 |

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12. LEAVE:

| (1) | (2) |
|--|-------------------|
| Types of leave and number of eligible days for a Judge | Effective Date |
| <p>(a) <i>Vacation Leave</i></p> <p>(i) 35 days in a year excluding public holidays and weekly holidays. Vacation leave shall be taken in the year it accrues and if, owing to the exigencies of service, leave has not been taken in that year, then the leave may be carried forward up to the next two years, to the third year; provided that leave for the first year which has not been used up in the third year will lapse at the end of the third year.</p> <p>(ii) Prior approval shall be obtained by a Judge who wishes to use vacation leave for the purpose of overseas travel.</p> <p>The approving authority for the purpose of this subsubparagraph is—</p> <p>(aa) For the Chief Justice, the Prime Minister;</p> <p>(bb) for the President, the Chief Judges and Judges of the Federal Court, the Chief Justice;</p> <p>(cc) for other Judges, the President or the Chief Judge concerned.</p> <p>(iii) Other provisions on vacation leave applicable to officers serving in Principal Grade A post in the public service as revised from time to time.</p> | <p>1-1-1996</p> |
| <p>(b) <i>Sick leave and facilities in relation thereto</i></p> <p>(i) Provisions on sick leave and facilities in relation thereto applicable to officers serving in Principal Grade A post in the public service as revised from time to time.</p> | <p>1-1-1996</p> |

(ii) In relation to approval, references to “Head of Department” and “Appropriate Authority” in the provisions regulating officers in the public service shall be construed as references to the Prime Minister in the case of the Chief Justice and to the Chief Justice in the case of other Judges for the purpose of this subparagraph.

(iii) If a medical board is required to be established for the purpose of this subparagraph, then the Chief Justice may establish a medical board and the membership of that medical board shall be in accordance with subsection 8A(2).

(c) *Leave for tuberculosis, leprosy and cancer and other serious diseases* 1-1-1996

In accordance with leave benefits and medical facilities that may be accorded to officers serving in Principal Grade A post in the public service as revised from time to time.

(d) *Pilgrimage leave* 1-1-1996

Once during the period of service, subject to a maximum of 40 days, including weekly holidays and public holidays, to a Muslim Judge. The approving authority referred to in subparagraph (a) shall be the approving authority for the purpose of this subparagraph. Judges appointed from the Judicial and Legal Service who have already taken pilgrimage leave are no longer eligible to obtain this facility as a Judge.

(e) *Other types of leave*

(i) Maternity leave/paternity leave 1-1-1996

May be accorded as such leave is accorded to staff of the public service as revised from time to time.

(ii) Leave without pay 1-1-1996

May be accorded as such leave is accorded to staff of the public service as revised from time to time. In this subparagraph, “without pay” means without basic salary, house rent subsidy, entertainment allowance and special judicial allowance.

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12A. PAYMENT IN LIEU OF LEAVE:

| (1) Accumulation of leave by a Judge for cash award | (2) Effective Date |
|--|--------------------------|
| (a) Where, owing to exigencies of service, a Judge is unable to take his annual vacation leave, he may elect to accumulate up to half of his vacation leave eligibility but subject to a maximum of fifteen days in a year and, on his retirement or death— (i) be granted a cash award equivalent to one-thirtieth of his last-drawn monthly salary for each day up to a maximum of ninety days; or (ii) to have converted such accumulated leave, up to a maximum of one hundred and eighty days, as reckonable service in computing his pension and gratuity. | 1-1-1974 |

Any vacation leave not taken in preceding years may be taken into account when calculating accumulated leave for the purposes of this paragraph but subject, however, to a maximum of fifteen days' accumulation for each year.

“The last drawn monthly salary” means the basic salary added together with house rent subsidy, entertainment allowance and special judicial allowance for a Judge who dies or retires on or after 1 August 1993.

| | |
|---|----------|
| (b) Where owing to exigencies of service, a Judge is unable to use up the current yearly vacation leave, the Judge may elect to accumulate from the balance of leave, any number of days not exceeding 15, so that on the day of the retirement or death of the Judge, the Judge or the beneficiary of the Judge will be granted a cash award which is equivalent to one thirtieth of the last drawn monthly salary of the Judge for each day up to a maximum of ninety days. | 1-1-1996 |
|---|----------|

In this subparagraph, “the last drawn monthly salary” means the basic salary added together with house rent subsidy, entertainment allowance and special judicial allowance.

