ROYAL BRUNEI ARMED FORCES ACT
(CHAPTER 149)

ROYAL BRUNEI ARMED FORCES (PENSIONS) REGULATIONS

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SUBSIDIARY LEGISLATION

ROYAL BRUNEI ARMED FORCES (PENSIONS) REGULATIONS

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ROYAL BRUNEI ARMED FORCES (PENSIONS) REGULATIONS

Commencement: 20th December 1986

PART 1

PRELIMINARY

Citation

1. These Regulations may be cited as the Royal Brunei Armed Forces (Pensions) Regulations.

Interpretation

2. In these Regulations, unless the context otherwise requires —

"competent authority" means the Commander or such other officer or officers as His Majesty the Sultan and Yang Di-Pertuan may from time to time appoint to exercise all or any of the functions conferred or imposed upon the competent authority under these Regulations;

"discharge from military service" includes —

(a) the discharge of a soldier from the Armed Forces;

(b) the transfer of a soldier to the Reserve Regiment;

(c) the retirement of an officer;

(d) the resignation of an officer;

"members" means an officer or soldier of the Armed Forces;

"military service" means service as an officer or soldier with the Armed Forces, and includes any full time service of such officer or soldier with the Reserve Regiment;

"officer" means a male or female person commissioned in the Armed Forces by His Majesty the Sultan and Yang Di-Pertuan including a short service commission officer but does not include an officer serving under agreement with the Government;

"pensionable emoluments" means, in respect of the military service of a member, the basic pay for his substantive rank, and includes trade pay, qualification pay and technical pay, but does not include entertainment allowance or any other emoluments whatsoever;

"pensionable military service" means military service which may be taken into account in computing pension under these Regulations;

"qualifying military service" means military service which may be taken into account in determining whether a member is eligible by length of military service for pension, gratuity or other allowance;

"soldier" means any male or female person, other than an officer, enlisted in the Armed Forces under or by virtue of the provisions of the Act, but does not include a soldier serving under agreement with the Government.

Authority for grant of pensions etc.

3. (1) Subject to the provisions of these Regulations, His Majesty the Sultan and Yang Di-Pertuan may grant pensions, gratuities and other allowances to members who have been in military service or to their legal personal representatives or to such of their dependants as are mentioned in these Regulations.

(2) These Regulations shall apply to a member on his discharge from military service or upon his death while in military service on or after 31st May 1986 in respect of military service after 31st May 1961.

(3) Any pension or gratuity granted under these Regulations shall be computed in accordance with the provisions of these Regulations in force at the actual date of a member's discharge from military service or death, as the case may be.

(4) Whenever His Majesty the Sultan and Yang Di-Pertuan is satisfied that it is equitable that any provision of these Regulations should have retrospective effect from any date after 1st December 1960 in order to confer a benefit upon or remove a disability attaching to any person, that provision may be given retrospective effect for that purpose.

PART 2

GENERAL

Pensions etc. not of right

4. (1) No person shall have an absolute right to compensation for past military service or to pension, gratuity or other allowance, nor shall anything in any provision of these Regulations affect the right of His Majesty the Sultan and Yang Di-Pertuan to cancel the commission of any officer, or of the competent authority to discharge from

military service or require the discharge from military service of any member, at any time and without compensation.

(2) Where it is established to the satisfaction of His Majesty the Sultan and Yang Di-Pertuan that a member have been guilty of negligence, irregularity or misconduct, His Majesty the Sultan and Yang Di-Pertuan may reduce or withhold altogether the pension, gratuity or other allowance for which such member or any other person would have become eligible but for the provisions of these Regulations.

(3) If a member is discharged from military service for any such negligence, irregularity or misconduct, no pension, gratuity or other allowance shall be granted, unless in any special case His Majesty the Sultan and Yang Di-Pertuan otherwise directs, and any such direction may, irrespective of the wishes of the member or other person concerned, also determine whether any pension or gratuity shall be in the form of a reduced pension or gratuity.

Maximum pension

5. (1) Subject to sub-regulation (2), a pension granted to a member under these Regulations shall not exceed three-fourths of the highest pensionable emoluments drawn by him at any time in the course of his military service.

(2) For the purposes of this regulation, an additional pension granted in respect of injury shall not be taken into account; but where the member is granted, such an additional pension under these Regulations, the amount thereof together with the remainder of his pension shall not exceed five-sixths of his highest pensionable emoluments at any time in the course of his military service.

