



NEGERI PERAK

# Warta Kerajaan

DI-TERBITKAN DENGAN KUASA

GOVERNMENT OF PERAK GAZETTE

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TAMBAHAN No. 4  
ENAKMEN

Enakmen<sup>2</sup> ini, yang di-luluskan di-dalam Dewan Perhimpunan Undangan Negeri Perak, pada 16hb dan 17hb Disember, 1971, di-ishtiharkan untuk pengetahuan 'am:

The following Enactments, passed by the Legislative Assembly, Perak, on the 16th and 17th December, 1971, are published for general information:

Enakmen No.	Nama	Muka
7.	Enakmen Perbekalan (1972), 1971 Supply Enactment (1972), 1971	19
8.	Enakmen (Penchen dan Ganjaran) Anggota Pentadbiran dan Ahli Dewan Negeri, 1971 Members of the Administration and Members of Legislative Assembly (Pensions and Gratuities) Enactment, 1971	23
4.	Mentoh Besar dan Setia-ujaha Kerajaan	1,412,187
5.	Pejabat Daerah dan Tanah	5,660,995
6.	Pengarah Tanah dan Galang	1,024,854
7.	Hal Ehwal Ugama dan Mahligamah	1,834,784
8.	Bantuan kepada Pelajaran Ugama Islam selain daripada Sekolah Rendah yang menerima Bantuan	726,770
9.	Pelajaran Ugama Islam di-Sekolah Rendah yang menerima Bantuan	1,994,435

BETA PERKENANKAN,

(RAJA IDRIS ISKANDAR SHAH),

Sultan Perak

(Mohor Kerajaan)

11hb Januari, 1972.

Suatu Enakmen bagi membuat peruntokan berkenaan penchen dan ganjaran bagi Anggota Pentadbiran dan Ahli Dewan Negeri.

[1hb Januari, 1970.]

MAKA DENGAN INI ADA-LAH DI-PERBUAT UNDANG<sup>2</sup> oleh Badan Perundangan Negeri Perak seperti berikut:

1. Enakmen ini boleh-lah di-namakan sabagai Enakmen (Penchen dan Ganjaran) Anggota Pentadbiran dan Ahli Dewan Negeri, 1971, dan hendak-lah di-sifatkan sa-bagai telah mula berkuatkuasa pada 1 haribulan Januari, 1970.

Tajok  
ringkas dan  
mula ber-  
kuatkuasa.

2. Dalam Enakmen ini melainkan jika kandungan ayat-nya menghendaki makna yang lain—

Tafsiran.

“Anggota” erti-nya Anggota Pentadbiran Negeri sa-bagai mana di-taarifkan dalam Perkara 160 (2) Perlembagaan Persekutuan dan termasuk-lah Ahli Dewan Negeri tetapi tidak termasuk Setia-usaha Politik yang bukan Ahli Dewan Negeri;

“gaji” erti-nya—

(a) berhubung dengan sa-saorang Ahli Dewan Negeri, elaun bulanan yang kena di-bayar kapada-nya di-bawah Enakmen (Saraan Ahli<sup>2</sup>) Dewan Negeri, 1959;

(b) berhubung dengan Menteri Besar, gaji yang kena di-bayar kapada-nya di-bawah Enakmen (Saraan Ahli<sup>2</sup>) Dewan Negeri, 1959; dan

(c) berhubung dengan sa-saorang Ahli Majlis Mesuarat Kerajaan, jumlah elaun bulanan yang kena di-bayar kapada-nya di-bawah sekshen 2 (1) (b) dan (c) Enakmen (Saraan Ahli<sup>2</sup>) Dewan Negeri, 1959; dan

“perkhidmatan masokira”, erti-nya tempoh sa-masa sa-saorang menjadi Anggota sama ada terus menerus atau dalam dua tempoh atau lebeh yang berasingan; dan bagi maksud mengira lama-nya “perkhidmatan masokira” semua tempoh perkhidmatan masokira hendak-lah di-jumlahkan.

