



LAWS OF MALAYSIA

REPRINT

Act 393

SERVICE COMMISSIONS ACT 1957

Incorporating all amendments up to 1 January 2006

PUBLISHED BY
THE COMMISSIONER OF LAW REVISION, MALAYSIA
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968
IN COLLABORATION WITH
PERCETAKAN NASIONAL MALAYSIA BHD
2006

SERVICE COMMISSIONS ACT 1957

First enacted 1957 (Ord. No. 74 of
1957)
Revised 1989 (Act 393 w.e.f.
16 November 1989)

PREVIOUS REPRINT

First Reprint 2001

LAWS OF MALAYSIA**Act 393****SERVICE COMMISSIONS ACT 1957**

ARRANGEMENT OF SECTIONS

PART I**PRELIMINARY**

Section

1. Short title and application
2. Interpretation

PART II**PRIVILEGES AND PROTECTION**

3. Certain communications to be privileged
4. Protection of members

PART III**OFFENCES**

5. Giving false information to Commission
6. Unauthorized publication and disclosure of information
7. Influencing or attempting to influence Commission
8. Members, officers and servants of Commission deemed to be public servants under the Penal Code
9. Consent of Public Prosecutor to prosecutions

PART IV

REMUNERATION OF MEMBERS OF SERVICE
COMMISSIONS

Section

10. Remuneration
11. Provision against duplicate salary
12. Charge and payment of remuneration
13. Schedule may be amended by regulations

SCHEDULE

LAWS OF MALAYSIA**Act 393****SERVICE COMMISSIONS ACT 1957**

An Act to make provision for the punishment of offences in connection with the Service Commissions, for the protection and remuneration of the members of the Commissions and for other matters connected therewith.

*[Peninsular Malaysia—31 August 1957;
Sabah and Sarawak—4 March 1965]*

PART I**PRELIMINARY****Short title and application**

1. (1) This Act may be cited as the Service Commissions Act 1957.
- (2) This Act shall apply throughout Malaysia.

Interpretation

2. (1) In this Act, unless the context otherwise requires—

“Commission” means, as the case may be, the Public Services Commission, the Judicial and Legal Service Commission, the Police Service Commission, or the Education Service Commission.

(2) In Parts II and III references to a Commission shall be construed as including references to any Commission of a State, corresponding in status and jurisdiction to the Public Services Commission, whose jurisdiction extends to persons in the public service of the State; and in such context references to the Yang di-Pertuan Agong and to the Government shall be construed as including references to the Ruler and to the Government of the State, as the circumstances may require.

PART II

PRIVILEGES AND PROTECTION

Certain communications to be privileged

3. No person shall in any legal proceedings be permitted or compelled to produce or disclose any communication written or oral which has taken place between a Commission or any member of the Commission and the Government or any Minister or public officer or any communication between members of a Commission in exercise of or in connection with the exercise of the functions of the Commission unless the Yang di-Pertuan Agong shall in writing consent to such production or disclosure.

Protection of members

4. Every member of a Commission shall have such and like protection and privileges in case of any action or suit brought against him for any act done or omitted to be done by him when acting in the execution of his office as is by law given to any Magistrate acting in the execution of his office.

PART III

OFFENCES

Giving false information to Commission

5. Any person who, in connection with an application by any person for employment or appointment in the public service or with the exercise by a Commission of any of its functions, wilfully gives to the Commission or to any member thereof or to any person or body of persons appointed by the Commission to assist in the exercise of its functions any information which is false or misleading in any material particular shall be guilty of any offence and shall be liable to imprisonment for a term of two years or to a fine of two thousand ringgit or to both.

Unauthorized publication and disclosure of information

6. (1) No member of a Commission nor any other person shall, without the written permission of the Yang di-Pertuan Agong, publish or disclose to any unauthorized person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duty as such member in respect of any matters relating to the exercise by the Commission of any of its functions, and any person who knowingly acts in contravention of this subsection shall be guilty of an offence and shall be liable to imprisonment for a term of one year or to a fine of one thousand ringgit or to both.

(2) If any person having possession of any information which to his knowledge has been disclosed in contravention of this section publishes or communicates such information to any person otherwise than for the purpose of a prosecution under this Act, he shall be guilty of an offence and shall be liable to imprisonment for a term of one year or to a fine of one thousand ringgit or to both.

Influencing or attempting to influence Commission

7. Every person who, otherwise than in the course of his duty, directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of a Commission or any member thereof shall be guilty of an offence and shall be liable to imprisonment for a term of two years or to a fine of two thousand ringgit or to both:

Provided that nothing in this section shall prohibit any person from giving a certificate or testimonial to any applicant or candidate for any public office or from supplying any information or assistance upon formal request made by a Commission.