Pensions etc. not to be assignable

6. (1) A pension, gratuity or other allowance granted under these Regulations shall not be assignable or transferable except for the purpose of satisfying —

(a) a debt due to the Government; or

(b) an order of any court for the payment of periodical sums of money towards the maintenance of the wife, former wife or minor child, whether legitimate or not, of the member to whom the pension, gratuity or other allowance has been granted,

and shall not be liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatever except a debt due to the Government.

(2) Where it is proved to the satisfaction of His Majesty the Sultan and Yang Di-Pertuan that —

(a) a debt is due to the Government from a member to or in respect of whom a pension, gratuity or other allowance may be or has been granted; or

(b) an overpayment of such pension, gratuity or other allowance has been made,

such debt or overpayment may be recovered from such member by deducting the amount from any such pension, gratuity or other allowance.

Pensions etc. to cease on bankruptcy

7. (1) If any person to whom a pension or other allowance has been granted under these Regulations is adjudicated bankrupt or is declared insolvent by judgment of any competent court, then such pension or allowance shall forthwith cease.

(2) If any member is adjudicated bankrupt or declared insolvent as mentioned in sub-regulation (1) either —

(a) after discharge from military service in circumstances in which he is eligible for pension or allowance under these Regulations but before such pension or allowance is granted; or

(b) before such discharge from military service, and he shall not have obtained his discharge from bankruptcy or insolvency at the date of discharge from military service,

then in the former case, any pension or allowance eventually granted to him shall cease as from the date of adjudication or declaration as the case may be and, in the latter case, the pension or allowance may be granted but shall cease forthwith and not become payable.

(3) Where a pension or allowance ceases by reason of this regulation, His Majesty the Sultan and Yang Di-Pertuan may during the remainder of such person's life, or during such shorter period or periods, either continuous or discontinuous, as His Majesty the Sultan and Yang Di-Pertuan shall think fit, direct all or any part of the moneys to which such person would have been entitled by way of pension or allowance, had he not become bankrupt or insolvent, to be paid to, or applied for the maintenance or benefit of, all or any to the exclusion of the other or others, of such person and any wife, child or children of his, in such proportions and manner as His Majesty the Sultan and Yang Di-Pertuan thinks proper, and such moneys shall be paid or applied accordingly.

(4) Moneys applied for the discharge of the debts of the person whose pension or allowance has so ceased shall, for the purposes of this regulation, be regarded as applied for his benefit.

(5) When a person whose pension or allowance has so ceased obtains his discharge from bankruptcy or insolvency, His Majesty the Sultan and Yang Di-Pertuan may direct that the pension or allowance shall be restored as from the date of such discharge or any later date, and the pension or allowance shall be restored accordingly.

Pensions etc. may cease on conviction

8. (1) If any person to whom a pension or other allowance has been granted under these Regulations is sentenced to death or a term of imprisonment by any competent court for any offence, such pension or allowance shall, if His Majesty the Sultan and Yang Di-Pertuan so directs, cease from such date as His Majesty the Sultan and Yang Di-Pertuan determines.

(2) If any person is sentenced as mentioned in sub-regulation (1) after his discharge from military service in circumstances in which he is eligible for pension or allowance under these Regulations but before the pension or allowance is granted, then the provisions of sub-regulation (1) applies as respects any pension or allowance which may be granted to him.

(3) Where a pension or allowance ceases by reason of this regulation, His Majesty the Sultan and Yang Di-Pertuan may direct all or any part of the moneys to which such person would have been entitled by way of pension or allowance had he not been sentenced as mentioned in sub-regulation (1) to be paid, or applied in the same manner in all respects as prescribed in regulation 7, and such moneys shall be paid or applied accordingly.

(4) If such person after conviction at any time receives a free pardon, the pension or allowance shall be restored with retrospective effect; but, in determining whether arrears of such pension or allowance are payable to such person and in computing the amount thereof, account shall be taken of all moneys paid or applied under sub-regulation (3).