13. DEATH AND INJURY BENEFITS IN AIRCRAFT ACCIDENTS:

| (1) | (2) |
|--|-----------------|
| Benefits to a Judge or his dependants | Effective Date |
| <p>Liabilities for an injury or death arising out of an aircraft accident in the course of duty shall be borne entirely by the Government. The rates of death and disablement benefits for Judges arising from such accidents shall be as follows:</p> | <p>3-9-1971</p> |

- (a) For death caused by an injury sustained in an accident, a sum of RM150,000.00:

Provided that where the dependants or legal personal representatives are entitled to receive similar benefits under any other provisions of this Act, such dependants or legal personal representatives shall be entitled at their option to receive one benefit only.

- (b) For permanent disablement caused by an injury sustained in an accident resulting in—
- (i) loss of two or more limbs by actual separation at or above the wrist or ankle; or the total and irrecoverable loss of all sight of both eyes; or the loss of one limb accompanied by the loss of sight of one eye: RM275,000.00;
 - (ii) loss of one limb by actual separation at or above the wrist or ankle; or the total and irrecoverable loss of sight of one eye: RM150,000.00;
 - (iii) total incapacity (total disablement) from engaging in or giving attention to any profession or occupation: RM275,000.00;
 - (iv) partial disablement: proportionate, according to medical assessment of the percentage degree of such disablement.

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14. HOUSING LOANS SCHEME:

| (1) | (2) |
|---|----------------|
| Loan scheme for a Judge | Effective Date |
| (a) The housing loans scheme applicable to officers serving in superscale "A" and above in the Managerial and Professional Group of the public services, as revised from time to time. | 1-1-1996 |
| (b) Judges appointed from the Judicial and Legal Service who have already obtained a housing loan from the Government while serving in any grade of post are no longer eligible to obtain this facility as a Judge. | |

15. SUPPLY OF ELECTRICITY AND WATER:

| (1) | (2) |
|--|----------------|
| Supply of electricity and water for a Judge | Effective Date |
| A Judge shall be reimbursed payment made for the supply of electricity and water to the house occupied by him. | 1-7-1980 |

16. PAID PASSAGE FOR OVERSEAS TRAVEL:

| (1) | (2) |
|--|----------------|
| Paid passage for overseas travel for Judge and certain dependants | Effective Date |
| (a) Once in every five years of his service, a Judge shall be eligible to have passage paid by Government for overseas travel to a destination of his choice for himself, his spouse and three of his dependent children below twenty-one years of age. The fare for such travel shall not exceed the equivalent return fare for travel by air from Kuala Lumpur to London by first class for the Judge and his spouse and by economy class for any or all of the three accompanying dependent children. | 1-7-1980 |

- (b) If the destination is nearer than Kuala Lumpur/London/Kuala Lumpur, only the actual fare to the destination of choice will be paid by the Government. If the destination of choice is further than Kuala Lumpur/London/Kuala Lumpur, the Judge is required to pay the difference in the higher fare.
- (c) This paid passage facility must be used while the Judge is in office that is before the Judge retires or leaves office.
- (d) This facility may also be used separately by the Judge and spouse that is it need not be used by the Judge together with the spouse or at the same time.

16A. PAID PASSAGE TO VISIT PLACE OF ORIGIN:

| (1) | (2) |
|---|-------------------|
| Paid passage for travel within Malaysia for a Judge and spouse and children | Effective Date |
| Once in every 2 years of service, a Judge from Peninsular Malaysia who is serving in Sabah or Sarawak or a Judge from Sabah or Sarawak who is serving in Peninsular Malaysia is eligible for paid air fare from the Government to travel to Peninsular Malaysia or Sabah or Sarawak for himself, the spouse (first class fare) and three children below the age of twenty-one years (economy class fare). | 1-1-1996 |

17. SPECIAL JUDICIAL ALLOWANCE:

| (1) | (2) | (3) |
|-------------------------------------|-------------------------|-------------------|
| Judges | Amount | Effective Date |
| 1. Chief Justice | RM6,000.00 per month | 1-1-1996 |
| 2. President of the Court of Appeal | RM4,500.00 per month | 1-1-1996 |

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| | | |
|---|-------------------------|----------|
| 3. Chief Judge of the High Court in Malaya | RM4,500.00 per month | 1-1-1996 |
| 4. Chief Judge of the High Court in Sabah and Sarawak | RM4,500.00 per month | 1-1-1996 |
| 5. Judges of the Federal Court | RM3,750.00 per month | 1-1-1996 |
| 6. Judges of the Court of Appeal | RM3,675.00 per month | 1-1-1996 |
| 7. Judges of the High Courts in Malaya and Sabah and Sarawak | RM3,600.00 per month | 1-1-1996 |