Penchen  
bagi Anggota  
Pentadbiran.

3. (1) Sa-saorang yang berhenti menjadi Anggota boleh di-beri penchen jika ia telah genap sembilan tahun<sup>2</sup> khidmatan masokira dan jika tatkala berhenti sa-demikian ia telah menchapai atau kemudian-nya menchapai umur empat puluh lima tahun.

(2) Penchen di-bawah sekshen ini hendak-lah di-bayar terus menerus sa-lama hidup orang yang kena di-bayar penchen itu tetapi tidak boleh di-bayar bagi tempoh ia menjadi Anggota sa-mula dan ia-nya menerima gaji bagi tempoh itu.

Peruntokan  
bagi  
Menteri  
Besar atau  
ahli Majlis  
Meshuarat  
Kerajaan  
yang  
menjadi  
"back-  
bencher".

4. Walau apa pun yang terkandung dalam sekshen 3 (2), sa-saorang Anggota yang tidak memegang jawatan Menteri Besar atau yang bukan ahli Majlis Meshuarat Kerajaan boleh di-beri penchen di-bawah sekshen 3 (1) jika dahulunya ia telah berkhidmat sa-bagai Menteri Besar, atau sa-bagai ahli Majlis Meshuarat Kerajaan sa-lama tempoh tidak kurang daripada tiga tahun (sama ada terus menerus atau tidak).

Penchen  
minima bagi  
Menteri  
Besar.

5. Walau apa pun yang terkandung dalam sekshen 6, sa-saorang Anggota yang telah memegang jawatan Menteri Besar sa-lama tempoh tidak kurang daripada 4 tahun (sama ada terus menerus atau tidak) boleh di-beri penchen di-bawah sekshen 3 atau sekshen 4, mengikut mana yang berkenaan, sa-banyak tidak kurang daripada \$1,000 sa-bulan.

Kadar  
penchen.

6. (1) Penchen yang kena di-bayar di-bawah sekshen 3 hendak-lah di-kira mengikut kadar  $1/540$  daripada gaji tahunan Anggota bagi tiap<sup>2</sup> satu bulan perkhidmatan masokira yang telah genap termasuk mana<sup>2</sup> tempoh ia telah menerima penchen di-bawah sekshen 4.

(2) Penchen yang kena di-bayar di-bawah sekshen 4, hendak-lah di-kira mengikut kadar  $1/540$  daripada gaji tahunan Anggota bagi tiap<sup>2</sup> satu bulan perkhidmatan masokira yang telah genap sa-belum daripada ia akhir sakali berhenti memegang jawatan Menteri Besar atau menjadi ahli Majlis Meshuarat Kerajaan.

(3) Penchen maksima yang kena di-bayar dalam mana<sup>2</sup> satu hal yang tersebut di-atas ia-lah bagi tempoh 240 bulan perkhidmatan masokira yang telah genap.

(4) Gaji yang akan di-kira untok menghitong penchen dalam sa-suatu hal tertentu sa-bagaimana tersebut di-atas ia-lah satu pertiga dari jumlah gaji yang di-terima dalam masa mana<sup>2</sup> 36 bulan daripada perkhidmatan masokira (sama ada tempoh ini terus menerus atau tidak) di-mana gaji itu ada-lah pada takat atau takat<sup>2</sup> maksimanya.

7. Sa-saorang boleh di-beri ganjaran—

Ganjaran.

- (a) apabila ia mati sa-masa menjadi sa-orang Anggota;
- (b) apabila ia berhenti menjadi sa-orang Anggota tetapi bukan-nya sa-mata<sup>2</sup> oleh sebab pembubaran Dewan Negeri;

Dengan syarat bahawa jika Anggota itu adalah Menteri Besar atau ahli Majlis Meshuarat Kerajaan, menurut pilehan-nya sendiri, apabila ia berhenti memegang jawatan itu, atau menjadi ahli itu;

- (c) jika ia sa-orang Anggota, menurut pilehan-nya sendiri, apabila Dewan Negeri di-bubarkan.