PART 3

PENSIONS, GRATUITIES AND ALLOWANCES FOR MEMBERS

Circumstances in which pension may be granted

9. (1) Subject to the provisions of these Regulations, no pension, gratuity or other allowance shall be granted under these Regulations to any member except on his discharge from military service in any one of the following instances —

(a) on completion of 15 years' military service for a member commissioned or enlisted before 1st August 2011;

[S 82/2012]

(b) on completion of 18 years military service for a member commissioned or enlisted on or after 1st August 2011 or for a soldier who has opted to be engaged under the revised terms of engagement;

[S 82/2012]

(c) on medical evidence to the satisfaction of His Majesty the Sultan and Yang Di-Pertuan as respects an officer, or of the competent authority as respects a soldier, that the member is incapable, by reason of any infirmity of mind or body, of discharging his duties as such member and that such infirmity is likely to be permanent;

(d) if the member is discharged from military service in the public interest as provided by regulation 10.

(2) Where a female member is discharged from military service for the reason that she has married or is about to marry, a gratuity may be granted to her, in accordance with the provisions of these Regulations, notwithstanding that she is not otherwise eligible under this regulation for the grant of any pension, gratuity or other allowance.

Discharge from military service of member in public interest

10. Where a member is discharged from military service on the ground that, having regard to the conditions of the Armed Forces and the Reserve Regiment, the usefulness of the member thereto and all the other circumstances of the case, such discharge military service is desirable in the public interest, and a pension, gratuity or other allowance cannot otherwise be granted to him under the provisions of these Regulations, His Majesty the Sultan and Yang Di-Pertuan may, if His Majesty the Sultan and Yang Di-Pertuan thinks fit, grant such pension, gratuity or other allowance as His Majesty the Sultan and Yang Di-Pertuan thinks just and proper not exceeding in amount that for which the member would be eligible if he is discharged from military service in the circumstances described in regulation 9(1)*(c)*.

Pension etc. for soldier who is not efficient

11. Where a soldier is discharged from military service by the competent authority on the ground that he is unlikely to become, or has ceased to be, an efficient soldier, and a pension, gratuity or other allowance cannot otherwise he granted to him in accordance with these Regulations, His Majesty the Sultan and Yang Di-Pertuan may, if His Majesty the Sultan and Yang Di-Pertuan considers it justifiable in all the circumstances of the case, grant such pension, gratuity or other allowance as he thinks just and proper.

To whom and at what rates pension to be granted *[S 82/2012]*

12. (1) Subject to the provisions of these Regulations, every officer —

(a) commissioned before 1st August 2011 and who has completed 15 years or more military service; or

(b) commissioned on or after 1st August 2011 and who has completed 18 years or more military service,

may be granted, on discharge from military service, a pension at the annual rate of one four hundred and fiftieth of his pensionable emoluments for each complete month of his pensionable military service up to a maximum of 300 months:

Provided that the officer may, if he has completed more than 25 years military service, be granted an additional pension at the annual rate of one sixtieth of his pensionable emoluments for each year of military service he has completed in excess of 25 years.

(2) Subject to the provisions of these Regulations, every soldier enlisted before 1st August 2011 and who has completed 15 years or more military service, may be granted on discharge from military service, a pension at the annual rate of one three hundred and sixtieth of his pensionable emoluments for each complete month of his pensionable military service up to a maximum of 240 months:

Provided that the soldier may, if he has completed more than 20 years military service, be granted an additional pension at the annual rate of one sixtieth of his pensionable emoluments for each year of military service he has completed in excess of 20 years.

(3) Subject to the provisions of these Regulations, every soldier —

(a) enlisted on or after 1st August 2011; or

(b) who has opted to be engaged under the revised terms of engagement has completed 18 years or more military service,

may be granted on discharge from military service, a pension at the annual rate of one three hundred and sixtieth of his pensionable emoluments for each complete month of his pensionable military service up to a maximum of 276 months:

Provided that the soldier may, if he has completed more than 23 years military service, be granted an additional pension at the annual rate of one thirty-sixth of his pensionable emoluments for each year of military service he has completed in excess of 23 years.

Gratuities where length of military service does not qualify for pension *[S 82/2012]*

13. Every member, otherwise qualified for a pension, who has been in military service for not less than 5 years but has not completed —

(a) 15 years for a member commissioned or enlisted before 1st August 2011; or

(b) 18 years for a member commissioned or enlisted on and after 1st August 2011 or for a soldier who has opted to be engaged under the revised terms of engagement,

may be granted on discharge from military service gratuity not exceeding five times the annual amount of the pension which, if there had been no qualifying period, might have been granted to him under regulation 12.

