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JUDGES' REMUNERATION ACT 1971

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LAWS OF MALAYSIA

Act 45

JUDGES' REMUNERATION ACT 1971

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and application
- 1A. Interpretation

PART II

SALARIES AND ALLOWANCES OF JUDGES

2. Salaries and allowances of Judges

PART III

PENSIONS AND OTHER BENEFITS OF JUDGES AND DEPENDANTS

3. Pension and other benefits of Judge
4. Computation and amount of pension of Judge
5. Period for maximum pension
6. Guaranteed pension period
7. Gratuity
- 7A. Period of service as Judicial Commissioner
8. Pension and gratuity in certain cases of retirement, resignation and ceasing to hold office

Section

- 8A. Retirement on ill-health
- 8B. Retirement on special ground
- 8C. Relinquishment of office in the national interest
- 9. Special provision for Chief Justice, President and Chief Judge
- 10. Derivative pension and derivative gratuity where Judge dies in service
- 11. Derivative pension where Judge dies in retirement
- 11A. Circumstances in which payment of derivative pension shall not be made or shall cease
- 11B. Disability pension for Judge
- 11C. Dependant's pension
- 11D. Provisional award where amount of pension or other benefit yet to be determined
- 11E. Payment without probate or letters of administration
- 12. Judges appointed from the public service
- 13. Pension not assignable or attachable
- 14. Consequential amendments
- 15. Saving

PART IIIA

ADJUSTMENT OF PENSIONS AND OTHER BENEFITS OF
JUDGES AND DEPENDANTS

- 15A. Application of Part
- 15B. Adjustment of pensions and other benefits of Judges and dependants

PART IV

GENERAL

- 16. Election
- 17. Payment of pension or other benefit
- 18. Charge on the Consolidated Fund
- 19. Regulations
- 19A. Remuneration of Judicial Commissioners

20. Repeal

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

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;

“Judicial Commissioner” means a person appointed to be a full-time Judicial Commissioner under Article 122_{AB} of the Federal Constitution;

“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;

“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
- (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 $\frac{1}{360}$ 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 $\frac{3}{5}$ 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.

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 18 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.

Period of service as Judicial Commissioner

7A. (1) For the purpose of computing a Judge's pension and gratuity under this Act, the period of his service as a Judicial Commissioner immediately before his appointment as a Judge shall be counted as part of his period of service as a Judge.

(2) Subsection (1) shall apply to a Judge who is still in service or has retired from service before the commencement of this section.

(3) Notwithstanding subsection (1), where any pension or gratuity has been paid to a Judge under any other law for the same period as the period which shall be counted as part of his

period of service as a Judge, his pension and gratuity under this Act shall be reduced by the amount so paid.

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 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 Clauses (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 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

* *NOTE*— This section shall apply to a Judge who is still in service or has retired from service before the commencement of the amendment to this section. – *see* subsection 5(2) of the Judges' Remuneration (Amendment) Act 2011 [*Act A1401*].

Judge shall be entitled to maximum pension if he has held either office or all the offices for a period in the aggregate of not less than three years.

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) *(Deleted by Act A1346).*

(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) Where a Judge dies within or after the period of twenty years from the date of his retirement, the Yang di-Pertuan Agong may grant to his spouse or child, or both spouse and child, as the case may be, a derivative pension according to the entitlement of the Judge.

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

(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 twenty 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 twenty years and the period during which the Judge had been in retirement; and where the death of the Judge occurs after the period of twenty 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 and institution of higher learning but not education leading beyond a first degree, upon completing or ceasing to receive such education upon marriage, whichever occurs earlier.

(2) *(Deleted by Act A1346)*.

(3) *(Deleted by Act A1346)*.

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:

- (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 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.

(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.

(2) *(Deleted by Act A1346).*

(3) *(Deleted by Act A1346).*

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.