(2) Gaji yang akan di-kira untok menghitong ganjaran dalam sa-suatu hal tertentu ia-lah satu pertiga daripada jumlah gaji yang di-terima dalam masa mana<sup>2</sup> 36 bulan daripada perkhidmatan masokira (sama ada tempoh ini terus menerus atau tidak) di-mana gaji itu ada-lah pada takat atau takat<sup>2</sup> maksima-nya; atau, jika perkhidmatan masokira itu kurang daripada tiga tahun, gaji hitong panjang dalam masa perkhidmatan masokira itu, yang di-kira atas asas tahunan.

(3) Jumlah ganjaran hendak-lah di-kira mengikut kadar 1/96 daripada gaji tahunan Anggota bagi tiap<sup>2</sup> satu bulan perkhidmatan masokira yang telah genap dengan syarat bahawa ganjaran maksima yang kena di-bayar tidak lebeh daripada jumlah bagi 240 bulan.

(4) Sa-suatu tempoh perkhidmatan masokira yang telah di-bayar ganjaran atau award wang tunai kapada sa-saorang Anggota mengenai perkhidmatan-nya sa-belum daripada Enakmen ini mula berkuatkuasa atau sa-suatu tempoh perkhidmatan masokira yang ganjaran telah di-bayar dahulu di-bawah peruntukan Enakmen ini tidak-lah di-kira maksud mengira ganjaran yang genap masa-nya kena di-bayar di-bawah Enakmen ini.

(5) Jika sa-saorang Anggota mati dan suatu ganjaran di-bawah sekshen ini di-beri maka ganjaran itu boleh di-bayar kapada mana<sup>2</sup> orang tanggongannya mengikut sa-bagaimana yang di-putuskan oleh Raja atau, jika tidak ada orang tanggongan, kapada wakil diri-nya di-sisi undang<sup>2</sup>.

8. Penchen di-bawah Enakmen ini boleh di-bayar sa-chara bulanan pada akhir tiap<sup>2</sup> satu bulan penchen itu genap masa-nya di-bayar atau pada lat<sup>2</sup> tempoh lain mengikut sa-bagaimana yang di-tetapkan oleh Raja sama ada sa-chara 'am atau dalam sa-suatu hal tertentu.

Bayaran penchen.

Penchen dan ganjaran tidak boleh di-serahak.

9. Sa-suatu penchen atau ganjaran yang di-beri di-bawah Enakmen ini tidak boleh di-serahak atau di-pindahmilk kechuali bagi maksud—

(a) menjelaskan hutang yang kena di-bayar kapada Kerajaan; atau

(b) menunaikan Perintah sa-suatu Mahkamah bagi membayar wang berkala terhadap nafkah isteri atau bekas isteri atau anak remaja Anggota yang telah di-beri penchen itu,

tetapi tidak boleh di-kena tahan, di-asingkan atau di-levi bagi atau mengena apa<sup>2</sup> jua hutang atau tuntutan kechuali hutang yang kena di-bayar kapada Kerajaan.

Penchen atau ganjaran tidak boleh di-bayar dalam hal keadaan tertentu.

10. (1) Tiada apa<sup>2</sup> penchen atau ganjaran boleh di-beri di-bawah Enakmen ini kapada mana<sup>2</sup> Anggota, yang telah hilang kelayakan menjadi anggota dalam hal keadaan yang di-sebutkan dalam Perkara XXXI (1) (e) dan (g) Bahagian Pertama Undang<sup>2</sup> Tuboh Kerajaan Perak.

