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21 January 2022
P.U. (A) 16

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN PENCEN (PINDAAN) 2022

PENSIONS (AMENDMENT) REGULATIONS 2022

DISIARKAN OLEH/
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AKTA PENCEN 1980

PERATURAN-PERATURAN PENCEN (PINDAAN) 2022

PADA menjalankan kuasa yang diberikan oleh seksyen 5 Akta Pencen 1980 [*Akta 227*], Yang di-Pertuan Agong membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Pencen (Pindaan) 2022**.

(2) Peraturan 2, subperenggan 3(a)(ii), perenggan 3(b) dan peraturan 4 disifatkan telah mula berkuat kuasa pada 1 Januari 2022.

(3) Subperenggan 3(a)(i) disifatkan telah mula berkuat kuasa pada 1 Januari 2018.

(4) Peraturan 5 disifatkan telah mula berkuat kuasa pada 15 Jun 2011.

Pindaan peraturan 21

2. Peraturan-Peraturan Pencen 1980 [*P.U. (A) 176/1980*], yang disebut “Peraturan-Peraturan ibu” dalam Peraturan-Peraturan ini, dipinda dalam peraturan 21—

(a) dalam subperaturan (1), (1A) dan (1B), dengan menggantikan perkataan “satu ratus lima puluh hari” dengan perkataan “satu ratus enam puluh hari”; dan

(b) dalam subperaturan (1D), dengan menggantikan perkataan “1 Ogos 2003 hingga 31 Disember 2008 hendaklah tertakluk kepada maksimum satu ratus dua puluh hari” dengan perkataan “1 Januari 2009 sehingga 31 Disember 2021 hendaklah tertakluk kepada maksimum satu ratus lima puluh hari”.

Pindaan peraturan 21A

3. Peraturan 21A Peraturan-Peraturan ibu dipinda—

(a) dalam subperaturan (1)—

(i) dengan menggantikan perkataan “tujuh hari” dengan perkataan “sepuluh hari”; dan

(ii) dengan menggantikan perkataan “satu ratus lima puluh hari” dengan perkataan “satu ratus enam puluh hari”; dan

(b) dalam subperaturan (5), dengan menggantikan perkataan “1 Mac 2004 hingga 31 Disember 2008 hendaklah tertakluk kepada maksimum satu ratus dua puluh hari” dengan perkataan “1 Januari 2009 hingga 31 Disember 2021 hendaklah tertakluk kepada maksimum satu ratus lima puluh hari”.

Peraturan baharu 21B

4. Peraturan-Peraturan ibu dipinda dengan memasukkan selepas peraturan 21A peraturan yang berikut:

“Pemberian award wang tunai bagi lapan puluh hari cuti rehat yang terkumpul sebelum tarikh persaraan	21B. (1) Walau apa pun subperaturan 21(1B) dan 21A(2), seseorang pegawai boleh memohon kepada Ketua Pengarah bagi suatu award wang tunai bagi lapan puluh hari cuti rehat yang terkumpulnya untuk diberikan kepadanya sebelum tarikh persaraannya tertakluk kepada syarat-syarat yang berikut:
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(a) dia telah berkhidmat dalam perkhidmatan awam bagi suatu tempoh perkhidmatan yang boleh dimasukkan kira yang tidak kurang daripada lima belas tahun;

(b) dia telah mencapai umur empat puluh lima tahun; dan

(c) jumlah cuti rehat yang terkumpulnya menurut subperaturan 21(1) atau 21A(1), mengikut mana-mana yang berkenaan, hendaklah tidak kurang daripada lapan puluh hari.

(2) Permohonan bagi award wang tunai bagi cuti rehat yang terkumpul di bawah subperaturan (1) hanya boleh dibuat sekali sahaja dan lapan puluh hari cuti rehat yang terkumpul itu hendaklah dipotong daripada jumlah cuti rehat yang telah dikumpul oleh pegawai itu menurut subperaturan 21(1) atau 21A(1), mengikut mana-mana yang berkenaan, pada masa permohonan itu dibuat.

(3) Award wang tunai bagi cuti rehat yang terkumpul yang dipohon di bawah subperaturan (1) hendaklah dihitung berdasarkan formula yang berikut:

$$1/30 \times \text{gaji semasa yang diterima} \times \text{lapan puluh hari.}$$

(4) Bagi maksud subperaturan (3), “gaji semasa yang diterima” ertinya gaji hakiki bulanan semasa yang diterima termasuk apa-apa elaun, imbuhan atau unsur lain yang ditentukan oleh Kerajaan mulai 1 Ogos 1993 yang boleh diambil kira bagi maksud pembayaran award wang tunai, tetapi tidak termasuk elaun berpencen.”.