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

Remuneration of Judicial Commissioners

19A. A Judicial Commissioner 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) <i>Judges</i>	(2) <i>Salary (pensionable)</i>	(3) <i>Effective date</i>
1.	Chief Justice	RM 25,000. 00 per month	1-1-2009
2.	President of the Court of Appeal	RM 22,000.00 per month	1-1-2009
3.	Chief Judge of the High Court in Malaya	RM 21,687.06 per month	1-1-2009
4.	Chief Judge of the High Court in Sabah and Sarawak	RM 21,129.50 per month	1-1-2009
5.	Judges of the Federal Court	RM 19,186.91 per month	1-1-2009
6.	Judges of the Court of Appeal	RM 18,470.85 per month	1-1-2009
7.	Judges of the High Courts in Malaya and Sabah and Sarawak	RM 17,754.76 per month	1-1-2009

SECOND SCHEDULE

[Subsection 2(2)]

1. ACCOMMODATION:

(1)	(2)
<i>Judges</i>	<i>Effective date</i>
1. Chief Justice-	
(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 RM 5,000.00 per month;	1-1-2009
(ii) a provision of RM 3,000.00 per month for domestic help; and	1-1-2009
(iii) a provision of RM 4,100.00 per annum for house and garden upkeep.	1-1-1996
2. President of the Court of Appeal-	
(i) free fully furnished institutional quarters which (including the compound) shall be maintained free of charge, or in lieu thereof a house rent subsidy of RM 4,000.00 per month;	1-1-2009
(ii) a provision of RM 2,800.00 per month for domestic help; and	1-1-2009
(iii) a provision of RM 3,000.00 per annum for house and garden upkeep.	1-1-1996
3. Chief Judges-	
(i) free fully furnished institutional quarters which (including the compound) shall be maintained free of charge, or in lieu thereof a	1-1-2009

house rent subsidy of RM 4,000.00 per month;

- (ii) a provision of RM 2,800.00 per month for domestic help; and 1-1-2009
- (iii) a provision of RM 3,000.00 per annum for house and garden upkeep. 1-1-1996

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 RM 3,500.00 per month; 1-1-2009
- (ii) a provision of RM 2,500.00 per month for domestic help; and 1-1-2009
- (iii) a provision of RM 3,000.00 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 RM 3,200.00 per month; 1-1-2009
- (ii) a provision of RM 2,300.00 per month for domestic help; and 1-1-2009
- (iii) a provision of RM 3,000.00 per annum for house and garden upkeep. 1-1-1996

6. Judges of the High 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 RM 3,000.00 per month; 1-1-2009
- (ii) a provision of RM 2,000.00 per month for domestic help; and 1-1-2009

- (iii) a provision of RM 3,000.00 per annum for house and garden upkeep. 1-1-1996

- (A) 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.
- (B) In this paragraph, “free fully furnished institutional quarters” means housing accommodation as prescribed by the Chief Justice provided free of rent by the Government and furnished in accordance with the guidelines of the Government for the furnishing of such accommodation.
- (C) Judges who do not live in free fully furnished institutional quarters are not eligible for special housing payment.

1A. SPECIAL HOUSING PAYMENT:

(1)	(2)
<i>Special housing payment for Judge</i>	<i>Effective date</i>
Special housing payment at the rate of fifty per centum from the house rent subsidy shall be paid to a Judge who lives in institutional quarters.	1-9-2007

2. ENTERTAINMENT ALLOWANCE:

(1)	(2)	(3)
<i>Judges</i>	<i>Amount</i>	<i>Effective date</i>
1. Chief Justice	RM6,000.00 per month	1-1-2009
2. President of the Court of Appeal	RM5,800.00 per month	1-1-2009
3. Chief Judge of the High Court in Malaya	RM5,600.00 per month	1-1-2009

Judges' Remuneration

33

4.	Chief Judge of the High Court in Sabah and Sarawak	RM5,600.00 per month	1-1-2009
5.	Judges of the Federal Court	RM5,400.00 per month	1-1-2009
6.	Judges of the Court of Appeal	RM5,250.00 per month	1-1-2009
7.	Judges of the High Courts in Malaya and Sabah and Sarawak	RM5,000.00 per month	1-1-2009

3. REGIONAL ALLOWANCE:

(1)	(2)
<i>Allowance and Judges eligible therefor</i>	<i>Effective date</i>
(a) 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 State of Sabah and Sarawak.	1-7-1977
(b) 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 of Malaya, from Sabah, Sarawak and Federal Territory of Labuan, for so long as they serve in Peninsular Malaysia.	5-12-2008
(c) A monthly regional allowance at the rate of 10 per centum of the monthly salary shall be paid to the Judges of the Federal Court and Court of Appeal from Sabah, Sarawak and Federal Territory of Labuan, for so long as they serve in Peninsular Malaysia.	1-1-2009

3A. REGIONAL ALLOWANCE FOR EMPLOYEES:

(1)

Regional allowance for employee of a Judge

(2)

Effective date

- (a) 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 RM 360.00; or

(ii) between RM360.00 and RM549.00,

per month.

