



23 Oktober 2015
23 October 2015
P.U. (A) 253

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERINTAH BADAN-BADAN BERKANUN (TATATERTIB DAN SURCAJ) (PINDAAN JADUAL KEDUA) 2015

STATUTORY BODIES (DISCIPLINE AND SURCHARGE) (AMENDMENT OF SECOND SCHEDULE) ORDER 2015



DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA BADAN-BADAN BERKANUN (TATATERTIB DAN SURCAJ) 2000

PERINTAH BADAN-BADAN BERKANUN (TATATERTIB DAN SURCAJ)
(PINDAAN JADUAL KEDUA) 2015

PADA menjalankan kuasa yang diberikan oleh subseksyen 23(1) Akta Badan-Badan Berkanun (Tatatertib dan Surcaj) 2000 [*Akta 605*], Perdana Menteri membuat perintah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Perintah ini bolehlah dinamakan **Perintah Badan-Badan Berkanun (Tatatertib dan Surcaj) (Pindaan Jadual Kedua) 2015**.

(2) Perintah ini disifatkan telah mula berkuat kuasa pada 1 Julai 2015.

Pindaan peraturan 43

2. Jadual Kedua Akta Badan-Badan Berkanun (Tatatertib dan Surcaj) 2000, yang disebut "Jadual ibu" dalam Perintah ini, dipinda dalam peraturan 43—

(a) dengan menggantikan perenggan 1(a) dengan perenggan yang berikut:

“(a) gaji itu hanya boleh diturunkan secara mendatar dalam peringkat gaji yang sama dalam jadual gaji pegawai;”

(b) dengan menggantikan subperaturan (5) dengan subperaturan yang berikut:

“(5) Bagi maksud perenggan (1)(b), “pergerakan gaji” adalah bersamaan amaun satu kenaikan gaji tahunan daripada gaji hakiki.”

(c) dengan menggantikan subperaturan (6) dengan subperaturan yang berikut:

“(6) Hukuman turun gaji tidak terpakai ke atas pegawai yang berada di mata gaji minimum.”; dan

(d) dengan memasukkan selepas subperaturan (6) subperaturan yang berikut:

“(7) Sekiranya hukuman turun gaji yang dilaksanakan di bawah Perintah ini menyebabkan pegawai menerima gaji kurang daripada gaji minimum yang ditentukan bagi gred jawatan yang disandang oleh pegawai maka gaji pegawai hendaklah diturunkan setakat gaji minimum pegawai di gred jawatan disandang itu.”.

Pindaan peraturan 44

3. Jadual ibu dipinda dalam peraturan 44—

(a) dalam subperaturan (2) dengan menggantikan perenggan (a), (b) dan (c) dengan perenggan yang berikut:

“(a) tertakluk kepada perenggan (b) dan (c), gaji baharu pegawai hendaklah dikurangkan terlebih dahulu amaunnya sebanyak satu kenaikan gaji tahunan di gred sebelum turun pangkat dan jumlah itu hendaklah menjadi gaji bagi pegawai itu di gred turun pangkat;

(b) sekiranya gaji itu lebih tinggi daripada gaji maksimum di gred turun pangkat, gaji maksimum di gred turun pangkat itu hendaklah menjadi gaji pegawai itu di gred turun pangkat; atau

- (c) sekiranya gaji itu lebih rendah daripada gaji minimum di gred turun pangkat, gaji minimum di gred turun pangkat itu hendaklah menjadi gaji pegawai itu di gred turun pangkat.”; dan
- (b) dalam subperaturan (3) dengan memasukkan selepas perkataan “serentak” perkataan “dan perenggan (a), (b) dan (c) hendaklah terpakai mengikut mana-mana yang berkenaan”.

Pembatalan

4. Perintah Badan-Badan Berkanun (Tatatertib dan Surcaj) (Pindaan Jadual Kedua) 2011 [*P.U. (A) 436/2011*] adalah dibatalkan (selepas ini disebut sebagai “Perintah yang dibatalkan”).

Kecualian dan peralihan

5. Walau apa pun apa-apa jua yang terkandung dalam Perintah ini, pemakaian Perintah ini hendaklah tertakluk kepada keadaan yang berikut:

- (a) sekiranya apa-apa kesalahan dilakukan dari 1 Januari 2012 sehingga tarikh Perintah ini berkuat kuasa yang prosidingnya belum dimulakan atau yang prosidingnya telah dimulakan tetapi keputusan mengenainya belum diputuskan, hukuman turun pangkat yang dilaksanakan berdasarkan Perintah yang dibatalkan itu adalah sah tetapi gaji pegawai di gred turun pangkat itu hendaklah ditentukan berdasarkan Perintah ini;
- (b) sekiranya apa-apa kesalahan dilakukan dari 1 Januari 2012 sehingga tarikh Perintah ini berkuat kuasa dikenakan hukuman turun gaji dan dilaksanakan terhadap pegawai dalam Kumpulan Pengurusan Tertinggi berdasarkan Perintah yang dibatalkan, hukuman turun gaji yang dikenakan itu adalah sah dan hendaklah dilaksanakan berdasarkan Perintah yang dibatalkan;

