



# **LAWS OF SARAWAK**

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**ONLINE VERSION**  
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## **PENSION AND OTHER BENEFITS (YANG DI-PERTUA NEGERI) ORDINANCE, 1984**

*[Ord. No. 1/84]*

*Incorporating all amendments up to 30th September, 2009*

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**PENSION AND OTHER BENEFITS  
(YANG DI-PERTUA NEGERI) ORDINANCE, 1984**

*[Ord. No 1/84]*

Date Passed by Dewan Undangan Negeri ... ..	13th March, 1984
Date of Assent ... ..	21st March, 1984
Date of Publication in <i>Gazette</i> ...	26th March, 1984

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**PENSION AND OTHER BENEFITS  
(YANG DI-PERTUA NEGERI) ORDINANCE, 1984**

*[Ord. No 1/84]*

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**PENSION AND OTHER BENEFITS  
(YANG DI-PERTUA NEGERI) ORDINANCE, 1984**

*[Ord. No 1/84]*

*An Ordinance to provide for the payment of pension and other benefits to the Yang di-Pertua Negeri.*

*[The whole Ordinance  
except section 5—1st May, 1983  
Section 5—1.7.84\*]*

*\*[Swk. L.N. 13/85.]*

Enacted by the Legislature of Sarawak—

**Short title, commencement and application**

1.—(1) This Ordinance may be cited as the Pension and Other Benefits (Yang di-Pertua Negeri) Ordinance, 1984, and shall, subject to subsection (2), be deemed to have come into force on the 1st day of May, 1983.

(2) Section 5 shall come into force on such date as the Chief Minister may, by notification in the *Gazette*\*, appoint.

*\*1st July, 1984.*

*[Swk. L.N. 13/85.]*

(3) This Ordinance shall apply to every person appointed to be Yang di-Pertua Negeri in the State of Sarawak on or after 16th September, 1963:

Provided that no pension, derivative pension or any other benefits specified in the Schedule shall be granted or payable to the person or his dependants under this Ordinance for period before the commencement of this Ordinance:

And provided further that this Ordinance has no application to a person who is appointed to act as Yang di-Pertua Negeri for the purpose of Article 1(3) of the Constitution.

**Interpretation****2.** In this Ordinance—

“Constitution” means the Constitution of the State of Sarawak;

*G.N.S. 163/1963.*

*[S.I. No. 1493/1963.]*

“dependants” means the dependants referred to in section 9 (1);

“last drawn salary” means the last drawn monthly salary actually paid to the holder of the office of Yang di-Pertua Negeri under the Civil List Ordinance, 1963 [*Ord. No. 18/63*], immediately prior to his retirement or on his ceasing to hold such office;

*[Ins. Cap. A27.]*

“salary” means the sum payable monthly in respect of the Privy Purse to the holder of the office of Yang di-Pertua Negeri as provided in section 2 (1) of the Civil List Ordinance, 1963 [*Ord. No. 18/63*];

“State Authority” means the Majlis Mesyuarat Kerajaan Negeri;

“Yang di-Pertua Negeri” means any person appointed under Article 3(1) of the Constitution to be the Head of State (by whatever designation he may be called) in the State of Sarawak but does not include a person who is appointed to act as the Yang di-Pertua Negeri for the purpose of Article 1(3) of the Constitution.

### **Pension**

3. There shall be paid to a person who has held the office of Yang di-Pertua Negeri, for the duration of his life, a monthly pension based on the maximum of half of his last drawn salary or six thousand ringgit (RM6,000.00), whichever is the greater.

[Am. Cap A27.]

### **Retirement on account of injuries**

4. 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 pension under section 3 an *ex-gratia* payment as the State Authority may deem just and proper.

### **Other benefits**

5. There shall be granted to a person who has held the office of Yang di-Pertua Negeri, for the duration of his life, the benefits, allowances and other privileges specified in the Schedule.

### **Derivative pension when a person dies while holding office**

6.—(1) Where a person dies while holding the office of Yang di-Pertua Negeri, the State Authority may, under section 9, grant to his dependants a monthly derivative pension.

(2) Subject to subsection (3), the monthly derivative pension payable under subsection (1) shall be based on the maximum of half of his last drawn salary or six thousand ringgit (RM6,000.00), whichever is the greater.

[Am. Cap. A27.]

