



NEGERI PERAK

# Warta Kerajaan

DITERBITKAN DENGAN KUASA

*GOVERNMENT OF PERAK GAZETTE*

*PUBLISHED BY AUTHORITY*

**ENAKMEN MAJLIS AGAMA ISLAM DAN  
‘ADAT MELAYU PERAK  
(TATATERTIB DAN SURCAJ) 2001  
MAJLIS AGAMA ISLAM DAN  
‘ADAT MELAYU PERAK  
(DISCIPLINE AND SURCHARGE)  
ENACTMENT 2001**



MAJLIS AGAMA ISLAM DAN ADAT MELAYU PERAK,  
TINGKAT 1, KOMPLEKS ISLAM DARUL RIDZUAN,  
JALAN PANGLIMA BUKIT GANTANG WAHAB,  
30300 IPOH, PERAK DARUL RIDZUAN.



NEGERI PERAK

## Warta Kerajaan

DITERBITKAN DENGAN KUASA

*GOVERNMENT OF PERAK GAZETTE*

*PUBLISHED BY AUTHORITY*

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Bil. 6

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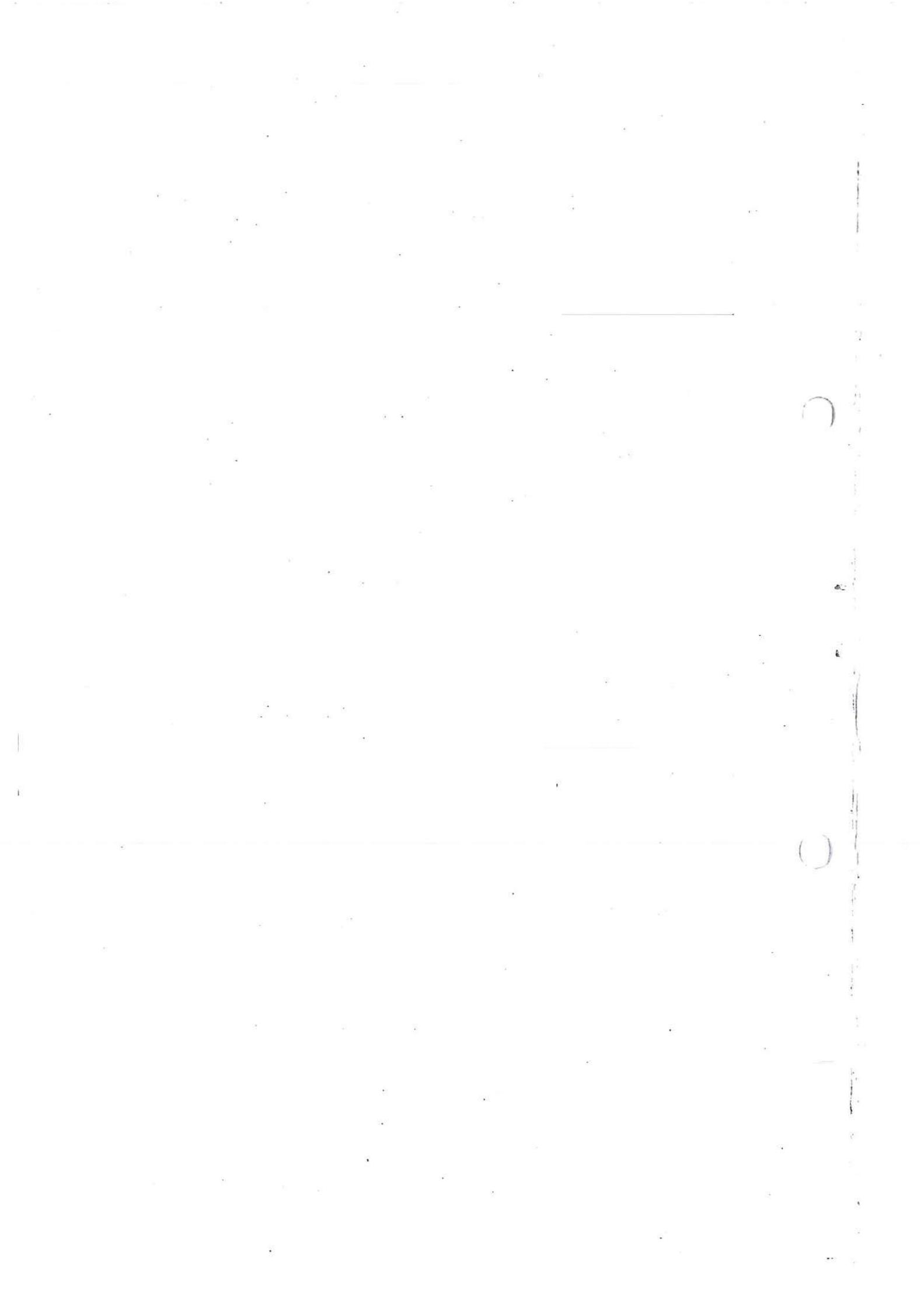
**TAMBAHAN No. 1  
ENAKMEN**

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Enakmen-Enakmen yang berikut, yang telah diluluskan oleh Dewan Negeri Perak Darul Ridzuan pada 30 Julai 2001 dan telah diperkenankan oleh Duli Yang Maha Mulia Paduka Seri Sultan Perak pada 25 Februari 2002, disiarkan untuk pengetahuan umum:

The following Enactments passed by the State Legislative Assembly Perak Darul Ridzuan on the 30 July 2001 and assented by His Royal Highness the Sultan of Perak on the 25 February 2002 are published for general information:

Enakmen Bil.	Nama	Muka
1.	Enakmen Anggota Pentadbiran Dan Dewan Negeri (Saraan)(Pindaan) 2001 Members Of The Administration And The Legislative Assembly (Remuneration) (Amendment) Enactment 2001	1
2.	Enakmen Majlis Agama Islam Dan 'Adat Melayu Perak (Tatatertib Dan Surcaj) 2001 Majlis Agama Islam Dan 'Adat Melayu Perak (Discipline And Surcharge) Enactment 2001	5



PERAK DARUL RIDZUAN

ENAKMEN BIL. 3 TAHUN 2001

BETA PERKENANKAN,

SULTAN AZLAN SHAH,  
*Sultan Perak*

25 Februari 2002

Suatu Enakmen untuk meminda Enakmen Anggota Pentadbiran  
dan Dewan Negeri (Saraan) 1980.

[ ]

DIPERBUAT oleh Badan Perundangan Negeri Perak Darul Ridzuan seperti berikut:

**Tajuk ringkas dan permulaan kuat kuasa**

1. Enakmen ini boleh dinamakan Enakmen Anggota Pentadbiran dan Dewan Negeri (Saraan) (Pindaan) 2001.
2. Seksyen 3, 4 dan 5 hendaklah disifatkan telah mula berkuat kuasa pada 1 Januari 2000.

**Pindaan seksyen 3**

3. Enakmen Anggota Pentadbiran dan Dewan Negeri (Saraan) 1980 [En. 5/1980] yang disebut "Enakmen ibu" dalam Enakmen ini, dipinda dalam seksyen 3 dengan menggantikan perkataan "tiga ribu dan sembilan puluh ringgit" dengan perkataan "tiga ribu tiga ratus dan sembilan puluh sembilan ringgit".

**Pindaan seksyen 4**

4. Seksyen 4 Enakmen ibu dipinda–
  - (a) dalam subseksyen (1)–
    - (i) dengan menggantikan perkataan "empat ribu lima ratus dan sembilan puluh ringgit" dengan perkataan "lima ribu dan empat puluh sembilan ringgit".
  - (b) dalam subseksyen (2)–
    - (ii) dengan menggantikan perkataan "dua ribu ringgit" dengan perkataan "dua ribu dan dua ratus ringgit".

**Pindaan seksyen 6**

5. Subseksyen 6(1) Enakmen ibu dipinda—

(a) dalam perenggan (a)—

(i) dengan menggantikan perkataan “sepuluh ribu dan enam ratus lima puluh ringgit” dengan perkataan “sebelas ribu dan tujuh ratus lima belas ringgit.”.

(b) dalam perenggan (b)—

(ii) dengan menggantikan perkataan “empat ribu lima ratus dan sembilan puluh ringgit” dengan perkataan “lima ribu dan empat puluh sembilan ringgit.”.

Diluluskan pada 30 Julai 2001.

PSUK.PK.(MAJ) A355/737/1 Jld 2;  
PU.PK. 56/80 (S.).]

HAJI SHARAIN BIN TAKIN  
*Setiausaha,  
Dewan Negeri,  
Perak Darul Ridzuan*

STATE OF PERAK

ENACTMENT No. 3 OF 2001

I ASSENT,

SULTAN AZLAN SHAH,  
*Sultan of Perak*

25 February 2002

An Enactment to amend the Members of the Administration and  
the Legislative Assembly (Remuneration) Enactment 1980.

[ ]

ENACTED by the Legislature of the State of Perak Darul Ridzuan  
as follows:

**Short title and commencement**

1. This Enactment may be cited as the Members of The Administration and the Legislative Assembly (Remuneration) (Amendment) Enactment 2001.
2. Sections 3, 4 and 5 shall be deemed to have come into force on 1 January 2000.

**Amendment of section 3**

3. The Members of The Administration and The Legislative Assembly (Remuneration) Enactment 1980 [*En. 5/1980*], which in this Act is referred to as the “principal Enactment”, is amended in section 3 by substituting the words “three thousand and ninety ringgit” the words “three thousand three hundred and ninety nine ringgit.”.

**Amendment of section 4**

4. Section 4 of the principal Enactment is amended—

(a) in subsection (1)—

- (i) by substituting the words “four thousand five hundred and ninety ringgit” the words “five thousand and forty nine ringgit.”.

(b) in subsection (2)—

- (ii) by substituting the words “two thousand ringgit” the words “two thousand and two hundred ringgit.”.

**Amendment of section 6**

5. Subsection 6(1) of the principal Enactment is amended—

(a) in paragraph (a)—

(i) by substituting the words “ten thousand six hundred and fifty ringgit” the words “eleven thousand seven hundred and fifteen ringgit.”.

(b) in paragraph (b)—

(ii) by substituting the words “four thousand five hundred and ninety ringgit” the words “five thousand and forty nine ringgit.”.

Passed this 30th day of July 2001.

PSUK.PK.(MAJ) A355/737/1 Jld 2;

PU.PK. 56/80 (S).].

HAJI SHARAIN BIN TAKIN  
*Secretary,*  
*State Legislative Assembly,*  
*Perak Darul Ridzuan*

**ENAKMEN MAJLIS AGAMA ISLAM  
DAN 'ADAT MELAYU PERAK  
(TATATERTIB DAN SURCAJ) 2001**

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**SUSUNAN SEKSYEN**

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**BAHAGIAN I**

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1. Tajuk ringkas dan permulaan kuat kuasa
2. Pemakaian
3. Hubungan Enakmen ini dengan Enakmen Pentadbiran
4. Tafsiran

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**TATATERTIB**

5. Pemakaian Kaedah-Kaedah
6. Pihak berkuasa tata tertib
7. Rayuan

**BAHAGIAN III**

**PENAMATAN DEMI KEPENTINGAN AWAM**

8. Penamatan perkhidmatan
9. Perakuan oleh Jawatankuasa Tatatertib
10. Peluang untuk didengar
11. Penamatan perkhidmatan bukan pembuangan kerja
12. Persaraan demi kepentingan awam

**BAHAGIAN IV****SURCAJ****Seksyen**

13. Alasan bagi surc妖
14. Notis supaya menunjukkan sebab
15. Pengenaan surc妖
16. Pemberitahuan surc妖
17. Penarikan balik surc妖
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**BAHAGIAN V****KUASA MAJLIS**

21. Kuasa untuk meminda Jadual

**BAHAGIAN VI****AM**

22. Akta Perlindungan Pihak Berkuasa Awam 1948
23. Arahan pentadbiran oleh Majlis

**BAHAGIAN VII****KETERHENTIAN PEMAKAIAN, KECUALIAN DAN PERALIHAN**

24. Keterhentian pemakaian peruntukan-peruntukan tertentu dalam Enakmen Pentadbiran
25. Kecualian dan peralihan

**JADUAL**

PERAK DARUL RIDZUAN

ENAKMEN BIL. 4 TAHUN 2001

BETA PERKENANKAN,

SULTAN AZLAN SHAH,  
*Sultan Perak*

25 Februari 2002

Suatu Enakmen untuk mengadakan peruntukan bagi perkara-perkara yang berhubungan dengan tatatertib, dan pengenaan surc妖 ke atas, pegawai-pegawai Majlis Agama Islam dan ‘Adat Melayu Perak dan bagi perkara-perkara yang berkaitan dengannya.

[ ]

DIPERBUAT oleh Badan Perundangan Negeri Perak Darul Riduan seperti berikut:

BAHAGIAN I

PERMULAAN

**Tajuk ringkas dan permulaan kuat kuasa**

1. (1) Enakmen ini bolehlah dinamakan Enakmen Majlis Agama Islam Dan ‘Adat Melayu Perak (Tatatertib Dan Surc妖) 2001.

(2) Enakmen ini hendaklah mula berkuat kuasa pada tarikh yang ditetapkan oleh Duli Yang Maha Mulia Sultan melalui pemberitahuan dalam *Warta*.

**Pemakaian**

2. Enakmen ini hendaklah terpakai bagi Majlis Agama Islam dan ‘Adat Melayu Perak.

**Hubungan Enakmen ini dengan Enakmen Pentadbiran**

3. Enakmen ini hendaklah dibaca bersama dan ditafsirkan sebagai satu dengan Enakmen Pentadbiran Agama Islam 1992 [En. 2/1992].

## Tafsiran

4. Dalam Enakmen ini, melainkan jika konteksnya menghendaki makna yang lain—

“ahli Majlis” ertinya mana-mana orang yang dilantik di bawah Enakmen Pentadbiran;

“emolumen” ertinya apa-apa saraan, termasuklah gaji, pemberian tetap, pembayaran insentif dan elauan bulanan, yang kena dibayar kepada seseorang pegawai setiap bulan;

“Enakmen Pentadbiran” ertinya Enakmen Pentadbiran Agama Islam 1992 [En. 2/1992];

“gaji” ertinya gaji pokok seseorang pegawai;

“Jawatankuasa Rayuan Tatatertib” ertinya jawatankuasa yang disebut dalam seksyen 7;

“Jawatankuasa Tatatertib” ertinya jawatankuasa yang disebut dalam seksyen 6;

“Kaedah-Kaedah” ertinya Kaedah-Kaedah dalam Jadual Pertama;

“kesalahan tatatertib” ertinya pelanggaran mana-mana peruntukan tatakelakuan yang ditetapkan dalam Kaedah-Kaedah dan termasuklah apa-apa perbuatan atau peninggalan yang berkenaan dengannya tindakan tatatertib boleh diambil di bawah Kaedah-Kaedah;

“Majlis” ertinya Majlis Agama Islam Dan ‘Adat Melayu Perak yang ditubuhkan di bawah Enakmen Pentadbiran;

“pegawai” ertinya seseorang yang diambil bekerja secara tetap, sementara atau kontrak oleh Majlis, dan dibayar emolumen oleh Majlis, dan termasuklah seseorang yang dipinjamkan ke mana-mana syarikat Majlis atau mana-mana jabatan atau agensi Kerajaan Persekutuan atau Negeri;

“Setiausaha” ertinya Setiausaha Majlis yang dilantik di bawah Enakmen Pentadbiran.

## BAHAGIAN II

### TATATERTIB

#### Pemakaian Kaedah-Kaedah

5. Kaedah-Kaedah hendaklah terpakai berkenaan dengan tatatertib pegawai Majlis.

#### Pihak berkuasa tatatertib

6. (1) Pihak berkuasa tatatertib berkenaan dengan semua pegawai ialah Jawatankuasa Tatatertib yang ditubuhkan mengikut Bahagian I Jadual Kedua, dan peruntukan-peruntukan Bahagian itu hendaklah terpakai bagi, dan dipatuhi oleh Jawatankuasa Tatatertib.

(2) Dalam menjalankan bidang kuasa tatatertibnya, Jawatankuasa Tatatertib hendaklah mematuhi tatacara yang dinyatakan dalam Kaedah-Kaedah dan hendaklah mempunyai kuasa untuk mengambil tindakan tatatertib dan mengenakan hukuman tatatertib yang dinyatakan dalam Kaedah-Kaedah.

#### Rayuan

7. Seseorang pegawai yang didapati bersalah atas sesuatu kesalahan tatatertib oleh Jawatankuasa Tatatertib boleh merayu terhadap keputusan itu kepada Jawatankuasa Rayuan Tatatertib yang ditubuhkan mengikut Bahagian II Jadual Kedua dan peruntukan-peruntukan Bahagian itu hendaklah terpakai bagi, dan dipatuhi oleh Jawatankuasa Rayuan Tatatertib.

## BAHAGIAN III

### PENAMATAN DEMI KEPENTINGAN AWAM

#### Penamatan perkhidmatan

8. (1) Jika Majlis mendapati atau jika representasi dibuat kepada Majlis bahawa adalah wajar perkhidmatan seseorang pegawai ditamatkan demi kepentingan awam, Majlis boleh

mengarahkan pegawai atasan kepada pegawai yang terhadapnya representasi itu dibuat supaya mengemukakan kepada Majlis suatu laporan lengkap yang hendaklah mengandungi butir-butir yang berhubungan dengan kerja dan kelakuan pegawai itu, dan ulasan Setiausaha.

(2) Majlis boleh, dalam keadaan di mana tiada pegawai atasan kepada pegawai yang terhadapnya representasi itu dibuat, mengarahkan Setiausaha supaya mengemukakan kepada Majlis suatu laporan lengkap dan ulasan yang disebut dalam subseksyen (1).

(3) Jika, selepas menimbangkan laporan dan ulasan yang dikemukakan di bawah subseksyen (1) atau (2), Majlis berpuashati bahawa, dengan mengambil kira syarat-syarat perkhidmatan, kerja, kelakuan dan kebergunaan pegawai itu dan semua keadaan lain kes, adalah wajar demi kepentingan awam untuk berbuat demikian, Majlis boleh menamatkan perkhidmatan pegawai itu mulai dari tarikh yang hendaklah ditentukan oleh Majlis.

#### **Perakuan oleh Jawatankuasa Tatatertib**

9. (1) Adalah sah disisi undang-undang bagi Jawatankuasa Tatatertib untuk memperakukan kepada Majlis supaya perkhidmatan seorang pegawai ditamatkan demi kepentingan awam walaupun tiada prosiding tatatertib telah dijalankan di bawah Enakmen ini.

(2) Suatu perakuan kepada Majlis di bawah subseksyen (1) hendaklah disertakan dengan suatu laporan penuh alasan-alasan yang padanya perakuan itu diasaskan.

(3) Majlis boleh mengarahkan Setiausaha supaya mengemukakan apa-apa maklumat tambahan kepada Majlis berkenaan dengan pegawai itu sebagaimana yang dikehendaki oleh Majlis.

(4) Jika, selepas menimbangkan laporan yang dikemukakan di bawah subseksyen (2) dan apa-apa maklumat tambahan yang dikemukakan di bawah subseksyen (3) Majlis berpuas hati bahawa, dengan mengambil kira syarat-syarat perkhidmatan, kerja, kelakuan dan kebergunaan pegawai itu

dan semua keadaan lain kes, adalah wajar demi kepentingan awam untuk berbuat demikian, Majlis boleh menamatkan perkhidmatan pegawai itu mulai dari tarikh yang hendaklah ditentukan oleh Majlis.

#### **Peluang untuk didengar**

**10.** Walau apa pun apa-apa jua dalam Enakmen ini dan apa-apa undang-undang lain yang berlawanan, sebelum Majlis membuat keputusan di bawah seksyen 8 atau 9 untuk menamatkan perkhidmatan seseorang pegawai, Majlis hendaklah memberi pegawai itu peluang untuk didengar.

#### **Penamatkan perkhidmatan bukan pembuangan kerja**

**11.** Penamatkan seseorang pegawai di bawah seksyen 8 atau 9 bukanlah dan tidak boleh dianggap sebagai pembuangan kerja walaupun penamatkan itu melibatkan suatu unsur hukuman atau berkaitan dengan kelakuan yang berhubungan dengan jawatannya yang dianggap oleh Majlis sebagai tidak memuaskan atau patut dipersalahkan.

#### **Persaraan demi kepentingan awam**

**12.** Walau apa pun seksyen 8 atau 9, Majlis boleh, dengan persetujuan pihak berkuasa pencen, menghendaki mana-mana pegawai bersara daripada perkhidmatan Majlis di bawah perenggan 10(5)(d) Akta Pencen Pihak-Pihak Berkuasa Berkawan dan Tempatan 1980. [Akta 239].

### **BAHAGIAN IV**

#### **SURCAJ**

#### **Alasan bagi surcaj**

**13.** Seseorang yang adalah atau pernah berada dalam penggajian Majlis boleh disurcaj jika ternyata kepada Majlis bahawa orang itu—

- (a) tidak atau telah gagal untuk memungut apa-apa wang yang terhutang kepada Majlis yang bagi pemungutannya dia adalah atau telah dipertanggungjawabkan;

- (b) adalah atau telah bertanggungjawab bagi apa-apa pembayaran wang yang tidak sepatutnya daripada Majlis atau bagi apa-apa pembayaran wang yang tidak diluluskan dengan sewajarnya;
- (c) adalah atau telah bertanggungjawab, secara langsung atau tidak langsung, bagi apa-apa kekurangan dalam, atau bagi pemusnahan, apa-apa wang, barang-barang simpanan atau harta lain Majlis;
- (d) sebagai atau sebagai seorang yang pernah menjadi seorang pegawai akaun, tidak atau telah gagal untuk menyimpan atau memantau akaun atau rekod yang sepatutnya bagi Majlis; atau
- (e) tidak atau telah gagal untuk membuat apa-apa pembayaran, atau adalah atau telah bertanggung-jawab bagi apa-apa kelewatan dalam pembayaran wang daripada Majlis kepada mana-mana orang yang kepadanya bayaran itu kena dibayar di bawah mana-mana undang-undang atau di bawah mana-mana kontrak, perjanjian atau perkiraan yang dibuat antara orang itu dengan Majlis.

**Notis supaya menunjukkan sebab**

14. Majlis hendaklah, sebelum seseorang disurcaj, menyampaikan kepadanya suatu notis bertulis yang memintanya supaya menunjukkan sebab mengapa dia tidak sepatutnya disurcaj.

**Pengenaan surcaj**

15. Jika suatu penjelasan yang memuaskan tidak diterima dalam masa 14 hari dari tarikh penyampaian suatu notis kepada seseorang di bawah seksyen 14, Majlis boleh—

- (a) dalam hal sesuatu perbuatan atau peninggalan yang diperihalkan dalam perenggan 13(a), (b) atau (c), mensurcaj terhadap orang itu sejumlah wang yang tidak melebihi amaun yang tidak dipungut atau pembayaran yang tidak sepatutnya dibuat atau nilai kekurangan harta atau nilai harta yang dimusnahkan; dan

(b) dalam hal sesuatu perbuatan atau peninggalan yang diperihalkan dalam perenggan 13(d) atau (e), mensurcaj terhadap orang itu suatu jumlah wang yang difikirkan patut oleh Majlis dengan mengambil kira hal keadaan kes.

### **Pemberitahuan surcaj**

16. Jika seseorang telah disurcaj di bawah seksyen 15, Majlis hendaklah memberitahunya secara bertulis mengenai pengenaan surcaj itu.

### **Penarikan balik surcaj**

17. Walau apa pun seksyen 15 dan 16, Majlis boleh pada bila-bila masa menarik balik apa-apa surcaj yang berkenaan dengannya suatu penjelasan yang memuaskan telah diterima atau jika didapati selainnya bahawa tiada surcaj sepatutnya dikenakan, dan Majlis hendaklah serta-merta memberitahu orang yang disurcaj itu mengenai penarikan balik itu.

### **Catatan surcaj**

18. Tiap-tiap surcaj yang dikenakan ke atas seseorang pegawai di bawah Bahagian ini hendaklah dicatatkan dalam Rekod Perkhidmatan pegawai itu.

