



# **LAWS OF MALAYSIA**

**Act A443**

**JUDGES' REMUNERATION (AMENDMENT)  
ACT 1979**

Date of Royal Assent ... 23rd January 1979

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Act A443

JUDGES' REMUNERATION (AMENDMENT)  
ACT 1979

An Act to amend the Judges' Remuneration Act 1971.

[1st January 1976.]

BE IT ENACTED by the Duli Yang Maha Mulia 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:

1. This Act may be cited as the Judges' Remuneration (Amendment) Act 1979 and shall be deemed to have come into force on the 1st January 1976.

Short title  
and  
commence-  
ment.

2. Section 2 of the Judges' Remuneration Act 1971, which in this Act is referred to as the "principal Act", is amended—

Amendment  
of section 2.  
Act 45.

(a) by substituting for the word "therein" appearing in subsection (1) thereof the words "in the corresponding third column thereof"; and

(b) by inserting the words "first column of the" between the words "the" and "Second" appearing in subsection (2) thereof and by substituting for the word "therein" appearing in the said subsection the words "in the corresponding second column thereof".

3. Section 3 of the principal Act is amended by inserting after the words "a pension" in line four thereof the words "and a gratuity".

Amendment  
of section 3.

Amendment  
of section 7.

4. The principal Act is amended by substituting for section 7 the following—

“Gratuity. 7. A person who is entitled to a pension under this Act shall also be entitled to a gratuity of an amount computed at the rate of one-twentieth of his last drawn salary for each completed month of his service.”.

Amendment  
of section 8.

5. Section 8 of the principal Act is amended by inserting the words “and a gratuity” after the word “pension” appearing in the last line thereof.

Amendment  
of section  
10.

6. Section 10 of the principal Act is amended—

(a) by substituting for the words “a commuted pension or a reduced pension” appearing in line three thereof the words “a pension and a gratuity”;

(b) by substituting for the words “equal to the commuted pension” appearing in line six thereof the words “computed in accordance with section 7”; and

(c) by deleting the word “reduced” appearing in line eight thereof.

Amendment  
of section  
12.

7. Section 12 of the principal Act is amended—

(a) by substituting for the colon appearing in subsection (3) a fullstop; and

(b) by substituting for the proviso to subsection (3) the following subsection (4) and proviso—

“(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 the 1st July 1977, such Judge shall not be paid a pension and a gratuity in respect of any period prior to the 1st July 1977; and

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(b) who attained the age of fifty-five years prior to the 1st July 1977, such Judge shall be paid a pension and a gratuity from the date on which he attained such age,

and the provisions of subsection (3) shall apply in all other cases from the 1st July 1977.”.

8. The principal Act is amended by substituting for the First Schedule the following new First Schedule—

Amendment  
of the First  
Schedule.

“

## FIRST SCHEDULE

[Section 2 (1)]

(1) Judges	(2) Salary (pensionable)	(3) Effective Date
1. Lord President ... ..	\$6,000 per month	1-1-1976
2. Chief Justice of the High Courts in Malaya	\$5,500 per month	1-1-1976
3. Chief Justice of the High Courts in Borneo	\$5,400 per month	1-1-1976
4. Federal Judges ... ..	\$5,250 per month	1-1-1976
5. Other Judges of the High Courts in Malaya and Borneo	\$4,800 per month	1-1-1976”.

9. Subject to section 10, this Act and the Judges' Remuneration (Amendment of Second Schedule) Regulations 1979 (hereinafter referred to as “the Regulations”) shall apply to every person who was holding office as Judge on the 1st January 1976 or who was or is appointed a Judge after that date, notwithstanding that he may have died, resigned or retired from, or ceased to hold, the office of Judge before the publication of this Act and the Regulations in the *Gazette*.

Application.

10. A person who has been appointed a Judge before the publication of this Act and the Regulations in the *Gazette* may within three months of such publication elect in writing to be governed by the provisions of this Act and the Regulations; and if he does not so elect, he shall continue to be governed by the provisions of such other laws as may be applicable to him as if this Act and the Regulations have not been passed or made, as the case may be:

Election.

Provided that where a person who was a Judge on or after the 1st January 1976 has died before he has made an election under this section, he shall be deemed to have

elected to be governed by the provisions of this Act and the Regulations.

Saving.

11. (1) Nothing in this Act shall affect any pension or gratuity which has been granted or to which a Judge was eligible before the publication of this Act in the *Gazette*; 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 10 to be governed by the provisions of this Act and the Regulations, or unless the proviso to section 10 applies to him.

(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 publication of this Act in the *Gazette*.