

28. 117.  
e. au.  
30/6

# THIRD SUPPLEMENT TO THE FEDERATED MALAY STATES GOVERNMENT GAZETTE

OF FRIDAY, THE 18TH OF JUNE, 1920.

(No. 13, Vol. XII.)

PUBLISHED BY AUTHORITY.

MONDAY, 28TH JUNE, 1920.

The following Notification is, by direction of the Chief Secretary to Government, published for general information.

A. S. JELF,  
*Acting Under Secretary, F.M.S.*

No. 2664.—The following Bill about to be introduced in the Federal Council is published for general information:

A BILL  
*intituled*

An Enactment to further amend the Pensions Enactments, 1906.

IT is hereby enacted by the Rulers of the Federated Malay States in Council as follows:

1. (i) This Enactment may be cited as "The Pensions Enactments, 1906, Amendment Enactment, 1920," and shall come into force on the publication thereof in the *Gazette*.

Short title, commencement and construction.

(ii) This Enactment shall be read and construed as one with the Enactments specified in the schedule which are hereinafter called the "principal Enactments," and any copies of the principal Enactments printed after the commencement of this Enactment may be printed with the amendment made by this Enactment.

2. Section 4 of the principal Enactments is repealed and the following section is substituted therefor:

Substituted section 4.

4. (i) With the consent of the High Commissioner a pension may without special reason being assigned be granted to any public officer (other than a Police Officer below the rank of Probationer) who has attained the age of fifty years.

Terms on which pensions, etc., may be granted before fifty-five.

(ii) Except in the case of the abolition of an office, no pension, gratuity or other allowance shall be granted

(a) to any Police Officer below the rank of Probationer who has not attained the age of forty-five years and whose pensionable service as computed according to the rules made under this Enactment does not amount to fifteen years; or

(b) to any other public officer who has not attained the age of fifty years;

without a certificate from two qualified medical practitioners that he is incapable, by reason of some infirmity of mind or body, of discharging the duties of his office, and that such infirmity is likely to be permanent: provided that in the case of an officer retiring while on leave of absence, a certificate from any medical practitioner appointed by the Secretary of State will be sufficient proof of incapacity for further service.

Provided also that when an officer who is below the limit of age entitling him to retire on a pension is removed from the public service on the ground of his inability to discharge efficiently the duties of his office, and the Resident or the Chief Secretary thinks that the special circumstances of the case justify the grant to him of a retiring allowance, he may, with the approval of the High Commissioner, be given such retiring allowance as the Chief Secretary thinks just and proper, but in no case exceeding the amount for which his length of service would qualify him under this Enactment or the rules made hereunder, without any addition for abolition of office.



2

No. OF 192

(iii) No pension, gratuity or other allowance shall in any case be granted to any public officer without a certificate from the Head of his Department that he has discharged the duties of his office with such diligence and fidelity as to justify the grant to him of a pension. When the officer applying for a pension is himself the Head of a Department the certificate must be given by the Resident or in the case of the Resident or the Head of a Federal Department, by the Chief Secretary.

SCHEDULE.  
PRINCIPAL ENACTMENTS.

State.	No. and year.	Short title.
Perak ... ..	1 of 1906	The Pensions Enactment, 1906
Selangor ... ..	2 of 1906	" "
Negri Sembilan ... ..	2 of 1906	" "
Pahang ... ..	2 of 1906	" "

OBJECTS AND REASONS.

Under the existing law a public officer (other than a Police Officer below the rank of Probationer) cannot retire on pension before attaining the age of 55 years without the production of a medical certificate that he is incapable by reason of infirmity of mind or body of discharging the duties of his office, and that such infirmity is likely to be permanent.

This amendment gives effect to the decision of the Secretary of State that an officer who has attained the age of 50 years may retire on pension without special reasons being assigned, provided that the consent of the Government to his retirement is obtained.

KUALA LUMPUR,  
23rd June, 1920.

A. B. VOULES,  
Legal Adviser, F.M.S.