

STATE OF SABAH

PENSIONS (YANG DI-PERTUA NEGERI SABAH)

ENACTMENT 1978

(Sabah No. 14 of 1978)

ARRANGEMENT OF SECTIONS

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LIST OF AMENDMENTS

<i>Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
Act 160	3, 5, 6	29-08-1975
6/1980	1, 5 (1), (2), (3), (4), 6, 6A, 6B	01-07-1978
8/1988	3A	01-12-1986
4/2014	3	01-01-2015

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An Enactment to provide for the payment of pensions and gratuities to Yang di-Pertua Negeri Sabah.

[1st July, 1978.]

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

Short title, commencement and application.

1. (1) This Enactment may be cited as the Pensions (Yang di-Pertua Negeri Sabah) Enactment 1978 and shall be deemed to have come into force on the 1st day of July 1978.

(2) The provisions of this Enactment shall apply to every person appointed to be Yang di-Pertua Negeri since 1963.

Interpretation.

2. In this Enactment-

“minor” means unmarried children under the age of 18 years;

“requisite number of years' service” means service in the office of the Yang di-Pertua Negeri for a period of at least four years, being service qualifying for pension under this Enactment;

“Yang di-Pertua Negeri” means any person appointed under clause (1) of article 1 of the Constitution of the State of Sabah.

Pensions to Yang di-Pertua Negeri with more than four years' service.

3. A person who has served as Yang di-Pertua Negeri for a period of not less than four years immediately preceding the date of his retirement may, subject to the approval of the State Cabinet, be granted on his retirement a pension at the rate of fifty per centum of the last drawn substantive salary a month.

Other benefits, allowances and privileges.

3A. In addition to the pension payable under section 3, the State Cabinet may in its absolute discretion grant to a person who has served as Yang di-Pertua Negeri for a

period of not less than four years on his retirement such other benefits, allowances and privileges at such rates and on such terms and conditions as the State Cabinet may decide.

Pension and gratuity not to be paid under certain circumstances.

4. No pension or gratuity may be granted under this Enactment to any person-
- (a) if he has voluntarily acquired citizenship of or exercised rights of citizenship in, any country outside Malaysia or has made a declaration of allegiance to any country outside Malaysia;
 - (b) if he resigns his office as Yang di-Pertua Negeri without the approval of the State Cabinet; or
 - (c) if his appointment as Yang di-Pertua Negeri is terminated on grounds of negligence, irregularity or misconduct.

Pensions for dependants of Yang di-Pertua Negeri who dies while in service.

5. Where a person who has completed the requisite number of years' service dies while he is the Yang di-Pertua Negeri, such of his dependants as the State Cabinet may think fit may be granted a pension the total sum of which shall not exceed three thousand ringgit a month.

(2) *(Deleted).*

(3) *(Deleted).*

(4) *(Deleted).*

Pension or gratuity for Yang di-Pertua Negeri with less than four years' service.

6. When a person who has not completed the requisite number of years' service as Yang di-Pertua Negeri-
- (a) dies while he is Yang di-Pertua Negeri;
 - (b) resigns his office as Yang di-Pertua Negeri with the approval of the State Cabinet; or

- (c) ceases to be Yang di-Pertua Negeri by virtue of the termination of his appointment on the ground that having regard to the person's service or health, the usefulness of the person thereto and all other circumstances of the case, such termination is desirable in the public interest,

the State Cabinet may, if it thinks fit, grant a pension of not more than one thousand five hundred ringgit a month, or in lieu thereof a gratuity of an amount not exceeding one-ninety-sixth of the Yang di-Pertua Negeri's annual Privy Purse for each completed month of service or an amount not exceeding ten thousand ringgit, whichever is the greater:

Provided that in the case of paragraph (a), it shall be lawful for the State Cabinet to grant such pension or gratuity to such of the Yang di-Pertua Negeri's dependants as it thinks fit.

Pensions for certain dependants of Yang di-Pertua Negeri who dies after retirement.

6A. Where a person who has served as Yang di-Pertua Negeri and to whom a pension has been granted under this Enactment dies, his widow, or his widow and minor children, or his minor children, as the case may be, may, subject to the approval of the State Cabinet, be granted a monthly pension of a total amount equivalent to half the amount of pension previously granted to such person.

Cessation of pensions payable to dependants.

6B. (1) A pension granted to a widow under this Enactment shall cease to be payable to her upon her remarriage.

(2) A pension granted to a minor child under this Enactment shall cease to be payable to him upon his marriage or upon his reaching the age of eighteen years, whichever is earlier.

Retirement on account of injuries.

7. Where the Yang di-Pertua Negeri is injured while serving in office, he may, if his retirement is thereby necessitated or materially accelerated, be granted in addition to any gratuity or pension, if any, made under this Enactment, an *ex-gratia* payment as the State Cabinet may deem just and proper.

Pension and gratuity not to be assignable.

8. 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 moneys towards the maintenance of the wife or former wife or minor child of the retired Yang di-Pertua Negeri to whom the pension or gratuity 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.

Payment of pensions.

9. 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 State Minister of Finance may determine either generally or any particular case.

Pensions to be a charge on Consolidated Fund.

10. Pensions, gratuities or other *ex-gratia* payment granted under the provisions of this Enactment shall be charged on and paid out of the Consolidated Fund of the State.