

## STATE OF SABAH

### OLD AGE ASSISTANCE SCHEME ENACTMENT 1982 (Sabah No. 5 of 1982)

#### LIST OF AMENDMENTS

<i>Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
10/1983	2, 4(1)	1-1-1984

An Enactment to repeal and to re-enact the law relating to the payment of financial assistance to certain aged people and for matters connected therewith.

[1st October 1982]

ENACTED by the Legislature of the State of Sabah as follows:

#### **Short title and commencement.**

1. This Enactment may be cited as the Old Age Assistance Scheme Enactment 1982 and shall come into operation on such date as the Minister may by notification in the *Gazette*\* appoint.

#### **Interpretation.**

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

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\* In force 1st October 1982 – See G.N. 838/82.

“child” means living child or legally adopted living child;

“Director” means the Director of Welfare Services;

“disposable capital” means the property which the applicant possesses or to which he is entitled exclusive of —

- (i) his wearing apparel; and
- (ii) necessary household furniture used by the applicant;

“disposal income” means any income of the applicant from any source;

“Minister” means the Minister for the time being charged with the responsibility of welfare services;

“President” shall have the same meaning as in the Local Government Ordinance 1961 [Ord. 11/1961.];

“Scheme” means the Old Age Assistance Scheme established under section 3 of this Enactment; and

“Welfare Scheme” means any scheme administered by the Government or statutory bodies or other organisations which provide for monthly financial assistance to any person.

#### **Establishment of Scheme.**

3. (1) There shall be established an Old Age Assistance Scheme for the purpose of providing financial assistance to persons who possess the qualifications as provided under section 5 of this Enactment.

(2) The Scheme shall be administered by the Director through the District Committee established under section 4 of this Enactment.

#### **Establishment of District Committees.**

4. (1) For the purpose of assisting the Director as hereinafter provided, there shall be

established a District Committee for each District consisting of the District Officer or the President who shall be the Chairman, the Welfare Officer in charge of the District who shall be the Secretary, and not more three other members who shall be appointed by the Minister from time to time.

(2) The Chairman shall have power to convene a meeting of the District Committee whenever he deems necessary.

(3) Subject to the provisions of this Enactment, the District Committee may determine its own procedure.

**Qualifications of applicant.**

5. (1) Any person who —

- (a) is a Malaysian citizen;
- (b) is a permanent resident in Sabah;
- (c) is of or over the age of sixty years;
- (d) is not in possession of any disposable capital of a total value of more than two thousand ringgit;
- (e) is in possession of disposable income less than the amount as prescribed by the Minister from time to time under section 10;
- (f) is not a beneficiary of any welfare scheme; and
- (g) has no child,

shall be eligible to apply for financial assistance under this Enactment:

Provided that in the case of paragraph (e) the amount to be paid under the Scheme shall be the difference between the disposable income and the amount prescribed by the Minister under section 10.

(2) Notwithstanding paragraphs (a) and (d) of subsection (1) of this section, the Minister may, subject to paragraphs (b), (c), (e), (f) and (g) thereof, approve any application

for financial assistance under this Enactment if in the opinion of the Minister such applicant is in need of financial assistance.

**Application for financial assistance.**

6. (1) Any person who possesses the qualification as provided under section 5 and who desires to be granted financial assistance under this Enactment may make application to the Director.

(2) Every such application shall be in the prescribed form accompanied by a statutory declaration verifying the facts stated in the application.

**Power of Director to make inquiries.**

7. Where an application is made under section 6 of this Enactment, the Director —
- (a) shall make such inquiries as to the means and conditions of the applicant and as to the merits of his case;
  - (b) may require the applicant to furnish such information and such documents required for the purpose of considering the application; and
  - (c) may require the applicant to attend personally.

**Approval of application and registration.**

8. (1) Upon receipt of an application for financial assistance, the Director shall refer the application to the District Committee established under section 4 for consideration.

(2) Where the District Committee is of the opinion that the applicant has satisfied all the qualifications provided under subsection (1) of section 5 of this Enactment, the District Committee may approve the application.

(3) Upon approval of an application by the District Committee, the Director shall cause the name of the applicant to be registered in the appropriate Register and grant to the applicant a certificate in such form as he may think fit showing that the applicant is eligible to receive financial assistance under this Enactment.

**Director to keep register.**

9. The Director shall keep a proper register in each District of all persons whose applications have been approved and are eligible to receive financial assistance under this Enactment in such form as he may think fit.

**Payment of financial assistance.**

10. (1) All persons whose applications have been approved by the District Committee shall be eligible to receive financial assistance at such amount as the Minister may from time to time prescribe.

(2) Such financial assistance shall —

- (a) commence from the 1st day of the month following the month in which the application is approved or;
- (b) be payable as the Minister may from time to time determine.

**Cessation and revocation of financial assistance.**

11. (1) The financial assistance payable to any person under section 10 of this Enactment shall cease —

- (a) on the death of such person: or
- (b) if he ceases to be qualified under section 5 of this Enactment.

(2) Notwithstanding subsection (1) of this section, the Minister may, in his absolute discretion, revoke the payment of any financial assistance granted under this Enactment.

**Provision for payment.**

12. All sums required for payments made under this Enactment shall be charged on the Consolidated Fund.

**Questions and disputes to be decided by Minister.**

13. (1) All questions and disputes as to whether a person is eligible for financial assistance payable under this Enactment shall be decided by the Minister.

(2) Any decision made by the Minister —

(a) on any question and dispute referred to in subsection (1) of this section;

(b) in revoking the payment of any financial assistance pursuant to subsection (2) of section 11 of this Enactment,

shall be final and conclusive and shall not be subject to appeal or called in question by or before any Court.

**False statement.**

14. If any person applying for or receiving financial assistance under this Enactment in furnishing any information in his application knowingly makes any false statement or false representation, he shall be liable on conviction to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding twelve months or to both.

**Repeal and proviso.**

15. (1) The Old Age Assistance Scheme Enactment 1979 [En. 15/79.] is hereby repealed.

(2) Any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Enactment are hereby declared null and void and shall have no effect whatever:

Provided that nothing in this section shall affect any investigation, legal proceedings or remedy arising or subsisting under the repealed Enactment, and any such investigation, legal proceedings or remedy shall be instituted, continued or enforced under the repealed Enactment as if this Enactment had not been passed.

**Regulations.**

**16.** The Minister may make regulations\* prescribing all matters which by this Enactment are required to be prescribed and the forms to be used, and any other matters as to which it may be expedient to make regulations for purposes of and under the provisions of this Enactment.

Sabah LawNet

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\* See Old Age Assistance Scheme Regulations