18. PENSIONER'S CARD

1-1-1996

- (a) The Chief Justice may issue a pensioner's card to a former Judge who is receiving pension or other benefits under this Act and to the spouse of the Judge for the purpose of identification and to enable the Judge and spouse to be eligible to receive medical benefits and other facilities as determined by the Government from time to time.
- (b) The pensioner's card shall be surrendered to the Chief Justice when the former Judge is no longer eligible to receive the medical benefits and other facilities.
- (c) In the event the pensioner's card is lost and a new card is required, the former Judge or spouse shall make a police report and a copy of the police report shall be forwarded to the Chief Justice, who may issue a new card to the Judge or spouse.
-

THIRD SCHEDULE

[Subsection 15B(2)]

ADJUSTMENT FORMULA FOR PENSION OF JUDGE

| <i>Type of Benefit</i> | <i>Formula</i> |
|------------------------|--|
| Pension of a Judge | $\left. \begin{array}{l} 1/360 \times \text{number of months of service} \\ \text{(subject to not more than 180 months)} \times \\ \text{corresponding last drawn salary; but the} \\ \text{amount of pension, as adjusted, which is} \\ \text{paid or payable in the case of a Judge who} \\ \text{retires under paragraph 8(d) or under} \\ \text{section 8A shall not be less than } 1/5 \text{ of the} \\ \text{Judge's corresponding last drawn salary} \end{array} \right\}$ |

FOURTH SCHEDULE

[Subsection 15B(3)]

ADJUSTMENT FORMULA FOR DERIVATIVE PENSION
OF DEPENDANT

| <i>Type of Benefit</i> | <i>Formula</i> |
|---|--|
| Derivative pension shall be paid or be payable— (a) for a period of 12 1/2 years from the date immediately following the date of death in service of the Judge on or after 1 July 1980; or (b) where the death of the Judge in service or in retirement had occurred within a period of 12 1/2 years prior to 1 July 1980, for a period (commencing from 1 July 1980) which is the difference between the period of 12 1/2 years and the period during which derivative pension had been paid or payable prior to 1 July 1980; or | $\left. \begin{array}{l} 1/360 \times \text{number of months of} \\ \text{service (subject to not more than} \\ \text{180 months)} \times \text{corresponding} \\ \text{last drawn salary; but the} \\ \text{amount of derivative pension,} \\ \text{as adjusted, which is paid or} \\ \text{payable on the death of the} \\ \text{Judge in service or in} \\ \text{retirement under paragraph} \\ \text{8(d) or under section 8A shall} \\ \text{not be less than } 1/5 \text{ of the} \\ \text{Judge's corresponding last} \\ \text{drawn salary.} \end{array} \right\}$ |

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(c) where the death of the Judge occurs within a period of 12 1/2 years from the date of his retirement on or after 1 July 1980, for a period which is the difference between the period of 12 1/2 years and the period during which the Judge had been in retirement; and

} 1/360 x number of months of service (subject to not more than 180 months) x corresponding last drawn salary; but the amount of derivative pension, as adjusted, which is paid or payable on the death of the Judge in service or in retirement under paragraph 8(d) or under section 8A shall not be less than 1/5 of the Judge's corresponding last drawn salary.

(d) for life (commencing on or after 1 July 1980)—

- (i) after the expiry of the appropriate period for the payment of derivative pension under sub-paragraph (a), (b) or (c); or
 - (ii) where the death of the Judge in service or in retirement had occurred before a period of 12 1/2 years prior to 1 July 1980; or
 - (iii) where the death of the Judge occurs after a period of 12 1/2 years from the date of his retirement on or after 1 July 1980
- } 70 per cent of amount paid or payable under subparagraph (a), (b) or (c) of this paragraph



FIFTH SCHEDULE

[Section 19A]

1. SALARY:

RM10,980.75 per month

2. ENTERTAINMENT ALLOWANCE:

RM4,000.00 per month

3. SPECIAL JUDICIAL ALLOWANCE:

RM3,600.00 per month

4. ACCOMMODATION:

Free fully furnished institutional quarters as may be provided to a Judge of a High Court or in lieu thereof a house rent subsidy of RM2,000.00 per month

5. OTHER ALLOWANCES AND PRIVILEGES:

The allowances and privileges specified in subparagraphs 6(ii) and 6(iii) in paragraph 1 and paragraphs 3, 3A, 4, 5, 6, 6A, 7, 8, 10, 11, 12, 13 and 15 of the Second Schedule.