The allowance shall be paid to the employing judge.

- (b) There shall be paid in respect of any employee from Sabah, Sarawak or Federal Territory of Labuan of a Judge of the High Court of Malaya serving in Peninsular Malaysia a monthly regional allowance at the same rate and subject to the same conditions as in subparagraph (a).

5-12-2008

The allowance shall be paid to the employing Judge.

3B. DISTURBANCE ALLOWANCE:

(1)

Disturbance allowance for a Judge

(2)

Effective date

A Judge who has been retransferred to his original region shall be eligible for a disturbance

1-1-2009

allowance at the rate of one month substantive salary of a Judge.

3C. MOVING ALLOWANCE

(1)	(2)
<i>Types of moving allowance eligible for a Judge</i>	<i>Effective date</i>
<p>(a) Allowance, facility and payment because of transfer or house moving</p> <p>May be accorded as accorded to staff of the public service as revised from time to time.</p>	<p>1-1-2009</p>
<p>(b) Moving payment for a retired Judge</p> <p>A moving payment may be accorded to a retired Judge and his family under normal circumstances or on the recommendation of a board of Medical Officers from the last place where the Judge served to his place of choice to retire anywhere in Malaysia. The moving payment shall be based on his last salary and applicable as accorded to staff of the public service as revised from time to time.</p>	

4. SPECIAL ALLOWANCE:

(1)	(2)
<i>Special allowance to a Judge</i>	<i>Effective date</i>
<p>Such special allowance as the Government may in this discretion deem fit to grant to a judge on an ad hoc basis.</p>	<p>1-1-1974</p>

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

(1)	(2)
<i>Allowance for carrying out duties of a higher office for a Judge</i>	<i>Effective date</i>
<p>This allowance may be paid to a Judge who is carrying out the duties of a higher office on the direction of the</p>	<p>1-1-1996</p>

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.

5. OFFICIAL CAR:

(1)	(2)
<i>Provision for a car, etc., for a Judge</i>	<i>Effective date</i>
(a) 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
(b) The Government car of a Judge shall be equipped with a “Touch N Go” card and “Smart Tag” or any device that has the same function according to the rates and conditions as accorded to a Staff III officer in the public service as revised from time to time.	13-1-2011

6. SYCE ALLOWANCE:

(1)	(2)
<i>Allowance and uniform for a syce of a Judge</i>	<i>Effective date</i>
(a) There shall be provided an allowance (including lodging, subsistence and overtime allowances) for each of the Judges at such rate as may from time to time be determined by the Government.	1-7-1977
(b) The term 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 expences in this paragraph shall be paid to the Judge employing a syce.

6A. OTHER ALLOWANCES OF EMPLOYEES:

(1)	(2)
<i>Allowances, contribution and Perquisites for employees of a Judge</i>	<i>Effective date</i>
<p>There shall be paid in respect of such employee of the Judge so as referred to in this Schedule such other allowances, contribution 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 Profesional Group of the public services, engaged in an equivalent or a similar capacity as the employee of a Judge. The allowances, contributions and perquisites in this paragraph shall be paid or made out to the employing Judge.</p>	<p>1-7-1980</p>

7. SUBSISTENCE ALLOWANCE:

(1)	(2)
<i>Allowances payable to a Judge</i>	<i>Effective date</i>
<p>The subsistence allowance payable in respect of officers serving in superscale "A" and above in the Managerial and Profesional Group of the public services, as revised from time to time:</p> <p>Provided that where a Judge is on duty exceeding eight hours away from station, he shall be paid the full allowance.</p>	<p>1-7-1980</p>

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)

*Advanced 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 subsidized payment of RM1,500.00 once in two years as allowance for official attire used while presiding.

5-12-2008

(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 such amount as may be approved by the Treasury, which shall not be less than that payable to an officer on Principal Grade A in the public service when required to carry out duties in a country with temperate or cold climate.