Marriage gratuities

14. Where a female member is discharged from military service or is required to be discharged from military service for the reason that she is about to marry or has married, and she is not eligible for the grant to any pension or otherwise eligible for gratuity under these Regulations, she may be granted on production within 6 months after her discharge from military service, or such longer period as His Majesty the Sultan and Yang Di-Pertuan may in any particular case allow, of satisfactory evidence of her marriage, a gratuity of an amount not exceeding —

(a) one year's pensionable emoluments; or

(b) five times the annual amount of the pension which might have been granted to her under regulation 12 had there been no qualifying period and had that regulation been applicable to her;

whichever amount shall be the less.

[S 46/1989]

Members discharged from military service on medical grounds

15. If a member is discharged from military service pursuant to regulation 9(1)*(c)* —

(a) he may, if he has been in military service for more than 5 years but less than 15 years, be granted *in lieu* of any gratuity under regulation 13, a pension under regulation 12 as if the words "15 years or more" or "18 years or more" were omitted from regulation 12;

[S 82/2012]

(b) he may be granted an additional pension at the annual rate of one sixtieth of his pensionable emoluments for each complete period of 3 years' pensionable military service.

Members discharged from military service on account of injuries

16. (1) If a member is permanently injured —

(a) in the actual discharge of his duty;

(b) without his own default; and

(c) on account of circumstances specifically attributable to the nature of his duty,

while in military service, then —

(i) he may, if his discharge from military service is thereby necessitated or materially accelerated and he has been in military service —

(A) in the case of a member commissioned or enlisted before 1st August 2011, for less than 15 years; or

(B) in the case of a member commissioned or enlisted on or after 1st August 2011 or for a soldier who has opted to be engaged under the revised terms of engagement, for less than 18 years,

be granted, *in lieu* of any gratuity under regulation 13, a pension under regulation 12 as if the words "15 years or more military service" or "18 years or more military service" were omitted from regulation 12;

[S 82/2012]

(ii) subject to regulation 5, he may be granted on discharge from military service an additional pension at the annual rate of the proportion of his actual pensionable emoluments at the date of his injury appropriate to his case as show in the following table —

When his capacity to contribute to his own support is —	
slightly impaired	five sixtieths;
impaired	ten sixtieths;
materially impaired	fifteen sixtieths;
totally destroyed	twenty sixtieths;

Provided that the amount of the additional pension may be reduced to such an extent as His Majesty the Sultan and Yang Di-Pertuan shall think reasonable where the injury is not the cause or the sole cause of his discharge from military service.

(2) If a member proceeding by a route approved by the competent authority to or from Brunei Darussalam at the commencement or termination of his military service therein, or of a period of leave therefrom, is permanently injured as a result of damage to the vessel, aircraft or vehicle in which he is travelling, or of any act of violence directed against such vessel, aircraft or vehicle, and the competent authority is satisfied that such damage or act is attributable to circumstances arising out of any war in which Brunei Darussalam may be engaged, such member is deemed for the purposes of this regulation to have been injured in the circumstances described in sub-regulation (1).

(3) In this regulation —

(a) save for the purposes of sub-regulation (1)(i), the word "member" and the expression "military service" shall be construed, wherever they occur, as if the word "officer" included an officer serving under agreement with the Government and the word "soldier" included a soldier serving under agreement with the Government;

(b) in relation to a person who, for the purposes of this regulation, is a member by virtue of sub-paragraph *(a)* only, the word "a" is deemed to have been substituted for the expression "an additional" occurring in sub-regulation (1)(ii) and in sub-regulation (1)(ii), the expression "pensionable emoluments" shall mean the emoluments enjoyed by such person which would have been pensionable emoluments if he had been a member for all the purposes of these Regulations.

Gratuity and reduced pension

17. (1) Subject to sub-regulation (6), any member to whom a pension is granted under these Regulations may, at his option exercisable as in this regulation provided, be

paid *in lieu* of such pension a pension at the rate of three fourths of such pension together with a gratuity equal to fifteen times the amount of the reduction so made in the pension.