LAWS OF MALAYSIA

Act 45

JUDGES' REMUNERATION ACT 1971

LIST OF AMENDMENTS

| Amending law | Short title | In force from |
|------------------|--|---|
| P.U.(A) 403/1972 | Judges' Remuneration Regulations 1972 | 22-12-1972 |
| P.U.(A) 360/1973 | Judges' Remuneration Regulations 1973 | 21-12-1973 |
| P.U.(A) 47/1975 | Judges' Remuneration Regulations 1975 | 01-04-1974 |
| P.U.(A) 432/1975 | Judges' Remuneration (Amendment) (No. 2) Regulations 1975 | 26-12-1975 |
| Act A420 | Judges' Remuneration (Amendment) Act 1978 | 24-02-1978 |
| Act A443 | Judges' Remuneration (Amendment) Act 1979 | 01-01-1976 |
| P.U.(A) 11/1979 | Judges' Remuneration (Amendment of Second Schedule) Regulations 1979 | 26-01-1979 |
| Act A463 | Judges' Remuneration (Amendment) (No. 2) Act 1979 | 14-09-1979 |
| Act A494 | Judges' Remuneration (Amendment) Act 1980 | 01-07-1980 |
| P.U.(A) 366/1980 | Judges' Remuneration (Amendment of Second Schedule) Regulations 1980 | 01-08-1979 |
| P.U.(A) 367/1980 | Judges' Remuneration (Amendment of Second Schedule) (No. 2) Regulations 1980 | 01-07-1980 |
| Act A609 | Judges' Remuneration (Amendment) Act 1984 | 01-07-1980 except s.1(2): 01-01-1985 |

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|------------------|--|--|
| Amending law | Short title | In force from |
| Act A796 | Judges' Remuneration (Amendment) Act 1991 | 12-04-1991 s.3: 01-10-1988 |
| P.U.(A) 405/1991 | Judges' Remuneration (Amendment of First Schedule) Regulations 1991 | 01-01-1991 |
| P.U.(A) 144/1993 | Judges' Remuneration (Amendment of Schedule) Regulations 1993 | 04-06-1993 except subregulation 2(1): 01-01-1989 and regulations 3 and 4: 01-01-1992 |
| Act A872 | Judges' Remuneration (Amendment) Act 1994 | 01-01-1992 |
| Act A885 | Constitution (Amendment) Act 1994 | 24-06-1994 |
| Act A899 | Judges' Remuneration (Amendment) (No. 2) Act 1994 | 01-07-1994 |
| P.U.(A) 567/1996 | Judges' Remuneration (Amendment of Second Schedule) Regulations 1996 | 15-11-1996 |
| P.U.(A) 378/1997 | Judges' Remuneration (Amendment of Schedules) Regulations 1997 | 02-10-1997 except s. 4(a): 01-01-1995 and s. 4(b), (c), (d) and (e): 01-01-1996 |
| P.U.(A) 256/1998 | Judges' Remuneration (Amendment of Fifth Schedule) Regulations 1998 | 01-01-1996 |
| P.U.(A) 298/1998 | Judges' Remuneration (Amendment of Second Schedule) Regulations 1998 | 01-03-1998 |
| Act A1013 | Judges' Remuneration (Amendment) Act 1998 | 01-01-1995 |
| P.U.(A) 55/2000 | Judges' Remuneration (Amendment to Second Schedule) Regulations 2000 | 01-03-1998 |

Judges' Remuneration

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| Amending law | Short title | In force from |
|------------------|--|---------------|
| P.U.(A) 423/2000 | Judges' Remuneration (Amendment of First and Fifth Schedules) Regulations 2000 | 01-01-2000 |
| P.U.(A) 159/2002 | Judges' Remuneration (Amendment of First and Fifth Schedules) Regulations 2002 | 01-01-2002 |
| Act A1170 | Judges' Remuneration (Amendment) Act 2002 | 01-01-2002 |
| P.U.(A) 67/2005 | Judges' Remuneration (Amendment of First and Fifth Schedules) Regulations 2005 | 01-01-2004 |
| Act A1258 | Judges' Remuneration (Amendment) Act 2005 | 21-03-2005 |

