



LAWS OF MALAYSIA

REPRINT

Act 584

TEACHERS' SUPERANNUATION FUND (SABAH) (DISSOLUTION) ACT 1998

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

**TEACHERS' SUPERANNUATION FUND
(SABAH) (DISSOLUTION) ACT 1998**

Date of Royal Assent 25 June 1998

Date of publication in the *Gazette* 9 July 1998

PREVIOUS REPRINT

First Reprint 2002

LAWS OF MALAYSIA**Act 584****TEACHERS' SUPERANNUATION FUND (SABAH)
(DISSOLUTION) ACT 1998**

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LAWS OF MALAYSIA**Act 584****TEACHERS' SUPERANNUATION FUND (SABAH)
(DISSOLUTION) ACT 1998**

An Act to repeal the Teachers' Superannuation Ordinance 1963 (Sabah), to dissolve the Teachers' Superannuation Fund and the Board of Management established under the Ordinance, to transfer all its properties to the Government and to provide for other matters connected therewith.

[1 December 1998, P.U. (B) 488/1998]

BE IT ENACTED by the 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:

Short title and commencement

1. (1) This Act may be cited as the Teachers' Superannuation Fund (Sabah) (Dissolution) Act 1998.

(2) This Act shall come into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Interpretation

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

“appointed date” means the date appointed by the Minister under section 1;

“Board” means the Board of Management established under subsection 4(1) of the Ordinance;

“eligible person” means a person entitled to a superannuation allowance, a gratuity, a pension or any other retirement benefit under the Ordinance;

“Fund” means the Teachers’ Superannuation Fund established under section 3 of the Ordinance;

“Government” means the Federal Government;

“Minister” means the Minister charged with the responsibility for finance;

“Ordinance” means the Teachers’ Superannuation Ordinance 1963 (Sabah) [*Sabah Ord. 20 of 1963*];

“pension” means an annual superannuation allowance payable under section 7 of the Ordinance, and includes any gratuity, pension, or other retirement benefit payable under the Ordinance.

Repeal and dissolution

3. The Ordinance is repealed and the Board and the Fund established thereunder are dissolved.

Transfer of powers, rights, etc.

4. All powers, rights, privileges, duties, liabilities and obligations which immediately before the appointed date were those of the Board shall, as from that date, devolve on the Government.

Transfer of property

5. All immovable property and assets which immediately before the appointed date were vested in the Fund or in any person or body acting on its behalf shall, on the appointed date, vest in the Government.

Transfer of funds

6. All moneys standing in, or due to be paid to, the Fund shall, on the appointed date, be transferred to, and vest in the Government.

Existing contracts, etc.

7. All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the appointed date

and affecting any of the property and moneys transferred under sections 5 and 6 shall be of full force and effect against or in favour of the Government and enforceable as fully and effectually as if, instead of the Board or the Fund, or any person or body acting on its behalf, the Government had been named therein or had been a party thereto.

Officer responsible for payment of pension

8. The State Treasurer of Sabah shall be the officer responsible for effecting the payment of the amounts provided for in section 9.

Payment of lump sum amount

9. (1) A person who was, on 15 February 1983, an eligible person shall be paid the amount as recommended in the actuary's report dated 30 August 1996 and any subsequent revision thereof made by the actuary and an additional forty per cent of that amount.

(2) The lump sum amount to be paid under subsection (1) shall be paid out of the moneys referred to in section 6 and, if such moneys are insufficient for such purpose, the property and assets referred to in section 5.

(3) For the purposes of this section, "actuary" means the actuary appointed under the Ordinance by the Board for the purpose of determining the amount to be paid under this Act.

Payment without probate or letters of administration

10. (1) Notwithstanding any written law to the contrary, where an eligible person to whom any payment could be made under subsection 9(1) is deceased or dies before the payment is made, the amount remaining unpaid may be paid to his dependants without probate or letters of administration.

(2) Where there are more than one dependant to whom payment may be made under subsection (1), the payment shall be made in equal amounts to the dependants.

(3) Where there is no dependant, the amount payable under

subsection (1) shall become part of the deceased eligible person's estate.

(4) For the purpose of this section—

(a) “child” in relation to a deceased eligible person means—

(i) a child who is under twenty-one years of age of the eligible person and includes—

(A) a posthumous child, a dependant stepchild and an illegitimate child of the eligible person; and

(B) a child adopted by the eligible person under any written law relating to adoption or under any custom or usage, on satisfactory proof of such adoption;

and

(ii) a child of any age who is mentally retarded or physically and permanently incapacitated and is incapable of supporting himself provided that such child is mentally retarded or physically and permanently incapacitated before the child reaches the age of twenty-one years;

and

(b) “dependant” means—

(i) a widow of a deceased eligible person;

(ii) a widower of a deceased eligible person;

(iii) a child of a deceased eligible person; or

(iv) the mother of a deceased eligible person or if his mother is not living, his dependant father.

Payment to constitute full discharge

11. Where payment is made in good faith under section 9 or 10 and in accordance with the provisions of this Act—

(a) such payment shall constitute a full and proper discharge of all the liability of the Government under the Ordinance and this Act and no eligible person shall be entitled to any further payment thereafter; and

- (b) no action, suit or proceedings calling such payment in question or the payment of any other amount shall be brought or shall lie against the Government or any of its officers or servants.

Continuance of criminal and civil proceedings

12. (1) The repeal of the Ordinance shall not affect any person's liability to be prosecuted or punished for offences committed under the Ordinance before the appointed date, or any proceedings brought or sentence imposed before that date in respect of such offence.

(2) Any proceedings (whether civil or criminal) or cause of action pending or existing immediately before the appointed date by or against the Board or any person or body acting on its behalf may be continued or instituted by or against the Government as it might have been continued or instituted by or against the Board or such person or body as if this Act had not been passed.

(3) Any appeal brought, or any leave to appeal applied for, on or after the appointed date, against a decision given before the appointed date in any legal proceedings to which the Board or any person or body acting on its behalf was a party may be brought by or against the Government as it might have been brought by or against the Board as if this Act had not been passed.

Prevention of difficulties or anomalies

13. (1) If any difficulty or anomaly arises in connection with the implementation of this Act, the Minister may by order make such modifications to any provision of this Act as may appear to him to be necessary for removing or preventing such difficulty or anomaly:

Provided that the Minister shall not exercise the powers conferred by this section after the expiration of three years from the appointed date.

(2) In this section, "modifications" includes amendments, additions, deletions, substitutions, adaptations, variations, alteration and non-application of any provision of this Act.

Cessation of regulations

14. All regulations made under section 18 of the Ordinance shall cease to have effect on the appointed date.

LAWS OF MALAYSIA**Act 584****TEACHERS' SUPERANNUATION FUND (SABAH)
(DISSOLUTION) ACT 1998****LIST OF AMENDMENTS**

Amending law	Short title	In force from
	- NIL -	

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(DISSOLUTION) ACT 1998**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
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– NIL –