### **Mendapatkan surcaj**

19. Amaun apa-apa surcaj yang dikenakan di bawah seksyen 15 dan tidak ditarik balik di bawah seksyen 17 adalah suatu hutang yang kena dibayar kepada Majlis daripada orang yang disurcaj dan boleh dibawa guaman baginya dan didapatkan dalam mana-mana mahkamah oleh Majlis dan boleh juga, jika Majlis mengarahkan sedemikian, didapatkan melalui potongan—

- (a) daripada gaji orang yang disurcaj itu; atau
- (b) daripada penceن orang yang disurcaj itu,

melalui ansuran bulanan yang sama banyak, setiap ansuran tidak melebihi satu perempat daripada jumlah gaji atau pence bulanan, mengikut mana-mana yang berkenaan, orang itu.

**Surcaj tidak boleh menghalang tindakan tatatertib**

**20.** Apa-apa tindakan yang diambil terhadap seseorang pegawai di bawah Bahagian ini tidak boleh menghalang apa-apa tindakan tatatertib dimulakan terhadapnya mengikut Kaedah-Kaedah.

**BAHAGIAN V**

**KUASA MAJLIS**

**Kuasa untuk meminda Jadual**

**21.** (1) Majlis, boleh dari semasa ke semasa, melalui perintah yang disiarkan dalam *Warta* meminda Jadual Pertama atau Kedua.

(2) Tiada pindaan boleh dibuat di bawah subseksyen (1) yang mempunyai kesan menafikan mana-mana orang peluang untuk didengar sebelum sesuatu keputusan dibuat dalam apa-apa prosiding tatatertib terhadapnya.

**BAHAGIAN VI**

**AM**

**Akta Perlindungan Pihak Berkuasa Awam 1948**

**22.** Akta Perlindungan Pihak Berkuasa Awam 1948 [*Akta 1948*] hendaklah terpakai berkenaan dengan apa-apa tindakan, litigasi, pendakwaan atau prosiding terhadap Majlis atau mana-mana pegawai Majlis berhubung dengan apa-apa perbuatan yang dilakukan menurut atau bagi pelaksanaan atau pelaksanaan yang dicadangkan mana-mana peruntukan Enakmen ini atau berkenaan dengan apa-apa kecuaian atau kemungkiran yang dikatakan dalam pelaksanaan mana-mana peruntukan sedemikian.

### Arahan pentadbiran oleh Majlis

23. (1) Majlis boleh dari semasa ke semasa mengeluarkan apa-apa arahan pentadbiran berhubung dengan kelakuan dan tatatertib pegawai-pegawai Majlis, atau tatacara bagi pengenaan surcaj ke atas pegawai-pegawai itu.

(2) Tiada arahan yang tidak selaras dengan Enakmen ini boleh dikeluarkan di bawah subseksyen (1).

## BAHAGIAN VII

### KETERHENTIAN PEMAKAIAN, KECUALIAN DAN PERALIHAN

#### Keterhentian pemakaian peruntukan-peruntukan tertentu dalam Enakmen Pentadbiran

24. Apabila Enakmen ini mula berkuat kuasa peruntukan-peruntukan yang berhubungan dengan tatatertib, penamatan perkhidmatan demi kepentingan awam dan surcaj dalam Enakmen Pentadbiran dan semua perundangan subsidiari yang dibuat di bawah atau menurut peruntukan-peruntukan itu hendaklah terhenti terpakai bagi Majlis kecuali sebagaimana yang diperuntukkan dalam seksyen 25.

#### Kecualian dan peralihan

25. (1) Apa-apa prosiding yang masih belum selesai pada permulaan kuat kuasa Enakmen ini di hadapan Jawatankuasa Tatatertib atau Jawatankuasa Rayuan Tatatertib yang ditubuhkan di bawah atau yang diperuntukkan dalam Enakmen Pentadbiran atau dalam perundangan subsidiari yang dibuat di bawah Enakmen Pentadbiran hendaklah diteruskan mengikut peruntukan-peruntukan yang terpakai bagi prosiding itu dalam Enakmen Pentadbiran atau perundangan subsidiari yang dibuat di bawah Enakmen Pentadbiran itu dan Jawatankuasa Tatatertib atau Jawatankuasa Rayuan Tatatertib boleh membuat apa-apa perintah atau keputusan sebagaimana Jawatankuasa Tatatertib atau Jawatankuasa Rayuan Tatatertib itu diberi kuasa untuk membuatnya di bawah peruntukan-peruntukan itu.

(2) Apa-apa kesalahan tatatertib yang dilakukan atau yang dikatakan telah dilakukan oleh seseorang pegawai Majlis sebelum permulaan kuat kuasa Enakmen ini hendaklah diuruskan di bawah peruntukan Enakmen Pentadbiran.

(3) Walau apa pun subseksyen (2), pegawai yang disebut dalam subseksyen itu hendaklah diberitahu bahawa dia boleh memilih untuk kesalahan tatatertib itu diuruskan di bawah Enakmen ini, dan jika dia memilih sedemikian kesalahan tatatertib itu hendaklah diuruskan mengikut Enakmen ini.

#### **JADUAL PERTAMA**

[Seksyen 5]

### **KAEDAH-KAEDAH TATATERTIB NEGARA**

#### **BAHAGIAN I**

#### **PERMULAAN**

##### **Pemakaian**

1. (1) Kaedah-Kaedah ini hendaklah terpakai bagi seseorang pegawai sepanjang tempoh perkhidmatannya.

(2) Pelanggaran mana-mana peruntukan tatakelakuan yang dinyatakan dalam Kaedah-Kaedah ini oleh seseorang pegawai boleh menyebabkannya dikenakan tindakan tatatertib.

##### **Tafsiran**

2. (1) Dalam Kaedah-Kaedah ini, melainkan jika konteksnya menghendaki makna yang lain—

“anak” ertiinya—

(a) anak yang di bawah umur lapan belas tahun bagi seseorang pegawai, termasuk—

(i) anak yang lahir selepas kematian, anak tiri tanggungan dan anak tak sah taraf pegawai itu;

(ii) anak yang diambil sebagai anak angkat oleh pegawai itu di bawah mana-mana undang-undang bertulis yang berhubungan dengan pengangkatan atau di bawah mana-mana adat atau kelaziman, dengan keterangan yang memuaskan mengenai pengangkatan itu; dan

(b) anak, tidak kira apa jua umurnya, yang cacat otak atau hilang upaya dari segi jasmani dan secara kekal dan yang tidak berupaya untuk menanggung dirinya sendiri;

“institusi kewangan” ertinya bank atau institusi kewangan yang dilesenkan di bawah Akta Bank dan Institusi-Institusi Kewangan 1989 [*Akta 372*] atau Bank Islam yang dilesenkan di bawah Akta Bank Islam 1983 [*Akta 276*];

“koperasi” ertinya koperasi yang didaftarkan di bawah Akta Koperasi 1993 [*Akta 502*];

“mahkamah” ertinya mahkamah, termasuklah Mahkamah Syariah, yang mempunyai bidang kuasa wibawa untuk membicarakan seseorang bagi sesuatu kesalahan jenayah;

“penanggung insurans” ertinya penanggung insurans yang dilesenkan di bawah Akta Insurans 1996 [*Akta 553*] atau pengendali takaful yang didaftarkan di bawah Akta Takaful 1984 [*Akta 312*];

“sabitan” atau “disabitkan”, berhubung dengan seseorang pegawai, ertinya suatu dapatan oleh sesuatu mahkamah jenayah, termasuk Mahkamah Syariah, yang mempunyai bidang kuasa wibawa di bawah mana-mana undang-undang bertulis bahawa pegawai itu bersalah atas sesuatu kesalahan jenayah.

## BAHAGIAN II

### TATAKELAKUAN

#### Am

3. (1) Seseorang pegawai hendaklah pada setiap masa memberikan taat setianya yang tidak berbelah bahagi kepada Duli Yang Maha Mulia Sultan, Negeri, Kerajaan dan Majlis.

- (2) Seseorang pegawai tidak boleh—
- (a) membelakangkan kewajipannya kepada Majlis demi kepentingan peribadinya;
  - (b) berkelakuan dengan sedemikian cara yang mungkin menyebabkan kepentingan peribadinya bercanggah dengan kewajipannya kepada Majlis;
  - (c) berkelakuan dengan apa-apa cara yang mungkin menyebabkan syak yang munasabah bahawa—
    - (i) dia telah membiarkan kepentingan peribadinya bercanggah dengan kewajipannya kepada Majlis sehingga menjaskan kebergunaannya sebagai seorang pegawai; atau
    - (ii) dia telah menggunakan kedudukannya sebagai seorang pegawai bagi faedahnya sendiri;
  - (d) berkelakuan dengan sedemikian cara sehingga memburukkan atau mencemarkan nama Majlis;
  - (e) kurang cekap atau kurang berusaha;
  - (f) tidak jujur atau tidak amanah;
  - (g) tidak bertanggungjawap;
  - (h) membawa atau cuba membawa apa-apa bentuk pengaruh atau tekanan luar untuk menyokong atau memajukan apa-apa tuntutan berhubung dengan atau terhadap Majlis, sama ada tuntutan itu adalah tuntutannya sendiri atau tuntutan mana-mana pihak lain;
  - (i) ingkar perintah atau berkelakuan dengan apa-apa cara yang boleh ditafsirkan dengan munasabah sebagai ingkar perintah; dan
  - (j) cuai dalam melaksanakan tugas-tugasnya.

**Pekerjaan luar**

4. (1) Melainkan jika setakat yang dia dikehendaki atau dibenarkan untuk berbuat demikian dalam perjalanan tugasnya sebagai seorang pegawai, seseorang pegawai tidak boleh—

- (a) mengambil bahagian, sama ada secara langsung atau tidak langsung, dalam pengurusan atau urusan apa-apa pengusahaan komersial, pertanian atau perindustrian;
- (b) mengusahakan bagi mendapatkan upah apa-apa kerja dengan mana-mana institusi, syarikat, firma atau individu persendirian;
- (c) sebagai seorang pakar, memberikan apa-apa laporan atau memberikan apa-apa keterangan, sama ada secara percuma atau dengan dibayar upah.

(2) Walau apa pun subkaedah (1), seseorang pegawai boleh, dengan terlebih dahulu mendapatkan kebenaran bertulis daripada Setiausaha, menjalankan mana-mana aktiviti atau melaksanakan mana-mana perkhidmatan yang dinyatakan dalam subkaedah itu, sama ada bagi faedahnya atau faedah saudara-maranya yang dekat atau mana-mana badan tidak mencari keuntungan yang baginya dia menjadi seorang pemegang jawatan.

(3) Dalam menimbangkan sama ada atau tidak kebenaran patut diberikan kepada mana-mana pegawai di bawah subkaedah (2), Setiausaha hendaklah memberikan perhatian kepada tatakelakuan yang ditetapkan dalam kaedah 3 dan hendaklah memastikan bahawa aktiviti atau perkhidmatan itu—

- (a) tidak dilakukan dalam waktu pejabat dan semasa pegawai itu dikehendaki melaksanakan tugas rasminya;
- (b) tidak akan dengan apa-apa cara cenderung menjelaskan kebergunaan pegawai itu sebagai seorang pegawai; dan
- (c) tidak dengan apa-apa cara cenderung bercanggah dengan kepentingan Majlis, atau menjadi tidak selaras dengan kedudukan pegawai itu sebagai seorang pegawai.

(4) Kecuali sebagaimana yang ditetapkan selainnya oleh Majlis segala jumlah wang yang diterima oleh seseorang pegawai sebagai saraan kerana menjalankan mana-mana aktiviti atau melaksanakan mana-mana

perkhidmatan yang disebut dalam subkaedah (1) hendaklah didepositkan dengan Majlis sementara menunggu keputusan Majlis tentang amaun, jika ada, yang boleh disimpan oleh pegawai itu sendiri dan oleh mana-mana pegawai lain yang membantu pegawai itu dalam menjalankan aktiviti atau melaksanakan perkhidmatan itu.

#### **Etiket pakaian**

5. (1) Seseorang pegawai semasa bertugas hendaklah sentiasa berpakaian dengan sepatutnya mengikut apa-apa cara yang ditentukan oleh Majlis melalui arahan yang dikeluarkan oleh Setiausaha dari semasa ke semasa.

(2) Seseorang pegawai yang dikehendaki menghadiri sesuatu upacara rasmi hendaklah berpakaian sebagaimana yang ditentukan bagi upacara itu, dan jika etiket pakaian bagi upacara itu tidak ditentukan, dia hendaklah berpakaian yang sepatutnya bagi upacara itu.

#### **Dadah**

6. (1) Seseorang pegawai tidak boleh menggunakan atau mengambil apa-apa dadah berbahaya, kecuali sebagaimana yang dipreskripsi untuk kegunaannya bagi maksud perubatan oleh pengamal perubatan yang didaftarkan di bawah Akta Perubatan 1971 [*Akta 50*], atau menyalahgunakan atau menagih apa-apa jenis dadah berbahaya.

(2) Jika seseorang Pegawai Perubatan Kerajaan memperakui bahawa seseorang pegawai menggunakan atau mengambil, selain bagi maksud perubatan, suatu dadah berbahaya atau menyalahgunakan atau menagih sesuatu dadah berbahaya, pegawai itu boleh dikenakan tindakan tatatertib dengan tujuan buang kerja.

(3) Walau apa pun subkaedah (2), perkhidmatan seseorang pegawai yang telah diperakui oleh seorang Pegawai Perubatan Kerajaan menggunakan atau mengambil, selain bagi maksud perubatan, suatu dadah berbahaya atau menyalahgunakan atau menagih suatu dadah berbahaya boleh ditamatkan demi kepentingan awam di bawah Bahagian III Enakmen ini.

(4) Bagi maksud kaedah ini, "dadah berbahaya" ertiya apa-apa dadah atau bahan yang disenaraikan dalam Jadual Pertama kepada Akta Dadah Berbahaya 1952 [*Akta 234*].

**Hadiah, dsb.**

7. (1) Seseorang pegawai tidak boleh menerima atau memberikan dan tidak boleh membenarkan isteri atau suaminya atau mana-mana orang lain untuk menerima atau memberikan bagi pihaknya apa-apa hadiah, sama ada dalam bentuk zahir atau lainnya, daripada atau kepada mana-mana orang, persatuan, badan atau kumpulan orang jika penerimaan atau pemberian hadiah itu dalam apa-apa segi mempunyai kaitan, sama ada secara langsung atau tidak langsung, dengan tugas rasminya.

(2) Setiausaha boleh, jika difikirkannya patut, membenarkan pegawai itu untuk menerima suatu surat puji dari mana-mana orang, persatuan, badan atau kumpulan orang sempena persaraan atau pertukaran pegawai itu asalkan surat puji itu tidak terkandung dalam suatu bekas yang bernilai.

(3) Setiausaha boleh membenarkan pemungutan sumbangan secara spontan oleh pegawai-pegawai bagi maksud pemberian hadiah kepada seseorang pegawai sempena persaraan, pertukaran atau perkahwinan pegawai itu atau apa-apa peristiwa lain yang sesuai.

(4) Jika—

(a) seseorang pegawai berasa ragu-ragu tentang sama ada bentuk, amaun atau nilai hadiah yang diterima olehnya adalah sepadan dengan maksud hadiah itu diberikan; atau

(b) hal keadaan menyebabkan sukar bagi seseorang pegawai untuk menolak sesuatu hadiah atau cenderamata yang bernilai, yang penerimanya dilarang oleh kaedah ini,

hadiah itu bolehlah diterima secara rasmi tetapi pegawai itu hendaklah, dengan seberapa segera yang praktik mengemukakan satu laporan bertulis kepada Setiausaha yang mengandungi perihalan lengkap dan anggaran nilai hadiah itu dan hal keadaan hadiah itu diterima.

(5) Apabila diterima laporan yang dibuat di bawah subkaedah (4), Setiausaha hendaklah—

(a) membenarkan pegawai itu menyimpan hadiah itu; atau

(b) mengarahkan supaya hadiah itu dikembalikan, melalui Setiausaha, kepada pemberinya.

**Keraian**

8. Seseorang pegawai boleh menerima atau memberi daripada mana-mana orang apa-apa jenis keraian jika—

- (a) keraian itu tidak dalam apa-apa cara mempengaruhi perlaksanaan tugas-tugasnya sebagai seorang pegawai untuk kepentingan orang itu; dan
- (b) pemberian atau penerimaan keraian itu tidak dalam apa-apa cara menjadi tidak selaras dengan kaedah 3.

**Pemunyaan harta**

9. (1) Seseorang pegawai hendaklah, apabila dilantik ke perkhidmatan Majlis atau pada bila masa selepas itu sebagaimana yang dikehendaki oleh Majlis, mengisyiharkan secara bertulis kepada Jawatankuasa Tatatertib, melalui Setiausaha, segala harta yang dipunyai olehnya atau oleh isteri atau suaminya atau anaknya atau yang dipegang oleh mana-mana orang bagi pihaknya atau bagi pihak isteri atau suaminya atau anaknya.

(2) Seseorang pegawai yang tidak mempunyai apa-apa harta hendaklah membuat suatu perisyiharan secara bertulis yang menyatakan sedemikian.

(3) Jika, selepas membuat suatu perisyiharan di bawah subkaedah (1), seseorang pegawai atau isteri atau suaminya atau anaknya memperoleh apa-apa harta, sama ada secara langsung atau tidak langsung, atau apa-apa harta yang telah diperoleh olehnya atau oleh isteri atau suaminya atau anaknya dilupuskan, pegawai itu hendaklah dengan segera, melalui Setiausaha, mengisyiharkan pemerolehan atau pelupusan harta itu kepada Jawatankuasa Tatatertib.

(4) Jika seseorang pegawai atau isteri atau suaminya atau anaknya bercadang hendak memperoleh apa-apa harta, dan pemerolehan itu adalah tidak selaras dengan kaedah 3, pemerolehan itu tidak boleh dibuat tanpa terlebih dahulu mendapat kebenaran bertulis daripada Jawatankuasa Tatatertib.

(5) Dalam memutuskan sama ada atau tidak hendak memberikan kebenaran di bawah subkaedah (4) Jawatankuasa Tatatertib hendaklah mengambilkira perkara-perkara yang berikut:

- (a) saiz, amaun atau nilai harta itu berbanding dengan emolumen pegawai itu dan apa-apa pendapatan persendirian yang sah;

- (b) sama ada pemerolehan atau pemegangan harta itu akan atau mungkin akan bercanggah dengan kepentingan Majlis, atau dengan kedudukan pegawai itu sebagai seorang pegawai, atau dengan apa-apa cara menjadi tidak selaras dengan kaedah 3;
- (c) ulasan Setiausaha tentang pemerolehan atau pemunyaan harta itu;
- (d) apa-apa faktor lain yang dianggap perlu oleh Jawatankuasa Tatatertib bagi menjaga keutuhan dan kecekapan Majlis dan pegawai-pegawai.

(6) Jawatankuasa Tatatertib hendaklah, jika Jawatakuasa Tatatertib berpuas hati dengan perisyiharaan harta yang dibuat oleh pegawai itu, mengarahkan Setiausaha mencatatkan di dalam Rekod Perkhidmatan pegawai itu bahawa perisyiharaan sedemikian telah dibuat.

(7) Tiap-tiap perisyiharaan di bawah subkaedah (1) hendaklah diklasifikasikan sebagai rahsia dan tiap-tiap orang yang memperoleh maklumat di bawah kaedah ini tentang apa-apa perisyiharaan sedemikian hendaklah menyimpan kerahsiaannya.

(8) Bagi maksud kaedah ini, "harta" ertiaya apa-apa harta, sama ada harta alih atau harta tak alih, yang pegawai itu dikehendaki dari semasa ke semasa oleh Majlis supaya mengisytiharkannya, iaitu harta yang telah diperoleh oleh pegawai itu melalui pembelian, pemberian, pewarisan atau cara lain, dan termasuk harta yang diperoleh atau dipegang oleh isteri atau suami atau anak pegawai itu.

**Menyenggara taraf kehidupan yang melebihi emolumen dan pendapatan persendirian yang sah**

10. (1) Jika Setiausaha berpendapat bahawa seseorang pegawai adalah atau tampaknya—

- (a) menyenggara suatu taraf kehidupan yang melebihi emolumen dan pendapatan persendirianya yang lain yang sah, jika ada; atau
- (b) mengawal atau memiliki sumber-sumber kewangan atau harta, sama ada harta alih atau harta tak alih, yang nilainya tidak seimbang dengan, atau yang tidak boleh semunasabahnya dijangka telah diperoleh oleh pegawai itu dengan emolumennya dan apa-apa pendapatan persendirianya yang lain yang sah,

Setiausaha hendaklah melalui notis bertulis, memanggil pegawai itu supaya memberikan penjelasan bertulis dalam tempoh tiga puluh hari dari tarikh penerimaan notis itu tentang bagaimana dia dapat menyenggara taraf kehidupan sedemikian atau bagaimana dia telah mendapat sumber-sumber kewangannya atau harta itu.

(2) Setiausaha hendaklah, apabila menerima penjelasan di bawah subkaedah (1) atau, jika pegawai itu tidak memberikan apa-apa penjelasan dalam tempoh yang ditentukan, apabila tempoh itu tamat, melaporkan hakikat ini kepada Jawatankuasa Tatatertib berserta dengan penjelasan pegawai itu, jika ada.

(3) Apabila laporan di bawah subkaerah (2) diterima, Jawatankuasa Tatatertib boleh mengambil tindakan tatatertib terhadap pegawai itu atau mengambil apa-apa tindakan lain terhadap pegawai itu sebagaimana yang difikirkan patut oleh Jawatankuasa Tatatertib.

#### **Meminjam wang**

11. (1) Tiada pegawai boleh meminjam daripada mana-mana orang atau menjadi penjamin kepada mana-mana peminjam, atau dengan apa-apa cara meletakkan dirinya di bawah suatu obligasi kewangan kepada mana-mana orang—

- (a) yang secara langsung atau tidak langsung tertakluk kepada kuasa rasminya;
- (b) yang dengannya pegawai itu ada atau mungkin ada urusan rasmi; atau
- (c) yang menjalankan perniagaan pemberian pinjaman wang.

(2) Walau apa pun subkaedah (1), seseorang pegawai boleh meminjam wang daripada, atau menjadi penjamin, kepada mana-mana orang yang meminjam wang daripada, mana-mana institusi kewangan, penanggung insurans atau koperasi atau menanggung hutang dengan cara pemerolehan barang-barang melalui perjanjian sewa beli, jika—

- (a) institusi kewangan, penanggung insurans atau koperasi yang daripadanya pegawai itu meminjam tidaklah secara langsung tertakluk pada kuasa rasminya;

- (b) peminjaman itu tidak dan tidak akan membawa kepada skandal awam dan tidak boleh ditafsirkan sebagai suatu penyalahgunaan oleh pegawai itu kedudukannya sebagai seorang pegawai untuk faedah peribadinya; dan
- (c) agregat hutangnya tidak atau tidak mungkin menyebabkan pegawai itu berada dalam keterhutangan kewangan yang serius sebagaimana yang ditakrifkan di bawah subkaerah 12 (7) dan (8).

(3) Tertakluk kepada subkaerah (2), seseorang pegawai boleh menanggung hutang yang berbangkit daripada—

- (a) jumlah wang yang dipinjam atas cagaran tanah yang digadaikan atau digadai janjikan, jika jumlah wang yang dipinjamkan itu tidak melebihi nilai tanah itu;
- (b) overdraf atau kemudahan kredit lain yang diluluskan oleh institusi kewangan;
- (c) jumlah wang yang dipinjam daripada penanggung insurans atas cagaran polisi insurans;
- (d) jumlah wang yang dipinjam daripada Kerajaan, Majlis atau mana-mana koperasi; atau
- (e) jumlah wang yang kena dibayar atas barang-barang yang diperoleh melalui perjanjian sewa beli.

#### **Keterhutangan kewangan yang serius**

12. (1) Seseorang pegawai tidak boleh dengan apa-apa cara menyebabkan dirinya berada dalam keterhutangan kewangan yang serius.

(2) Keterhutangan kewangan yang serius kerana apa-apa jua pun sebab, selain akibat malang yang tidak dapat dielakkan yang tidak disebabkan dengan apa-apa cara oleh pegawai itu sendiri, hendaklah dianggap sebagai memburukkan nama Majlis dan hendaklah menyebabkan pegawai itu boleh dikenakan tindakan tatatertib.

(3) Jika keterhutangan kewangan yang serius telah berlaku akibat malang yang tidak dapat dielakkan, Majlis boleh memberi pegawai itu apa-apa bantuan sebagaimana yang wajar mengikut hal keadaan.