LAWS OF MALAYSIA**Act 45****JUDGES' REMUNERATION ACT 1971**

LIST OF SECTIONS AMENDED

| Section | Amending authority | In force from |
|------------|--------------------|---------------|
| Long title | Act A609 | 01-07-1980 |
| 1A | Act A609 | 01-07-1980 |
| | Act A899 | 01-07-1994 |
| | Act A1258 | 21-03-2005 |
| 2 | Act A443 | 01-01-1976 |
| | Act A609 | 01-07-1980 |
| 3 | Act A443 | 01-01-1976 |
| | Act A609 | 01-07-1980 |
| 4 | Act A609 | 01-07-1980 |
| 5 | Act A872 | 01-01-1992 |
| 6 | Act A609 | 01-07-1980 |
| 7 | Act A443 | 01-01-1976 |
| | Act A609 | 01-07-1980 |
| | Act A1013 | 01-01-1995 |
| 8 | Act A443 | 01-01-1976 |
| | Act A463 | 14-09-1979 |
| | Act A609 | 01-07-1980 |

Judges' Remuneration

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| Section | Amending authority | In force from |
|---------|--------------------|---------------|
| | Act A899 | 01-07-1994 |
| | Act A1258 | 21-03-2005 |
| 8A | Act A463 | 14-09-1979 |
| 8B | Act A463 | 14-09-1979 |
| | Act A872 | 01-01-1992 |
| | Act A899 | 01-07-1994 |
| 8C | Act A872 | 01-01-1992 |
| | Act A899 | 01-07-1994 |
| 9 | Act A899 | 01-07-1994 |
| 10 | Act A443 | 01-01-1976 |
| | Act A609 | 01-07-1980 |
| 11 | Act A609 | 01-07-1980 |
| 11A | Act A609 | 01-07-1980 |
| | Act A1170 | 01-01-2002 |
| 11B | Act A609 | 01-07-1980 |
| 11C | Act A609 | 01-07-1980 |
| | Act A1170 | 01-01-2002 |
| 11D | Act A609 | 01-07-1980 |
| 11E | Act A609 | 01-07-1980 |
| 12 | Act A443 | 01-01-1976 |
| | Act A420 | 24-02-1978 |
| | Act A609 | 01-07-1980 |
| | Act A872 | 01-01-1992 |
| 13 | Act A609 | 01-07-1980 |

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*Laws of Malaysia***ACT 45**

| Section | Amending authority | In force from |
|-----------------|--------------------|---------------|
| 15A | Act A609 | 01-07-1980 |
| 15B | Act A609 | 01-07-1980 |
| | Act A899 | 01-07-1994 |
| 17 | Act A609 | 01-07-1980 |
| 19 | Act A796 | 12-04-1991 |
| | Act A872 | 01-01-1992 |
| 19A | Act A872 | 01-01-1992 |
| First Schedule | Act A443 | 01-01-1976 |
| | Act A494 | 01-07-1980 |
| | Act A796 | 12-04-1991 |
| | P.U.(A) 405/1991 | 01-01-1991 |
| | P.U.(A) 144/1993 | 01-01-1991 |
| | Act A899 | 01-07-1994 |
| | P.U.(A) 378/1997 | 01-01-1995 |
| | P.U.(A) 423/2000 | 01-01-2000 |
| | P.U.(A) 159/2002 | 01-01-2002 |
| | P.U.(A) 67/2005 | 01-01-2004 |
| Second Schedule | P.U.(A) 403/1972 | 22-12-1972 |
| | P.U.(A) 360/1973 | 21-12-1973 |
| | P.U.(A) 47/1975 | 01-04-1974 |
| | P.U.(A) 432/1975 | 26-12-1975 |
| | P.U.(A) 11/1979 | 26-01-1979 |
| | P.U.(A) 366/1980 | 01-08-1979 |
| | P.U.(A) 367/1980 | 01-07-1980 |

Judges' Remuneration

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| Section | Amending authority | In force from |
|-----------------|--------------------|---------------|
| | Act A609 | 01-07-1980 |
| | P.U.(A) 144/1993 | 01-01-1992 |
| | Act A899 | 01-07-1994 |
| | P.U.(A) 567/1996 | 15-11-1996 |
| | P.U.(A) 378/1997 | 01-01-1995 |
| | P.U.(A) 298/1998 | 01-03-1998 |
| | P.U.(A) 55/2000 | 01-03-1998 |
| Third Schedule | Act A609 | 01-07-1980 |
| Fourth Schedule | Act A609 | 01-07-1980 |
| Fifth Schedule | Act A872 | 01-01-1992 |
| | P.U.(A) 378/1997 | 01-01-1995 |
| | P.U.(A) 256/1998 | 01-01-1996 |
| | P.U.(A) 423/2000 | 01-01-2000 |
| | P.U.(A) 159/2002 | 01-01-2002 |
| | P.U.(A) 67/2005 | 01-01-2004 |