(2) An option exercisable in accordance with this regulation —

(a) shall be exercisable or revoked by notice in writing addressed to the competent authority;

(b) is deemed to have been exercised or revoked on the date on which such notice is received;

(c) shall be exercisable, and if exercised, may be revoked on or before the date of the member's discharge from military service:

Provided that His Majesty the Sultan and Yang Di-Pertuan may, if His Majesty the Sultan and Yang Di-Pertuan thinks fit, permit a member to exercise the option at any time between that date and the date on which a pension is granted to him.

(3) For the purposes of this regulation, the date of the final award shall be the date on which a member's pension is granted to him.

(4) If a member who has not exercised the option dies after he has been discharged from military service but before a pension has been finally awarded under these Regulations, His Majesty the Sultan and Yang Di-Pertuan may grant a gratuity and a reduced pension as provided in sub-regulation (1), as if the member before his death had exercised the option.

(5) A member who is paid a reduced pension under sub-regulation (1) shall, if living after the expiration of 15 years from the date of his discharge from military service, be eligible for the full pension as if there had been no reduction.

(6) This regulation does not apply to a person who, for the purposes of regulation 16 is a member by virtue only of sub-regulation (3)*(a)* of that regulation.

PART 4

DEATH BENEFITS

Gratuity where member dies in military service or after his discharge from military service

18. (1) Where a member dies while in military service, His Majesty the Sultan and Yang Di-Pertuan may grant to —

(a) a widow of such member;

(b) a widow and children of such member;

(c) his children; or

(d) if there is no widow or child of such member, his legal personal representatives,

a gratuity of an amount not exceeding such member's annual pensionable emoluments, or his commuted pension gratuity, if any, whichever is the greater.

(2) Where a member is killed in action while in military service, or dies within 7 years as a result of injuries received in action while in military service, His Majesty the Sultan and Yang Di-Pertuan may grant to a widow of such member or to a widow and children of such member or to his children such lump sum payment in accordance with such rate appropriate to the rank of the member as may be determined by His Majesty the Sultan and Yang Di-Pertuan.

(3) Where a former member, who has been granted a pension, gratuity or other allowance under these Regulations, dies after his discharge from military service and the sums paid or payable to him at his death on account of pension, gratuity or other allowance in respect of any military service are less than the amount of the annual pensionable emoluments enjoyed by him at the date of his discharge from military service, His Majesty the Sultan and Yang Di-Pertuan may grant a gratuity equal to the deficiency to —

(a) a widow of such member;

(b) a widow and children of such member;

(c) his children; or,

(d) if there is no widow or child of such member, to his legal personal representatives.

(4) A widow of a deceased member or a widow and children of such member or his children shall receive such proportion of the total amount of any gratuity which may be granted under this regulation as His Majesty the Sultan and Yang Di-Pertuan may direct, either in a particular case or generally.

(5) For the purposes of this regulation —

"annual pensionable emoluments" means the emoluments which would be taken for the purposes of computing any pension or gratuity granted to a member if he had been discharged from military service at the date of his death in the circumstances described in regulation 9(1)*(c)*;

"child" means a child of any age and includes —

(a) a posthumous child;

(b) a step-child or illegitimate child born before the date of the death of a member and wholly or mainly dependent upon him for support; and

(c) an adopted child, adopted in manner recoginsed by law before the date of the death of a member, and dependent upon him for support;

"commuted pension gratuity" means the gratuity, if any, which might have been granted to a member under regulation 17 if he had exercised his option under that regulation and had been discharged from military service on the date of his death;

"widow" means, in the case of a deceased member who was a Muslim, all his lawful wives living at the date of his death.

Derivative pension or gratuity where member dies in military service or after his discharge from military service

19. (1) Where a member dies while in military service, His Majesty the Sultan and Yang Di-Pertuan may, in addition to any grant made under regulation 18, grant to a widow of such member or to a widow and children of such member or to his children, a derivative pension or gratuity appropriate to his case; and where a derivative pension is granted it may be paid for a period not exceeding 15 years with effect from the date immediately following the date of the death of such member.

(2) Where a former member, who has been granted a pension, gratuity or other allowance under these Regulations, dies within a period of 15 years of the date of his discharge from military service, His Majesty the Sultan and Yang Di-Pertuan may grant to a widow of such member or to a widow of such member and his children or to his children, a derivative pension of the same amount as the pension or annual allowance which was paid or payable to such former member on account of his discharge from military service, with effect from the date immediately following the death of such former member, for a period not exceeding the difference between that period of 15

years and the period during which such pension or annual allowance was paid or payable to the former member before the date of his death.