5-12-2008

(d) A Judge shall be eligible to receive a subsidized

5-12-2008

payment of such amount as may be approved by the Treasury, which shall not be less than that payable to an officer on Principal Grade A in the public service for Black Tie attire.

- (e) The spouse of a Judge shall be eligible to receive clothing allowance to attend ceremonies for conferment of decorations, either at the Federal or State level, as accorded to an officer in the public service as revised from time to time. 1-1-2012

11. MEDICAL FACILITIES:

- | (1) | (2) |
|---|-----------------------|
| <i>Facilities of a Judge and members of family</i> | <i>Effective date</i> |
| (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 section 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 officers retired on Principal Grade A post in the public service, the spouse, and children, of the officer. | 1-1-1996 |

12. LEAVE

- | (1) | (2) |
|---|-----------------------|
| <i>Types of leave and number of eligible days for a Judge</i> | <i>Effective date</i> |
| (a) <i>Vacation Leave</i> | 1-1-1996 |
| (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 services, 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.

- (ia) In the case of a Judicial Commissioner who is appointed to be a Judge, if owing to exigencies of service, leave has not been taken during his period of service as Judicial Commissioner, then the leave which has not been taken may be carried forward and treated as leave to which he becomes eligible as a Judge. 5-12-2008
- (ii) Prior approval shall be obtained by a Judge who wishes to use vacation leave for the purpose of overseas travel. 1-1-1996

The approving authority for the purpose of this subsubparagraph is-

- (aa) For the Chief Justice, the Prime Minister;
- (bb) for the President, the Chief Judges and Judges of the Federal Court, the Chief Justice;
- (cc) for other Judges, the President or the Chief Judge concerned.
- (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.
- (b) *Sick leave and facilities in relation thereto* 1-1-1996
- (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.
- (ii) In relation to approval, references to “Head of Department” and “Appropriate Authority” in the provision 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 section 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 holiday 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.

- (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 subsubparagraph, "without pay" means without basic salary, house rent subsidy, entertainment allowance and special judicial allowance.

- (iii) Leave due to death of immediate family member 1-1-2009

May be accorded as such leave is accorded

to staff of the public service as revised from time to time. In this subsubparagraph, “immediate family member” means a spouse, children and natural parents of the Judge.

12A. PAYMENT IN LIEU OF LEAVE:

(1)	(2)
<i>Accumulation of leave by a Judge for cash award</i>	<i>Effective date</i>
<p>(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-</p> <p>(i) be granted a cash award equivalent to one-thirtieth of his last-drawn monthly salary for each day up to a maximum of one hundred and fifty days; or</p> <p>(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.</p>	<p>1-1-1974</p>

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.

At the last year of his service, a Judge is allowed to accumulate his vacation leave or the purpose of Payment in Lieu of Accumulated Leave from the balance of the total vacation leave to which he is entitled for that year up to a maximum which is equivalent to his rate of vacation leave:

Provided that the total vacation leave accumulated shall not exceed the maximum of one hundred and fifty days.

“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 1st 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 day 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 one hundred and fifty days. 1-1-1996

At the last year of his service, a Judge is allowed to accumulate his vacation leave for the purpose of Payment in Lieu of Accumulated Leave from the balance of the total vacation leave to which he is entitled for that year up to a maximum which is equivalent to his rate of vacation leave:

Provided that the total vacation leave accumulated shall not exceed the maximum of one hundred and fifty days.

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 ACCIDENT:

(1)

(2)

Benefits to Judge or his dependants

Effective date

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: 3-9-1971

- (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:RM150,00.00;
 - (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.

14. HOUSING LOANS SCHEME:

(1)	(2)
<i>Loan scheme for a Judge</i>	<i>Effective date</i>
(a) The housing loan scheme applicable to officers on Principle Grade A in the public service as revised from time to time, subject to a maximum loan of RM480,000.00.	5-12-2008
(b) A Judge who is appointed from the Judicial and Legal Service who has obtained a housing loan from the Government while serving at any grade is eligible to obtain loan facility as a Judge at the	1-1-2012

maximum loan amount and shall be considered as a new loan.

- (c) A Judge is eligible to apply for a second loan during the tenure of his service, subject to the conditions as prescribed in the Treasury Circular, as accorded to an officer in the public service as revised from time to time.