Members, officers and servants of Commission deemed to be public servants under the Penal Code

8. Every member, officer and servant of a Commission shall be deemed to be a public servant within the meaning of the Penal Code [*Act 574*].

Consent of Public Prosecutor to prosecutions

9. A prosecution under this Act shall not be instituted except by or with the consent of the Public Prosecutor.

PART IV

REMUNERATION OF MEMBERS OF SERVICE
COMMISSIONS**Remuneration**

10. (1) The remuneration of members of the Commissions specified in the Schedule shall consist of the salary or fixed allowance, allowances and privileges prescribed therein.

(2) The salary or fixed allowance of each member of such Commission shall—

- (a) commence from the date of his appointment;
- (b) accrue from day to day; and
- (c) be payable monthly on the last day of each month, or on such other day as the Minister of Finance may from time to time determine.

Provision against duplicate salary

11. A person to whom any salary is payable under this Act or for whose salary as the holder of any other office provision is made by any other written law shall be entitled to receive only one such salary, but if he is the holder of two or more offices in respect of which salary is so payable and there is a difference in the salaries payable in respect of those offices, the office in respect of which salary is payable to him shall be that in respect of which the highest salary is payable.

Charge and payment of remuneration

12. (1) The sum required for the remuneration payable under this Act shall be charged on the Consolidated Fund.

(2) Until the coming into operation of Part VII of the Federal Constitution the sum charged by subsection (1) on the Consolidated Fund shall be charged on and paid out of the revenues of Malaysia.

Schedule may be amended by regulations

13. The Yang di-Pertuan Agong may by regulations amend the Schedule.

SCHEDULE

[Section 10]

SALARIES AND FIXED ALLOWANCES

(A) PUBLIC SERVICES COMMISSION

Per month

“1. Chairman:

Salary	RM11,544.50
--------	-------------

2. Deputy Chairman:

Salary	RM8,299.10
--------	------------

3. Members:

Fixed allowance	RM5,946.81”;
-----------------	--------------

4. Acting Allowance:

(a) In the event of the Deputy Chairman or any member performing the functions of the Chairman or the Deputy Chairman during a period of twenty-eight days, he shall be entitled to an acting allowance equivalent to the difference between his salary or fixed allowance, as the case may be, and the salary of the position he is acting in.

(b) The Deputy Chairman or any member who has been asked to perform the functions of the Chairman for the second or subsequent time shall be entitled to an acting allowance, if he performs the functions for a period exceeding fourteen days, including public holidays.

(B) JUDICIAL AND LEGAL SERVICE COMMISSION

Members (excluding *ex officio* members and members appointed from among serving Judges):

Per month

Fixed allowance	RM5,547.51
-----------------	------------

(C) POLICE SERVICE COMMISSION

Members (excluding *ex officio* members and members appointed from among serving Judges):

Per month

Fixed allowance	RM5,547.51
-----------------	------------

(D) EDUCATION SERVICE COMMISSION

Per month

1. Chairman:

Salary	RM 9,039.80
--------	-------------

2. Deputy Chairman:

Salary	RM 7,672.50
--------	-------------

3. Members:

Fixed allowance	RM 5,547.51
-----------------	-------------

4. Acting Allowance:

(a) In the event of the Deputy Chairman or any member performing the functions of the Chairman or the Deputy Chairman during a period of twenty-eight days, he shall be entitled to an acting allowance equivalent to the difference between his salary or fixed allowance, as the case may be, and the salary of the position he is acting in.

(b) The Deputy Chairman or any member who has been asked to perform the functions of the Chairman for the second or subsequent time shall be entitled to an acting allowance, if he performs the functions for a period exceeding fourteen days, including public holidays.

ALLOWANCES AND PRIVILEGES APPLICABLE TO
ALL COMMISSIONS

1. SUBSISTENCE ALLOWANCES (DOMESTIC):

(a) on outstation duty for a period of twenty-four hours and above:

Chairmen of all Service Commissions	equivalent to a member of the public service in Premier/ Special Grade 'A' and above on such terms and conditions as stipulated in Treasury Circular No. 2 Of 1992 or as may be determined by the Treasury from time to time.
---	--

Deputy Chairmen and members of all Service Commissions	equivalent to a member of the public service in category I with a salary of RM 3,872 to Premier/Special Grade 'B' on such terms and conditions as stipulated in Treasury Circular No.2 Of 1992 or as may be determined by the Treasury from time to time.
--	--

(b) on outstation duty for a period exceeding eight hours but less than
twenty-four hours the rates shall be half the rates in subparagraph (a).