(3) Subject to section 11, the derivative pension granted under subsection (2) shall be payable for a period not exceeding twelve and a half years from the date immediately following the date of death of the person and thereafter the dependants shall continue to receive seventy per centum of the derivative pension payable.

**Derivative pension where a person dies within twelve and a half years**

7. Subject to section 11, where a person dies within the period of twelve and a half years of his last ceasing to hold the office of Yang di-Pertua Negeri, his dependants may be granted a derivative pension of the same amount as the pension which was paid or payable to him for the remaining portion of such period; and thereafter such derivative pension shall continue to be payable at the rate of seventy per centum of the pension payable to the person before his death.

**Derivative pension where a person dies after twelve and a half years**

8. Subject to section 11, where a person dies after twelve and a half years of his last ceasing to hold the office of Yang di-Pertua Negeri, his dependants may be granted a derivative pension equivalent to seventy per centum of the pension payable to the person before his death.

**Dependants eligible to receive derivative pension**

9.—(1) A derivative pension may be granted to the widow and child of the deceased Yang di-Pertua Negeri.

(2) Notwithstanding subsection (1), if a widow was married to a person after that person had ceased to hold the office of Yang di-Pertua Negeri and provided that the marriage was contracted within the period of twelve and a half years of his last ceasing to hold such office, the widow or the child of that marriage shall be eligible to a derivative pension under section 7 for the remaining portion of the twelve and a half years' period mentioned therein and not thereafter.



### **Apportionment of derivative pension**

**10.** A derivative pension may be paid to the dependants referred to in section 9(1) in such proportions as the State Authority thinks fit and such derivative pension may be reapportioned whenever such a person dies or ceases to be eligible for such payment.

### **Cessation of derivation pension**

**11.** A derivative pension granted under this Ordinance shall cease if the recipient—

- (a) is a widow, upon remarriage;
- (b) is a child, upon his marriage;
- (c) is a child, who on or after the age of 21 years ceases to be—
  - (i) mentally retarded; or
  - (ii) physically and permanently incapacitated and incapable of supporting himself; or
- (d) is a child, who on or after the age of 21 years, ceases to receive education in an institution of higher learning but not beyond education leading to a first degree.

### **Payment of pension**

**12.** A pension or derivative pension payable under this Ordinance shall—

- (a) accrue from day to day; and
- (b) be payable monthly on the last day of each month or on such other day of the month as the State Authority may from time to time determine.

**Pension not to be assignable, etc.**

**13.** A pension or derivative pension, payable under this Ordinance shall not be assignable or transferable or liable to be attached, sequestrated or levied upon in respect of any claim except for the purpose of satisfying—

(a) a debt due to the State Government, Federal Government or any other State Government, or a statutory or local authority; or

(b) an order of a court for the payment of periodical sums of money towards maintenance of a wife or former wife or child of the person who had ceased to hold the office of Yang di-Pertua Negeri and to whom a pension under this Ordinance is payable.

**Payment without grant of probate or letters of administration**

**14.—(1)** Notwithstanding any written law to the contrary, where a person to whom any payment is payable under this Ordinance dies before the payment is made and the amount remains unpaid, the amount so unpaid may be paid to his dependants without there being a grant of probate or letters of administration.

(2) For the purpose of subsection (1), “unpaid” means unpaid by the Government or undrawn by the person to whom such payment is payable.

**15.** *[Deleted by Cap. A27].*

**Pension, etc., ceases under certain circumstances**

**16.** Notwithstanding the preceding provisions of this Ordinance, no pension, derivative pension or other benefits shall be granted or payable under this Ordinance to any person who has held the office of Yang di-Pertua Negeri if—

(a) that person voluntarily acquires citizenship of another country or makes a declaration of allegiance to any country other than Malaysia; or

(b) that person offers himself as a candidate for election as a member of the Dewan Undangan Negeri or the Dewan Rakyat; or

(c) that person has accepted an appointment as a member of the Dewan Negara; or

(d) that person is elected or appointed to an office in any political party; or

(e) the Dewan Undangan Negeri, by resolution, resolves that the person has conducted himself in a manner which, in the opinion of the Dewan Undangan Negeri, has lowered the dignity, public esteem or respect for the office of Yang di-Pertua Negeri.

[Sub. Cap. A40.]

#### **Duties or powers of State Authority to be exercised by State Secretary**

17. The duties or powers expressed to be conferred on or exercisable by the State Authority under this Ordinance other than those under sections 4, 6 and 18 shall, notwithstanding anything in the Constitution or any written law to the contrary, be conferred on or exercisable by the State Secretary as if the State Secretary has been named thereto instead of the State Authority.