(2) Jika mana<sup>2</sup> Anggota yang telah di-beri penchen di-bawah Enakmen ini telah hilang kelayakan menjadi anggota dalam hal keadaan yang di-sebutkan dalam Perkara XXXI (1) (e) dan (g) Bahagian Pertama Undang<sup>2</sup> Tuboh Kerajaan Perak, penchen itu hendak-lah terhenti serta merta:

Dengan syarat bahawa penchen itu hendak-lah di-pulehkan mula<sup>2</sup> dari kebelakangan bagi Anggota yang hilang kelayakan-nya di-bawah Perkara XXXI (1) (e) di-batalkan oleh Raja.

Pembayaran dari Kumpulanwang Di-satukan.

11. Sa-suatu penchen atau ganjaran yang kena di-bayar di-bawah Enakmen ini hendak-lah di-bayar dari Kumpulanwang Di-satukan.

Peratoran<sup>2</sup>.

12. (1) Raja boleh membuat peratoran<sup>2</sup> bagi maksud melaksanakan mana<sup>2</sup> daripada peruntukan Enakmen ini.

(2) Dengan tidak menyentoh sekshen-kechil (1) peratoran<sup>2</sup> yang di-buat di-bawah sekshen-kechil itu boleh memperuntukkan walau apa pun yang terkandung dalam Enakmen ini, bahawa jika sa-saorang, sa-belum menjadi Anggota, telah menjadi Ahli mana<sup>2</sup> satu Majlis Parlimen, maka tempoh (terus menerus atau tidak) orang itu telah menjadi Ahli mana<sup>2</sup> satu Majlis Parlimen boleh di-ambil kira bagi maksud mengira lama-nya tempoh perkhidmatan masokira Anggota itu.

(3) Apa<sup>2</sup> peratoran yang di-buat di-bawah sekshen ini hendak-lah di-bentangkan dalam Dewan Negeri.

13. Tiada apa<sup>2</sup> jua dalam Enakmen ini boleh menyentoh peruntokan<sup>2</sup> Enakmen (Saraan Ahli<sup>2</sup>) Dewan Negeri, 1959 berhubung dengan faedah<sup>2</sup> kemalangan bagi Anggota. Kechualian.

14. Jika sa-saorang telah menjadi Anggota pada 1hb Januari, 1970, sa-suatu tempoh (terus menerus atau tidak) sa-belum daripada tarikh itu tetapi tidak lebeh awal daripada 31hb Ogos, 1957 boleh di-ambil kira bagi maksud mengira lama-nya perkhidmatan masokira Anggota itu. 19.3.1963  
Perkhid-  
matan  
masokira  
bagi maksud  
orang<sup>2</sup>  
tertentu.

Di-Luluskan pada 17 haribulan Disember, 1971.  
[P.S.U.K. Pk. (C) 2485/64.]

(AHMAD BIN MOHD. SAID),  
Setia-usaha,  
Dewan Perhimpunan Undangan Negeri,  
Perak

I ASSENT,

(RAJA IDRIS ISKANDAR SHAH),  
Sultan of Perak

11th January, 1972.

An Enactment to make provisions for the pensions and gratuities of Members of the Administration and Members of the Legislative Assembly.

[1st January, 1970.]

IT IS HEREBY ENACTED by the Legislature of the State of Perak as follows:

1. This Enactment may be cited as the Members of the Administration and Members of Legislative Assembly (Pensions and Gratuities) Enactment, 1971, and shall be deemed to have come into force on the 1st day of January, 1970.

Short title and commencement.

Pk. Enact. 9/73

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

Interpretation.

“Member” means a Member of the Administration of the State as defined in Article 160 (2) of the Federal Constitution and includes a Member of the Legislative Assembly but does not include a Political Secretary who is not a Member of the Legislative Assembly;

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

“salary” means—

(a) in relation to a Member of the Legislative Assembly the monthly allowance payable to him under the Legislative Assembly (Members’ Remuneration) Enactment, 1959;

(b) in relation to the Menteri Besar the salary payable to him under the Legislative Assembly (Members’ Remuneration) Enactment, 1959; and

(c) in relation to a member of the Executive Council the total monthly allowances payable to him under sub-sections (1) (b) and (c) of section 2 of the Legislative Assembly (Members’ Remuneration) Enactment, 1959; and

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

Pension for Members of the Administration.