15. SUPPLY OF ELECTRICITY AND WATER:

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

15A. TELEPHONE AND INTERNET BILL PAYMENT:

(1)	(2)
<i>Telephone and internet bill payment for a Judge</i>	<i>Effective Date</i>
A Judge shall be reimbursed for the payment made by him for —	1-1-2009
<ul style="list-style-type: none"> (a) the telephone bill of his house as accorded to Principal Grade A Officers including payment for internet services; and (b) mobile telephone bill not exceeding RM500. 	

15B. FACILITIES FOR PURCHASING OF MOBILE COMMUNICATION DEVICES:

(1)	(2)
<i>Facilities for purchasing of mobile communication device for a Judge</i>	<i>Effective Date</i>
A Judge shall be reimbursed for the payment made by him to purchase mobile phones according to the rates and conditions as prescribed in the Treasury Circular as accorded to a Staff III officer as revised from time to time.	23-1-2009

16. PAID PASSAGE FOR OVERSEAS TRAVEL:

(1)	(2)
<i>Paid passage for overseas travel for Judge and certain dependants</i>	<i>Effective date</i>
(a) Once in every year of his service, in the case of the Chief Justice.	5-12-2008
(aa) Once in every period of five years of his service, a Judge, other than the Chief Justice, may use this facility at any time during the entitlement period.	1-5-2010
(ab) A Judge shall be eligible to have passage paid by the 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.	5-12-2008
(ac) 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 dependent children.	5-12-2008
(ad) Where a Judicial Commissioner is appointed to be a Judge, his period of service as Judicial Commissioner shall be reckoned as a period of service as a Judge.	5-12-2008
(ae) A Judge may choose whether to use the passage paid for overseas travel in the form of flight tickets or cash according to the rates and conditions prescribed in the Service Circular as accorded to a Staff III officer in the public service as revised from time to time.	1-5-2010
(af) If a Judge does not make the choice to use the passage paid for overseas travel in the form of flight tickets or cash, the Judge shall be given the facility in the form of cash automatically upon completion of 5 years entitlement period, or 1 year in the case of the Chief Justice, or any other conditions prescribed in the Service Circular as accorded to a Staff III officer in the public service as revised from time to time.	1-5-2010

- | | | |
|-----|---|----------|
| (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. | 1-7-1980 |
| (c) | This paid passage facility must be used while the Judge is in office or at the latest, six (6) months after the Judge retired. | 1-1-2010 |
| (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. | 1-7-1980 |
| (e) | A Judge who selects to downgrade his flight class from first class fare to business class fare or economy class fare or selects to purchase a tour package will be paid the difference between the actual cost fare (not exceeding the fare limit). If the actual fare exceeds the fare limit, the difference that can be paid is the difference of the fare limit and the downgraded fare or tour package. | 1-1-2010 |

16A. PAID PASSAGE TO VISIT PLACE OF ORIGIN:

(1)	(2)
<i>Paid passage for travel within Malaysia for judge and spouse and children</i>	<i>Effective date</i>
Once in every 1 year 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)
	<i>Judges</i>	<i>Amount</i>	<i>Effective date</i>
1.	Chief Justice	RM15,000.00 per month	1-1-2009
2.	President of the Court of Appeal	RM12,000.00 per month	1-1-2009
3.	Chief Judges of the High Court in Malaya	RM10,000.00 per month	1-1-2009
4.	Chief Judges of the High Court in Sabah and Sarawak	RM10,000.00 per month	1-1-2009
5.	Judges of the Federal Court	RM8,000.00 per month	1-1-2009
6.	Judges of the Court of Appeal	RM7,000.00 per month	1-1-2009
7.	Judges of the High Court In Malaya and Sabah and Sarawak	RM6,000.00 per month	1-1-2009

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.

19. SPORTS AND RECREATIONAL CLUB'S MEMBERSHIP PAYMENT/FEE

(1)

(2)

*Sports and Recreational Club's Membership
Payment/Fee*

*Effective
date*

A Judge shall be eligible to claim for sports and recreational club's membership payment/fee payable to officers serving in Principal Grade A as revised from time to time.

