

SERI PAHLAWAN GAGAH PERKASA  
(REMEMBRANCE ALLOWANCE)  
BILL 1990

ARRANGEMENT OF CLAUSES

Clause

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## A BILL

*intituled*

An Act to provide for the grant of a remembrance allowance to the recipients of the Decoration of Sen Pahlawan Gagah Perkasa and for matters connected therewith.

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BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by authority of the same, as follows:

1. This Act may be cited as the Seri Pahlawan Gagah Perkasa (Remembrance Allowance) Act 1990. Short title

2. In this Act, unless the context otherwise requires— Interpre-  
 "child" includes a step-child and a child adopted, tation.  
 before the death of the recipient, under any written law, custom or usage;

"Decoration" means the Decoration of Seri Pahlawan Gagah Perkasa conferred under the Statutes of Seri Pahlawan Gagah Perkasa (S.P.);

G.N.  
3150160.

"Minister" means the Prime Minister;

"recipient" means any person who has been conferred the Decoration;

"remembrance allowance" means the remembrance allowance granted under subsection (1) of section 3;

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

Grant of remembrance allowance.

3. (1) There may be granted to a recipient a remembrance allowance of two hundred ringgit per month, and where the Decoration is conferred on such recipient more than once, there may be granted to him a separate remembrance allowance of two hundred ringgit per month in respect of each Decoration conferred on him, such allowance being payable in arrear not earlier than the end of each month.

(2) Where the Decoration was conferred before the commencement of this Act and the recipient is living upon such commencement, the remembrance allowance shall be paid retrospectively to the recipient, commencing with the month in which the Decoration was conferred on him, but not earlier, in any case, than the month of June 1983.

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

Cessation of grant of remembrance allowance.

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

- (a) upon the death of the recipient;
- (b) upon the recipient being convicted for an offence by a court of law in the Federation and sentenced to death, or to imprisonment for any term otherwise than imprisonment in lieu of payment of fine; or
- (c) upon cancellation or annulment of the conferment of the Decoration in accordance with section VIII of the Statutes of Seri Pahlawan Gagah Perkasa,

and no remembrance allowance shall be paid commencing with the month in which the death takes place, or the sentence is imposed, or the conferment of the Decoration is cancelled or annulled, as the case may be.

(2) If the recipient receives a free pardon in respect of the said conviction, or if the cancelled or annulled Decoration is restored to him, the remembrance allowance shall be restored to him commencing from the month in which the free pardon is received or the restoration of the Decoration is made.

5. (1) Where the Decoration had been conferred posthumously before the commencement of this Act, there may be made a grant of a total sum of twenty thousand ringgit once only—

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

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

(2) Where the Decoration is conferred posthumously after the commencement of this Act, there may be made a grant of a total sum of twenty thousand ringgit once only—

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

Grant to next-of-kin of recipient who had died before commencement of Act.

6. Where the Decoration was conferred before the commencement of this Act and the recipient had died before such commencement, there may be made a grant of a total sum of twenty thousand ringgit once only—

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

Minister to apportion amounts to be paid.

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

Remembrance allowance and sum to be charged on Federal Consolidated Fund.

8. The remembrance allowances and sums granted under this Act shall be charged on the Federal Consolidated Fund.

Remembrance allowance and sum not assignable, etc.

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

#### EXPLANATORY STATEMENT

This Bill seeks to provide for the grant of a remembrance allowance to the recipients of the Decoration of Sen Pahlawan Gagah Perkasa and for matters connected therewith.

2. *Clause 2* contains the definitions of several terms used in this Bill.

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3. *Clause 3* seeks to provide for the grant of a remembrance allowance of two hundred ringgit per month to a recipient of the Decoration of Seri Pahlawan Gagah Perkasa. The remembrance allowance shall be paid retrospectively commencing with the month in which the Decoration is conferred on the recipient, but not earlier than June 1983.
4. *Clause 4* seeks to provide for the cessation of a grant of remembrance allowance and its restoration on the occurrences stipulated therein.
5. *Clause 5* seeks to provide for the grant of a total sum of twenty thousand ringgit once only to the next-of-kin of a recipient where the Decoration of Seri Pahlawan Gagah Perkasa is conferred posthumously.
6. *Clause 6* seeks to provide for the grant of a total sum of twenty thousand ringgit once only to the next-of-kin of a recipient where the Decoration of Seri Pahlawan Gagah Perkasa was conferred before the commencement of this Bill and the recipient had died before such date.
7. *Clause 7* empowers the Prime Minister to apportion the amounts to be paid to a deceased recipient's next-of-kin.
8. *Clause 8* provides that the remembrance allowances and sums granted under this Bill shall be charged on the Federal Consolidated Fund, while *clause 9* provides that such remembrance allowances and sums shall not be assignable, transferable, etc.

*FINANCIAL IMPLICATIONS*

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained. [PN. (IP) 1336.]