Pk. Enact. 9/73

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

Special provisions for Menteri Besar or members of Executive Council becoming back-bencher.

4. Notwithstanding sub-section (2) of section 3, a Member who does not hold the office of Menteri Besar or who is not a member of the Executive Council may be granted a pension under sub-section (1) of that section if he has previously served as Menteri Besar or as a member of the Executive Council for a period of not less than three years (whether continuously or otherwise).

Minimum pension for Menteri Besar.

5. Notwithstanding section 6, a Member who has held the office of Menteri Besar for a period of not less than 4 years (either continuously or otherwise) may be granted a pension under section 3 or section 4, as the case may be, of not less than \$1,000 per month.

Rate of Pension.

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

(2) The pension payable under section 4 shall be calculated at the rate of  $1/540$  of the annual salary of the Member for each completed month of reckonable service prior to his last ceasing to hold office of Menteri Besar or to be a member of the Executive Council.

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

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

Inserted  
(Emt. 2/77) GA  
Gratuity.

7. (1) A person may be granted a gratuity—

(a) on his death while being a Member;

(b) when he ceases to be a Member but not solely by reason of the dissolution of Legislative Assembly;

Provided that where the Member is a Menteri Besar or a member of the Executive Council at his option, when he ceases to hold such office, or to be such a member;

(c) where he is a Member, at his option, at the dissolution of Legislative Assembly.



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

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

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

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

8. Pensions under this Enactment may be paid monthly at the end of each month in which the pension falls due or at such other intervals as the Ruler may determine either generally or in any particular case.

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

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

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

10. (1) No pension or gratuity shall be granted under this Enactment to any Member, who has become disqualified for membership under circumstances described in Article XXXI (1) (e) and (g) of the First Part of the Laws of the Constitution of Perak.

Payment of pensions.

Pension and gratuity not to be assignable.

Pension or gratuity not to be paid under certain circumstances.

(2) If any Member to whom a pension has been granted under this Enactment has become disqualified for membership under circumstances described in Article XXXI (1) (e) and (g) of the First Part of the Laws of the Constitution of Perak, the pension shall forthwith cease:

Provided that the pension shall be restored with retrospective effect in the case of a Member whose disqualification under Article XXXI (1) (e) is removed by the Ruler.

Payment out of Consolidated Fund. Regulations.

11. Any pension or gratuity payable under this Enactment shall be paid out of the State Consolidated Fund.

12. (1) The Ruler may make regulations for the purpose of carrying into effect any of the provisions of this Enactment.

For Regulations see Pk. Pu. 51/77

(2) Without prejudice to sub-section (1) regulations made under that sub-section may provide that notwithstanding anything in this Enactment where a person prior to being a Member was a Member of either House of Parliament, the period (continuous or otherwise) during which such person was a Member of either House of Parliament may be taken into account for the purpose of calculating the length of his reckonable service.

(3) Any regulations made under this section shall be laid before the Legislative Assembly.

Pk. Em. 2/77. Saving.

13. Nothing in this Enactment shall affect the provisions of the Legislative Assembly (Members' Remuneration) Enactment, 1959 relating to accident benefits for Members.

Reckonable service for the purpose of certain persons.

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

Sub. of Article Pk. Em. 9/73.

Passed this 17th December, 1971. [P.S.U.K. Pk. (C) 2485/64.]

(AHMAD BIN MOHD. SAID), Clerk of the Assembly, Perak

IPOH DI-CHETAK OLEH PENGUASA DAN DI-TERBITKAN DENGAN PERENTAH PADA

13HB JANUARI, 1972

Harga: 50 sen