(4) Jika seseorang pegawai mendapati bahawa hutangnya menyebabkan atau mungkin menyebabkan keterhutangan yang serius kepadanya, atau satu prosiding civil yang berbangkit daripada hutang itu telah dimulakan terhadapnya, dia hendaklah dengan serta merta melaporkan hakikat ini kepada Setiausaha.

(5) Seseorang pegawai yang tidak melaporkan atau lengah melaporkan keterhutangan kewangan yang serius atau yang melaporkan keterhutangan kewangannya yang serius tetapi tidak mendedahkan takat keberhutangannya itu dengan sepenuhnya atau memberikan keterangan yang palsu atau yang mengelirukan mengenai keterhutangannya adalah melakukan sesuatu perlanggaran tatatertib dan boleh dikenakan tindakan tatatertib.

(6) Tanpa menjelaskan peruntukan-peruntukan lain dalam kaedah ini, jika hutang pegawai itu terjumlah kepada suatu keterhutangan kewangan yang serius tapi dia belum dihukum bankrap, Setiausaha hendaklah memantau dan, dari semasa ke semasa, mengkaji semula kes itu.

(7) Bagi maksud kaedah ini, ungkapan "keterhutangan kewangan yang serius" ertiinya keadaan keterhutangan seseorang pegawai yang, setelah diambilkira amaun hutang yang ditanggung olehnya telah sebenarnya menyebabkan kesusahan kewangan yang serius kepadanya.

(8) Tanpa menjelaskan pengertian am ungkapan "keterhutangan kewangan yang serius" yang dinyatakan dalam subkaedah (7), seseorang pegawai hendaklah disifatkan sebagai berada dalam keterhutangan kewangan yang serius jika—

- (a) agregat hutang dan nilai tanggungan tidak bercagarnya pada bila-bila masa tertentu melebihi enam kali emolumen bulanannya;
- (b) dia ialah seorang penghutang penghakiman dan hutang penghakiman itu tidak dijelaskan dalam tempoh yang ditetapkan dalam penghakiman itu;
- (c) dia ialah seorang bankrap, selagi dia belum dilepaskan daripada kebankrapan atau kehakiman kebankrapannya belum dibatalkan.

#### **Laporan mengenai keterhutangan kewangan yang serius**

13. (1) Jika seseorang pegawai melaporkan di bawah subkaedah 12 (4) bahawa prosiding civil telah dimulakan terhadapnya atau jika Setiausaha menerima apa-apa laporan daripada mana-mana pihak bahawa prosiding civil telah dimulakan terhadap seseorang pegawai, Setiausaha hendaklah mendapatkan daripada mahkamah suatu cabutan keputusan mutakhir mahkamah dalam prosiding itu.

(2) Setiausaha hendaklah membuat perkiraan dengan pihak berkuasa mahkamah yang berkenaan bagi mendapatkan daripada pihak berkuasa itu suatu laporan berkenaan dengan pegawai itu jika—

- (a) pegawai itu, sebagai seorang penghutang penghakiman, didapati daripada fail guaman itu telah tidak menjelaskan hutang dalam tempoh yang ditetapkan dalam penghakiman itu;
- (b) pegawai itu telah memfailkan petisyen kebankrapannya sendiri; atau
- (c) suatu petisyen kebankrapan oleh seorang pemutang telah disampaikan terhadap pegawai itu.

(3) Sebagai tambahan kepada perkiraan yang boleh dibuat di bawah subkaedah (2), Setiausaha hendaklah membuat perkiraan dengan Pegawai Pemegang Harta bagi Pegawai Pemegang Harta menyampaikan kepada Setiausaha suatu laporan yang mengandungi perkara-perkara yang berikut:

- (a) pernyataan hal ehwal yang difailkan oleh pegawai itu mengikut undang-undang kebankrapan yang sedang berkuat kuasa;
- (b) amaun bayaran ansuran yang diperintahkan atau yang dicadangkan dibuat;
- (c) sama ada atau tidak Pegawai Pemegang Harta bercadang untuk memulakan apa-apa prosiding selanjutnya dan jika demikian, suatu pernyataan ringkas mengenai jenis prosiding selanjutnya itu;
- (d) sebab utama kebankrapan itu;
- (e) sama ada pada pendapat Pegawai Pemegang Harta kes itu melibatkan suatu malang yang tidak dapat dielakkan, kelakuan hina atau apa-apa hal keadaan lain yang khas, itu yang memihak atau tidak memihak pada pegawai itu; dan
- (f) apa-apa perkara lain yang difikirkan oleh Pegawai Pemegang Harta, mengikut budi bicaranya, patut disebut.

(4) Setiausaha hendaklah menghantar laporan pegawai dan cabutan keputusan mahkamah yang diterima di bawah subkaedah (1) dan laporan yang diterima di bawah subkaedah (2) dan (3) kepada Jawatankuasa Tatatertib yang beserta dengan mengenai kerja dan kelakuan pegawai itu sebelum dan sejak keterhutangan kewangan yang serius.

(5) Setelah menimbangkan semua laporan dan cabutan yang dikemukakan kepadanya di bawah subkaedah (4), Jawatankuasa Tatatertib hendaklah memutuskan sama ada hendak mengambil tindakan tatatertib terhadap pegawai itu.

(6) Jika tindakan tatatertib yang diambil terhadap pegawai itu berkeputusan dengan hukuman tangguh pergerakan gaji; Jawatankuasa Tatatertib boleh, apabila habis tempoh penangguhan pergerakan gaji itu, memerintahkan supaya suatu amaun yang sama banyak dengan amaun yang diterima daripada pergerakan gaji yang dipulihkan itu ditambahkan kepada ansuran-ansuran yang kena dibayar kepada Pegawai Pemegang Harta atau mana-mana pemutang penghakiman.

(7) Seseorang pegawai yang telah dilepaskan daripada kebankrapan atau yang penghakiman kebankrapannya telah dibatalkan hendaklah dikira sebagai telah memulihkan kedudukan kredit kewangannya dengan sepenuhnya.

#### **Meminjamkan wang**

14. (1) Seseorang pegawai tidak boleh meminjamkan wang dengan faedah, sama ada dengan atau tanpa cagaran.

(2) Penyimpanan wang secara deposit tetap atau ke dalam suatu akaun dalam mana-mana institusi kewangan atau koperasi atau dalam bon yang diterbitkan oleh Kerajaan atau oleh mana-mana badan berkanun tidak boleh dianggap sebagai peminjaman wang dengan faedah bagi maksud kaedah ini.

#### **Penglibatan dalam pasaran niaga hadapan**

15. Tiada pegawai boleh melibatkan dirinya sebagai pembeli atau penjual atau selainnya dalam pasaran niaga hadapan, sama ada pasaran tempatan atau luar negara.

#### **Perjudian atau loteri, dsb.**

16. Seseorang pegawai tidak boleh mengadakan atau mengelolakan atau mengambil bahagian dalam, apa-apa aktiviti perjudian atau loteri.

#### **Penerbitan buku, dsb.**

17. Seseorang pegawai tidak boleh menerbitkan atau menulis apa-apa buku, makalah atau karya lain yang berasaskan maklumat rasmi terperingkat.

**Membuat pernyataan awam**

18. (1) Seseorang pegawai tidak boleh, sama ada secara lisan atau bertulis atau dengan apa-apa cara lain—

- (a) membuat apa-apa pernyataan awam yang boleh memudarangkan apa-apa dasar, rancangan atau keputusan Majlis atau Kerajaan tentang apa-apa isu;
- (b) membuat apa-apa pernyataan awam yang boleh memalukan atau memburukkan nama Majlis atau Kerajaan.
- (c) membuat apa-apa ulasan tentang kelemahan apa-apa dasar, rancangan atau keputusan Majlis atau Kerajaan;
- (d) mengedarkan apa-apa pernyataan atau ulasan, sama ada yang dibuat olehnya atau mana-mana orang lain.

(2) Seseorang pegawai tidak boleh, sama ada secara lisan atau bertulis atau dengan apa-apa cara lain—

- (a) membuat apa-apa ulasan tentang kelebihan apa-apa dasar, rancangan atau keputusan Majlis atau Kerajaan;
- (b) memberikan apa-apa maklumat berdasarkan fakta berhubung dengan perjalanan fungsi Majlis;
- (c) memberikan apa-apa penjelasan berkenaan dengan apa-apa peristiwa atau laporan yang melibatkan Majlis atau Kerajaan; atau
- (d) menyebarkan apa-apa ulasan, maklumat atau penjelasan sedemikian sama ada yang dibuat olehnya atau mana-mana orang lain,

melainkan jika kebenaran bertulis, sama ada secara am atau khusus, telah diperoleh terlebih dahulu daripada Setiausaha.

(3) Subkaedah (2) tidaklah terpakai bagi apa-apa ulasan, maklumat atau penjelasan yang dibuat, diberikan atau disebarluaskan jika kandungan ulasan, maklumat atau penjelasan itu telah diluluskan oleh Setiausaha.

(4) Bagi maksud kaedah ini, "pernyataan awam" termasuklah apa-apa pernyataan atau ulasan yang dibuat kepada pihak akhbar atau orang ramai atau semasa memberikan apa-apa syarahan atau ucapan awam atau dalam apa-apa penyiaran atau penerbitan, tanpa mengambilkira caranya.

**Larangan bertindak sebagai seorang penyunting, dsb., dalam mana-mana penerbitan**

19. Seseorang pegawai tidak boleh bertindak sebagai penyunting bagi, atau mengambil bahagian secara langsung atau tidak langsung dalam pengurusan, atau dengan apa-apa cara membuat apa-apa sumbangan kewangan atau selainnya kepada, mana-mana penerbitan, termasuk mana-mana surat khabar, majalah atau jurnal, tanpa mengambilkira cara surat khabar, majalah atau jurnal itu diterbitkan, kecuali penerbitan yang berikut:

- (a) penerbitan Majlis;
- (b) penerbitan profesional;
- (c) penerbitan organisasi sukarela yang tidak bercorak politik; dan
- (d) penerbitan yang diluluskan secara bertulis oleh Setiausaha bagi maksud kaedah ini.

**Mengambil bahagian dalam politik**

20. (1) Seseorang pegawai dalam Kumpulan Pengurusan Tertinggi atau Kumpulan Pengurusan dan Profesional tidak boleh mengambil bahagian aktif dalam aktiviti politik atau memakai apa-apa lambang sesuatu parti politik, dan khususnya, dia tidak boleh—

- (a) membuat apa-apa pernyataan awam, sama ada secara lisan atau bertulis, yang memberikan suatu pandangan yang berat sebelah tentang apa-apa perkara yang menjadi isu antara parti-parti politik;
- (b) menerbitkan atau mengedarkan apa-apa bahan yang mengemukakan pandangannya yang berat sebelah atau pandangan orang lain, tentang apa-apa perkara yang berkaitan dengan mana-mana parti politik;
- (c) terlibat dalam merayu undi bagi menyokong mana-mana calon dalam sesuatu pilihan raya bagi Dewan Rakyat atau bagi mana-mana Dewan Undangan Negeri atau apa-apa pemilihan untuk apa-apa jawatan dalam mana-mana parti politik;
- (d) bertindak sebagai ejen pilihan raya atau ejen tempat mengundi atau atas apa-apa sifat untuk atau bagi pihak seseorang calon dalam sesuatu pilihan raya bagi Dewan Rakyat atau bagi mana-mana Dewan Undangan Negeri.

- (e) berbanding untuk apa-apa jawatan dalam mana-mana parti politik; atau
- (f) memegang apa-apa jawatan dalam mana-mana parti politik.

(2) Seseorang pegawai dalam Kumpulan Sokongan boleh, setelah mendapatkan kelulusan bertulis Majlis, dibenarkan bertanding atau memegang jawatan atau dilantik bagi memegang apa-apa jawatan dalam sesuatu parti politik.

(3) Walau apà pun subkaedah (1), seseorang pegawai yang telah dibenarkan bercuti hingga ke tarikh persaraannya bagi maksud menghabiskan cutinya yang terkumpul boleh mengambil bahagian aktiviti politik jika—

- (a) dia telah terlebih dahulu mendapatkan kelulusan bertulis Majlis untuk berbuat demikian; dan
- (b) dengan penglibatan sedemikian dia tidak melanggar peruntukan-peruntukan Akta Rahsia Rasmi 1972 [*Akta 88*].

(4) Sesuatu permohonan bagi kelulusan di bawah perenggan (3)(a) hendaklah dibuat tidak kurang daripada tiga bulan sebelum tarikh pegawai itu dibenarkan bercuti sebelum persaraannya.

(5) Tiada apa-apa juga dalam kaedah ini boleh menghalang seseorang pegawai daripada menjadi anggota biasa mana-mana parti politik.

#### **Tugas untuk menjalankan kawalan dan pengawasan tatatertib**

**21.** (1) Adalah menjadi tanggungjawab tiap-tiap pegawai untuk menjalankan kawalan dan pengawasan tatatertib ke atas pegawai-pegawai bawahannya dan untuk mengambil tindakan yang bersesuaian bagi apa-apa perlanggaran peruntukan Keadah-Kaedah ini.

(2) Seseorang pegawai yang tidak menjalankan kawalan dan pengawasan tatatertib ke atas pegawai-pegawai bawahannya, yang melanggar mana-mana peruntukan Kaedah-Kaedah ini hendaklah disifatkan telah cuai dalam melaksanakan tugasnya dan tidak bertanggungjawab, dan dia boleh dikenakan tindakan tatatertib.

**BAHAGIAN III****KETIDAKHADIRAN TANPA CUTI****Tidak hadir untuk bertugas**

22. Dalam bahagian ini "tidak hadir", berhubung dengan seseorang pegawai, termasuklah tidak hadir bagi apa-apa jua tempoh masa pada masa dan di tempat pegawai itu dikehendaki hadir bagi pelaksanaan tugas-tugasnya.

**Tindakan tatatertib kerana tidak hadir tanpa cuti**

23. Ketidakhadiran untuk bertugas oleh seseorang pegawai tanpa cuti atau tanpa terlebih dahulu mendapat kebenaran atau tanpa sebab yang munasabah boleh menyebabkan dia dikenakan tindakan tatatertib.

**Tatacara dalam hal ketidakhadiran tanpa cuti**

24. (1) Jika seseorang pegawai tidak hadir bertugas tanpa cuti atau tanpa terlebih dahulu mendapat kebenaran atau tanpa sebab yang munasabah, Setiausaha hendaklah, secepat yang mungkin, melaporkan hakikat itu berserta dengan tarikh-tarikh dan hal keadaan ketidakhadiran itu dan apa-apa maklumat selanjutnya berkenaan dengan ketidakhadiran itu kepada Jawatankuasa Tatatertib.

(2) Jawatankuasa Tatatertib boleh, setelah menimbangkan laporan Setiausaha di bawah subkaedah (1), memulakan tindakan tatatertib terhadap pegawai itu.

**Tatacara jika pegawai tidak hadir tanpa cuti dan tidak dapat dikesan**

25. (1) Jika seseorang pegawai tidak hadir bertugas tanpa cuti atau tanpa terlebih dahulu mendapat kebenaran atau tanpa sebab yang munasabah selama tujuh hari bekerja berturut-turut dan tidak dapat dikesan, Setiausaha hendaklah menyebabkan suatu surat diserahkan keapda pegawai itu sendiri atau dihantar melalui Pos Berdaftar Akuan Terima kepada pegawai itu dialamatnya yang akhir diketahui, mengarahkan pegawai itu supaya segera melaporkan diri untuk bertugas.

(2) Jika selepas surat itu diserahkan—

- (a) pegawai itu melaporkan diri untuk bertugas; atau
- (b) pegawai itu tidak melaporkan diri untuk bertugas atau tiada khabar didengar daripadanya,

Setiausaha hendaklah mengemukakan suatu laporan kepada Jawatankuasa Tatatertib dan Jawatankuasa Tatatertib itu hendaklah memulakan tindakan tatatertib terhadap pegawai.

(3) Jika surat tidak dapat diserahkan kepada pegawai itu sendiri disebabkan dia tidak lagi tinggal dialamatnya yang akhir diketahui atau juga surat Pos Berdaftar Akuan Terima telah dikembalikan tidak terserah, Setiausaha hendaklah melaporkan perkara itu kepada Jawatankuasa Tatatertib.

(4) Jawatankuasa Tatatertib hendaklah, apabila menerima laporan yang disebut dalam subkaedah (3), mengambil langkah untuk menyiarkan suatu notis dalam sekurang-kurangnya satu surat khabar harian yang diterbitkan dalam bahasa kebangsaan dan mempunyai edaran di seluruh negara sebagaimana yang ditentukan oleh Jawatankuasa Tatatertib—

(a) hakikat bahawa pegawai itu telah tidak hadir bertugas dan tidak dapat dikesan; dan

(b) menghendaki pegawai itu melaporkan diri untuk bertugas dalam masa tujuh hari dari tarikh penyiaran itu.

(5) Jika pegawai itu melaporkan diri untuk bertugas dalam masa tujuh hari dari tarikh penyiaran notis yang disebut dalam subkaedah (4), Setiausaha hendaklah melaporkan perkara itu kepada Jawatankuasa Tatatertib dan Jawatankuasa Tatatertib itu hendaklah memulakan prosiding tatatertib terhadap pegawai.

(6) Jika pegawai itu tidak melaporkan diri untuk bertugas dalam masa tujuh hari dari tarikh penyiaran notis yang disebut dalam subkaedah (4), pegawai itu hendaklah disifatkan telah dibuang kerja daripada perkhidmatan Majlis berkuat kuasa mulai dari tarikh dia tidak hadir bertugas.

(7) Pembuangan kerja seseorang pegawai menurut kuasa subkaedah

(6) hendaklah diberitahukan dalam *Warta*.

**Perlucuthakan emolumen kerana tidak hadir untuk bertugas**

26. (1) Jika seseorang pegawai didapati bersalah kerana tidak hadir untuk bertugas tanpa cuti atau tanpa terlebih dahulu mendapat kebenaran atau tanpa sebab yang munasabah dia tidak berhak kepada apa-apa emolumen bagi tempoh ketidakhadirannya dan segala emolumen sedemikian hendaklah disifatkan telah terlucut hak walaupun Jawatankuasa Tatatertib tidak mengarahkan perlucuthakan itu.

(2) Seseorang pegawai yang emolumennya telah terlucut hak di bawah subkaedah (1) hendaklah diberitahu secara bertulis mengenai perlucuthakan itu.

(3) Perlucuthakan emolumen oleh sebab subkaedah (1) bukanlah suatu hukuman tatatertib.

#### BAHAGIAN IV

##### **PEGAWAI YANG TERTAKLUK KEPADA PROSIDING JENAYAH, DSB.**

**Tatacara jika prosiding jenayah telah dimulakan terhadap seorang pegawai**

**27. (1)** Seseorang pegawai hendaklah dengan segera memaklumkan Setiausaha jika apa-apa prosiding jenayah telah dimulakan terhadapnya dalam mana-mana mahkamah.

(2) Jika telah sampai kepada pengetahuan Setiausaha seseorang pegawai daripada apa-apa punca bahawa prosiding jenayah telah dimulakan dalam mahkamah terhadap pegawai itu, Setiausaha hendaklah mendapatkan daripada Pendaftar, Timbalan Pendaftar atau Penolong Kanan Pendaftar mahkamah yang dalamnya prosiding itu telah dimulakan suatu laporan yang mengandungi maklumat yang berikut:

- (a) pertuduhan atau pertuduhan-pertuduhan terhadap pegawai itu;
- (b) jika pegawai itu telah ditangkap, tarikh dan waktu penangkapannya;
- (c) sama ada atau tidak pegawai itu diikat jamin; dan
- (d) apa-apa maklumat lain yang berkaitan.

(3) Apabila laporan yang disebut dalam subkaedah (2) diterima, Setiausaha hendaklah mengemukakan laporan itu kepada Jawatankuasa Tatatertib beserta dengan perakuannya mengenai sama ada atau tidak pegawai itu patut ditahan kerja.

(4) Setelah menimbangkan laporan dan perakuuan Setiausaha yang dikemukakan kepadanya di bawah subkaedah (3), Jawatankuasa Tatatertib boleh, jika difikirkan sesuai oleh Jawatankuasa Tatatertib, menahan pegawai itu daripada menjalankan tugasnya.

(5) Sebaik sahaja selesai prosiding jenayah terhadap pegawai itu, Setiausaha hendaklah mendapatkan daripada Pendaftar, Timbalan Pendaftar atau Penolong Kanan Pendaftar mahkamah yang dihadapannya kes itu dibereskan dan mengemukakan kepada Jawatankuasa Tatatertib—

- (a) keputusan mahkamah itu; dan
- (b) maklumat berhubung dengan rayuan, jika ada, yang telah difailkan oleh pegawai itu atau Pendakwa Raya.

(6) Jika prosiding jenayah terhadap seseorang pegawai itu berkeputusan dengan pensabitannya, Jawatankuasa Tatatertib hendaklah, sama ada atau tidak pegawai itu merayu terhadap sabitan itu, menggantung pegawai itu daripada menjalankan tugasnya berkuat kuasa mulai dari tarikh sabitannya sementara menunggu keputusan Jawatankuasa Tatatertib di bawah kaedah 28.

(7) Jika prosiding jenayah terhadap seseorang pegawai berkeputusan dengan pembebasannya, dan tiada rayuan dibuat oleh atau bagi pihak Pendakwa Raya terhadap pembebasan itu, pegawai itu hendaklah dibenarkan menjalankan semula tugasnya dan dia berhak untuk menerima apa-apa emolumen yang telah tidak dibayar dalam tempoh penahanan kerjanya serta juga cuti rehat tahunan yang dia berhak kepadanya dalam tempoh penahanan kerjanya.

(8) Jika prosiding jenayah terhadap pegawai itu berkeputusan dengan pembebasannya dan rayuan dibuat oleh Pendakwa Raya, Jawatankuasa Tatatertib hendaklah memutuskan sama ada atau tidak pegawai itu patut terus ditahan kerja sehingga rayuan itu diputuskan.

(9) Jika prosiding jenayah terhadap seseorang pegawai berkeputusan dengan pensabitannya tetapi atas rayuan pegawai itu telah dibebaskan, pegawai itu hendaklah dibenarkan menjalankan tugasnya semula dan dia berhak untuk menerima apa-apa emolumen yang telah tidak dibayar dalam tempoh penahanan kerja atau penggantungan kerjanya atau kedua-duanya serta juga apa-apa cuti rehat tahunan yang dia berhak kepadanya dalam tempoh penahanan kerja atau tempoh penggantungan kerjanya atau kedua-duanya.

(10) Jika prosiding jenayah terhadap seseorang pengawai berkeputusan dengan pembebasannya tetapi atas rayuan pegawai itu telah disabitkan, Jawatankuasa Tatatertib hendaklah menggantung pegawai itu daripada menjalankan tugasnya berkuat kuasa mulai dari tarikh sabitannya sementara menunggu Jawatankuasa Tatatertib di bawah kaedah 28.

(11) Bagi maksud kaedah ini, perkataan "pembebasan" termasuklah pelepasan yang tidak terjumblah kepada pembebasan.

**Tanggungjawab Setiausaha jika pegawai telah disabitkan kerana kesalahan jenayah**

28. (1) Jika prosiding jenayah terhadap seseorang pegawai berkeputusan dengan pensabitannya dan dia tidak merayu terhadap sabitan itu, atau jika rayuannya terhadap sabitan itu telah ditolak atau jika rayuan oleh Pendakwa Raya terhadap pembebasannya berkeputusan dengan pensabitannya, Setiausaha hendaklah segera mendapatkan satu salinan keputusan mahkamah itu daripada Pendaftar, Timbalan Pendaftar atau Penolong Kanan Pendaftar mahkamah yang olehnya dia telah disabitkan atau rayuannya telah ditolak.

(2) Apabila keputusan yang disebut dalam subkaedah (1) diterima, Setiausaha hendaklah mengemukakan keputusan itu kepada Jawatankuasa Tatatertib beserta dengan Rekod Perkhidmatan pegawai itu dan perakuan Setiausaha bahawa—

- (a) pegawai itu patut dibuang kerja atau diturunkan pangkat;
- (b) pegawai itu patut dihukum dengan apa-apa hukuman selain buang kerja atau turun pangkat;
- (c) perkhidmatan pegawai itu patut ditamatkan demi kepentingan awam; atau
- (d) tiada hukuman patut dikenakan,

bergantung kepada jenis dan keseriusan kesalahan yang telah dilakukan berbanding dengan takat sabitan itu telah memburukkan nama Majlis.