- (c) sekiranya hukuman yang diperuntukkan dalam Perintah ini lebih berat daripada hukuman sebelum Perintah ini berkuat kuasa, pelaksanaan hukuman tersebut hendaklah dilaksanakan mengikut perintah yang terpakai sebelum Perintah ini berkuat kuasa; dan
- (d) tertakluk kepada perenggan 5(a) dan (b), Perintah ini hendaklah terpakai kepada apa-apa kesalahan yang dilakukan dari 1 Januari 2012 sehingga tarikh Perintah ini berkuat kuasa yang prosidingnya belum dimulakan atau yang prosidingnya yang telah dimulakan tetapi keputusan mengenainya belum diputuskan.

Dibuat 1 Julai 2015

[JPA.BK(S)223/8/2-3]ld.5; PN(PU2)613/II]

DATO' SRI MOHD NAJIB BIN TUN ABDUL RAZAK
Perdana Menteri

STATUTORY BODIES (DISCIPLINE AND SURCHARGE) ACT 2000

STATUTORY BODIES (DISCIPLINE AND SURCHARGE)
(AMENDMENT OF SECOND SCHEDULE) ORDER 2015

IN exercise of the powers conferred by subsection 23(1) of the Statutory Bodies (Discipline and Surcharge) Act 2000 [Act 605], the Prime Minister makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Statutory Bodies (Discipline and Surcharge) (Amendment of Second Schedule) Order 2015**.

(2) This Order is deemed to have come into operation on 1 July 2015.

Amendment of regulation 43

2. The Second Schedule of the Statutory Bodies (Discipline and Surcharge) Act 2000, which is referred to as the "principal Schedule" in this Order, is amended in regulation 43—

(a) by substituting for paragraph 1(a) the following paragraph:

“(a) the salary can only be reduced horizontally in the same level in the officer’s salary schedule;”;

(b) by substituting for subregulation (5) the following subregulation:

“(5) For the purpose of paragraph (1)(b), a “salary movement” is equal to the amount of one annual salary increment of basic salary.”;

(c) by substituting for subregulation (6) the following subregulation:

“(6) The punishment of reduction of salary does not apply to an officer who is on the minimum salary point.”; and

(d) by inserting after subregulation (6) the following subregulation:

“(7) If the punishment of reduction of salary imposed under this Order renders the officer to receive a salary less than the minimum salary determined by the grade for the post held by the officer, the officer’s salary shall be reduced to the minimum salary of an officer in the grade of the post held by him.”.

Amendment of regulation 44

3. Regulation 44 of the principal Schedule is amended—

(a) in subregulation (2) by substituting for paragraphs (a), (b) and (c) the following paragraphs:

“(a) subject to paragraphs (b) and (c), the new salary of the officer shall first be reduced its amount by one annual salary increment at the grade before his reduction in rank and that amount shall be the officer’s salary at the reduced grade;

(b) if the salary is higher than the maximum salary at the reduced grade, the maximum salary at the reduced grade shall be the salary of the officer at the reduced grade; or

(c) if the salary is less than the minimum salary at the reduced grade, the minimum salary at the reduced grade shall be the salary of the officer at the reduced grade.”; and

- (b) in subregulation (3) by inserting after the word “simultaneously” the words “and paragraphs (a), (b) and (c) shall be applied according to whichever is appropriate”.

Revocation

4. The Statutory Bodies (Discipline and Surcharge) (Amendment of Second Schedule) Order 2011 [*P.U. (A) 436/2011*] is revoked (hereinafter referred to as “the revoked Order”).

Savings and transitional

5. Notwithstanding anything contained in this Order, the application of this Order shall be subject to the following conditions:

- (a) if any offence is committed from 1 January 2012 until the date this Order comes into operation of which its proceedings are still pending or the proceedings have commenced but the decision on it has not been made, the reduction in rank made in accordance with the revoked Order is valid but the salary of the officer at the reduced grade shall be determined in accordance with this Order;
- (b) if any offence is committed from 1 January 2012 until the date this Order comes into operation of which the punishment is a reduction of salary imposed against an officer in the Top Management Group in accordance with the revoked Order, the punishment of reduction of salary is valid and shall be implemented in accordance with the revoked Order;
- (c) if the punishments provided in this Order are more severe than the punishments before this Order comes into operation, the implementation of the punishments shall follow the order applicable before this Order comes into operation; and

(d) subject to paragraphs 5(a) and (b), this Order shall apply to any offence committed from 1 January 2012 until the date this Order comes into operation of which its proceedings are still pending or the proceedings have commenced but the decision on it has not been made.

Made 1 July 2015

[JPA.BK(S)223/8/2-3]ld.5; PN(PU2)613/II]

DATO' SRI MOHD NAJIB BIN TUN ABDUL RAZAK
Prime Minister