#### **Amendment of Schedule**

18. The State Authority may from time to time by order published in the *Gazette* amend the Schedule.

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

19. The sums required for payment of pension, derivative pension or *ex-gratia* payment under this Ordinance or for the provision of other benefits, allowances or privileges specified in the Schedule shall be charged on and paid out of the Consolidated Fund of the State.

## Repeal

20. The Pensions (Yang di-Pertua Negeri Sarawak) Ordinance, 1978 [*Ord. No. 2/78*], is repealed.

### SCHEDULE

[*Sub. Swk. L.N. 20/95.*]

(*Section 5*)

#### BENEFITS ON CEASING TO HOLD THE OFFICE AS YANG DI-PERTUA NEGERI

<i>Type of Benefits</i>	<i>Particulars of Benefits</i>						
1. STAFF	<p>*Not more than 3 staff, to perform duties as—</p> <ul style="list-style-type: none"><li>(a) special aide (Scale N.7);</li><li>(b) cook or house-keeper (Scale N.13); and</li><li>(c) driver (Scale R.10),</li></ul> <p>and the performance of such duties by these staff shall be carried out in Kuching or the town in Sarawak where the person who had held the office of Yang di-Pertua Negeri resides, unless the State Secretary authorizes in writing the performance thereof outside Sarawak.</p>						
2. ACCOMMODATION	A monthly Housing Allowance of RM2,000.00 (Malaysian Ringgit Two Thousand only).						
3. ELECTRICITY AND WATER SUPPLY	<p>Costs of electricity and water used to be borne by the Government up to the following monthly limits, viz—</p> <table><tbody><tr><td>electricity</td><td>—</td><td>RM500.00</td></tr><tr><td>water</td><td>—</td><td>RM100.00</td></tr></tbody></table>	electricity	—	RM500.00	water	—	RM100.00
electricity	—	RM500.00					
water	—	RM100.00					

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\*Note: This provision shall also apply to existing staff still employed immediately before the commencement of the Pension and Other Benefits (Yang di-Pertua Negeri) (Amendment of Schedule) Order, 1995 (Swk. L.N. 20/95).

4. TELEPHONE
- (i) One fixed telephone (that is, not a mobile or hand-phone);
  - (ii) the cost of the installation of such telephone; and
  - (iii) rental for that telephone plus costs of calls made therefrom, subject to a limit of RM200.00 (Malaysian Ringgit Two Hundred only) per month.
5. MOTOR CAR
- A car (of equivalent value of Mercedes Benz 280SEL) fitted with a radio and an air-conditioner, and maintained by the Government, and provision of petrol by the Government up to a limit of RM500.00 per month.
6. MEDICAL FACILITIES
- (i) Free medical treatment and hospitalization at any Government hospital or clinic.
  - (ii) He and his wife or widow are eligible to a free first class ward (special room) at any Government hospital or clinic or such other hospital as may be approved by the State Authority, while his other dependants are eligible for free normal first class ward.
7. TRAVELLING AND TRANSPORT CHARGES
- On ceasing to hold office, if he does not reside in Kuching, the Yang di-Pertua Negeri is entitled to claim from the Government the following expenses—
- (i) first class air passages for him, his wife and his dependant children from Kuching to his normal place of residence in Sarawak and economy class air passages for his staff;
  - (ii) actual charges incurred for packing and transportation of all his personal effects and belongings including labour charges and insurance premia thereby incurred; and
  - (iii) actual transportation charges incurred in conveying and transporting all his motor vehicles:
- Provided the total amount claimed under (ii) and (iii) shall not exceed the sum of RM8,000.00.

**PENSION AND OTHER BENEFITS  
(YANG DI-PERTUA NEGERI) ORDINANCE, 1984**

*[Ord. No. 1/84]*

LIST OF AMENDMENTS

Amending Law	Short Title	In force from
Cap. A27	Pension and Other Benefits ( Yang di-Pertua Negeri) (Amendment) Ordinance, 1995	31.12.1993
Swk. L.N. 20/95	The Pension and Other Benefits (Yang Di-Pertua Negeri)(Amendment of Schedule) Order, 1995	1.4.1995
Cap. A40	Pension and Other Benefits ( Yang di-Pertua Negeri) (Amendment) Ordinance, 1996	12.12.1996