(3) Jika, setelah menimbangkan laporan, Rekod Perkhidmatan dan perakuan Setiausaha yang dikemukakan kepadanya di bawah subkaedah (2), Jawatankuasa Tatatertib berpendapat bahawa—

- (a) pegawai itu patut dibuang kerja atau diturunkan pangkat, Jawatankuasa Tatatertib hendaklah mengenakan hukuman buang kerja atau turun pangkat, sebagaimana yang difikirkan sesuai oleh Jawatankuasa Tatatertib;
- (b) kesalahan yang kerananya pegawai itu telah disabitkan tidak mewajarkan hukuman buang kerja atau turun pangkat tetapi mewajarkan pengenaan suatu hukuman yang lebih ringan, Jawatankuasa Tatatertib hendaklah mengenakan ke atas pegawai

itu mana-mana satu atau lebih hukuman selain buang kerja atau turun pangkat sebagaimana yang dinyatakan dalam kaedah 40 sebagaimana yang difikirkan sesuai oleh Jawatankuasa Tatatertib; atau

(c) tiada hukuman patut dikenakan ke atas pegawai itu, Jawatankuasa Tatatertib hendaklah membebaskannya.

(4) Jika hukuman selain buang kerja telah dikenakan ke atas seseorang pegawai atau jika tiada hukuman telah dikenakan ke atasnya, Jawatankuasa Tatatertib hendaklah mengarahkan pegawai itu supaya menjalankan semula tugasnya.

**Tindakan tatatertib tidak boleh diambil hingga prosiding jenayah selesai**

29. (1) Jika prosiding jenayah telah dimulakan terhadap seseorang pegawai dan masih belum selesai, tiada apa-apa tindakan tatatertib boleh diambil terhadap pegawai itu berasaskan alasan yang sama dengan pertuduhan jenayah dalam prosiding jenayah itu.

(2) Tiada apa-apa jua dalam subkaedah (1) boleh ditafsirkan sebagai menghalang tindakan tatatertib diambil terhadap pegawai itu sementara menunggu penyelesaian prosiding jenayah itu jika tindakan itu diasaskan pada apa-apa alasan lain yang berbangkit daripada kelakuannya dalam perlaksanaan tugasnya.

**Akibat pembebasan**

30. (1) Seseorang pegawai yang telah dibebaskan daripada satu pertuduhan jenayah dalam mana-mana prosiding jenayah tidak boleh dikenakan tindakan tatatertib atas pertuduhan yang sama.

(2) Tiada apa-apa jua dalam subkaedah (1) boleh ditafsirkan sebagai menghalang tindakan tatatertib diambil terhadap pegawai itu atas apa-apa alasan lain yang berbangkit daripada kelakuannya berhubung dengan pertuduhan jenayah itu, sama ada atau tidak berkaitan dengan perlaksanaan tugasnya, selagi alasan-alasan bagi tindakan tatatertib itu tidak membangkitkan secara substansial isu-isu yang sama dengan isu-isu dalam prosiding jenayah yang berhubungan dengan pertuduhan jenayah yang daripadanya pegawai itu boleh dibebaskan.

**Tatacara jika terdapat suatu perintah tahanan, buang negeri, dsb.**

31. (1) Jika—

- (a) suatu perintah tahanan selain suatu perintah tahanan reman sementara menunggu perbicaraan atau bagi maksud penyiasatan;
- (b) suatu perintah pengawasan, kediaman terhad, buang negeri atau deportasi; atau
- (c) suatu perintah yang mengenakan apa-apa bentuk sekatan atau pengawasan, sama ada dengan bon atau selainnya,

telah dibuat terhadap seseorang pegawai di bawah mana-mana undang-undang yang berhubungan dengan keselamatan Malaysia atau mana-mana bahagian Malaysia, pencegahan jenayah, tahanan pencegahan, kediaman terhad, buang negeri, imigresen atau perlindungan wanita dan gadis atau perlindungan kanak-kanak, Setiausaha hendaklah memohon untuk mendapatkan satu salinan perintah itu daripada pihak berkuasa yang berkenaan.

(2) Apabila satu salinan perintah yang disebut dalam subkaedah (1) diterima, Setiausaha hendaklah mengemukakannya kepada Jawatankuasa Tatatertib berserta dengan Rekod Perkhidmatan pegawai itu dan perakuan Setiausaha bahawa—

- (a) pegawai itu patut dibuang kerja atau diturunkan pangkat;
- (b) pegawai itu patut dihukum dengan apa-apa hukuman selain buang kerja atau turun pangkat;
- (c) perkhidmatan pegawai itu patut ditamatkan demi kepentingan awam; atau
- (d) tiada hukuman patut dikenakan,

bergantung kepada takat keburukan yang telah dibawa oleh pegawai itu kepada nama Majlis.

(3) Jika, setelah menimbangkan laporan, Rekod Perkhidmatan dan perakuan Setiausaha yang dikemukakan kepadanya di bawah subkaedah (2), Jawatankuasa Tatatertib berpendapat bahawa—

- (a) pegawai itu patut dibuang kerja atau diturunkan pangkat, Jawatankuasa Tatatertib hendaklah mengenakan hukuman buang kerja atau turun pangkat, sebagaimana yang difikirkan sesuai oleh Jawatankuasa Tatatertib;

- (b) alasan yang berdasarkannya perintah itu telah dibuat terhadap pegawai itu tidak mewajarkan hukuman buang kerja atau turun pangkat tetapi mewajarkan pengenaan suatu hukuman yang lebih ringan, Jawatankuasa Tatatertib hendaklah mengenakan ke atas pegawai itu mana-mana satu atau lebih hukuman selain buang kerja atau turun pangkat sebagaimana yang dinyatakan dalam kaedah 40 sebagaimana yang difikirkan sesuai dan patut oleh Jawatankuasa Tatatertib; atau
- (c) tiada hukuman patut dikenakan ke atas pegawai itu, Jawatankuasa Tatatertib hendaklah membebaskannya.
- (4) Jika hukuman selain buang kerja telah dikenakan ke atas seseorang pegawai atau jika tiada hukuman telah dikenakan ke atasnya, Jawatankuasa Tatatertib hendaklah mengarahkan pegawai itu supaya menjalankan semula tugasnya.

## BAHAGIAN V

### TATACARA TATATERTIB

#### *Bab I - Am*

##### **Peluang untuk didengar dalam prosiding tatatertib dengan tujuan buang kerja atau turun pangkat**

32. (1) Tertakluk kepada subkaedah (2), dalam semua prosiding tatatertib di bawah Kaedah-Kaedah ini, tiada seorang pegawai pun boleh dibuang kerja atau diturunkan pangkat melainkan jika dia telah terlebih dahulu diberitahu secara bertulis mengenai alasan-alasan yang berdasarkannya tindakan itu dicadangkan dan dia telah diberi peluang yang munasabah untuk didengar.

(2) Subkaedah (1) tidaklah terpakai dalam hal-hal yang berikut:

- (a) jika seseorang pegawai telah dibuang kerja atau diturunkan pangkat di bawah subkaedah 28 (3) atau 31 (3);
- (b) jika Jawatankuasa Tatatertib berpuas hati bahawa kerana sesuatu sebab, yang hendaklah direkodkan olehnya secara bertulis, tidaklah semunasabahnya praktik untuk menjalankan kehendak subkaedah (1);
- (c) jika Majlis berpuas hati bahawa demi kepentingan keselamatan Malaysia atau mana-mana bahagiannya tidaklah suaimanfaat untuk menjalankan kehendak subkaedah (1).

**Pengerusi Jawatankuasa Tatatertib hendaklah menentukan jenis pelanggaran tatatertib**

33. Jika seseorang pegawai dikatakan telah melakukan suatu kesalahan tatatertib, Pengerusi Jawatankuasa Tatatertib hendaklah, sebelum memulakan apa-apa prosiding tatatertib berkenaan dengan pegawai itu, menimbangkan dan menentukan sama ada kesalahan tatatertib yang diadukan adalah daripada jenis yang patut dikenakan hukuman buang kerja atau turun pangkat atau suatu hukuman yang lebih ringan daripada buang kerja atau turun pangkat.

***Bab 2 – Prosiding tatatertib tidak dengan tujuan buang kerja atau turun pangkat***

**Tatacara dalam kes-kes tatatertib tidak dengan tujuan buang kerja atau turun pangkat**

34. (1) Jika ditentukan di bawah kaedah 33 bahawa kesalahan tatatertib yang diadukan terhadap seseorang pegawai adalah daripada jenis yang patut dikenakan suatu hukuman yang lebih ringan daripada buang kerja atau turun pangkat, Jawatankuasa Tatatertib, setelah berpuas hati bahawa wujud suatu kesalahan tatatertib, hendaklah memberitahu pegawai itu secara bertulis fakta kesalahan tatatertib yang dikatakan telah dilakukan olehnya dan hendaklah memberi pegawai itu peluang untuk membuat representasi bertulis dalam tempoh dua puluh satu hari dari tarikh dia dimaklumkan mengenai fakta itu.

(2) Jika Jawatankuasa Tatatertib berpendapat bahawa representasi pegawai itu menghendaki penjelasan lanjut, Jawatankuasa Tatatertib boleh menghendaki pegawai itu supaya memberikan penjelasan lanjut dalam suatu tempoh sebagaimana yang ditetapkan oleh Jawatankuasa Tatatertib.

(3) Jika, setelah menimbangkan representasi pegawai itu dan, jika penjelasan lanjut diberikan, penjelasan lanjut pegawai itu, Jawatankuasa Tatatertib—

- (a) mendapati pegawai itu bersalah atas kesalahan tatatertib yang dikatakan telah dilakukan olehnya, Jawatankuasa Tatatertib hendaklah mengenakan ke atas pegawai itu mana-mana satu atau lebih hukuman selain buang kerja atau turun pangkat sebagaimana yang dinyatakan dalam kaedah 40 sebagaimana yang difikirkan sesuai oleh Jawatankuasa Tatatertib; atau
- (b) mendapati pegawai itu tidak bersalah, Jawatankuasa Tatatertib hendaklah membebaskannya.

*Bab 3- Prosiding tatatertib dengan tujuan buang kerja atau turun pangkat*

**Tatacara dalam kes-kes tatatertib dengan tujuan buang kerja atau turun pangkat**

35. (1) Jika ditentukan di bawah kaedah 33 bahawa kesalahan tatatertib yang diadukan terhadap seseorang pegawai adalah daripada jenis yang patut dikenakan hukuman buang kerja atau turun pangkat, Jawatankuasa Tatatertib hendaklah menimbangkan segala maklumat yang ada.

(2) Jika didapati oleh Jawatankuasa Tatatertib bahawa wujud suatu kes *prima facie* terhadap pegawai itu, Jawatankuasa Tatatertib hendaklah-

(a) mengarahkan supaya suatu pertuduhan yang mengandungi fakta kesalahan tatatertib yang dikatakan telah dilakukan oleh pegawai itu dan alasan-alasan yang berdasarkannya pegawai itu dicadangkan supaya dibuang kerja atau diturunkan pangkatnya dihantar kepada pegawai itu; dan

(b) memanggil pegawai itu untuk membuat dalam tempoh dua puluh satu hari dari tarikh dia menerima pertuduhan itu, suatu representasi bertulis yang mengandungi alasan-alasan yang padanya dia bergantung untuk melepaskan dirinya.

(3) Jika, setelah menimbangkan representasi yang dibuat menurut subkaedah (1), Jawatankuasa Tatatertib berpendapat bahawa kesalahan tatatertib yang dilakukan oleh pegawai itu tidak mewajarkan hukuman buang kerja atau turun pangkat, Jawatankuasa Tatatertib boleh mengenakan ke atas pegawai itu apa-apa hukuman yang lebih ringan yang dinyatakan dalam kaedah 40 sebagaimana yang difikirkan sesuai oleh Jawatankuasa Tatatertib.

(4) Jika pegawai itu tidak membuat apa-apa representasi dalam tempoh yang dinyatakan dalam perenggan (2) (b), atau jika pegawai itu telah membuat representasi sedemikian tetapi representasi itu tidak dapat membersihkan dirinya sehingga memuaskan hati Jawatankuasa Tatatertib, Jawatankuasa Tatatertib hendaklah terus menimbangkan dan membuat keputusan tentang pembuangan kerja atau penurunan pangkat pegawai itu.

(5) Jika Jawatankuasa Tatatertib berpendapat bahawa kes terhadap pegawai itu menghendaki penjelasan lanjut, Jawatankuasa Tatatertib boleh menubuhkan suatu Jawatankuasa Penyiasatan bagi maksud mendapatkan penjelasan lanjut sedemikian.

**Jawatankuasa Penyiasatan**

36. Jawatankuasa Penyiasatan hendaklah terdiri daripada tidak kurang daripada dua orang ahli Majlis.

**Tatacara yang hendaklah diikuti oleh Jawatankuasa Penyiasatan**

37. (1) Jawatankuasa Penyiasatan—

(a) hendaklah memberitahu pegawai yang disiasat itu tarikh persoalan mengenai pembuangan kerja atau penurunan pangkatnya akan dibawa di hadapan Jawatankuasa Penyiasatan; dan

(b) boleh memanggil dan memeriksa mana-mana saksi atau mengambil apa-apa tindakan sebagaimana yang difikirkan perlu atau patut oleh Jawatankuasa Penyiasatan untuk mendapatkan penjelasan lanjut mengenai kes itu.

(2) Jika Jawatankuasa Penyiasatan berpandangan bahawa pegawai itu patut dibenarkan hadir di hadapan Jawatankuasa Penyiasatan untuk membersihkan dirinya, pegawai itu hendaklah menghadirkan dirinya di hadapan Jawatankuasa itu bagi maksud itu.

(3) Jika saksi-saksi telah dipanggil dan diperiksa oleh Jawatankuasa Penyiasatan, pegawai itu hendaklah diberi peluang untuk hadir dan untuk menyatakan balas saksi-saksi bagi pihak dirinya.

(4) Tiada keterangan dokumentar boleh digunakan terhadap seseorang pegawai melainkan jika pegawai itu telah sebelum itu dibekali dengan satu salinan keterangan itu atau telah diberi akses kepada keterangan itu.

(5) Jawatankuasa Penyiasatan boleh membenarkan Majlis atau pegawai itu diwakili oleh seorang pegawai Majlis atau, dalam hal yang luar biasa, oleh seorang peguambela dan peguamcara, tetapi Jawatankuasa Penyiasatan boleh menarik balik kebenaran itu tertakluk kepada apa-apa penangguhan yang munasabah dan perlu bagi membolehkan pegawai itu untuk membentangkan kesnya sendiri.

(6) Jika Jawatankuasa Penyiasatan membenarkan Majlis diwakili, Jawatankuasa Penyiasatan hendaklah juga membenarkan pegawai yang disiasat itu diwakili dengan cara yang sama.

(7) Jika pegawai yang disiasat dikehendaki hadir dihadapan Jawatankuasa Penyiasatan tidak hadir pada tarikh dan masa yang ditetapkan dan jika tiada alasan yang mencukupi diberikan bagi penangguhan, Jawatankuasa Penyiasatan boleh terus menimbangkan dan membuat keputusan tentang aduan itu atau boleh menangguhkan prosiding itu ke suatu tarikh yang lain.

(8) Setelah tamat penyiasatannya, Jawatankuasa Penyiasatan hendaklah mengemukakan satu laporan tentang penyiasatan itu kepada Jawatankuasa Tatatertib.

(9) Jika Jawatankuasa Tatatertib berpendapat bahawa laporan yang dikemukakan kepadanya di bawah subkaedah (8) tidak jelas tentang perkara-perkara tertentu atau bahawa penyiasatan lanjut adalah perlu, Jawatankuasa Tatatertib boleh merujukkan perkara itu semula kepada Jawatankuasa Penyiasatan bagi penyiasatan lanjut.

#### **Alasan lanjut bagi pembuangan kerja**

**38.** (1) Jika, semasa sesuatu penyiasatan dijalankan oleh Jawatankuasa Penyiasatan, alasan-alasan lanjut bagi pembuangan kerja pegawai yang disiasat itu telah kelihatan, Jawatankuasa Penyiasatan hendaklah memberitahu Jawatankuasa Tatatertib mengenai alasan-alasan lanjut itu.

(2) Jika Jawatankuasa Tatatertib berfikir patut diteruskan tindakan terhadap pegawai itu berdasarkan alasan-alasan lanjut itu, pegawai itu hendaklah diberi suatu pernyataan bertulis mengenai alasan-alasan itu, dan tatacara yang dinyatakan dalam kaedah 35, 36 dan 37 hendaklah terpakai berkenaan dengan alasan lanjut itu sebagaimana tatacara itu terpakai berkenaan dengan alasan asal.

#### **Kuasa Jawatankuasa Tatatertib**

**39.** Jika, telah menimbangkan representasi pegawai dan laporan Jawatankuasa Penyiasatan, jika ada, Jawatankuasa Tatatertib—

(a) mendapati pegawai itu bersalah atas kesalahan tatatertib yang dikatakan telah dilakukan olehnya dan pegawai itu patut dibuang kerja atau diturunkan pangkat, Jawatankuasa Tatatertib hendaklah mengenakan hukuman buang kerja atau turun pangkat, sebagaimana yang difikirkan sesuai oleh Jawatankuasa Tatatertib;

- (b) mendapati pegawai itu bersalah atas kesalahan tatatertib yang dikatakan telah dilakukan olehnya tetapi, setelah mengambil kira dalam pertimbangan hal keadaan dalam mana kesalahan tatatertib itu telah dilakukan dan faktor peringinan yang lain, kesalahan itu tidak mewajarkan hukuman buang kerja atau turun pangkat tetapi mewajarkan pengenaan suatu hukuman yang lebih ringan, Jawatankuasa Tatatertib hendaklah mengenakan ke atas pegawai itu mana-mana satu atau lebih hukuman selain buang kerja atau turun pangkat sebagaimana yang dinyatakan dalam kaedah 40 sebagaimana yang difikirkan sesuai oleh Jawatankuasa Tatatertib; atau
- (c) mendapati pegawai itu tidak bersalah, Jawatankuasa Tatatertib hendaklah membebaskannya.

## BAHAGIAN VI

### HUKUMAN TATATERTIB

#### Jenis hukuman tatatertib

40. Jika seseorang pegawai didapati bersalah atas suatu kesalahan tatatertib, mana-mana satu atau apa-apa gabungan dua atau lebih hukuman yang berikut, bergantung kepada keseriusan kesalahan itu, boleh dikenakan ke atas pegawai itu:

- (a) amaran;
- (b) denda;
- (c) lucut hak emolumen;
- (d) tangguh pergerakan gaji;
- (e) turun gaji;
- (f) turun pangkat;
- (g) buang kerja.

#### Denda atau lucut hak emolumen

41. (1) Hukuman denda atau lucut hak emolumen hendaklah dibuat mengikut subkaedah (2), (3), (4), (5) dan (6).

(2) Apa-apa denda yang dikenakan pada mana-mana satu masa tidak boleh melebihi amaun yang sama banyak dengan emolumen bagi tujuh hari pegawai yang berkenaan.

(3) Jika seseorang pegawai didenda lebih daripada sekali dalam mana-mana bulan kalendar, agregat denda yang dikenakan ke atasnya dalam bulan itu tidak boleh melebihi amaun yang sama banyak dengan empat puluh lima peratus daripada emolumen bulanannya.

(4) Jika hukuman yang dikenakan adalah kerana pegawai tidak hadir untuk bertugas tanpa cuti atau tanpa terlebih dahulu mendapat kebenaran atau tanpa sebab yang munasabah, apa-apa pelucutahan emolumen pegawai itu hendaklah, melainkan jika diputuskan selainnya oleh Jawatankuasa Tatatertib, dihitung dengan mengambil kira tempoh sebenar pegawai itu tidak hadir.

(5) Hukuman denda atau lucut hak emolumen tidak boleh dikenakan ke atas seseorang pegawai yang tidak hadir tanpa cuti atau tanpa terlebih dahulu mendapat kebenaran atau tanpa sebab yang munasabah jika emolumen pegawai itu telah dilucutahkan, berkenaan dengan ketidakhadiran untuk bertugas itu, di bawah kaedah 26.

(6) Segala denda atau lucut hak emolumen hendaklah dipotong daripada emolumen bulanan pegawai itu dan hendaklah dibayar ke dalam hasil Majlis.

#### Tangguh pergerakan gaji

42. (1) Hukuman tangguh pergerakan gaji boleh dikenakan oleh Jawatankuasa Tatatertib bagi tempoh—

- (a) tiga bulan;
- (b) enam bulan;
- (c) sembilan bulan; atau
- (d) dua belas bulan,

sebagaimana yang difikirkan sesuai oleh Jawatankuasa Tatatertib.

(2) Hukuman tangguh pergerakan gaji yang dikenakan ke atas seseorang pegawai hendaklah dilaksanakan pada tarikh ulang tahun pergerakan gaji yang berikutnya bagi pegawai itu selepas tarikh pengenaan hukuman itu oleh Jawatankuasa Tatatertib.

(3) Seseorang pegawai yang ke atasnya hukuman tangguh pergerakan gaji dikenakan tidak berhak untuk menerima apa-apa pergerakan gaji bagi dan dalam tempoh hukuman itu sedang berkuat kuasa.

(4) Sesuatu hukuman tangguh pergerakan gaji hendaklah mempunyai akibat-akibat yang berikut pada pegawai yang atasnya hukuman itu dikenakan:

- (a) pergerakan gajinya hendaklah diubah ke tarikh pergerakan gaji yang paling hampir selepas tamat tempoh hukuman itu; dan
- (b) tarikh pergerakan gajinya hendaklah kekal pada tarikh yang diubah di bawah perenggan (a) sehingga pegawai itu mencapai tangga maksimum dalam jadual gajinya.

### Turun gaji

43. (1) Jawatankuasa Tatatertib boleh mengenakan hukuman turun gaji ke atas seseorang pegawai mengikut peruntukan-peruntukan yang berikut:

- (a) gaji itu hanya boleh diturunkan secara mendatar dalam peringkat gaji yang sama;
- (b) penurunan gaji itu tidak boleh melebihi tiga pergerakan gaji; dan
- (c) tempoh hukuman itu tidak boleh kurang daripada dua belas bulan tetapi tidak boleh lebih daripada tiga puluh enam bulan pada mana-mana satu masa.

(2) Hukuman turun gaji yang dikenakan ke atas seseorang pegawai hendaklah dilaksanakan pada tarikh yang ditetapkan oleh Jawatankuasa Tatatertib.

(3) Tarikh pergerakan gaji seseorang pegawai ke atasnya hukuman turun gaji yang dikenakan hendaklah diubah ke tarikh pergerakan gaji yang berikutnya selepas hukuman itu tamat.

(4) Seseorang pegawai yang ke atasnya hukuman turun gaji dikenakan tidak berhak untuk menerima apa-apa pergerakan gaji bagi dan dalam tempoh hukuman itu sedang berkuat kuasa.

### Turun pangkat

44. Jawatankuasa Tatatertib boleh mengenakan hukuman turun pangkat ke atas seseorang pegawai mengikut cara yang berikut:

- (a) dengan menurunkan gred pegawai itu ke gred yang lebih rendah dalam skim perkhidmatan yang sama; dan
- (b) dengan menentukan bahawa gaji baru pegawai itu hendaklah pada suatu mata gaji dalam jadual gaji bagi gred yang dikurangkan itu supaya gaji itu lebih rendah daripada, tetapi paling hampir dengan, gaji akhir yang diterima oleh pegawai itu sebelum hukuman itu dikenakan ke atasnya.

BAHAGIAN VII

PENAHANAN KERJA DAN PENGGANTUNGAN KERJA

**Penahanan kerja bagi maksud penyiasatan**

45. (1) Tanpa menjelaskan kaedah 27 dan 46, jika seseorang pegawai dikatakan atau semunasabahnya disyaki telah melakukan suatu kesalahan jenayah atau suatu kesalahan tatatertib yang serius, Jawatankuasa Tatatertib boleh menahan kerja pegawai itu bagi suatu tempoh tidak melebihi dua bulan bagi maksud memudahkan penyiasatan terhadap pegawai itu.