(3) A widow of a deceased member or a widow and children of such member or his children shall receive such proportion of the total derivative pension or gratuity which may be granted under this regulation as His Majesty the Sultan and Yang Di-Pertuan may direct, either in a particular case or generally:

Provided that —

(a) a widow in respect of whom a derivative pension has been granted under this regulation shall cease to be eligible for such a pension upon her re-marriage;

(b) a child in respect of whom a derivative pension has been granted under this regulation shall cease to be eligible for such derivative pension upon attaining the age of 21 years or upon marriage below the age.

(4) For the purposes of this regulation —

"child" means a child who has not attained the age of 21 years, and includes the persons referred to in regulation 18(5)*(b)*(i), (ii) and (iii) who have not attained that age and have not married before attaining that age;

"widow" has the meaning assigned to that word in regulation 18(5)*(d)*.

Pension to dependents when member is killed on duty

20. (1) Where a member dies as a result of injuries received —

(a) in the actual discharge of his duty;

(b) without his own default; and

(c) on account of circumstances specifically attributable to the nature of his duty,

while in military service, His Majesty the Sultan and Yang Di-Pertuan may, in addition to any grant made under regulation 18, grant —

(i) if the deceased member leaves a widow, a pension to her, while unmarried and of good character, at a rate not exceeding ten-sixtieths of his annual pensionable emoluments at the date of the injury or $240 a year whichever is the greater;

(ii) if the deceased member leaves a widow to whom a pension is granted under sub-paragraph (i) and a child or children, a pension in respect of each child, until such child attains the age of 21 years, of an amount not exceeding one-eighth of the pension prescribed under sub-paragraph (i);

(iii) if the deceased member leaves a child or children, but does not leave a widow or no pension is granted to the widow, a pension in respect of each child, until such child attains the age of 21 years, of double the amount prescribed by sub-paragraph (ii);

(iv) if the deceased member leaves a child or children and a widow to whom a pension is granted under sub-paragraph (i), and the widow subsequently dies, a pension in respect of each child as from the death of the widow until such child attains the age of 21 years, of double the amount prescribed in sub-paragraph (ii);

(v) if the deceased member does not leave a widow, or if no pension is granted to his widow, and if his mother was wholly or mainly dependent on him for her support, a pension to the mother, while of good character and without adequate means of support, of an amount not exceeding the pension which might have been granted to his widow;

(vi) if the deceased member does not leave a widow or mother, or if no pension is granted to his widow or mother, and if his father was wholly or mainly dependent on him for his support, a pension to the father, while of good character, of an amount not exceeding the pension which might have been granted to his widow;

(vii) if the deceased member does not leave a child or children who is or are eligible for a pension under the provisions of this regulation, and if any brother or sister was wholly or mainly dependent on him for support, a pension in respect of any such brother or sister of the same amount and subject to the same conditions as the pension which might have been granted in respect of a child under sub-paragraph (ii), (iii) or (iv):

Provided that —

(a) a pension shall not be payable under this paragraph at any time in respect of more than six children;

(b) in the case of a pension granted under sub-paragraph (v), if the mother is a widow at the time of the grant of the pension and subsequently remarries, such pension shall cease as from the date of re-marriage;

(c) a pension granted to a female child under this regulation shall cease upon the marriage of such child under the age of 21 years;

(d) in the case of a pension granted under sub-paragraph (v), (vi) or (vii), if it appears to His Majesty the Sultan and Yang Di-Pertuan at any time that the mother or father, or any brother or sister, is adequately provided with other means of support, such pension shall cease as from such date as His Majesty the Sultan and Yang Di-Pertuan may determine.

(2) For the purposes of this regulation, in relation to a member —

(a) "brother" includes every male child of his father or of his mother;

(b) "child" includes —

(i) a posthumous child ;

(ii) a step-child or illegitimate child born before the date of the injury and wholly or mainly dependent upon him for support; and

(iii) an adopted child, adopted in manner recognised by law, before the date of the injury, and dependent upon him for support;

(c) "father" includes his step-father and a male person by whom he has been adopted;

(d) "mother" includes his step-mother and a female person by whom he has been adopted;

(e) "sister" includes every female child of his father or of his mother:

Provided that each of such widows shall receive only a proportionate part, the amount of which to be decided by the Syariah Courts, of the total pension payable under this regulation to an only widow.

