

PINGAT TENTERA UDARA (REMEMBRANCE ALLOWANCE) BILL 2012

ARRANGEMENT OF CLAUSES

Clause

1. Short title and commencement
2. Interpretation
3. Grant of remembrance allowance
4. Cessation of grant of remembrance allowance
5. Grant to next-of-kin of recipient where Decoration is conferred posthumously
6. Prime Minister to apportion amount to be paid
7. Remembrance allowance and sum to be charged to the Federal Consolidated Fund
8. Remembrance allowance and sum not assignable, *etc.*

A BILL

i n t i t u l e d

An Act to provide for the grant of a remembrance allowance to the recipients of the Decoration of Pingat Tentera Udara and for connected matters.

[]

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Pingat Tentera Udara (Remembrance Allowance) Act 2012.

(2) This Act is deemed to have come into operation on 1 July 2011.

Interpretation

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

“child” includes a step-child and a child adopted by the recipient under any written law relating to adoption;

“Decoration” means the Decoration of Pingat Tentera Udara conferred under the Statutes of Pingat Tentera Udara [G.N. 4043/68];

“remembrance allowance” means the remembrance allowance granted under subsection 3(1);

“spouse” means the widow or widower of a deceased recipient whose marriage is recognized in Malaysia as a valid marriage under any written law, religion or custom;

“recipient” means a person who has been conferred the Decoration;

“social guarantor” means a person who provides, not for the purpose of making profit, any of the following guarantees:

- (a) a guarantee for a loan, scholarship or grant for educational or research purposes;
- (b) a guarantee for a hire-purchase transaction of a vehicle for personal or non-business use;
- (c) a guarantee for a housing loan transaction solely for personal dwelling.

Grant of remembrance allowance

3. (1) There may be granted to a recipient of a Decoration a remembrance allowance of one thousand ringgit a month, and where the Decoration is conferred on such recipient more than once, there may be granted to him a separate remembrance allowance of one thousand ringgit a month in respect of each Decoration conferred on him.

(2) The remembrance allowance shall only be payable to a recipient who is still living at the commencement of this Act.

(3) The remembrance allowance shall be payable in arrear no earlier than the end of each month.

(4) Where the Decoration is conferred before the commencement of this Act, the remembrance allowance shall be paid to the recipient, in any case, commencing with the month of the commencement of this Act.

(5) Where the Decoration is conferred on or after the commencement of this Act, the remembrance allowance shall be paid to the recipient commencing with the month in which the Decoration is conferred on him.

Cessation of grant of remembrance allowance

4. (1) The grant of a remembrance allowance shall cease—

- (a) if the recipient dies;
- (b) if the recipient has been convicted for any offence by a court of law in the Federation;
- (c) if the recipient has been ordered by a court of law in the Federation in any civil action to pay an amount which exceeds two thousand ringgit; or
- (d) upon the cancellation or annulment of the conferment of the Decoration in accordance with section VI of the Statutes of Pingat Tentera Udara.

(2) No remembrance allowance shall be paid commencing—

- (a) with the month in which the death of the recipient takes place;
- (b) with the month in which the sentence for an offence is imposed on the recipient;
- (c) with the month in which the order referred to in paragraph (1)(c) is imposed on the recipient; or
- (d) with the month in which the conferment of the Decoration is cancelled or annulled,

as the case may be.

(3) If there is an appeal against such sentence or order referred to in paragraph (1)(b) or (c) by the recipient, the remembrance allowance shall not be paid commencing with the month in which such sentence or order is confirmed on such appeal.

(4) If the recipient receives a free pardon in respect of such conviction referred to in paragraph (1)(b), or if the cancelled or annulled Decoration is restored to him, the remembrance allowance shall be restored to him commencing with the month in which the free pardon is received or the Decoration is restored.

(5) Paragraph (1)(c) does not apply to a recipient where the court order against him was made in his capacity as a social guarantor.

Grant to next-of-kin of recipient where Decoration is conferred posthumously

5. Where the Decoration is conferred posthumously after the commencement of this Act, there may be made a grant of a total sum of ten thousand ringgit once only—

- (a) to the spouse or spouses and children of the deceased recipient who are living on the date of the conferment of the Decoration;
- (b) if on the date of the conferment of the Decoration no spouse or child of the deceased recipient is living, to the parents or parent of the deceased recipient who are or is living on such date; or
- (c) if on the date of the conferment of the Decoration no spouse, child or parent of the deceased recipient is living, to the grandparents or grandparent of the deceased recipient who are or is living on such date.

Prime Minister to apportion amount to be paid

6. The amount to be paid to the spouse or spouses, children, parents or grandparents, as the case may be, under section 5 shall be in such proportions as may be determined by the Prime Minister.

Remembrance allowance and sum to be charged to the Federal Consolidated Fund

7. The remembrance allowance and sum granted under this Act shall be charged to the Federal Consolidated Fund.

Remembrance allowance and sum not assignable, etc.

8. Any remembrance allowance or sum granted under this Act shall not be assignable, transferable, liable to be attached, sequestrated or levied upon in respect of any claim.

EXPLANATORY STATEMENT

The Pingat Tentera Udara (Remembrance Allowance) Bill 2012 (“the proposed Act”) seeks to provide for the grant of a remembrance allowance to the recipients of the Decoration of Pingat Tentera Udara and for connected matters.

2. *Clause 1* contains the short title and provision on the commencement of the proposed Act.
3. *Clause 2* contains the definition of certain expressions used in the proposed Act.
4. *Clause 3* seeks to provide for the grant of a remembrance allowance of one thousand ringgit a month to the recipient of the Decoration of Pingat Tentera Udara who is still living at the commencement of the proposed Act.
5. *Clause 4* seeks to provide for the cessation of the grant of remembrance allowance and its restoration on the occurrences stipulated in that *clause*.
6. *Clause 5* seeks to provide for the grant of a total sum of ten thousand ringgit once only to the next-of-kin of a recipient where the Decoration of Pingat Tentera Udara is conferred posthumously after the commencement of the proposed Act.
7. *Clause 6* empowers the Prime Minister to apportion the amounts to be paid to the next-of-kin of a deceased recipient granted the Decoration posthumously.
8. *Clause 7* provides that the remembrance allowance and sum granted under the proposed Act shall be charged on the Federal Consolidated Fund.
9. *Clause 8* provides that the remembrance allowance or sum granted under the proposed Act shall not be assignable, transferable, *etc.*

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

[PN(U2)2816]