(2) Dalam memutuskan sama ada hendak menahan kerja seseorang pegawai di bawah subkaedah (1), Jawatankuasa Tatatertib hendaklah mengambil kira faktor-faktor yang berikut:

- (a) sama ada pengataan itu atau kesalahan yang disyaki itu adalah secara langsung berhubungan dengan tugas pegawai itu; dan
- (b) sama ada kehadiran pegawai itu di pejabat akan menggendalakan penyiasatan.

(3) Jika, dalam tempoh seseorang pegawai itu ditahan kerja—

- (a) prosiding jenayah telah dimulakan terhadap pegawai itu di mana-mana mahkamah; atau
- (b) tindakan tatatertib telah diambil terhadapnya dengan tujuan pembuangan kerja atau penurunan pangkatnya,

perintah penahanan kerja yang dibuat di bawah subkaedah (1) hendaklah terhenti berkuat kuasa mulai dari tarikh prosiding jenayah itu dimulakan atau tindakan tatatertib itu diambil terhadap pegawai itu; Jawatankuasa Tatatertib hendaklah mengambil apa-apa tindakan selanjutnya sebagaimana yang difikirkannya patut di bawah kaedah 46.

(4) Seseorang pegawai yang telah ditahan kerja di bawah kaedah ini berhak menerima emolumen penuhnya dalam tempoh penahanan kerjanya.

**Penahanan kerja**

46. (1) Jawatankuasa Tatatertib boleh, jika difikirkannya sesuai dan patut dan dengan mengambil kira perkara-perkara yang dinyatakan dalam subkaedah (4), menahan seseorang pegawai daripada menjalankan tugasnya jika—

- (a) prosiding jenayah telah dimulakan terhadap pegawai itu; atau
- (b) prosiding tatatertib dengan tujuan supaya hukuman buang kerja atau turun pangkat dikenakan ke atasnya telah dimulakan terhadap pegawai itu.

(2) Jika seseorang pegawai telah ditahan kerja di bawah perenggan (1)(a), penahanan kerjanya boleh dijadikan berkuat kuasa mulai dari tarikh dia telah ditangkap atau dari tarikh saman telah disampaikan kepadanya.

(3) Jika seseorang pegawai telah ditahan kerja di bawah perenggan (1)(b), penahanan kerjanya boleh dijadikan berkuat kuasa mulai dari tarikh yang ditetapkan oleh Jawatankuasa Tatatertib.

(4) Dalam memutuskan sama ada hendak menahan kerja seseorang pegawai di bawah subkaedah(1), Jawatankuasa Tatatertib hendaklah mengambil kira faktor-faktor yang berikut:

- (a) sama ada jenis kesalahan yang dengannya pegawai itu dipertuduh adalah secara langsung berhubungan dengan tugasnya;
- (b) sama ada kehadiran pegawai itu di pejabat akan menggandalakan penyiasatan;
- (c) sama ada kehadiran pegawai itu di pejabat untuk menjalankan tugas dan tanggungjawabnya yang biasa boleh memalukan atau boleh menjelaskan nama atau imej Majlis; dan
- (d) sama ada, dengan mengambil kira jenis kesalahan yang dengannya pegawai itu dipertuduh, penahanan kerja pegawai itu akan menyebabkan Majlis menanggung kerugian.

(5) Jika Jawatankuasa Tatatertib memanggil balik seseorang pegawai yang telah ditahan kerja di bawah subkaedah (1) untuk menjalankan semula tugasnya sedangkan prosiding jenayah atau prosiding tatatertib dengan tujuan pembuangan kerja atau penurunan pangkatnya masih belum selesai , maka-

- (a) perintah penahanan kerja itu hendaklah terhenti berkuat kuasa mulai dari tarikh pegawai itu menjalankan semula tugasnya;
- (b) pegawai itu hendaklah dibayar emolumen penuhnya mulai dari tarikh dia menjalankan semula tugasnya; dan
- (c) apa-apa bahagian emolumennya yang telah tidak dibayar semasa penahanan kerjanya tidak boleh dibayar sehingga prosiding jenayah atau prosiding tatatertib dengan tujuan pembuangan kerja atau penurunan pangkatnya selesai dan suatu keputusan berkaitan dengan emolumen itu dibuat oleh Jawatankuasa Tatatertib.

(6) Dalam tempoh penahanan kerjanya di bawah kaedah ini, seseorang pegawai berhak, melainkan jika dan sehingga dia digantung kerja atau dibuang kerja, untuk menerima tidak kurang daripada setengah emolumennya sebagaimana yang difikirkan patut oleh Jawatankuasa Tatatertib.

(7) Tanpa menjelaskan subkaedah 27(7), jika seseorang pegawai telah dibebaskan daripada pertuduhan jenayah atau telah dilepaskan tetapi pelepasan itu tidak terjumlah kepada suatu pembebasan atau telah dibebaskan daripada apa-apa pertuduhan tatatertib, apa-apa bahagian emolumennya yang telah tidak dibayar kepadanya semasa dia ditahan kerja hendaklah dibayar kepadanya.

#### Penggantungan kerja

47. (1) Jawatankuasa Tatatertib boleh menggantung seseorang pegawai itu daripada menjalankan tugasnya jika—

- (a) pegawai itu telah disabitkan oleh mana-mana mahkamah jenayah; atau
- (b) suatu perintah sebagaimana yang dinyatakan dalam kaedah 31 telah dibuat terhadap pegawai itu.

(2) Tempoh penggantungan kerja di bawah kaedah ini hendaklah mula berkuat kuasa dari tarikh sabitan atau tarikh kuat kuasa perintah itu, mengikut mana-mana yang berkenaan.

(3) Seseorang pegawai yang telah digantung daripada menjalankan tugasnya—

- (a) tidak boleh dibenarkan untuk menerima apa-apa bahagian emolumennya yang telah tidak dibayar dalam tempoh penahanan kerjanya di bawah kaedah 46; dan
- (b) tidak berhak untuk menerima apa-apa emolument sepanjang tempoh penggantungan kerjanya.

(4) Keputusan oleh Jawatankuasa Tatatertib untuk menggantung kerja seseorang pegawai hendaklah dimaklumkan kepadanya secara bertulis.

#### Emolument yang tidak dibayar

48. (1) Jika prosiding tatatertib terhadap seseorang pegawai berkeputusan dengan pegawai itu dibuang kerja, dia tidak berhak kepada apa-apa bahagian emolumennya yang telah tidak dibayar kepadanya dalam tempoh penahanan kerja atau penggantungan kerjanya.

(2) Jika prosiding tatatertib terhadap seseorang pegawai berkeputusan dengan suatu hukuman selain buang kerja dikenakan ke atas pegawai itu, dia berhak untuk menerima apa-apa bahagian emolumennya yang telah tidak dibayar kepadanya dalam tempoh penahanan kerja atau penggantungan kerjanya.

**Penjalanan semula tugas**

49. Jika seseorang pegawai telah ditahan kerja di bawah kaedah 46 atau digantung kerja di bawah kaedah 47, dan prosiding tatatertib terhadap pegawai itu berkeputusan dengan suatu hukuman selain buang kerja dikenakan ke atas pegawai itu, Jawatankuasa Tatatertib hendaklah mengarahkan pegawai itu supaya menjalankan semula tugasnya.

**Tatacara tatatertib bagi seseorang pegawai yang sedang berkhidmat di luar Malaysia**

50. Jika prosiding tatatertib telah dimulakan terhadap seseorang pegawai di luar Malaysia, Pegawai itu hendaklah ditahan kerja mengikut kaedah 46, dan jika dia telah disabitkan, tindakan tatatertib hendaklah diambil di bawah Kaedah-Kaedah ini terhadapnya.

**Pegawai tidak boleh meninggalkan Malaysia tanpa kebenaran bertulis**

51. (1) Seseorang pegawai yang telah ditahan kerja atau digantung daripada menjalankan tugasnya tidak boleh meninggalkan Malaysia tanpa terlebih dahulu mendapat kebenaran bertulis daripada Pengerusi Jawatankuasa Tatatertib.

(2) Jika pegawai yang telah ditahan kerja atau digantung daripada menjalankan tugasnya sedang berkhidmat di luar Malaysia, dia hendaklah segera dipanggil balik ke Malaysia dan dia tidak boleh meninggalkan Malaysia tanpa terlebih dahulu mendapat kebenaran bertulis daripada Pengerusi Jawatankuasa Tatatertib.

(3) Walau apa pun peruntukan subkaedah 46(6), Jawatankuasa Tatatertib hendaklah mengambil segala langkah yang perlu untuk menghentikan pembayaran apa-apa emolument kepada seseorang pegawai yang telah ditahan kerja tetapi telah meninggalkan Malaysia tanpa terlebih dahulu mendapat kebenaran bertulis daripada Pengerusi Jawatankuasa Tatatertib.

BAHAGIAN VIII

PELBAGAI

**Butir-butir kesalahan dan hukuman hendaklah dicatatkan**

52. Tiap-tiap tindakan tatatertib yang diambil terhadap seseorang pegawai yang berkeputusan dengan suatu hukuman dikenakan ke atas pegawai itu di bawah Kaedah-Kaedah ini hendaklah dicatatkan dalam Rekod Perkhidmatan pegawai itu dengan menyatakan butir-butir kesalahan yang telah dilakukan dan hukuman yang telah dikenakan.

**Penyampaian notis, dokumen, dsb.**

53. (1) Tiap-tiap pegawai hendaklah memberi Setiausaha alamat kediamannya atau apa-apa perubahan alamat itu dan alamat itu hendaklah menjadi alamatnya bagi maksud menyampaikan kepadanya apa-apa notis atau dokumen yang dikehendaki disampaikan di bawah Kaedah-Kaedah ini atau bagi maksud berkomunikasi dengannya mengenai apa-apa perkara yang berhubungan dengan Kaedah-Kaedah ini.

(2) Apa-apa notis, dokumen atau komunikasi yang ditinggalkan di atau diposkan ke atau dihantar dengan apa-apa cara lain yang munasabah ke alamat bagi penyampaian yang diberikan di bawah subkaedah (1) hendaklah disifatkan telah disampaikan atau diberitahukan dengan sewajarnya kepada pegawai itu.

**Tandatangan pada surat dan persuratan lain**

54. Apa-apa surat-menjurut antara Jawatankuasa Tatatertib dengan pegawai yang tertakluk kepada tindakan tatatertib hendaklah ditandatangani oleh Pengerusi Jawatankuasa Tatatertib atau oleh mana-mana anggota Jawatankuasa Tatatertib bagi pihak Pengerusi.

**JADUAL KEDUA**

[Seksyen 6 dan 7]

**KEANGGOTAAN DAN BIDANG KUASA JAWATANKUASA TATATERTIB  
DAN JAWATANKUASA RAYUAN TATATERTIB****BAHAGIAN I****JAWATANKUASA TATATERTIB****Penubuhan Jawatankuasa Tatatertib**

1. Hendaklah ditubuhkan bagi Majlis Jawatankuasa Tatatertib yang terdiri daripada anggota yang berikut:

- (a) seorang Pengerusi yang dilantik oleh Majlis; dan
- (b) dua orang ahli Majlis yang dilantik oleh Majlis.

**Bidang kuasa Jawatankuasa Tatatertib**

2. Jawatankuasa Tatatertib hendaklah mempunyai bidang kuasa atas semua perkara yang berhubungan dengan kelakuan dan tatatertib setiap pegawai.

**Jawatankuasa Tatatertib hendaklah mematuhi Kaedah-Kaedah**

3. Dalam menjalankan fungsinya di bawah Enakmen ini, Jawatankuasa Tatatertib hendaklah mematuhi Kaedah-Kaedah dalam Jadual Pertama.

**Pengisytiharan kepentingan**

4. (1) Jika Pengerusi atau mana-mana anggota Jawatankuasa Tatatertib mempunyai apa-apa kepentingan dalam mana-mana prosiding tatatertib, dia hendaklah mengisyiharkan jenis kepentingan itu dan perisyiharan itu hendaklah direkodkan dalam minit mesyuarat yang dalamnya pengisytiharan itu telah dibuat.

(2) Pengerusi atau mana-mana anggota sesuatu Jawatankuasa Tatatertib yang mempunyai kepentingan dalam mana-mana prosiding tatatertib tidak boleh mengambil bahagian dalam pertimbangtelitian atau keputusan Jawatankuasa Tatatertib itu dalam prosiding itu.

**Pelantikan anggota ganti**

5. Majlis boleh, atas sebab-sebab yang hendaklah direkodkan, melantik mana-mana ahli Majlis untuk bersidang sebagai Pengerusi atau anggota Jawatankuasa Tatatertib bagi menggantikan Pengerusi atau anggota lain dalam mana-mana prosiding tatatertib terhadap seseorang pegawai.

**Mesyuarat Jawatankuasa Tatatertib**

6. (1) Bagi maksud melaksanakan fungsinya, Jawatankuasa Tatatertib hendaklah bermesyuarat pada tarikh dan di tempat dan pada masa yang ditetapkan oleh Pengerusi Jawatankuasa Tatatertib.

(2) Setiap mesyuarat Jawatankuasa Tatatertib hendaklah dihadiri oleh semua anggota Jawatankuasa Tatatertib.

**Pengundian dalam mesyuarat Jawatankuasa Tatatertib**

7. Semua soalan yang dibangkitkan dalam mensyuarat Jawatankuasa Tatatertib hendaklah diputuskan melalui undi majoriti, dan jika bilangan undi sama banyak, maka Pengerusi hendaklah mempunyai undi pemutus.

**Rekod mesyuarat Jawatankuasa Tatatertib**

8. Pengerusi Jawatankuasa Tatatertib hendaklah memastikan bahawa rekod tiap-tiap prosiding tatatertib dan minit tiap-tiap mesyuarat Jawatankuasa Tatatertib itu disimpan dengan sempurna.

**Jawatankuasa Tatatertib boleh menghendaki penyiasatan dijalankan**

9. (1) Sebelum membuat apa-apa keputusan tentang apa-apa perkara yang Jawatankuasa Tatatertib itu dikehendaki memutuskannya dalam mana-mana prosiding tatatertib, Jawatankuasa Tatatertib boleh menyebabkan suatu penyiasatan dijalankan oleh suatu jawatankuasa penyiasatan bagi maksud mendapatkan penjelasan, penerangan atau perakuan berkenaan dengan perkara itu.

(2) Suatu jawatankuasa penyiasatan hendaklah terdiri daripada tidak kurang daripada dua orang ahli Majlis.

(3) Tatacara penyiasatan yang diperuntukkan berkenaan dengan Jawatankuasa Penyiasatan dalam Kaedah-Kaedah dalam Jadual Pertama hendaklah terpakai bagi sesuatu jawatankuasa penyiasatan yang menjalankan penyiasatan di bawah perenggan ini.

**Keputusan Jawatankuasa Tatatertib hendaklah diberitahukan kepada pegawai**

10. Jawatankuasa Tatatertib hendaklah memastikan bahawa keputusannya dalam mana-mana prosiding tatatertib diberitahukan secara bertulis kepada pegawai yang menjadi subjek prosiding tatatertib itu.

**BAHAGIAN II****JAWATANKUASA RAYUAN TATATERTIB****Penubuhan Jawatankuasa Rayuan Tatatertib**

11. (1) Hendaklah ditubuhkan bagi Majlis Jawatankuasa Rayuan Tatatertib yang terdiri daripada—

- (a) Setiausaha Kerajaan Negeri;
- (b) Penasihat Undang-Undang Negeri; dan
- (c) Mufti Negeri.

(2) Setiausaha Kerajaan Negeri hendaklah menjadi Pengerusi Jawatankuasa Rayuan Tatatertib.

**Bidang kuasa Jawatankuasa Rayuan Tatatertib**

12. Jawatankuasa Rayuan Tatatertib hendaklah mempunyai kuasa untuk menerima, menimbangkan dan memutuskan apa-apa rayuan yang dikemukakan oleh seseorang pegawai terhadap keputusan Jawatankuasa Tatatertib.

**Pengisytiharan kepentingan**

13. (1) Jika Pengerusi atau mana-mana anggota Jawatankuasa Rayuan Tatatertib mempunyai apa-apa kepentingan dalam mana-mana rayuan yang dibawa di hadapan Jawatankuasa Rayuan Tatatertib, dia hendaklah mengisyiharkan jenis kepentingan itu dan perisytiharan itu hendaklah direkodkan dalam minit mesyuarat yang dalamnya pengisytiharan itu telah dibuat.

(2) Pengerusi atau mana-mana anggota Jawatankuasa Rayuan Tatatertib yang mempunyai kepentingan dalam mana-mana rayuan yang dibawa di hadapan Jawatankuasa Rayuan Tatatertib itu tidak boleh mengambil bahagian dalam pertimbangtelitian atau keputusan Jawatankuasa Rayuan Tatatertib berhubung dengan rayuan itu.

### **Mesyuarat Jawatankuasa Rayuan Tatatertib**

**14.** (1) Bagi maksud melaksanakan fungsinya, Jawatankuasa Rayuan Tatatertib hendaklah bermesyuarat pada tarikh dan di tempat dan pada masa yang ditetapkan oleh Pengerusi Jawatankuasa Rayuan Tatatertib.

(2) Setiap mesyuarat Jawatankuasa Rayuan Tatatertib hendaklah dihadiri oleh semua anggota Jawatankuasa Rayuan Tatatertib.

### **Pengundian dalam mesyuarat Jawatankuasa Rayuan Tatatertib**

**15.** Semua soalan yang dibangkitkan dalam mesyuarat Jawatankuasa Rayuan Tatatertib hendaklah diputuskan melalui undi majoriti, dan jika bilangan undi sama banyak, maka Pengerusi hendaklah mempunyai undi pemutus.

### **Rekod mesyuarat Jawatankuasa Rayuan Tatatertib**

**16.** Pengerusi Jawatankuasa Rayuan Tatatertib hendaklah memastikan bahawa rekod tiap-tiap prosiding rayuan tatatertib dan minit tiap-tiap mesyuarat Jawatankuasa Rayuan Tatatertib itu disimpan dengan sempurna.

### **Tatacara rayuan**

**17.** (1) Sesuatu rayuan oleh mana-mana pegawai yang telah didapati bersalah oleh Jawatankuasa Tatatertib hendaklah dibuat secara bertulis, melalui Setiausaha, kepada Jawatankuasa Rayuan Tatatertib dalam tempoh empat belas hari dari tarikh keputusan Jawatankuasa Tatatertib disampaikan kepadanya.

(2) Setiausaha hendaklah, tidak lewat daripada empat belas hari dari tarikh dia menerima rayuan itu, mengemukakan rayuan itu kepada Jawatankuasa Tatatertib.

(3) Dalam tempoh tiga puluh hari dari tarikh Jawatankuasa Tatatertib menerima rayuan dan ulasan Setiausaha itu, Jawatankuasa Tatatertib hendaklah menyebabkan satu salinan rekod prosiding tatatertib terhadap pegawai itu dihantar kepada Jawatankuasa Rayuan Tatatertib berserta dengan alasan-alasan keputusannya.

(4) Pengerusi Jawatankuasa Rayuan Tatatertib boleh melanjutkan tempoh yang dinyatakan dalam subperenggan (1), (2) dan (3) atas permohonan pegawai yang berkenaan dan apabila sebab-sebab yang mencukupi diberikan.

**Pendengaran rayuan**

18. (1) Sebaik selepas menerima dokumen rayuan sebagaimana yang diperuntukkan dalam perenggan 17, Pengerusi Jawatankuasa Rayuan Tatatertib hendaklah mengadakan suatu mesyuarat Jawatankuasa Rayuan Tatatertib untuk menimbangkan rayuan itu.

(2) Jawatankuasa Rayuan Tatatertib hendaklah memutuskan tiap-tiap rayuan semata-mata berdasarkan merit alasan rayuan itu tanpa menerima apa-apa pernyataan lanjut atau keterangan tambahan.

(3) Walau apa pun subperenggan (2), Jawatankuasa Rayuan Tatatertib itu boleh, jika difikirkannya adil dan perlu, dan tertakluk kepada hak pegawai itu untuk didengar, meminta apa-apa pernyataan lanjut atau keterangan tambahan daripada mana-mana orang lain.

**Keputusan Jawatankuasa Rayuan Tatatertib**

19. (1) Dalam menimbangkan rayuan di bawah perenggan 18 terhadap keputusan Jawatankuasa Tatatertib, Jawatankuasa Rayuan Tatatertib boleh-

- (a) mengesahkan keputusan Jawatankuasa Tatatertib;
- (b) mengesahkan keputusan Jawatankuasa Tatatertib berhubung dengan salah laku pegawai itu, tetapi mengubah hukuman kepada suatu hukuman yang lebih ringan; atau
- (c) mengakaskan keputusan dan hukuman Jawatankuasa Tatatertib dan membebaskan pegawai itu daripada pertuduhan terhadapnya.

(2) Keputusan Jawatankuasa Rayuan Tatatertib adalah muktamad.

**Pegawai hendaklah diberitahu mengenai keputusan Jawatankuasa Rayuan Tatatertib**

20. Dengan seberapa segera yang praktik selepas membuat keputusannya di bawah perenggan 19 atas suatu rayuan yang dibuat oleh seseorang pegawai, Jawatankuasa Rayuan Tatatertib hendaklah memberitahu pegawai itu mengenai keputusan itu.

Diluluskan pada 30 Julai 2001.  
 [PSUK.PK.(MAJ) A355/737/1 Jld.2;  
 PU.PK. 40/2001.]

HAJI SHARAIN BIN TAKIN  
*Setiausaha,  
 Dewan Negeri,  
 Perak Darul Ridzuan*

MAJLIS AGAMA ISLAM DAN 'ADAT MELAYU PERAK  
(DISCIPLINE AND SURCHARGE) ENACTMENT 2001

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**SCHEDULES**

STATE OF PERAK

ENACTMENT No. 4 OF 2001

I ASSENT,

SULTAN AZLAN SHAH,  
*Sultan of Perak*

25 February 2002

An Enactment to provide for matters relating to the discipline of, and the imposition of surcharge on officers of the Majlis Agama Islam Dan 'Adat Melayu Perak and for matters connected therewith.

[ ]

ENACTED by the Legislature of the State of Perak Darul Ridzuan as follows:

PART I  
PRELIMINARY

**Short title and commencement**

1. (1) This Enactment may be cited as the Majlis Agama Islam Dan 'Adat Melayu Perak (Discipline and Surcharge) Enactment 2001.

(2) This Enactment shall come into operation on a date to be appointed by the Duli Yang Maha Mulia Sultan by notification in the *Gazette*.

**Application**

2. This Enactment shall apply to Majlis Agama Islam Dan 'Adat Melayu Perak.

**Relationship of this Enactment and the Administration Enactment**

3. This Enactment shall be read together and construed as one with the Administration of Islamic Law Enactment 1992 [En. 2/1992].

**Interpretation**

4. In this Enactment, unless the context otherwise requires—  
“member of the Majlis” means any person appointed under the Administration Enactment;

“emoluments” means any remuneration, inclusive of salary, fixed rewards, incentive payments and monthly allowances, which is due to be paid to an officer each month;

“Administration Enactment” means the Administration of Islamic Law Enactment 1992 [En. 2/1992];

“salary” means the basic salary of an officer;

“Disciplinary Appeal Committee” means the committee referred to in section 7;

“Disciplinary Committee” means the committee referred to in section 6;

“Rules” means the Rules in the First Schedule;

“disciplinary offence” means the breach of any provision of the code of conduct set out in the Rules and includes any act or omission in respect of which disciplinary action may be taken under the Rules;

“Majlis” means Majlis Agama Islam Dan ‘Adat Melayu Perak established under the Administration Enactment;

“officer” means a person who is employed on a permanent, temporary or contractual basis by the Majlis, and is paid an emolument by the Majlis, and includes a person who is seconded to any company of the Majlis, department or agency of the Federal government or State Government;

“Secretary” means the Secretary of the Majlis appointed under the Administration Enactment.

**PART II**  
**DISCIPLINE**

**Application of Rules**

5. The Rules shall apply in respect of the discipline of officers of the Majlis.

### **Disciplinary authority**

**6.** (1) The disciplinary authority in respect of all officers shall be the Disciplinary Committee established in accordance with Part I of the Second Schedule and the provisions of that Part shall apply to, and be complied with by the Disciplinary committee.

(2) In the exercise of its disciplinary jurisdiction, the Disciplinary Committee shall comply with the procedures set out in the Rules and shall have the power to take the disciplinary action and impose the disciplinary punishments set out in the Rules.