(3) If a member proceeding by a route approved by the competent authority to or from Brunei Darussalam at the commencement or termination of his military service therein, or of a period of leave therefrom, dies as the result of damage to the vessel, aircraft or vehicle in which he is travelling, or of any act of violence directed against such vessel, aircraft or vehicle, and the competent authority is satisfied that such damage or act is attributable to circumstances arising out of any war in which Brunei Darussalam may be engaged, such member is deemed, for the purpose of this regulation, to have died in the circumstances described in sub-regulation (1).

(4) This regulation does not apply in the case of the death of any member whose widow or widow and children or children are eligible to receive an award under regulation 19.

(5) For the purposes of this regulation —

(a) the word "member" and the expression "military service" shall be construed, wherever they occur, as if the word "officer" included an officer serving under agreement with the Government and the word "soldier" included a soldier serving under agreement with the Government;

(b) in relation to a person who, for the purposes of this regulation, is a member by virtue of paragraph *(a)*, the expression "pensionable emoluments" in sub-regulation (1) shall mean the emoluments enjoyed by such person which would have been pensionable emoluments if he had been a member for all the purposes of these Regulations.

PART 5

COMPUTATION OF PENSIONS AND GRATUITIES

General rules as to qualifying military service and pensionable military service

21. (1) Subject to the provisions of these Regulations, qualifying military service shall be the inclusive period between the date on which a member begins to draw pay after attaining the age of 18 years in respect of military service and the date of his leaving military service, without deduction of any period during which he is absent on leave.

(2) Except as provided in regulation 25, no period which is not qualifying military service by virtue of sub-regulation (1) shall be taken into account as pensionable military service.

Continuity of military service

22. (1) Except as otherwise provided in these Regulations, only continuous military service shall be taken into account as qualifying military service or as pensionable military service:

Provided that —

(a) any break in military service caused by temporary suspension of employment not arising from misconduct or voluntary discharge from military service shall be disregarded for the purposes of this paragraph;

(b) any period during which a soldier has been absent from duty while in military service by reason of his —

(i) imprisonment or detention for more than 7 days for any cause, except that of detention while awaiting any trial by a civil court or court-martial which results in his acquittal or discharge;

(ii) desertion;

(iii) absence without leave exceeding 5 days,

shall be taken into account as qualifying military service but such period shall not be taken into account as pensionable military service.

(2) A member —

(a) who was discharged from military service without pension, and has subsequently been re-employed in military service; or

(b) who has completed without pension any period of military service confirmed by the competent authority to be qualifying military service and who has subsequently been re-employed in military service,

may, if His Majesty the Sultan and Yang Di- Pertuan thinks fit, be granted the pension or gratuity for which he would have been eligible if any break in his military service immediately prior to such re-employment had not occurred, such pension to be *in lieu* of —

(i) any pension previously granted to him in respect of previous military service; and

(ii) any gratuity so granted which is required to be refunded as a condition of the application to the member of this regulation,

but additional to any gratuity so granted which is not required to be refunded as mentioned in sub-paragraph (ii).

Leave without pay

23. No period during which a member shall have been absent from duty on leave without pay shall be taken into account as pensionable military service unless such leave shall have been granted on grounds of public policy with the approval of His Majesty the Sultan and Yang Di-Pertuan.

Emoluments to be taken for computing pension or gratuity

24. (1) For the purposes of computing the amount of the pension or gratuity of a member who has had a period of not less than one year's pensionable military service

before his discharge from military service, there shall be taken into account the full annual pensionable emoluments enjoyed by him in respect of the last substantive rank held by him for a period of not less than 12 months at the date of his discharge from military service.

(2) If a soldier is granted a commission and is discharged from military service before completing 5 years service from the date of his commissioning, his pension shall be assessed by taking into account the full annual pensionable emoluments enjoyed by him in the highest substantive non-commissioned rank which he held immediately before such commissioning as if he is discharged from military service as a soldier:

Provided that this service as an officer shall be taken into account as qualifying military service.

(3) For the purposes of computing the amount of the pension or gratuity of a member who has had a period of less than one year's pensionable military service before his discharge from military service —

(a) the average annual pensionable emoluments enjoyed by him in respect of the substantive rank or ranks held by him during such period shall be taken into account;

(b) he is deemed to have been on full pensionable emoluments throughout such period; and

(c) he is deemed to have enjoyed the benefit of any increase due to a revision of pay in the pensionable emoluments of any substantive rank held by him as if such increase had been payable throughout such period.