1-1-2010

THIRD SCHEDULE

[Subsection 15B(2)]

ADJUSTMENT FORMULA FOR PENSION OF JUDGE

<i>Type of Benefit</i>	<i>Formula</i>
Person of a Judge	$\left. \begin{array}{l} 1/360 \times \text{number of months of service} \\ \text{(subject to not more than 216 months)} \\ \text{corresponding last drawn salary; but the} \\ \text{amount of pension, as adjusted, which is} \\ \text{paid or payable in the case of a Judge who} \\ \text{retires under section 8(d) or under section} \\ \text{8A shall not be less than 1/5 of the Judge's} \\ \text{corresponding last drawn salary.} \end{array} \right\}$

FOURTH SCHEDULE

[Subsection 15B(3)]

ADJUSTMENT FORMULA FOR DERIVATIVE PENSION
OF DEPENDANT

Type of Benefit

Formula

Derivative pension shall be paid or be payable for life—

(a) from the date immediately following the date of death in service of the Judge on or after 1st July 1980; or

(b) from the date immediately following the date of death of the Judge in retirement on or after 1 July 1980.

1/360 x number of months of service (subject to not more than 216 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.

FIFTH SCHEDULE

[Section 19A]

1. SALARY:

RM 16,200.21 per month

2. ENTERTAINMENT ALLOWANCE:

RM4,500.00 per month

3. SPECIAL JUDICIAL ALLOWANCE:

RM5,000.00 per month

4. ACCOMMODATION:

- (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 RM2,500.00 per month;
- (ii) A provision of RM1,500.00 per month for domestic help; and
- (iii) A provision of RM3,000.00 per annum for house and garden upkeep.

5. OTHER ALLOWANCE AND PRIVILEGES:

The allowances and privileges specified in paragraphs 1A, 3, 3A, 3B, 3C, 4, 5, 6, 6A, 7, 8, 10, 11, 12, 13, 14, 15, 15A and 15B of the Second Schedule.

6. GRATUITY:

(1)	(2)
<i>Gratuity</i>	<i>Effective Date</i>
A Judicial Commissioner who has reached the end of his appointment and has not been appointed as a Judge is entitled to a gratuity as follows:	1-9-2010

- (a) a Judicial Commissioner who does not contribute to the Employees Provident Fund shall be paid gratuity based on the following computation:

17.5% x last drawn salary x total number of completed months of service, as accorded to an officer in the public service as revised from time to time; and

- (b) a Judicial Commissioner who contributes to the Employees Provident Fund shall be paid gratuity

based on the following computation:

(17.5% - percentage rate of employer's contribution to the Employees Provident Fund based on prevailing laws in effect) x (last drawn salary x total number of completed months of service) – (total interest paid on the employer's contribution to the Employees Provident Fund), as accorded to an officer in the public service as revised from time to time.

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 1979	24-02-1978
Act A443	Judges' Remuneration (Amendment) Act 1978	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) (No.2) Regulations 1980	01-08-1979
P.U.(A) 367/1980	Judges' Remuneration (Amendment of Second Schedule) Regulations 1980	01-07-1980
Act A609	Judges' Remuneration (Amendment) Act 1984	01-07-1980 except s.1(2): 01-01-1985
Act A796	Judges' Remuneration (Amendment) Act 1991	12-04-1991 s.3: 01-10-1988

Amending law	Short title	In force from
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 regulation 4(a): 01-01-1995 and regulation 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 of Second Schedule) Regulations 2000	01-03-1998
P.U.(A) 423/2000	Judges' Remuneration (Amendment of First and Fifth Schedules) Regulations 2000	01-01-2000

Amending law	Short title	In force from
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
P.U.(A) 425/2006	Judges' Remuneration (Amendment of Second Schedule) Regulations 2006.	01-08-2003
P.U.(A) 9/2008	Judges' Remuneration (Amendment of First and Fifth Schedules) Regulations 2008.	01-07-2007
Act A1338/2008	Judges' Remuneration (Amendment) Act 2008	28-08-2008
Act A1346/2009	Judges' Remuneration (Amendment) Act 2009	S.7 and s.8(1), (2) and (3): 01-01-2009 S.2 and 6 and s.8(4): 01-01-2008 s.3, 4 and 5: relate to the reduction of the amount of the derivative person to seventy percent after the period of twelve and a half years: 01-01-2009; relate to the requirement of residency in Malaysia: 01-01-2008
P.U.(A) 55/2009	Judges' Remuneration (Amendment of Second Schedule and Fifth Schedule) Regulations 2009	13-02-2009