### **Appeals**

**7.** An officer who has been found guilty of a disciplinary offence by the Disciplinary Committee may appeal against such decision to the Disciplinary Appeal Committee established in accordance with Part II of the Second Schedule and the provisions of that Part shall apply to, and be complied with by, the Disciplinary Appeal Committee.

## **PART III**

### **TERMINATION IN THE PUBLIC INTEREST**

#### **Termination of service**

**8.** (1) Where the Majlis finds or where representations are made to the Majlis that it is desirable that the service of an officer be terminated in the public interest, the Majlis may direct the superior officer of the officer against whom the representations are made to submit to the Majlis a full report which shall contain particulars relating to the work and conduct of that officer, and the comments of the Secretary.

(2) The Majlis may, in circumstances where there is no superior officer of the officer against whom the representations are made, direct the Secretary to submit to the Majlis a full report and comments referred to in subsection (1).

(3) If, after considering the report submitted under subsection (1) or (2), the Majlis is satisfied that, having regard to the conditions of service, the work, the conduct and the usefulness of the officer and all other circumstances of the case, it is desirable in the public interest to do so, the Majlis may terminate the service of that officer from such date as the Majlis shall specify.

#### **Recommendation by Disciplinary Committee**

9. (1) It shall be lawful for the Disciplinary Committee to recommend to the Majlis that the service of an officer be terminated in the public interest even though no disciplinary proceedings have been carried out under this Enactment.

(2) A recommendation to the Majlis under subsection (1) shall be accompanied by a full report of the grounds upon which such recommendation is based.

(3) The Majlis may direct the Secretary to submit to the Majlis any additional information in respect of the officer as the Majlis may require.

(4) If, after considering the report submitted under subsection (2) and any additional information submitted under subsection (3) the Majlis is satisfied that, having regard to the conditions of service, the work, the conduct and the usefulness of the officer and all other circumstances of the case, it is desirable in the public interest to do so, the Majlis may terminate the service of that officer from such date as the Majlis shall specify.

#### **Opportunity to be heard**

10. Notwithstanding anything in this Enactment and any other law to the contrary, before the Majlis makes a decision under section 8 or 9 to terminate the service of an officer, the Majlis shall give that officer an opportunity to be heard.

#### **Termination of service is not dismissal**

11. The termination of an officer under section 8 or 9 is not and shall not be regarded as a dismissal notwithstanding that

the termination involves an element of punishment or is connected with conduct in relation to his office which the Majlis regards as unsatisfactory or blameworthy.

**Retirement in the public interest**

**12.** Notwithstanding sections 8 and 9, the Majlis may, with the consent of the pensions authority, require any officer to retire from the service of the Majlis under paragraph 10(5)(d) of the Statutory and Local Authorities Pensions Act 1980 [Act 239].

**PART IV**

**SURCHARGE**

**Grounds for surcharge**

**13.** A person who is or was in the employment of the Majlis may be surcharged if it appears to the Majlis that the person—

- (a) did not or has failed to collect any monies owing to the Majlis the collection of which he is or was responsible;
- (b) is or was responsible for any improper payment of monies from the Majlis or for any payment of monies not duly approved;
- (c) is or was responsible, directly or indirectly, for any deficiency in, or for the destruction of, any money, stores or other property of the Majlis;
- (d) being or having been an accounting officer, did not or has failed to keep or monitor proper accounts or records of the Majlis; or
- (e) did not or has failed to make any payment, or is or was responsible for any delay in the payment of monies from the Majlis to any person to whom the payment

is due under any law or under any contract, agreement or arrangement entered between that person and the Majlis.

#### **Notice to show cause**

**14.** The Majlis shall, before a person is surcharged, serve upon him a written notice requesting him to show cause why he should not be surcharged.

#### **Imposition of surcharge**

**15.** If a satisfactory explanation is not received within 14 days from the date of service of a notice on a person under section 14, the Majlis may—

- (a) in the case of an act or omission described in paragraph 13(a), (b) or (c), surcharge against the person a sum of money not exceeding the amount not collected or of the improper payment made or of the value of the deficiency in the property or the value of the property destroyed; and
- (b) in the case of an act or omission described in paragraph 13(d) or (e), surcharge against the person such sum of money as the Majlis deems fit, having regard to the circumstances of the case.

#### **Notification of surcharge**

**16.** Where a person is surcharged under section 15, the Majlis shall notify him in writing of the imposition of the surcharge.

#### **Withdrawal of surcharge**

**17.** Notwithstanding sections 15 and 16, the Majlis may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been imposed, and the Majlis shall immediately notify the person surcharged of that withdrawal.

**Record of surcharge**

**18.** Every surcharge imposed on an officer under this Part shall be recorded in the Records of Service of the officer.

**Recovery of surcharge**

**19.** The amount of any surcharge imposed under section 15 and not withdrawn under section 17 shall be a debt due to the Majlis from the person surcharged and may be sued for and recovered in any court by the Majlis and may also, if the Majlis so directs, be recovered by deduction—

- (a) from the salary of the person surcharged; or
- (b) from the pension of the person surcharged,

by equal monthly instalments, each instalment not exceeding one fourth of the total monthly salary or pension, as the case may be, of that person.

**Surcharge shall not bar disciplinary action**

**20.** Any action taken against an officer under this Part shall not bar any disciplinary action from being instituted against him in accordance with the Rules.

**PART V**

**POWERS OF THE MAJLIS**

**Power to amend Schedules**

**21.** (1) The Majlis may, from time to time, by order published in the *Gazette* amend the First or Second Schedule.

(2) No amendment shall be made under subsection (1) which has the effect of depriving any person of an opportunity to be heard before a decision is made in any disciplinary proceeding against him.

**PART VI****GENERAL****The Public Authorities Protection Act 1948**

22. The Public Authorities Protection Act 1948 [*Act 198*] shall apply in respect of any action, litigation, prosecution or proceedings against the Majlis or any member, officer or agent of the Majlis in relation to any act done in pursuance or execution or intended execution of any of the provisions of this Enactment or in respect of any alleged neglect or default in the execution of any of such provisions.

**Administrative directives by the Majlis**

23. (1) The Majlis may from time to time issue any administrative directive in relation to the conduct and discipline of officers of the Majlis, or the procedure for the imposition of surcharge on such officers.

(2) No directive which is inconsistent with this Enactment shall be issued under subsection (1).

**PART VII****CESSATION OF APPLICATION, SAVING AND TRANSITIONAL****Cessation of application of certain provisions of the Administration Enactment**

24. Upon the commencement of this Enactment the provisions which relate to discipline, termination of service in the public interest and surcharge in the Administration Enactment and all subsidiary legislation made under or pursuant to those provisions shall cease to apply to the Majlis except as provided in section 25.

**Saving and transitional**

25. (1) Any proceedings pending on the commencement of this Enactment before the Disciplinary Committee or

Disciplinary Appeal Committee established or provided for in the Administration Enactment or in subsidiary legislation made under the Administration Enactment shall be continued in accordance with the provisions applicable to those proceedings in the Administration Enactment or subsidiary legislation made under the Administration Enactment and the Disciplinary Committee or Disciplinary Appeal Committee may make such order or decision as it is empowered to make under those provisions.

(2) Any disciplinary offence committed or alleged to have been committed by an officer of the Majlis before the commencement of this Enactment shall be dealt with under the provisions of the Administration Enactment.

(3) Notwithstanding subsection (2), the officer referred to in that subsection shall be notified that he may elect to have the disciplinary offence dealt with under this Enactment, and if he so elects the disciplinary offence shall be dealt with in accordance with this Enactment.

#### FIRST SCHEDULE

[Section 5]

#### MAJLIS DISCIPLINARY RULES

##### PART 1

##### PRELIMINARY

##### Application

1. (1) These Rules shall apply to an officer throughout the period of his service.

(2) The breach by an officer of any provision of the code of conduct set out in these Rules shall render him liable to disciplinary action.

**Interpretation**

2. (1) In these Rules, unless the context otherwise requires—

“child” means—

(a) a child under the age of eighteen years of an officer, including—

(i) a posthumous child, a dependent step-child and an illegitimate child of the officer;

(ii) a child adopted by the officer under any written law relating to adoption or under any custom or usage, upon satisfactory evidence of that adoption; and

(b) a child of any age who is mentally retarded or physically and permanently incapacitated and is incapable of supporting himself;

“financial institution” means a bank or financial institution licensed under the Banking and Financial Institutions Act 1989 [*Act 372*] or an Islamic bank licensed under the Islamic Banking Act 1983 [*Act 276*];

“co-operative society” means a co-operative society registered under the Co-operative Societies Act 1993 [*Act 502*];

“court” means a court, including a Syariah Court, which has competent jurisdiction to try a person for a criminal offence;

“insurer” means an insurer licensed under the Insurance Act 1996 [*Act 553*] or a Takaful operator registered under the Takaful Act 1984 [*Act 312*].

“conviction” or “convicted”, in relation to an officer, means a finding by a criminal court, including a Syariah Court, which has competent jurisdiction under any written law that such officer is guilty of a criminal offence;

**PART 11****CODE OF CONDUCT****General**

3. (1) An officer shall at all times give his undivided loyalty to the Duli Yang Maha Mulia Sultan, the State, the Government and the Majlis.

(2) An officer shall not—

- (a) subordinate his duty to the Majlis to his private interest;
- (b) conduct himself in such a manner as is likely to bring his private interest into conflict with his duty to the Majlis;
- (c) conduct himself in any manner likely to cause a reasonable suspicion that—
  - (i) he has allowed his private interests to come into conflict with his duty to the Majlis so as to impair his usefulness as an officer; or
  - (ii) he has used his position as an officer for his personal advantage;
- (d) conduct himself in such manner as to bring the Majlis into disrepute or to bring discredit to the Majlis;
- (e) lack efficiency or industry;
- (f) be dishonest or untrustworthy;
- (g) be irresponsible;
- (h) bring or attempt to bring any form of outside influence or pressure to support or advance any claim relating to or against the Majlis, whether the claim is his own claim or that of any other party;
- (i) be insubordinate or conduct himself in any manner which can be reasonably construed as being insubordinate; and
- (j) be negligent in performing his duties.

#### **Outside employment**

4. (1) Unless and to the extent that he is required or authorized to do so in the course of his duties as an officer, an officer shall not—
- (a) take part, either directly or indirectly, in the management or dealings of any commercial, agricultural or industrial undertaking;
  - (b) undertake for reward any work with any institution, company, firm or private individual;

(c) as an expert, furnish any report or give any evidence, whether gratuitously or for reward.

(2) Notwithstanding subrule (1), an officer may, with the prior written permission of the Secretary, carry on any activities or perform any of the services specified in that subrule, either for his benefit or for the benefit of his close relatives or any non-profit making body of which he is an office-bearer.

(3) In considering whether or not permission should be granted to any officer under subrule (2), the Secretary shall have regard to the code of conduct as laid down in rule 3 and shall ensure that the activity or service—

(a) does not take place during office hours and during such time when the officer is required to perform his official duties;

(b) does not in any way tend to impair the officer's usefulness as an officer; and

(c) does not in any way tend to conflict with the interests of the Majlis, or be inconsistent with the officer's position as an officer of the Majlis.

(4) Except as may otherwise be determined by the Majlis, all sums of money received by an officer as remuneration for carrying on any of the activities or performing any of the services mentioned in subrule (1) shall be deposited with the Majlis pending the decision of the Majlis as to the amount, if any, which may be retained by the officer personally and by any other officer who assists such officer in carrying on the activity or performing the service.

#### Dress etiquette

5. (1) An officer on duty shall always be properly attired in such manner as may be specified by the Majlis through directives issued from time to time by the Secretary.

(2) An officer who is required to attend an official function shall be attired as specified for the function, and if the dress etiquette for such function is not specified, he shall be properly attired for such functions.

#### Drugs

6. (1) An officer shall not use or consume any dangerous drug, except as may be prescribed for his consumption for medicinal purposes by a medical practitioner who is registered under the Medical Act 1971 [Act 50], or abuse or be addicted to any dangerous drug.

(2) If a Government Medical Officer certifies that an officer is using or consuming, other than for medicinal purposes, a dangerous drug or is abusing or addicted to a dangerous drug, that officer shall be liable to disciplinary action with a view to dismissal.

(3) Notwithstanding subrule (2), the service of an officer whom a Government Medical Officer has certified to be using or consuming, other than for medicinal purposes, a dangerous drug or abusing or addicted to a dangerous drug may be terminated in the public interest under Part III of this Enactment.

(4) For the purpose if this rule, "dangerous drug" means any drug or substance listed in the First Schedule to the Dangerous Drugs Act 1952 [Act 234].

**Presents, etc.**

7. (1) An officer shall not receive or give nor shall he allow his spouse or any other person to receive or give on his behalf any present, whether in a tangible form or otherwise, from or to any person, association, body or group of persons if the receipt or giving of such present is in any way connected, either directly or indirectly, with his official duties.

(2) The Secretary may, if he thinks fit, permit the officer to receive a letter of recommendation from any person, association, body or group of persons on the occasion of the officer's retirement or transfer so long as such letter of recommendation is not enclosed in a receptacle of value.

(3) The Secretary may permit the collection of spontaneous contributions by officers for the purpose of making a presentation to an officer on the occasion of the officer's retirement, transfer or marriage or any other appropriate occasion.

(4) If—

(a) an officer is in doubt as to whether the form, amount or value of a present received by him is commensurate with the purpose for which such present is given; or

(b) the circumstances make it difficult for an officer to refuse a present or token of value, the receipt of which is prohibited by this rule,

such present may be formaly accepted but the officer shall, as soon as practicable, submit to the Secretary a written report containing a full description and the estimated value of the present and the circumstances under which it was received.

(5) Upon receipt of a report made under subrule (4), the Secretary shall—

- (a) permit the officer to retain the present; or
- (b) direct that the present be returned, through the Secretary, to the giver.

### **Entertainment**

8. An officer may give to or accept from any person any kind of entertainment if—

- (a) the entertainment does not in any manner influence the performance of his duties as an officer in the interest of that person; and
- (b) the giving or acceptance of such entertainment is not in any way inconsistent with rule 3.

### **Ownership of property**

9. (1) An officer shall, on his appointment to the service of the Majlis or at any time thereafter as may be required by the Majlis, declare in writing to the Disciplinary Committee, through the Secretary, all properties owned by him or by his spouse or child or held by any person on his behalf or on behalf of his spouse or child.

(2) An officer who does not own any property shall make a declaration in writing to that effect.

(3) Where, after making a declaration under subrule (1), an officer or his spouse or child acquires any property, either directly or indirectly, or any property acquired by him or by his spouse or child is disposed of, that officer shall immediately, through the Secretary, declare such acquisition or disposal of property to the Disciplinary Committee.

(4) Where an officer or his spouse or child intends to acquire any property, and the acquisition is inconsistent with rule 3, the acquisition shall not be made without the prior written permission of the Disciplinary Committee.

(5) In deciding whether or not to grant permission under subrule (4), the Disciplinary Committee shall have regard to the following matters:

- (a) the size, amount or value of the property in relation to the officer's emoluments and any legitimate private means;

- (b) whether the acquisition or holding of such property will or is likely to conflict with the interests of the Majlis or with the officer's position as an officer, or be in any way inconsistent with rule 3.
- (c) the Secretary's comments pertaining to the acquisition or ownership of the property;
- (d) any other factor which the Disciplinary Committee may consider necessary for upholding the integrity and efficiency of the Majlis and officers.

(6) The Disciplinary Committee shall, if it is satisfied with the declaration of property made by the officer, direct the Secretary to record in the officer's Records of Service that the declaration has been made.

(7) Every declaration under subrule (1) shall be classified as secret and every person who gains information under this rule of any such declaration shall preserve it secrecy.

(8) For the purpose of this rule, "property" means any property, whether movable or immovable, which the officer is required from time to time by the Majlis to declare, being property which has been acquired by the officer through purchase, gift, inheritance or other means, and includes property acquired or held by the officer's spouse or child.

**Maintaining a standard of living beyond emoluments and legitimate private means**

**10. (1)** Where the Secretary is of the opinion that an officer is or appears to be—

- (a) maintaining a standard of living which is beyond his emoluments and other legitimate private means, if any; or
- (b) in control or in possession of pecuniary resources or property, movable or immovable, the value of which is disproportionate to, or which could not reasonably be expected to have been acquired by the officer with his emoluments and other legitimate private means,

the Secretary shall, by notice in writing, call upon the officer to give a written explanation within a period of thirty days from the date of receipt of such notice on how he is able to maintain such standard of living or how he obtained such pecuniary resources or property.

(2) The Secretary shall, upon receipt of the explanation under subrule (1) or, where the officer fails to give any explanation within the specified period, upon the expiry of such period, report this fact to the Disciplinary Committee together with the officer's explanation, if any.

(3) Upon receipt of the report under subrule (2), the Disciplinary Committee may take disciplinary action against the officer or take such other action against the officer as it deems fit.

#### Borrowing money

11. (1) No officer may borrow from any person or stand as surety to any borrower, or in any manner place himself under a pecuniary obligation to any person—

- (a) who is directly or indirectly subject to his official authority;
- (b) with whom the officer has or is likely to have official dealings;  
or
- (c) who carries on the business of money lending.

(2) Notwithstanding subrule (1), an officer may borrow money from, or stand as surety to any person who borrows money from, any financial institution, insurer or co-operative society or incur debt through the acquisition of goods by means of hire-purchase agreements, if—

- (a) the financial institution, insurer or co-operative society from which the officer borrows is not directly subject to his official authority;
- (b) the borrowing does not and will not lead to public scandal and cannot be construed as an abuse by the officer of his position as an officer to his private advantage; and
- (c) the aggregate of his debts does not or is not likely to cause the officer to be in serious pecuniary indebtedness as defined under subrules 12 (7) and (8).

(3) Subject to subrule (2), an officer may incur debts arising from—

- (a) sums borrowed on the security of land charged or mortgaged, where the sums borrowed do not exceed the value of the land;
- (b) overdrafts or other credit facilities approved by financial institutions;

- (c) sums borrowed from insurers on the security of insurance policies;
- (d) sums borrowed from the Government, the Majlis or any co-operative society; or
- (e) payment due on goods acquired by means of hire-purchase agreements.

#### Serious pecuniary indebtedness

12. (1) An officer shall not in any manner cause himself to be in serious pecuniary indebtedness.

(2) Serious pecuniary indebtedness from whatever cause, other than as a result of unavoidable misfortune not contributed to in any way by the officer himself, shall be regarded as bringing disrepute to the Majlis and shall render the officer liable to disciplinary action.

(3) Where serious pecuniary indebtedness has occurred as a result of unavoidable misfortune, the Majlis may give to the officer such assistance as the circumstances may warrant.

(4) If an officer finds that his debts cause or are likely to cause serious pecuniary indebtedness to him, or civil proceedings arising from the debts have been instituted against him, he shall immediately report this fact to the Secretary.

(5) An officer who fails or delays in reporting his serious pecuniary indebtedness or who reports his serious pecuniary indebtedness but fails to disclose its full extent or gives a false or misleading account of such indebtedness commits a breach of discipline and shall be liable to disciplinary action.

(6) Without prejudice to the other provisions of this rule, where an officer's debts amount to serious pecuniary indebtedness but he has not been adjudged a bankrupt, the Secretary shall monitor and, from time to time, review the case.

(7) For the purpose of this rule, the expression "serious pecuniary indebtedness" means the state of an officer's indebtedness which, having regard to the amount of debts incurred by him, has actually caused serious financial hardship to him.

(8) Without prejudice to the general meaning of the expression "serious pecuniary indebtedness" set out in subrule (7), an officer shall be deemed to be in serious pecuniary indebtedness if—

- (a) the aggregate of his unsecured debts and liabilities at any given time exceeds six times his monthly emoluments;
- (b) he is a judgement debtor and the judgement debt has not been settled within the period specified in the judgement; or
- (c) he is a bankrupt, for so long as he is not discharged from bankruptcy or his adjudication of bankruptcy has not been annulled.

#### **Report of serious pecuniary indebtedness**

13. (1) If an officer reports under subrule 12(4) that civil proceedings have been instituted against him or the Secretary receives any report from any party that civil proceedings have been instituted against an officer, the Secretary shall obtain from the court an extract of the court's final decision in those proceedings.

(2) The Secretary shall make arrangements with the appropriate court authority to obtain from such authority a report in respect of the officer if—

- (a) the officer, being a judgement debtor, does not appear from the file of the suit to have settled the debt within the period specified in the judgement;
- (b) the officer has filed his own petition in bankruptcy; or
- (c) a creditor's petition in bankruptcy has been presented against the officer.

(3) In addition to such arrangement as may be made under subrule (2), the Secretary shall make arrangements with the Official Assignee for the Official Assignee to communicate to the Secretary of an officer who is a bankrupt a report containing the following matters—

- (a) the statement of affairs file by the officer in accordance with the bankruptcy law for the time being in force;
- (b) the amount of instalment payment ordered or proposed to be made;
- (c) whether or not the Official Assignee proposes to initiate any further proceedings and, if so, a brief indication relating to the nature of those further proceedings;

- (d) the main cause of the bankruptcy;
- (e) whether in the opinion of the Official Assignee the case involves unavoidable misfortune, dishonourable conduct or any other special circumstances, favourable or unfavourable to the officer; and
- (f) any other matter which the Official Assignee, in his discretion, thinks it proper to mention.

(4) The secretary shall forward the report of the officer and extract of the court's decision received under subrule (1) and the reports received under subrules (2) and (3) to the Disciplinary Committee together with his report on the officer's work and conduct before and since his serious pecuniary indebtedness.

(5) After considering all the reports and extract forwarded to it under subrule (4), the Disciplinary committee shall decide whether to take disciplinary action against the officer.

(6) If the disciplinary action taken against the officer results in a punishment of deferment of salary movement, the Disciplinary Committee may, upon the expiry of the period of deferment of salary movement, order that an amount equivalent to the amount of the restored salary movement be added to the instalments payable to the Official Assignee or to any judgement creditor.

(7) An officer who has been discharged from bankruptcy or whose adjudication of bankruptcy has been annulled shall be treated as having fully restored his financial credit.

#### **Lending money**

14. (1) An officer shall not lend money at interest, whether with or without security.

(2) The placing of money on fixed deposit or into an account in any financial institution or co-operative society or in bonds issued by the Government or by the Majlis shall not be regarded as lending of money at interest for the purposes of this rule.

#### **Involvement in the futures market**

15. No officer shall involve himself as a buyer or seller or otherwise in the futures market, whether a local or foreign market.

**Gambling or lotteries, etc.**

16. An officer shall not hold or organize or participate in, any gambling activity or lotteries.

**Publication of books, etc.**

17. An officer shall not publish or write any book, article or other work which is based on classified official information.

**Making public statements**

18. (1) An officer shall not, either orally or in writing or in any other manner—

- (a) make any public statement that is detrimental to any policy, programme or decision of the Majlis or the Government on any issue;
- (b) make any public statement which may embarrass or bring disrepute to the Majlis or the Government;
- (c) make any comments on any weaknesses of any policy, programme or decision of the Majlis or the Government;
- (d) circulate such statement or comments, whether made by him or any other person.

(2) An officer shall not, either orally or in writing or in any other manner—

- (a) make any comments on the advantages of any policy, programme or decision of the Majlis or the Government;
- (b) give any factual information relating to the exercise of the functions of the Majlis;
- (c) give any explanation in respect of any incident or report which involves the Majlis or the Government; or
- (d) disseminate any such comments, information or explanation whether made by him or any other person,

unless the prior written permission, either generally or specifically, has first been obtained from the Secretary.

(3) Subrule (2) shall not apply to any comment, information or explanation made, given or disseminated where the contents of the comment, information or explanation had been approved by the Secretary.

(4) For the purpose of this rule "public statement" includes any statement or comment made to the press or to the public or in the course of any public lecture or speech or in any broadcast or publication, regardless of the means.

**Prohibition on acting as an editor, etc., in any publication**

19. An officer shall not act as the editor of, or take part directly or indirectly in the management of, or in any way make any financial contribution or otherwise to, any publication, including any newspaper, magazine or journal, regardless of the means by which it is published, except the following publications:

- (a) Majlis publications;
- (b) professional publications;
- (c) publications of non-political voluntary organizations; and
- (d) publications approved in writing by the Secretary for the purposes of this rule.