Pensions as Corporal or Sergeant *[S 46/1989]*

24A. Notwithstanding the provisions of regulation 24, the pension, gratuity or allowance of a member who at the date of his discharge has completed 20 years or more military service shall be calculated as if the member is discharged from military service as —

(a) a Corporal, if on the date of such discharge he holds the rank of a Private or a Lance Corporal;

(b) a Sergeant, if on the date of such discharge he holds the rank of a Corporal, notwithstanding that he holds such rank for less than 12 months;

(c) a Sergeant, if on the date of such discharge he holds the rank of a Sergeant, notwithstanding that he holds such rank for less than 12 months,

and in computing the amount of such pension, gratuity or allowance, there shall be taken into account the full annual emoluments which such member is deemed to have received as Corporal or Sergeant, as the case may be, in the trade or class appropriate to his case.

Previous pensionable civil public service

25. (1) Where any member or other person in respect of such member has become eligible for payment of any award under any provision of these Regulations and the pensionable military service of such member is required to be taken into account in computing such award, then such pensionable military service may, if His Majesty the Sultan and Yang Di-Pertuan thinks fit, be deemed to include any previous pensionable civil public service of such member in respect of which no award has been made to such member or any other person, in respect of such member under the Pensions Act (Chapter 38):

Provided that no previous pensionable civil public service of such member shall be taken into account unless such member has completed not less than 10 years pensionable military service.

(2) In this regulation, "previous pensionable civil public service" means, in relation to a member, the previous service of such member which was, when completed, and continues to be, at the time of such eligibility of such member or other person in respect of such member, qualifying and pensionable service of such member in a pensionable office for the purposes of the Pensions Act (Chapter 38).

PART 6

FEMALE GRADUATE MEMBER

Optional award for female graduate member

26. (1) The provisions of these Regulations do not apply to a female graduate member who gives notice in writing to the competent authority of her desire that the provisions of the Pensions Act (Chapter 38) shall apply to her.

(2) If a female graduate member, who has not given the notice under sub-regulation (1), dies after she has been discharged but before a pension, gratuity or allowance has been awarded, it shall be lawful for His Majesty the Sultan and Yang Di-Pertuan to grant a pension, gratuity or allowance under whichever provisions of these Regulations or the Pensions Act (Chapter 38) as shall confer the greater benefits.

(3) In this regulation, a "female graduate member" means a female member who holds a degree qualification from a university or educational institution recognised by the Government.

PART 7

GENERAL

Award of resettlement grant

27. His Majesty the Sultan and Yang Di-Pertuan may give directions for the award of a resettlement grant to any member who is being discharged from military service.

Gratuities and other allowances for persons not otherwise eligible

28. His Majesty the Sultan and Yang Di-Pertuan may give directions for the payment of gratuities or other allowances to any member on his discharge from military service or upon his death while in military service in respect of such service in the Armed Forces or the Reserve Regiment and who is not eligible for the award of any pension, gratuity or other allowance under the provisions of these Regulations:

Provided that this regulation does not apply to a member serving under agreement with the Government.

Compensation

29. Where any member serving in the Armed Forces or the Reserve Regiment is injured on duty, without negligence on his part, he shall be entitled to reclaim from the Government all hospital charges incurred and may, in addition, be awarded such compensation as His Majesty the Sultan and Yang Di-Pertuan may determine on the recommendations of the Commander based on the findings of a medical board consisting of not less than two registered medical practitioners who shall be appointed by the competent authority.

Delegation

30. His Majesty the Sultan and Yang Di-Pertuan may delegate to any public officer or public body the exercise, subject to such limitations as may be prescribed, of any power or discretion or the discharge of any duty which is required by the provisions of these Regulations to be exercised or discharged by His Majesty the Sultan and Yang Di-Pertuan.

Muslim law

31. The grant or award of a pension, gratuity or other allowance made under these Regulations to the widow, children and other dependents of a deceased member, or of a deceased person who was a member for the purposes of regulation 20, is deemed for the purposes of Muslim law to be gifts from the Government and not *waris* nor shall they be deemed to form any part of the estate of such deceased member or deceased person.