2. HOTEL ACCOMMODATION EXPENSES AND LODGING (DOMESTIC):

Chairmen of all Service Commissions	equivalent to a member of the public service in Premier/ Special Grade 'A' and above on such terms and conditions as stipulated in Treasury Circular No. 2 Of 1992 or as may be determined by the Treasury from time to time.
---	---

Deputy Chairmen and members of all Service Commissions	equivalent to a member of the public service in category I with a salary of RM 3,872 to Premier/Special Grade 'B' on such terms and conditions as stipulated in Treasury Circular No. 2 Of 1992 or as may be determined by the Treasury from time to time.
--	---

3. ALLOWANCE FOR TRAVELLING USING OWN VEHICLE:

(travelling from house to office and *vice versa* excepted)

A member of a Service Commission using his own vehicle to carry out his official duty outside the headquarters is entitled to claim travelling allowance on such terms and conditions as stipulated in Treasury Circular No. 2 Of 1992 and Treasury Circular No. 6 Of 2001 or as may be determined by the Treasury from time to time.

4. MEDICAL FACILITIES:

Free outpatient treatment for Chairman, Deputy Chairman, members, their spouses and children but in case of hospitalization daily ward charges are payable according to rates chargeable for Division I officers except where hospitalisation is as a result of injuries sustained in the course of duty. Where the Chairman, Deputy Chairman or member is a pensioner he may opt for the medical facilities available to pensioners.

“Child” means any dependant child below 21 years of age of the Chairman, Deputy Chairman or member, or any dependant child pursuing a first degree in an institution of higher learning and includes a child who is mentally retarded or physically handicapped in which case the age limit shall not apply. It shall also include a stepchild or a child adopted under any recognised law or custom.

5. LEAVE:

- (a) Thirty days vacation leave in respect of each completed year of service with the Commission shall be granted;
- (b) a member may carry forward vacation leave which he is unable to finish in a particular year to the next succeeding year, which must be within the term of office of the member; and
- (c) a member may apply for special leave to perform the Haj on condition that he has not used this privilege while in the public service and subject to other terms and conditions as may be determined by the Government from time to time.

6. MONTHLY HOUSING ALLOWANCE:

	<i>Public Services Commission</i>	<i>Other Service Commissions</i>
Chairman	RM 2,500	RM 2,000
Deputy Chairman	RM 1,600	RM 1,300
Member	RM 900	RM 900

7. GRATUITY

A gratuity shall be paid as follows:

[17 1/2% - 12% Employees' Provident Fund (EPF) contributions] x completed month of service x the last month's basic salary after deducting employer's contribution to the EPF shall be paid—

(a) on the expiry of the term of appointment of a member but where a member is appointed for more than one term he may opt either to be paid at the end of each term or after he has completed all the terms (in either case he is entitled to exemption from income tax only once); or

(b) to such of his dependants as may be determined by the Yang di-Pertuan Agong or if there is no dependant, to his personal representative, if he dies while holding office.

8. ADVANCE TO PURCHASE MOTOR VEHICLES:

(payable within the term of office of the member during which the advance is given on such terms and conditions as stipulated in the Treasury Circular or Circular Letter for Advance To Purchase Motor Vehicles for member of the public services or as may be determined by the Treasury from time to time)

Chairmen and Deputy Chairmen of all Service Commissions	RM 60,000
Members of all Service Commissions	RM 55,000

9. MEETING ALLOWANCE:

(applicable only to *ex officio* members and members appointed from among serving judges)

There shall be paid an allowance of RM150 per day or part thereof for attending a meeting or meetings of a Commission or any Committee or Board thereof as stipulated in Treasury Circular No. 7 Of 1994 or as may be determined by the Treasury from time to time subject to a maximum of RM 1,000 in any one month.

10. DRIVER'S ALLOWANCE:

Chairmen of all Service Commissions and Deputy Chairman of the Public Services Commission	provided with a driver or if the driver employed is not from the public service, the salary is based on Grade R10 of the New Remuneration System.
---	---

Deputy Chairmen of other Service Commissions and members of all Service Commissions	equivalent to a member of the public service in category I with a salary of RM3,872 to Special Grade “B” on such terms and conditions as stipulated in Treasury Circular No. 2 Of 1992 or as may be determined by the Treasury from time to time.
---	---

11. AIR TRAVEL:

(“Domestic” means flights within and to and from Brunei, Kalimantan, Malaysia, Singapore and Thailand (from Phuket southwards))

Chairman, Deputy Chairman and Members	First Class (non-domestic)
---------------------------------------	----------------------------

Chairman, Deputy Chairman and Members	First Class (domestic)
---------------------------------------	------------------------

12. MONTHLY ENTERTAINMENT ALLOWANCE:

	<i>Public Services Commission</i>	<i>Other Service Commissions</i>
Chairman	RM5,000	RM4,000
Deputy Chairman	RM3,050	RM2,500
Member	RM800	RM800

13. OFFICIAL CAR:

The Chairmen and the Deputy Chairmen of all Service Commissions shall be provided with an official car as may be determined by the Treasury from time to time.