**Taking part in politics**

20. (1) An officer in the Top Management Group or the Managerial and Professional Group shall not take an active part in political activities or wear any emblem of a political party, and in particular, he shall not—

- (a) make any public statement, whether orally or in writing, that would convey a partisan view on any matter which is an issue between political parties;
- (b) publish or circulate any material setting forth his partisan views or the views of other persons, on any matter pertaining to any political party;
- (c) engage in canvassing in support of any candidate at an election to the Dewan Rakyat or to any State Legislative Assembly or any election to any office in any political party;
- (d) act as an election agent or a polling agent or in any capacity for or on behalf of a candidate at an election to the Dewan Rakyat or to any State Legislative Assembly;
- (e) stand for election for any post in any political party; or
- (f) hold any post in any political party.

(2) An officer in the Support Group may, after obtaining the written approval of the Majlis, be permitted to stand for election or hold office or be appointed to any post in a political party.

(3) Notwithstanding subrule (1), an officer who has been granted leave until the date of his retirement for the purpose of finishing his accumulated leave may participate in political activities if—

(a) he has obtained the prior written approval of the Majlis to do so; and

(b) by being so engaged he does not contravene the provisions of the Official Secrets Act 1972 [Act 88].

(4) An application for approval under paragraph (3)(a) shall be made not less than three months before the date the officer is allowed to go on leave prior to retirement.

(5) Nothing in this rule shall preclude an officer from being an ordinary member of any political party.

#### **Duty to exercise disciplinary control and supervision**

21. (1) It is the duty of every officer to exercise disciplinary control and supervision over his subordinates and to take appropriate action for any breach of the provisions of these Rules.

(2) An officer who fails to exercise disciplinary control and supervision over his subordinates, or to take action against his subordinate who breaches any provision of these Rules shall be deemed to have been negligent in the performance of his duties and to be irresponsible, and he shall be liable to disciplinary action.

### **PART III**

#### **ABSENCE WITHOUT LEAVE**

##### **Absence from duty**

22. In this Part "absence", in relation to an officer, includes a failure to be present for any length of time at a time and place where the officer is required to be present for the performance of his duties.

##### **Disciplinary action for absence without leave**

23. An officer's absence from duty without leave or without prior permission or without reasonable cause shall render him liable to disciplinary action.

**Procedure in cases of absence without leave**

24. (1) Where an officer is absent from duty without leave or without prior permission or without reasonable cause, the Secretary shall, as soon as possible, report that fact together with the dates and circumstances of such absence and any further information in respect of such absence to the Disciplinary Committee.

(2) The Disciplinary Committee may, after considering the report of the Secretary under subrule (1), institute disciplinary action against the officer.

**Procedure where officer is absent without leave and cannot be traced**

25. (1) Where an officer is absent from duty without leave or without prior permission or without reasonable cause for seven consecutive working days and cannot be traced, the Secretary shall cause a letter to be delivered personally or sent by A.R. registered post to the officer at his last-known address, directing the officer to immediately report for duty.

(2) If, after the letter is delivered—

(a) the officer reports for duty; or

(b) the officer fails to report for duty or no news is heard from him,

the Secretary shall submit a report to the Disciplinary Committee and the Disciplinary Committee shall institute disciplinary action against the officer.

(3) If the letter cannot be delivered in person to the officer by reason of the fact that he is no longer residing at his last-known address or if the A.R. registered letter is returned undelivered, the Secretary shall report the matter to the Disciplinary Committee.

(4) The Disciplinary Committee shall, upon receiving the report referred to in subrule (3), take steps to publish a notice in at least one daily newspaper published in the national language and having national circulation as determined by the Disciplinary Committee—

(a) of the fact that the officer has been absent from duty and cannot be traced; and

(b) requiring the officer to report for duty within seven days from the date of such publication.

(5) If the officer reports for duty within seven days from the date of publication of the notice referred to in subrule (4), the Secretary shall report the matter to the Disciplinary Committee and the Disciplinary Committee shall institute disciplinary proceedings against the officer.

(6) If the officer fails to report for duty within seven days from the date of the publication of the notice referred to in subrule (4), the officer shall be deemed to have been dismissed from the service of the Majlis with effect from the date he was absent from duty.

(7) The dismissal of an officer by virtue of subrule (6) shall be notified in the *Gazette*.

#### **Forfeiture of emoluments due to absence from duty**

**26.** (1) Where an officer has been found guilty for being absent from duty without leave or without prior permission or without reasonable cause, he shall not be entitled to any emolument for the period of his absence and all such emoluments shall be deemed to have been forfeited notwithstanding that the Disciplinary Committee may not have ordered such forfeiture.

(2) An officer whose emoluments are forfeited under subrule (1) shall be notified in writing of the forfeiture.

(3) The forfeiture of emoluments by virtue of subrule (1) is not a disciplinary punishment.

#### **PART IV**

#### **OFFICERS SUBJECT TO CRIMINAL PROCEEDINGS, ETC.**

##### **Procedure where criminal proceedings are instituted against an officer**

**27.** (1) An officer shall immediately inform the Secretary if any criminal proceedings are instituted against him in any court.

(2) Where it comes to the knowledge of the Secretary from any source that criminal proceedings have been instituted in any court against the officer, the Secretary shall obtain from the Registrar, Deputy Registrar or Senior Assistant Registrar of the court in which the proceedings were instituted a report containing the following information:

(a) the charge or charges against the officer;

(b) if the officer was arrested, the date and time of his arrest;

- (c) whether or not the officer is on bail; and
- (d) such other information as is relevant.

(3) Upon receipt of the report referred to in subrule (2), the Secretary shall forward the report to the Disciplinary Committee together with his recommendation as to whether or not the officer should be interdicted from duty.

(4) Upon consideration of the report and the Secretary's recommendation forwarded to it under subrule (3), the Disciplinary Committee may, if it deems fit, interdict the officer from the exercise of his duties.

(5) Upon the completion of the criminal proceedings against the officer, the Secretary shall obtain from the Registrar, Deputy Registrar or Senior Assistant Registrar of the court before whom the case was disposed of and forward to the Disciplinary Committee—

- (a) the decision of that court; and
- (d) information relating to appeals, if any, filed by that officer or the Public Prosecutor.

(6) Where criminal proceedings against an officer result in his conviction, the Disciplinary Committee shall, whether or not the officer appeals against the conviction, suspend the officer from the exercise of his duties with effect from the date of his conviction pending the decision of the Disciplinary Committee under rule 28.

(7) Where criminal proceedings against an officer result in his acquittal and there is no appeal by or on behalf of the Public Prosecutor against such acquittal, the officer shall be allowed to resume his duties and he shall be entitled to receive any emoluments which had not been paid during the period of his interdiction as well as the annual leave to which he was entitled during the period of his interdiction.

(8) Where the criminal proceedings against the officer result in his acquittal and appeal is lodged by the Public Prosecutor, the Disciplinary Committee shall decide whether or not the officer should continue to be interdicted until the appeal is determined.

(9) Where criminal proceedings against an officer result in his conviction but on appeal the officer is acquitted, the officer shall be allowed to resume his duties and he shall be entitled to receive any emoluments which had not

been paid during the period of his interdiction or suspension or both as well as to any annual leave to which he was entitled during the period of his interdiction or suspension or both.

(10) Where criminal proceedings against an officer result in his acquittal but on appeal the officer is convicted, the Disciplinary Committee shall suspend the officer from the exercise of his duties with effect from the date of his conviction pending the decision of the Disciplinary Committee under rule 28.

(11) For the purpose of this rule, the word "acquittal" includes a discharge not amounting to an acquittal.

#### **Responsibility of the Secretary if officer is convicted of criminal offence**

28. (1) Where criminal proceedings against an officer result in his conviction and he does not appeal against such conviction, or where his appeal against the conviction has been dismissed or where the Public Prosecutor's appeal against his acquittal results in his conviction, the Secretary shall immediately obtain a copy of the court's decision from the Registrar, Deputy Registrar or Senior Assistant Registrar of the court by which he was convicted or his appeal is dismissed.

(2) Upon receipt of the decision referred to in subrule (1), the Secretary shall forward it to the Disciplinary Committee together with the officer's Records of Service and the recommendation of the Secretary that—

- (a) the officer should be dismissed or reduced in rank;
- (b) the officer should be punished with any punishment other than dismissal or reduction in rank;
- (c) the service of the officer should be terminated in the public interest; or
- (d) no punishment should be imposed,

depending on the nature and seriousness of the offence committed in relation to the degree of disrepute which the conviction has brought to the Majlis.

(3) If, after considering the report, the Records of Service and the Secretary's recommendation forwarded to it under subrule (2), the Disciplinary Committee is of the opinion that—

- (a) the officer should be dismissed or reduced in rank, the Disciplinary Committee shall impose the punishment of dismissal or reduction in rank, as it deems appropriate;

- (b) the offence of which the officer was convicted does not warrant a punishment of dismissal or reduction in rank but warrants the imposition of a lesser punishment, the Disciplinary Committee shall impose upon the officer any one or more of the punishments other than dismissal or reduction in rank as specified in rule 40 as it deems appropriate; or
- (c) no punishment should be imposed on the officer, the Disciplinary Committee shall acquit him.

(4) Where a punishment other than dismissal has been imposed on an officer or where no punishment has been imposed on him, the Disciplinary Committee shall direct the officer to resume his duties.

**Disciplinary action shall not be taken until criminal proceedings are completed**

29. (1) Where criminal proceedings have been instituted against an officer and are still pending, no disciplinary action shall be taken against the officer based on the same grounds as the criminal charge in the criminal proceedings.

(2) Nothing in subrule (1) shall be construed so as to prevent disciplinary action from being taken against the officer during the pendency of such criminal proceedings if the action is based on any other ground arising out of his conduct in the performance of his duties.

**Consequences of an acquittal**

30. (1) An officer who is acquitted of a criminal charge in any criminal proceedings shall not be subject to disciplinary action on the same charge.

(2) Nothing in subrule (1) shall be construed so as to prevent disciplinary action from being taken against the officer on any other ground arising out of his conduct in relation to the criminal charge, whether or not connected to the performance of his duties, as long as the grounds for the disciplinary action do not raise substantially the same issues as those in the criminal proceedings in relation to the criminal charge of which the officer was acquitted.

**Procedure where there is an order of detention, banishment, etc.**

31. (1) Where-

- (a) an order of detention other than an order of remand pending trial or for purposes of investigation;

- (b) an order of supervision, restricted residence, banishment or deportation; or
- (c) an order which imposes any form of restriction or supervision, whether with bond or otherwise,

has been made against an officer under any law relating to the security of Malaysia or any part of Malaysia, the prevention of crime, preventive detention, restricted residence, banishment, immigration, or the protection of women and girls or of children, the Secretary shall apply for a copy of the order from the appropriate authority.

(2) Upon receipt of a copy of the order referred to in subrule (1), the Secretary shall forward it to the Disciplinary Committee together with the officer's Records of Service and the recommendation of the Secretary that—

- (a) the officer should be dismissed or reduced in rank;
- (b) the officer should be punished with any punishment other than dismissal or reduction in rank;
- (c) the service of the officer should be terminated in the public interest; or
- (d) no punishment should be imposed,

depending on the degree of disrepute which the officer has brought to the Majlis.

(3) If, after considering the report, the Records of Service and the Secretary's recommendation forwarded to it under subrule (2), the Disciplinary Committee is of the opinion that—

- (a) the officer should be dismissed or reduced in rank, the Disciplinary Committee shall impose the punishment of dismissal or reduction in rank, as it deems appropriate;
- (b) the grounds on which the order was made against the officer do not warrant a punishment of dismissal or reduction in rank but warrant the imposition of a lesser punishment, the Disciplinary Committee shall impose upon the officer any one or more of the punishments other than dismissal or reduction in rank as specified in rule 40 as it deems fit and proper; or
- (c) no punishment should be imposed on the officer, the Disciplinary Committee shall acquit him.

(4) Where a punishment other than dismissal has been imposed on an officer or where no punishment has been imposed on him, the Disciplinary Committee shall direct the officer to resume his duties.

## PART V

### DISCIPLINARY PROCEDURES

#### *Chapter 1 – General*

##### **Opportunity to be heard in disciplinary proceedings with a view to dismissal or reduction in rank**

32. (1) Subject to subrule (2), in all disciplinary proceedings under these Rules, an officer shall be dismissed or reduced in rank unless he has first been informed in writing of the grounds on which such action is proposed and he has been afforded a reasonable opportunity of being heard.

(2) Subrule (1) shall not apply in the following cases:

- (a) where an officer is dismissed or reduced in rank under subrules 28(3) or 31(3);
- (b) where the Disciplinary Committee is satisfied that for some reason, to be recorded by it in writing, it is not reasonably practicable to carry out the requirements of subrule (1);
- (c) where the Majlis is satisfied that in the interest of the security of Malaysia or any part thereof it is not expedient to carry out the requirements of subrule (1).

##### **Chairman of Disciplinary Committee to determine nature of breach of discipline**

33. Where an officer is alleged to have committed a disciplinary offence, the Chairman of the Disciplinary Committee shall, before commencing any disciplinary proceedings in respect of the officer, consider and determine whether the disciplinary offence complained of is of a nature which warrants a punishment of dismissal or reduction in rank or a punishment lesser than dismissal or reduction in rank.

*Chapter 2 – Disciplinary proceeding not with a view to  
dismissal or reduction in rank*

**Procedure in disciplinary cases not with a view to dismissal or reduction in rank**

34. (1) If it is determined under rule 33 that the disciplinary offence complained of against an officer is of a nature that warants a punishment lesser than dismissal or reduction in rank, the Disciplinary Committee, on being satisfied that there exists a disciplinary offence, shall inform the officer in writing of the facts of the disciplinary offence alleged to have been committed by him and shall give to the officer an opportunity to make a written respresentation within a period of twenty-one days from the date he is informed of the facts.

(2) If the Disciplinary Committee is of the opinion that the officer's representation requires further clarification, the Disciplinary Committee may require the officer to furnish further clarification within such period as the Disciplinary Committee may specify.

(3) If after considering the officer's representation and, if further clarification is furnished, his further clarification, the Disciplinary Committee—

- (a) finds the officer guilty of the disciplinary offence alleged to have been committed by him, the Disciplinary Committee shall impose upon the officer any one or more of the punishments other than dismissal or reduction in rank as specified in rule 40 as it deems appropriate; or
- (b) finds the officer not guilty, the Disciplinary Committee shall acquit him.

*Chapter 3 – Disciplinary proceeding with a view to  
dismissal or reduction in rank*

**Procedure in disciplinary cases with a view to dismissal or reduction in rank**

35. (1) If it is determined under rule 33 that the disciplinary offence complained of against an officer is of a nature that warrants a punishment of dismissal or reduction in rank, the Disciplinary Committee shall consider all the available information.

(2) If it appears to the Disciplinary Committee that there exists a *prima facie* case against the officer, the Disciplinary Committee shall—

- (a) direct that a charge containing the facts of the disciplinary offence alleged to have been committed by the officer and the grounds on which it is proposed to dismiss the officer or reduce his rank be sent to the officer; and
- (b) call upon the officer to make, within a period of twenty-one days from the date he receives the charge, a written representation containing the grounds upon which he relies to exculpate himself.

(3) If, after considering the representation made pursuant to subrule (1), the Disciplinary Committee is of the opinion that the disciplinary offence committed by the officer does not warrant a punishment of dismissal or reduction in rank, the Disciplinary Committee may impose upon the officer any of the lesser punishments specified in rule 40 as it deems appropriate.

(4) If the officer does not make any representation within the period specified, in paragraph (2)(b), or if the officer made such a representation but the representation does not exculpate himself to the satisfaction of the Disciplinary Committee, the Disciplinary Committee shall then proceed to consider and decide on the dismissal or reduction in rank of the officer.

(5) If the disciplinary Committee is of the opinion that the case against the officer requires further clarification, the Disciplinary Committee may establish an Investigation Committee for the purpose of obtaining such further clarification.

#### **Investigation Committee**

**36.** The Investigation Committee shall be comprised of not less than two members of the Majlis.

#### **Procedure to be followed by the Investigation Committee**

**37. (1)** The Investigation Committee—

- (a) shall inform the officer under investigation of the date when the question of his dismissal or reduction in rank will be brought before the Investigation Committee; and
- (b) may call and examine any witness or take any action as it thinks necessary and proper for obtaining further clarification regarding the case.

(2) If the Investigation Committee is of the view that the officer should be allowed to be present before the Investigation Committee to exculpate himself, the officer shall present himself before the Committee for such purpose.

(3) If witnesses are called and examined by the Investigation Committee, the officer shall be given an opportunity to be present and to cross-examine the witnesses on his own behalf.

(4) No documentary evidence shall be used against an officer unless the officer has previously been supplied with a copy of the evidence or given access to the evidence.

(5) The Investigation Committee may permit the Majlis or the officer to be represented by an officer of the Majlis or, in exceptional cases, by an advocate and solicitor, but the Investigation Committee may withdraw such permission subject to any reasonable and necessary adjournment to enable the officer to present his case in person.

(6) If the Investigation Committee permits the Majlis to be represented, it shall also permit the officer under investigation to be similarly represented.

(7) If the officer under investigation who is required to appear before the Investigation Committee fails to appear on the date and at the time appointed and if no sufficient ground is shown for an adjournment, the Investigation Committee may proceed to consider and decide on the complaint or may adjourn the proceeding to another date.

(8) Upon the completion of its investigation, the Investigation Committee shall submit a report on such investigation to the Disciplinary Committee.

(9) If the Disciplinary Committee is of the opinion that the report submitted to it under subrule (8) is vague in particular matters or that further investigation is required, the Disciplinary Committee may refer the matter back to the Investigation Committee for further investigation.

#### **Further grounds for dismissal**

**38.** (1) If, in the course of an investigation by the Investigation Committee, further grounds for the dismissal of the officer under investigation are disclosed, the Investigation Committee shall inform the Disciplinary Committee of the further grounds.

(2) If the Disciplinary Committee thinks fit to proceed against the officer on such further grounds, the officer shall be given a written statement of those grounds, and the procedures set out in rules 35, 36 and 37 shall apply in respect of the further grounds as they apply in respect of the original grounds.

**Powers of the Disciplinary Committee**

**39.** If, after considering the officer's representation and the report of the Investigation Committee, if any, the Disciplinary Committee-

- (a) finds the officer guilty of the disciplinary offence alleged to have been committed by him and that the officer should be dismissed or reduced in rank, the Disciplinary Committee shall impose the punishment of dismissal or reduction in rank, as it deems appropriate;
- (b) finds the officer guilty of the disciplinary offence alleged to have been committed by him but that, after taking into consideration the circumstances in which the disciplinary offence was committed and other mitigating factors, such offence does not warrant a punishment of dismissal or reduction in rank but warrants the imposition of a lesser punishment, the Disciplinary Committee shall impose upon the officer any one or more of the punishments other than dismissal or reduction in rank as specified in rule 40 as it deems appropriate; or
- (c) finds the officer not guilty, the Disciplinary Committee shall acquit him.

**PART VI**

**DISCIPLINARY PUNISHMENTS**

**Types of disciplinary punishments**

**40.** If an officer is found guilty of a disciplinary offence, any one or any combination of two or more of the following punishments, depending upon the seriousness of the offence, may be imposed on the officer:

- (a) warning;
- (b) fine;
- (c) forfeiture of emoluments;
- (d) deferment of salary movement;
- (e) reduction of salary;
- (f) reduction in rank;
- (g) dismissal.

**Fine or forfeiture of emoluments**

41. (1) A punishment of fine or forfeiture of emoluments shall be made in accordance with subrules (2), (3), (4), (5) and (6).

(2) Any fine imposed on any one occasion shall not exceed an amount equivalent to seven days' emoluments of the officer concerned.

(3) If an officer is fined on more than one occasion in any calendar month, the aggregate of the fines imposed on him in that month shall not exceed an amount equivalent to forty-five per cent of his monthly emoluments.

(4) Where the punishment is imposed as a consequence of the officer being absent from duty without leave or without prior permission or without reasonable cause, any forfeiture of the officer's emoluments shall unless otherwise decided by the Disciplinary Committee, be calculated by having regard to the actual period the officer is absent.

(5) The punishment of a fine or forfeiture of emoluments shall not be imposed on an officer who was absent without leave or without prior permission or without reasonable cause where the officer's emoluments has been forfeited, in respect of such absence from duty, under rule 26.

(6) All fines or forfeitures of emoluments shall be deducted from the officer's monthly emoluments and shall be paid into the revenue of the Majlis.

**Deferment of salary movement**

42. (1) The punishment of deferment of salary movement may be imposed by the Disciplinary Committee for a period of—

(a) three months;

(b) six months;

(c) nine months; or

(d) twelve months,

as the Disciplinary Committee deems appropriate.

(2) The punishment of deferment of salary movement imposed on an officer shall be executed on the next anniversary of the salary movement of that officer after the date of imposition of the punishment by the Disciplinary Committee.

(3) An officer on whom the punishment of deferment of salary movement is imposed shall not be entitled to receive any salary movement for and during the period in which the punishment is in force.

(4) A punishment of deferment of salary movement shall have the following consequences on the officer on whom the punishment is imposed:

- (a) his salary movement shall be altered to the nearest date of salary movement after the expiry of the period of punishment; and
- (b) the date of his salary movement shall remain at the date altered under paragraph (a) until the officer reaches the maximum step in his salary schedule.

#### **Reduction of salary**

43. (1) The Disciplinary Committee may impose a punishment of reduction of salary on an officer in accordance with the following provisions:

- (a) the salary can only be reduced horizontally in the same salary level;
- (b) the reduction of salary shall not exceed three salary movements; and
- (c) the duration of the punishment shall not be less than twelve months but shall not be more than thirty-six months on any one occasion.

(2) The punishment of reduction of salary imposed on an officer shall be implemented on the date as specified by the Disciplinary Committee.

(3) The date of salary movement of an officer on whom the punishment of reduction of salary is imposed shall be altered to the date of the next salary movement after the punishment expires.

(4) An officer on whom the punishment of reduction of salary is imposed shall not be entitled to receive any salary movement for and during the period in which the punishment is in force.

#### **Reduction in rank**

44. The Disciplinary Committee may impose the punishment of reduction in rank on an officer in the following manner:

- (a) by reducing the grade of the officer to a lower grade in the same scheme of service; and
- (b) by determining that the officer's new salary shall be at a salary point in the salary schedule of such reduced grade such that the salary is lower than, but nearest to, the last-drawn salary of the officer before the punishment is imposed on him.

## PART VII

### INTERDICTION AND SUSPENSION

#### **Interdiction for the purpose of investigation**

**45.** (1) Without prejudice to rules 27 and 46, if an officer is alleged or reasonably suspected of having committed a criminal offence or a serious disciplinary offence, the Disciplinary Committee may interdict the officer for a period not exceeding two months for the purpose of facilitating investigation against the officer.

(2) In deciding whether to interdict an officer under subrule (1), the Disciplinary Committee shall take into account the following factors:

- (a) whether the allegation or the suspected offence is directly related to the officer's duties; and
  - (b) whether the presence of the officer in the office would hamper investigation.
- (3) If, during the period an officer is under interdiction—

- (a) criminal proceedings are instituted against the officer in any court; or
- (b) disciplinary action is taken against him with a view to his dismissal or reduction in rank,

the interdiction order made under subrule (1) shall cease to have effect from the date such criminal proceedings are instituted or disciplinary action is taken against the officer; and the Disciplinary Committee shall take such further action as it thinks fit under rule 46.

(4) An officer who has been interdicted under this rule shall be entitled to receive full emoluments during the period of his interdiction.

### **Interdiction**

46. (1) The Disciplinary Committee may, if it thinks fit and proper and having regard to the matters specified in subrule (4), interdict an officer from the exercise of his duties if—

- (a) criminal proceedings have been instituted against the officer; or
- (b) disciplinary proceedings with a view that a punishment of dismissal or reduction in rank be imposed on him have been instituted against the officer.

(2) If an officer is interdicted under paragraph (1)(a), his interdiction may be made effective from the date he was arrested or from the date the summons were served on him.

(3) If an officer is interdicted under paragraph (1)(b), his interdiction may be made effective from such date as may be determined by the Disciplinary Committee.