Amending law	Short title	In force from
P.U.(A) 194/2009	Judges' Remuneration (Amendment of First, Second Schedule and Fifth Schedule) Regulations 2009	01-01-2009
P.U.(A) 228/2010	Judges' Remuneration (Amendment of Second and Fifth Schedules) Regulations 2010	Paragraphs 2(a) and 3(a): 01-09-2007; Paragraphs 2(b),2(c),2(d), 2(e),2(f),2(h), 3(b) and 3(c): 01-01-2009; Paragraphs 2(g) and 2(i): 01-01-2010
Act A1401	Judges' Remuneration (Amendment) Act 2011	S.2, 3, 5, 6 and 7: 01-01-2009; S.4: 28-08-2008
Act A1412	Judges' Remuneration (Amendment) (No. 2) Act 2011	01-01-2012
P.U.(A) 124/2012	Judges' Remuneration (Amendment of Second and Fifth Schedules) Regulations 2012	Paragraphs 2(a), 2(c) and 2(d): 01-01-2012; Paragraph 2(b): 13-01-2011; Paragraph 2(e): 23-01-2009; Paragraph 2(f): 01-05-2010; Paragraph 3(a): 04-05-2012; Paragraph 3(b): 01-09-2010

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
	Act A1346	01-01-2008
	Act A1338	28-08-2008
2	Act A443	01-01-1976
	Act A609	01-07-1980
	Act A1346	01-01-2008
3	Act A443	01-01-1976
	Act A609	01-07-1980
4	Act A609	01-07-1980
	Act A1401	01-01-2009
5	Act A872	01-01-1992
	Act A1401	01-01-2009
6	Act A609	01-07-1980
7	Act A443	01-01-1976
	Act A609	01-07-1980

Section	Amending authority	In force from
	Act A1013	01-01-1995
7A	Act A1338	28-08-2008
	Act A1401	28-08-2008
8	Act A443	01-01-1976
	Act A463	14-09-1979
	Act A609	01-07-1980
	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
	Act A1401	01-01-2009
10	Act 443	01-01-1976
	Act A609	01-07-1980
	Act A1346	01-01-2009
11	Act A609	01-07-1980
	Act A1346	01-01-2009
	Act A1412	01-01-2012

Section	Amending authority	In force from
11A	Act A609	01-07-1980
	Act A1170	01-01-2002
	Act A1346	01-01-2009
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
15A	Act A609	01-07-1980
	Act A1346	01-01-2008
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
	Act A1338	28-08-2008

Section	Amending authority	In force from	
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	
	P.U.(A)9/2008	01-07-2007	
	P.U.(A)194/2009	01-01-2009	
	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	
Act A609		01-07-1980	
P.U.(A)144/1993	01-01-1992		

Section	Amending Authority	In force from
	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
	P.U.(A)425/2006	01-08-2003
	P.U.(A)55/2009	13-02-2009
	P.U.(A)194/2009	01-01-2009
	P.U.(A)228/2010	Paragraph 1A : 01-09-2007; Paragraphs 3, 3B, 3C, 12, 12A, 15A and 16A: 01-01-2009; Paragraphs 16 and 19: 01-01-2010
	P.U.(A)124/2012	Paragraphs 1,10 and 14: 01-01-2012; Paragraph 5: 13-01-2011; Paragraph 15B: 23-01-2009; Paragraph 16: 01-05-2010
Third Schedule	Act A609	01-07-1980
	Act A1401	01-01-2009
Fourth Schedule	Act A609	01-07-1980
	Act A1346	01-01-2009

Section	Amending Authority	In force from
	Act A1401	01-01-2009
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
	P.U.(A)9/2008	01-07-2007
	P.U.(A)5/2009	13-02-2009
	P.U.(A)194/2009	01-01-2009
	P.U.(A)228/2010	01-09-2007
	P.U.(A)228/2010	01-01-2009
	P.U.(A)124/2012	Paragraph 5: 04-05-2012; Paragraph 6: 01-09-2010