14. HOUSE UPKEEP ALLOWANCE:

	<i>Public Services Commission (Per year)</i>	<i>Other Service Commissions (Per year)</i>
Chairman	RM3,000	RM2,000
Deputy Chairman	RM2,000	RM2,000

15. WATER AND ELECTRICITY CHARGES:

The Chairmen of all Service Commissions shall be entitled to free water and electricity.

16. SERVANTS' ALLOWANCE:

	<i>Public Services Commission (Per month)</i>	<i>Other Service Commissions (Per month)</i>
Chairman	RM1,000	RM500
Deputy Chairman	RM500	RM500

17. Where before the expiry of the term of appointment of a member of a Commission such member ceases to be a member thereof by virtue of the provisions of any written law, the member shall—

- (a) be paid half the salary or fixed allowance;
- (b) half the monthly housing allowance;
- (c) in addition to the gratuity payable under item 7, be paid gratuity calculated in accordance with that item in respect of the unexpired term of his appointment as if he had served as a member for such unexpired term and been paid the salary or fixed allowance, as the case may be, in respect thereof; and
- (d) half the monthly entertainment allowance,

from the date he ceases to be a member of that Commission to the date of the expiry of his appointment or to the date of his appointment to another Commission, whichever is the earlier.

18. TRAVELLING ELIGIBILITY WHEN REPORTING FOR DUTY:

A member of a Commission is entitled to claim air fare based on his eligibility when travelling to report for duty. This includes air fare for his wife and children under the age of 21. A member is also entitled to a transfer allowance to his home State when his term of office expires.

19. SUBSTITUTION ALLOWANCE:

A member of a Commission is entitled to a substitution allowance when using his own car for carrying out official functions outside headquarters subject to the terms and conditions as may be determined by the Treasury from time to time.

20. ADVANCE:

When carrying out official functions outside headquarters, a member of a Commission is entitled to an advance subject to the terms and conditions as may be determined by the Treasury from time to time.

21. MISCELLANEOUS EXPENSES:

When travelling to carry out official functions, the following miscellaneous expenses incurred shall be reimbursed:

- (a) telephone, telegram or postal charges incurred in the course of the official function;
- (b) laundry expenses (to be supported by receipts) incurred during hotel stay of more than three days; and
- (c) parking, toll and ferry charges (to be supported by receipts).

22. OFFICIAL DUTY OUTSIDE MALAYSIA:

(a) Subsistence Allowance

Chairmen of all Service Commissions	equivalent to a member of the public service in Premier/Special Grade "A" and above on such terms and conditions as stipulated in Treasury Circular No. 2 Of 1992 and Treasury Circular No. 6 Of 2001 or as may be determined by the Treasury from time to time.
Deputy Chairmen and members of all Service Commissions	equivalent to a member of the public service in category I with a salary of RM 3,872 to Premier/Special Grade "B" on such terms and conditions as stipulated in Treasury Circular No. 2 Of 1992 and Treasury Circular No. 6 Of 2001 or as may be determined by the Treasury from time to time.

(b) Hotel Accommodation Expenses And Lodging

Chairmen of all Service Commissions	equivalent to a member of the public service in Premier/Special Grade 'A' and above on such terms and conditions as stipulated in Treasury Circular No. 2 Of 1992 and Treasury Circular No. 6 Of 2001 or as may be determined by the Treasury from time to time.
-------------------------------------	--

Deputy Chairmen and members of all Service Commissions	equivalent to a member of the public service in category I with a salary of RM 3,872 to Premier/Special Grade 'B' on such terms and conditions as stipulated in Treasury Circular No. 2 Of 1992 and Treasury Circular No. 6 Of 2001 or as may be determined by the Treasury from time to time.
--	--

(c) Miscellaneous Expenses

When carrying out official duty outside Malaysia, a member of a Service Commission is entitled to claim miscellaneous expenses on such terms and conditions as stipulated in Treasury Circular No. 2 Of 1992 or as may be determined by the Treasury from time to time.

(d) Warm Clothing Allowance

When required to carry out official duty in countries of temperate climate, a member of the Service Commission is eligible to claim a Warm Clothing Allowance on such terms and conditions as stipulated in Treasury Circular No. 2 Of 1992 or as may be determined by the Treasury from time to time.

23. *EX-GRATIA* SCHEME FOR WORK DISASTER:

A member of the Commission involved in an accident or injured while on official duty is entitled or receive benefit on such terms and conditions as stipulated in Treasury Circular No. 7 Of 2001 or as may be determined by the Treasury from time to time.

LAWS OF MALAYSIA

Act 393

SERVICE COMMISSIONS ACT 1957

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act No. 9/1960	Service Commissions (Amendment) Act 1960	30-05-1957
Act A149	Service Commissions (Amendment) Act 1972	06-10-1972
Act A166	Service Commissions (Amendment) Act 1973	01-01-1972
Act A215	Service Commissions (Amendment) (No. 2) Act 1973	30-08-1973 01-01-1974
Act A468	Service Commissions (Amendment) Act 1979	01-01-1974 21-01-1975 01-07-1977
Act A509	Service Commissions (Amendment) Act 1981	01-07-1980
P.U. (A) 98/1981	Service Commissions (Amendment of Second Schedule) Regulations 1981	01-07-1980
Act A543	Service Commissions (Amendment) Act 1982	15-05-1981
P.U. (A) 180/1982	Service Commissions (Amendment of Schedule) Regulations 1982	15-05-1981
P.U. (A) 428/1989	Service Commissions (Amendment of Schedule) Regulations 1989	01-10-1988
P.U. (A) 366/1991	Service Commissions (Amendment of Schedule) Regulations 1991	Para 2(a)— 01-01-1991 Para 2 (b)— 01-03-1991

Service Commissions

19

Amending law	Short title	In force from
P.U. (A) 80/1992	Service Commissions (Amendment of Schedule) Regulations 1992	Subregn (1) to First Amendment— 01-01-1989; Subregn (1) to Second Amendment— 01-01-1992
P.U. (A) 245/1996	Service Commissions (Amendment of Schedule) Regulations 1996	01-01-1994
P.U. (A) 600/1996	.Service Commissions (Amendment of Schedule) (No. 2) Regulations 1996	01-01-1995
P.U. (A) 230/1998	Service Commissions (Amendment of Schedule) Regulations 1998	19-06-1998
P.U. (A) 223/2000	Service Commissions (Amendment of Schedule) Regulations 2000	01-09-1999
P.U. (A) 407/2000	Service Commissions (Amendment of Schedule) (No.2) Regulations 2000	01-01-2000
P.U. (A) 242/2001	Service Commissions (Amendment of Schedule) Regulations 2001	01-03-2001
P.U. (A) 162/2002	Service Commissions (Amendment of Schedule) Regulations 2002	01-01-2002
P.U. (A) 31/2003	Service Commissions (Amendment of Schedule) Regulations 2003	2-10-2002
P.U. (A) 18/2005	Service Commissions (Amendment of Schedule) Regulations 2005	01-11-2002
P.U. (A) 25/2005	Service Commissions (Amendment of Schedule) (No. 2) Regulations 2005	01-10-2003

LAWS OF MALAYSIA

Act 393

SERVICE COMMISSIONS ACT 1957

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act 9/1960	30-05-1957
	Act A215	30-08-1973
	Act A543	15-05-1981
10	Act A149	06-10-1972
	Act A468	01-07-1977
	Act 543	15-05-1981
13	Act A468	01-07-1977
	Act A543	15-05-1981
Schedule	Act A149	06-10-1972
	Act A166	01-01-1972
	Act A215	01-01-1974
	Act A468	01-01-1974
		21-01-1975
	Act A509	01-07-1980
	P.U. (A) 98/1981	01-07-1980
	Act A543	15-05-1981
	P.U. (A) 180/1982	15-05-1981
	P.U. (A) 428/1989	01-10-1988
	P.U. (A) 366/1991	01-01-1991
		01-03-1991
	P.U. (A) 80/1992	01-01-1989
		01-01-1992
	P.U. (A) 170/1992	13-03-1992
	P.U. (A) 245/1996	01-01-1994
	P.U. (A) 600/1996	01-01-1995
	P.U. (A) 230/1998	19-06-1998
	P.U. (A) 223/2000	01-09-1999
	P.U. (A) 407/2000	01-01-2000
P.U. (A) 242/2001	01-03-2001	
P.U. (A) 162/2002	01-01-2002	
P.U. (A) 31/2003	02-10-2002	
P.U. (A) 18/2005	01-11-2002	
P.U. (A) 25/2005	01-10-2003	