(4) In deciding whether to interdict an officer under subrule (1), the Disciplinary Committee shall take into account the following factors:

- (a) whether the nature of the offence with which the officer is charged is directly related to his duties;
- (b) whether the presence of the officer in the office would hamper investigation;
- (c) whether the presence of the officer in the office to exercise his normal duties and responsibilities may be a source of embarrassment to, or may adversely affect the name or image of, the Majlis; and
- (d) whether, taking into account the nature of the offence with which the officer is charged, the interdiction of the officer would result in the Majlis incurring a loss.

(5) If the Disciplinary Committee recalls an officer who has been interdicted under subrule (1) to resume his duties whilst criminal proceedings or disciplinary proceedings with a view to his dismissal or reduction in rank are still pending, then—

- (a) the order of interdiction shall cease to have effect from the date the officer resumes his duties;
- (b) the officer shall be paid his full emoluments from the date he resumes his duties; and

(c) any part of his emoluments which has not been paid during his interdiction shall not be paid until the criminal proceedings or disciplinary proceedings with a view to his dismissal or reduction in rank have been completed and a decision as regards such emoluments has been made by the Disciplinary Committee.

(6) During the period of his interdiction under this rule, an officer shall be entitled, unless and until he has been suspended or dismissed, to receive not less than half of his emoluments as the Disciplinary Committee deems fit.

(7) Without prejudice to subrule 27(7), where an officer has been acquitted of a criminal charge or has been discharged but such discharge does not amount to an acquittal or has been acquitted of any disciplinary charge, any part of his emoluments which has not been paid to him while he was interdicted shall be paid to him.

### Suspension

47. (1) The Disciplinary Committee may suspend an officer from the exercise of his duties if—

- (a) the officer has been convicted by any criminal court; or
- (b) an order as specified in rule 31 has been made against the officer.

(2) The period of suspension under this rule shall commence from the date of conviction or the effective date of the order, as the case may be.

(3) An officer who is suspended from the exercise of his duties—

- (a) shall not be allowed to receive any part of his emoluments which has not been paid during the period of his interdiction under rule 46; and
- (b) shall not be entitled to receive any emoluments throughout the period of his suspension.

(4) The decision by the Disciplinary Committee to suspend an officer shall be notified to him in writing.

### Unpaid emoluments

48. (1) Where disciplinary proceedings against an officer result in the officer being dismissed, he shall not be entitled to any part of the emoluments which has not been paid to him during the period of his interdiction or suspension.

(2) Where disciplinary proceedings against an officer result in a punishment other than dismissal being imposed on the officer, he shall be entitled to receive any part of his emoluments which has not been paid to him during the period of his interdiction or suspension.

**Resumption of duties**

49. Where an officer is interdicted under rule 46 or suspended under rule 47, and the disciplinary proceedings against the officer result in a punishment other than dismissal being imposed on the officer, the Disciplinary Committee shall order the officer to resume his duties.

**Disciplinary procedures for an officer serving outside Malaysia**

50. Where criminal proceedings have been instituted against an officer outside Malaysia, the officer shall be interdicted in accordance with rule 46, and if he is convicted, disciplinary action shall be taken under these Rules against him.

**Officer shall not leave Malaysia without written permission**

51. (1) An officer who has been interdicted or suspended from the exercise of his duties shall not leave Malaysia without the prior written permission of the Chairman of the Disciplinary Committee.

(2) If the officer who has been interdicted or suspended from the exercise of his duties is serving outside Malaysia, he shall be immediately recalled to Malaysia and he shall not leave Malaysia without the prior written permission of the Chairman of the Disciplinary Committee.

(3) Notwithstanding the provisions of subrule 46(6), the Disciplinary Committee shall take all the necessary steps to stop the payment of any emoluments to an officer who has been interdicted but has left Malaysia without the prior written permission from the Chairman of the Disciplinary Committee.

**PART VIII**

**MISCELLANEOUS**

**Particulars of the offence and punishment to be recorded**

52. Every disciplinary action taken against an officer which results in a punishment being imposed upon the officer under these Rules shall be recorded in the officer's Records of Service by stating the particulars of the offence committed and the punishment imposed.

**Service of notice, document, etc.**

**53.** (1) Every officer shall furnish to the Secretary the address of his residence or any change of that address and that address shall be his address for the purpose of serving on him any notice or document required to be served under these Rules or for the purpose of communicating with him on any matter in relation to these Rules.

(2) Any notice, document or communication left at or posted to or sent by any other reasonable means to the address for service furnished under subrule (1) shall be deemed to have been duly served on or communicated to the officer.

**Signature on letters and other correspondence**

**54.** Any correspondence between the Disciplinary Committee and the officer who is subject to disciplinary action shall be signed by the Chairman of the Disciplinary Committee or by any member of the Disciplinary Committee on behalf of the Chairman.

**SECOND SCHEDULE**

[Sections 6 and 7]

**COMPOSITION AND JURISDICTION OF DISCIPLINARY  
COMMITTEE AND DISCIPLINARY APPEAL  
COMMITTEE OF THE MAJLIS****PART 1****DISCIPLINARY COMMITTEE****Establishment of Disciplinary Committee**

**1.** There shall be established for the Majlis a Disciplinary Committee which shall consist of:

(a) a Chairman, appointed by the Majlis; and

two members of the Majlis appointed by the Majlis.

**on of Disciplinary Committee**

ary Committee shall have jurisdiction over all matters relating to the discipline of each officer.

**Disciplinary Committee shall comply with the Rules**

3. In exercising its functions under this Enactment, the Disciplinary Committee shall comply with the Rules in the First Schedule.

**Declaration of interest**

4. (1) If the Chairman or any member of the Disciplinary Committee has any interest in any disciplinary proceedings, he shall declare the nature of that interest and such declaration shall be recorded in the minutes of the meeting at which the declaration is made.

(2) The Chairman or any member of the Disciplinary Committee who has an interest in any disciplinary proceeding shall not take part in the deliberation or decision of the Disciplinary Committee in that proceeding.

**Appointment of substitute member**

5. The Majlis may, for reasons which shall be recorded, appoint any member of the Majlis to sit as the Chairman or a member of the Disciplinary Committee in place of the Chairman or any member in any disciplinary proceedings against an officer.

**Meetings of Disciplinary Committee**

6. (1) For the purpose of performing its functions, the Disciplinary Committee shall meet on a date and at a place and time to be determined by the Chairman of the Disciplinary Committee.

(2) Every meeting shall be attended by all members of the Disciplinary Committee.

**Voting in meetings of Disciplinary Committee**

7. All questions raised in the meetings of the Disciplinary Committee shall be decided by the votes of the majority, and if the number of votes are equal, then the Chairman shall have the casting vote.

**Record of meeting of Disciplinary Committee**

8. The Chairman of the Disciplinary Committee shall ensure that the records of every disciplinary proceeding and the minutes of every meeting of the Disciplinary Committee are properly kept.

**Disciplinary Committee may require investigation be carried out**

9. (1) Before making any decision on any matter which it is required to determine in any disciplinary proceedings, the Disciplinary Committee may cause an investigation be carried out by an investigation committee for the purpose of obtaining an explanation, clarification or recommendation in respect of that matter.

(2) An investigation committee shall consist of at least two members of the Majlis.

(3) The investigation procedures provided for in respect of an Investigation Committee in the Rules in the First Schedule shall apply to an investigation committee carrying out investigation under this paragraph.

**Decision of Disciplinary Committee to be communicated to officer**

**10.** The Disciplinary Committee shall ensure that its decision in any disciplinary proceedings is communicated in writing to the officer who is the subject of the disciplinary proceedings.

**PART II**

**DISCIPLINARY APPEAL COMMITTEE**

**Establishment of Disciplinary Appeal Committee**

**11.** (1) There shall be established for the Majlis a Disciplinary Appeal Committee consisting of the-

- (a) State Secretary;
- (b) State Legal Adviser; and
- (c) State Mufti.

(2) The State Secretary shall be the Chairman of the Disciplinary Appeal Committee.

**Jurisdiction of the Disciplinary Appeal Committee**

**12.** The Disciplinary Appeal Committee shall have the power to receive, consider and determine any appeal submitted by an officer against the decision of the Disciplinary Committee.

**Declaration of interest**

**13.** (1) If the Chairman or any member of the Disciplinary Appeal Committee has any interest in any appeal brought before the Disciplinary Appeal Committee, he shall declare the nature of that interest and such declaration shall be recorded in the minutes of the meeting at which the declaration is made.

(2) The Chairman or any member of the Disciplinary Appeal Committee who has an interest in any appeal brought before the Disciplinary Appeal Committee shall not take part in the deliberation or decision of the Disciplinary Appeal Committee in relation to that appeal.

**Meeting of Disciplinary Appeal Committee**

**14.** (1) For the purpose of performing its functions, the Disciplinary Appeal Committee shall meet on a date and at a place and time to be determined by the Chairman of the Disciplinary Appeal Committee.

(2) Every meeting of the Disciplinary Appeal Committee shall be attended by all members of the Disciplinary Appeal Committee.

**Voting in meetings of Disciplinary Appeal Committee**

**15.** All questions raised in the meetings of the Disciplinary Appeal Committee shall be decided by the votes of the majority, and if the number of votes are equal, then the Chairman shall have the casting vote.

**Record of meetings of Disciplinary Appeal Committee**

**16.** The Chairman of the Disciplinary Appeal Committee shall ensure that the records of every disciplinary appeal proceeding and the minutes of every meeting of the Disciplinary Appeal Committee are properly kept.

**Appeal procedures**

**17.** (1) An appeal by any officer who has been found guilty by the Disciplinary Committee shall be made in writing, through the Secretary, to the Disciplinary Appeal Committee within a period of fourteen days from the date the decision of the Disciplinary Committee is served on him.

(2) The Secretary shall, not later than fourteen days from the date he receives such appeal, submit that appeal to the Disciplinary Committee.

(3) Within a period of thirty days from the date it receives the appeal and the Secretary's Comments, the Disciplinary Committee shall cause a copy of the records of disciplinary proceedings against that officer to be sent to the Disciplinary Appeal Committee together with the grounds of its decision.

(4) The Chairman of the Disciplinary Appeal Committee may extend the periods specified in subparagraph (1), (2) and (3) on the application of the officer concerned and on sufficient cause being shown.

**Hearing of appeal**

**18.** (1) Immediately after receiving the appeal documents as provided in paragraph 17, the Chairman of the Disciplinary Appeal Committee shall convene a meeting of the Disciplinary Appeal Committee to consider such appeal.

(2) The Disciplinary Appeal Committee shall decide every appeal solely on the merits of the grounds of such appeal without admitting any further statement or additional evidence.

(3) Notwithstanding subparagraph (2), the Disciplinary Appeal Committee may, if it thinks just and necessary, and subject to the officer's right to be heard, request for any further statement or additional evidence from any other person.

**Decision of the Disciplinary Appeal Committee**

19. (1) In considering an appeal under paragraph 18 against the decision of the Disciplinary Committee, the Disciplinary Appeal Committee may—

- (a) confirm the decision of the Disciplinary Committee;
- (b) confirm the decision of the Disciplinary Committee as regards the misconduct of that officer, but vary the punishment to a lesser punishment; or
- (c) reverse the decision and punishment of the Disciplinary Committee and acquit that officer from the charge against him.

(2) The decision of the Disciplinary Appeal Committee is final.

**Officer to be notified of decision of Disciplinary Appeal Committee**

20. As soon as practicable after making its decision under paragraph 19 on an appeal made by an officer, the Disciplinary Appeal Committee shall notify the officer of that decision.

Passed this 30 July 2001.  
 [PSUK.PK.(MAJ) A355/737/1 Jld.2;  
 PU.PK. 40/2001].

HAJI SHARAI DIN BIN TAKIN  
*Secretary,*  
*State Legislative Assembly,*  
*Perak Darul Ridzuan*

Hakcipta Pencetak(H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/ atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).



DICETAK OLEH  
 PERCETAKAN NASIONAL MALAYSIA BERHAD,  
 CAWANGAN IPOH, PERAK DARUL RIDZUAN  
 BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA

### Interdiction

46. (1) The Disciplinary Committee may, if it thinks fit and proper and having regard to the matters specified in subrule (4), interdict an officer from the exercise of his duties if—

- (a) criminal proceedings have been instituted against the officer; or
- (b) disciplinary proceedings with a view that a punishment of dismissal or reduction in rank be imposed on him have been instituted against the officer.

(2) If an officer is interdicted under paragraph (1)(a), his interdiction may be made effective from the date he was arrested or from the date the summons were served on him.

(3) If an officer is interdicted under paragraph (1)(b), his interdiction may be made effective from such date as may be determined by the Disciplinary Committee.

(4) In deciding whether to interdict an officer under subrule (1), the Disciplinary Committee shall take into account the following factors:

- (a) whether the nature of the offence with which the officer is charged is directly related to his duties;
- (b) whether the presence of the officer in the office would hamper investigation;
- (c) whether the presence of the officer in the office to exercise his normal duties and responsibilities may be a source of embarrassment to, or may adversely affect the name or image of, the Majlis; and
- (d) whether, taking into account the nature of the offence with which the officer is charged, the interdiction of the officer would result in the Majlis incurring a loss.

(5) If the Disciplinary Committee recalls an officer who has been interdicted under subrule (1) to resume his duties whilst criminal proceedings or disciplinary proceedings with a view to his dismissal or reduction in rank are still pending, then—

- (a) the order of interdiction shall cease to have effect from the date the officer resumes his duties;
- (b) the officer shall be paid his full emoluments from the date he resumes his duties; and

- (c) any part of his emoluments which has not been paid during his interdiction shall not be paid until the criminal proceedings or disciplinary proceedings with a view to his dismissal or reduction in rank have been completed and a decision as regards such emoluments has been made by the Disciplinary Committee.
- (6) During the period of his interdiction under this rule, an officer shall be entitled, unless and until he has been suspended or dismissed, to receive not less than half of his emoluments as the Disciplinary Committee deems fit.

(7) Without prejudice to subrule 27(7), where an officer has been acquitted of a criminal charge or has been discharged but such discharge does not amount to an acquittal or has been acquitted of any disciplinary charge, any part of his emoluments which has not been paid to him while he was interdicted shall be paid to him.

### Suspension

47. (1) The Disciplinary Committee may suspend an officer from the exercise of his duties if—

- (a) the officer has been convicted by any criminal court; or
- (b) an order as specified in rule 31 has been made against the officer.

(2) The period of suspension under this rule shall commence from the date of conviction or the effective date of the order, as the case may be.

(3) An officer who is suspended from the exercise of his duties—

- (a) shall not be allowed to receive any part of his emoluments which has not been paid during the period of his interdiction under rule 46; and
- (b) shall not be entitled to receive any emoluments throughout the period of his suspension.

(4) The decision by the Disciplinary Committee to suspend an officer shall be notified to him in writing.

### Unpaid emoluments

48. (1) Where disciplinary proceedings against an officer result in the officer being dismissed, he shall not be entitled to any part of the emoluments which has not been paid to him during the period of his interdiction or suspension.

(2) Where disciplinary proceedings against an officer result in a punishment other than dismissal being imposed on the officer, he shall be entitled to receive any part of his emoluments which has not been paid to him during the period of his interdiction or suspension.

**Resumption of duties**

49. Where an officer is interdicted under rule 46 or suspended under rule 47, and the disciplinary proceedings against the officer result in a punishment other than dismissal being imposed on the officer, the Disciplinary Committee shall order the officer to resume his duties.

**Disciplinary procedures for an officer serving outside Malaysia**

50. Where criminal proceedings have been instituted against an officer outside Malaysia, the officer shall be interdicted in accordance with rule 46, and if he is convicted, disciplinary action shall be taken under these Rules against him.

**Officer shall not leave Malaysia without written permission**

51. (1) An officer who has been interdicted or suspended from the exercise of his duties shall not leave Malaysia without the prior written permission of the Chairman of the Disciplinary Committee.

(2) If the officer who has been interdicted or suspended from the exercise of his duties is serving outside Malaysia, he shall be immediately recalled to Malaysia and he shall not leave Malaysia without the prior written permission of the Chairman of the Disciplinary Committee.

(3) Notwithstanding the provisions of subrule 46(6), the Disciplinary Committee shall take all the necessary steps to stop the payment of any emoluments to an officer who has been interdicted but has left Malaysia without the prior written permission from the Chairman of the Disciplinary Committee.

**PART VIII**

**MISCELLANEOUS**

**Particulars of the offence and punishment to be recorded**

52. Every disciplinary action taken against an officer which results in a punishment being imposed upon the officer under these Rules shall be recorded in the officer's Records of Service by stating the particulars of the offence committed and the punishment imposed.

**Service of notice, document, etc.**

**53.** (1) Every officer shall furnish to the Secretary the address of his residence or any change of that address and that address shall be his address for the purpose of serving on him any notice or document required to be served under these Rules or for the purpose of communicating with him on any matter in relation to these Rules.

(2) Any notice, document or communication left at or posted to or sent by any other reasonable means to the address for service furnished under subrule (1) shall be deemed to have been duly served on or communicated to the officer.

**Signature on letters and other correspondence**

**54.** Any correspondence between the Disciplinary Committee and the officer who is subject to disciplinary action shall be signed by the Chairman of the Disciplinary Committee or by any member of the Disciplinary Committee on behalf of the Chairman.

**SECOND SCHEDULE****[Sections 6 and 7]****COMPOSITION AND JURISDICTION OF DISCIPLINARY  
COMMITTEE AND DISCIPLINARY APPEAL  
COMMITTEE OF THE MAJLIS****PART 1****DISCIPLINARY COMMITTEE****Establishment of Disciplinary Committee**

1. There shall be established for the Majlis a Disciplinary Committee which shall consist of;

- (a) a Chairman, appointed by the Majlis; and
- (b) two members of the Majlis appointed by the Majlis.

**Jurisdiction of Disciplinary Committee**

2. Disciplinary Committee shall have jurisdiction over all matters relating to the conduct and discipline of each officer.

**Disciplinary Committee shall comply with the Rules**

3. In exercising its functions under this Enactment, the Disciplinary Committee shall comply with the Rules in the First Schedule.

**Declaration of interest**

4. (1) If the Chairman or any member of the Disciplinary Committee has any interest in any disciplinary proceedings, he shall declare the nature of that interest and such declaration shall be recorded in the minutes of the meeting at which the declaration is made.

(2) The Chairman or any member of the Disciplinary Committee who has an interest in any disciplinary proceeding shall not take part in the deliberation or decision of the Disciplinary Committee in that proceeding.

**Appointment of substitute member**

5. The Majlis may, for reasons which shall be recorded, appoint any member of the Majlis to sit as the Chairman or a member of the Disciplinary Committee in place of the Chairman or any member in any disciplinary proceedings against an officer.

**Meetings of Disciplinary Committee**

6. (1) For the purpose of performing its functions, the Disciplinary Committee shall meet on a date and at a place and time to be determined by the Chairman of the Disciplinary Committee.

(2) Every meeting shall be attended by all members of the Disciplinary Committee.

**Voting in meetings of Disciplinary Committee**

7. All questions raised in the meetings of the Disciplinary Committee shall be decided by the votes of the majority, and if the number of votes are equal, then the Chairman shall have the casting vote.

**Record of meeting of Disciplinary Committee**

8. The Chairman of the Disciplinary Committee shall ensure that the records of every disciplinary proceeding and the minutes of every meeting of the Disciplinary Committee are properly kept.

**Disciplinary Committee may require investigation be carried out**

9. (1) Before making any decision on any matter which it is required to determine in any disciplinary proceedings, the Disciplinary Committee may cause an investigation be carried out by an investigation committee for the purpose of obtaining an explanation, clarification or recommendation in respect of that matter.

(2) An investigation committee shall consist of at least two members of the Majlis.

(3) The investigation procedures provided for in respect of an Investigation Committee in the Rules in the First Schedule shall apply to an investigation committee carrying out investigation under this paragraph.

**Decision of Disciplinary Committee to be communicated to officer**

**10.** The Disciplinary Committee shall ensure that its decision in any disciplinary proceedings is communicated in writing to the officer who is the subject of the disciplinary proceedings.

**PART II**

**DISCIPLINARY APPEAL COMMITTEE**

**Establishment of Disciplinary Appeal Committee**

**11.** (1) There shall be established for the Majlis a Disciplinary Appeal Committee consisting of the-

- (a) State Secretary;
- (b) State Legal Adviser; and
- (c) State Mufti.

(2) The State Secretary shall be the Chairman of the Disciplinary Appeal Committee.

**Jurisdiction of the Disciplinary Appeal Committee**

**12.** The Disciplinary Appeal Committee shall have the power to receive, consider and determine any appeal submitted by an officer against the decision of the Disciplinary Committee.

**Declaration of interest**

**13.** (1) If the Chairman or any member of the Disciplinary Appeal Committee has any interest in any appeal brought before the Disciplinary Appeal Committee, he shall declare the nature of that interest and such declaration shall be recorded in the minutes of the meeting at which the declaration is made.

(2) The Chairman or any member of the Disciplinary Appeal Committee who has an interest in any appeal brought before the Disciplinary Appeal Committee shall not take part in the deliberation or decision of the Disciplinary Appeal Committee in relation to that appeal.

**Meeting of Disciplinary Appeal Committee**

**14.** (1) For the purpose of performing its functions, the Disciplinary Appeal Committee shall meet on a date and at a place and time to be determined by the Chairman of the Disciplinary Appeal Committee.

(2) Every meeting of the Disciplinary Appeal Committee shall be attended by all members of the Disciplinary Appeal Committee.

**Voting in meetings of Disciplinary Appeal Committee**

**15.** All questions raised in the meetings of the Disciplinary Appeal Committee shall be decided by the votes of the majority, and if the number of votes are equal, then the Chairman shall have the casting vote.

**Record of meetings of Disciplinary Appeal Committee**

**16.** The Chairman of the Disciplinary Appeal Committee shall ensure that the records of every disciplinary appeal proceeding and the minutes of every meeting of the Disciplinary Appeal Committee are properly kept.

**Appeal procedures**

**17.** (1) An appeal by any officer who has been found guilty by the Disciplinary Committee shall be made in writing, through the Secretary, to the Disciplinary Appeal Committee within a period of fourteen days from the date the decision of the Disciplinary Committee is served on him.

(2) The Secretary shall, not later than fourteen days from the date he receives such appeal, submit that appeal to the Disciplinary Committee.

(3) Within a period of thirty days from the date it receives the appeal and the Secretary's Comments, the Disciplinary Committee shall cause a copy of the records of disciplinary proceedings against that officer to be sent to the Disciplinary Appeal Committee together with the grounds of its decision.

(4) The Chairman of the Disciplinary Appeal Committee may extend the periods specified in subparagraph (1), (2) and (3) on the application of the officer concerned and on sufficient cause being shown.

**Hearing of appeal**

**18.** (1) Immediately after receiving the appeal documents as provided in paragraph 17, the Chairman of the Disciplinary Appeal Committee shall convene a meeting of the Disciplinary Appeal Committee to consider such appeal.

(2) The Disciplinary Appeal Committee shall decide every appeal solely on the merits of the grounds of such appeal without admitting any further statement or additional evidence.

(3) Notwithstanding subparagraph (2), the Disciplinary Appeal Committee may, if it thinks just and necessary, and subject to the officer's right to be heard, request for any further statement or additional evidence from any other person.

#### **Decision of the Disciplinary Appeal Committee**

**19.** (1) In considering an appeal under paragraph 18 against the decision of the Disciplinary Committee, the Disciplinary Appeal Committee may—

- (a) confirm the decision of the Disciplinary Committee;
- (b) confirm the decision of the Disciplinary Committee as regards the misconduct of that officer, but vary the punishment to a lesser punishment; or
- (c) reverse the decision and punishment of the Disciplinary Committee and acquit that officer from the charge against him.

(2) The decision of the Disciplinary Appeal Committee is final.

#### **Officer to be notified of decision of Disciplinary Appeal Committee**

**20.** As soon as practicable after making its decision under paragraph 19 on an appeal made by an officer, the Disciplinary Appeal Committee shall notify the officer of that decision.

Passed this 30 July 2001.  
 [PSUK.PK.(MAJ) A355/737/1 Jld.2;  
 PU.PK. 40/2001].

HAJI SHARAIN BIN TAKIN  
*Secretary,*  
*State Legislative Assembly,*  
*Perak Darul Ridzuan*

Haklepta Pencetak(H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).



DICETAK OLEH  
 PERCETAKAN NASIONAL MALAYSIA BERHAD,  
 CAWANGAN IPOH, PERAK DARUL RIDZUAN  
 BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA