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# **LAWS OF MALAYSIA**

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## **Act A463**

### **JUDGES' REMUNERATION (AMENDMENT) (No. 2) ACT 1979**

Date of Royal Assent ... 28th August 1979

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## LAWS OF MALAYSIA

Act A463

JUDGES' REMUNERATION (AMENDMENT)  
(No. 2) ACT 1979

An Act to amend the Judges' Remuneration Act 1971.

[ 14 . 09 . 1979 ]

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) (No. 2) Act 1979. Short title.

2. The Judges' Remuneration Act 1971 is amended by substituting for section 8 the following— Amendment.  
Act 45.

"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-five years;
- (b) retires from the office of a Judge of the Federal Court 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-five years on ground 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.

Retirement  
on ill-  
health.

8A. (1) A Judge who has not attained the age of sixty years may make representations in writing to the Lord President for permission to retire on grounds of ill-health.

(2) On receiving any representations from a Judge under subsection (1), the Lord President 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 Lord President as to the health of the said Judge.

(3) Upon receipt of the report of such board of Medical Officers, the Lord President 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 Clause (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 Lord President desires to retire from the office of Lord President on grounds of ill-health, the provisions of 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 who has not attained the age of sixty years but has held the office of a Judge of the Federal Court and a High Court for a period in the aggregate of not less than ten years may, with the approval of the Lord President, 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 Justices and the Lord President; and in its application to the Lord President, subsection (1) shall be read as if the words 'with the approval of the Lord President' have been omitted therefrom."

KUALA LUMPUR

DICETAK OLEH KETUA PENGARAH PERCETAKAN DAN DITERBITKAN DENGAN PERINTAH PADA  
13RD SEPTEMBER 1979

*Harga: 50 sen*