Pindaan peraturan 23

5. Peraturan 23 Peraturan-Peraturan ibu dipinda—

(a) dalam subperaturan (1)—

(i) dengan memasukkan selepas perkataan “di bawah Akta” perkataan “dan seseorang yang bersara di bawah subseksyen 6A(5) atau (6) Akta”; dan

(ii) dengan menggantikan perkataan “dia” dengan perkataan “mereka”; dan

(b) dalam subperaturan (2), dengan memasukkan selepas perkataan “Kad pesara” perkataan “yang dikeluarkan kepada orang yang menerima pencen atau faedah lain”.

Dibuat 14 Januari 2022
[JPA/PEN(S)123-2 Jld. 2; PN(PU2)423/Jld. 4]

Dengan Titah Perintah

TAN SRI MOHD ZUKI BIN ALI
Setiausaha Jemaah Menteri

PENSIONS ACT 1980

PENSIONS (AMENDMENT) REGULATIONS 2022

IN exercise of the powers conferred by section 5 of the Pensions Act 1980 [*Act 227*], the Yang di-Pertuan Agong makes the following regulations:

Short title and commencement

1. (1) These regulations may be cited as the **Pensions (Amendment) Regulations 2022**.

(2) Regulation 2, subparagraph 3(a)(ii), paragraph 3(b) and regulation 4 are deemed to have come into operation on 1 January 2022.

(3) Subparagraph 3(a)(i) is deemed to have come into operation on 1 January 2018.

(4) Regulation 5 is deemed to have come into operation on 15 June 2011.

Amendment of regulation 21

2. The Pensions Regulations 1980 [*P.U. (A) 176/1980*], which are referred to as the “principal Regulations” in these Regulations, are amended in regulation 21—

(a) in subregulations (1), (1A) and (1B), by substituting for the words “one hundred and fifty days” the words “one hundred and sixty days”; and

(b) in subregulation (1D), by substituting for the words “1 August 2003 to 31 December 2008 shall be subject to a maximum of one hundred and twenty days” the words “1 January 2009 to 31 December 2021 shall be subject to a maximum of one hundred and fifty days”.

Amendment of regulation 21A

2. Regulation 21A of the principal Regulations is amended—

(a) in subregulation (1)—

(i) by substituting for the words “seven days” the words “ten days”; and

(ii) by substituting for the words “one hundred and fifty days” the words “one hundred and sixty days”; and

(b) in subregulation (5), by substituting for the words “1 March 2004 to 31 December 2008 shall be subject to a maximum of one hundred and twenty days” the words “1 January 2009 to 31 December 2021 shall be subject to a maximum of one hundred and fifty days”.

New regulation 21B

3. The principal Regulations are amended by inserting after regulation 21A the following regulation:

“Granting of
cash award for
eighty days of
accumulated
vacation leave
before date of
retirement

21B. (1) Notwithstanding subregulations 21(1B) and 21A(2), an officer may apply to the Director General for a cash award for his eighty days of accumulated vacation leave to be granted to him before the date of his retirement subject to the following conditions:

(a) he has served in the public service for a period of reckonable service of not less than fifteen years;

(b) he has attained the age of forty-five years; and

(c) his total accumulated vacation leave pursuant to subregulation 21(1) or 21A(1), as the case may be, shall not be less than eighty days.

(2) The application for the cash award for the accumulated vacation leave under subregulation (1) may only be made once and the eighty days of the accumulated vacation leave shall be deducted from the total number of the vacation leave accumulated by the officer pursuant to subregulation 21(1) or 21A(1), as the case may be, at the time the application is made.

(3) The cash award for the accumulated vacation leave applied for under subregulation (1) shall be calculated based on the following formula:

$1/30 \times \text{current drawn salary} \times \text{eighty days}.$

(4) For the purposes of subregulation (3), “current drawn salary” means the current drawn monthly substantive salary inclusive of any allowance, affixes or other elements determined by the Government from 1 August 1993 that may be taken into account for the purpose of the payment of the cash award, but does not include pensionable allowance.”.

Amendment of regulation 23

4. Regulation 23 of the principal Regulations is amended—

(a) in subregulation (1)—

(i) by inserting after the words “under the Act” the words “and a person who retires under subsection 6A(5) or (6) of the Act”; and

(ii) by substituting for the word “him” the word “them”; and

(b) in subregulation (2), by inserting after the words “The pensioner’s card” the words “issued to the person who is in receipt of pension or other benefits”.

Made 14 January 2022

[JPA/PEN(S)123-2 Jld. 2; PN(PU2)423/Jld. 4]

By Command

TAN SRI MOHD ZUKI BIN ALI
Secretary to the Cabinet