

# **LAWS OF BRUNEI**

## **CHAPTER 18**

### **OLD AGE PENSIONS AND DISABILITY ALLOWANCES**

#### **Enactment No. 10 of 1954**

Amended by

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LAWS OF BRUNEI

REVISED EDITION 2022

CHAPTER 18

OLD AGE PENSIONS AND DISABILITY  
ALLOWANCES

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SCHEDULE

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## OLD AGE PENSIONS AND DISABILITY ALLOWANCES ACT

**An Act to provide for pecuniary benefit by way of old age pensions and allowances for persons suffering from blindness, Hansen’s disease, mental disorder and disability and for their care providers and such other pensions and allowances as prescribed and for all matters incidental thereto**

*[S 29/2021]*

*Commencement: 1st January 1955*

### **Citation**

1. This Act may be cited as the Old Age Pensions and Disability Allowances Act.

*[S 29/2021]*

### **Interpretation**

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

*[S 29/2021]*

“benefit” means the pension and allowance referred to in section 7;

*[S 29/2021]*

“Competent Authority” means the Competent Authority appointed under section 12(4);

*[S 29/2021]*

“Controller” means the Controller of Pensions, and includes any Deputy Controller, appointed under section 3;

“medical practitioner” means a medical practitioner registered under the provisions of the Medical Practitioners and Dentists Act (Chapter 112) and includes a Government Medical Officer or Government Medical Practitioner;

*[S 29/2021]*

“mental disorder” has the same meaning as in the Mental Health Order, 2014 (S 25/2014);

*[S 29/2021]*

“Minister” means the Minister of Culture, Youth and Sports;

“no national status” means the status in which a person is neither a national or citizen of Brunei Darussalam nor a national or citizen of any other State or country;

[S 29/2021]

“old age pension” means the old age pension referred to in section 7(a);

[S 29/2021]

“Pensions Officer” includes the Controller, and any Pensions Officer appointed under section 3;

“Retirement Fund” means the Trust Sub-Fund established by section 4(2)(b) of the Sustainability Fund Act (Chapter 208);

“statutory conditions” means the conditions under which, by virtue of the provisions of this Act and any regulations made thereunder, any person qualifies for any pension or allowance granted in pursuance of this Act.

[S 29/2021]

### **Appointment of Controller of Pensions and other officers**

**3.** (1) His Majesty the Sultan and Yang Di-Pertuan may appoint a Controller of Pensions, a Deputy Controller of Pensions and such Pensions Officers and other officers as he may consider necessary for the carrying out of the provisions of this Act and any regulations or rules made thereunder.

[S 29/2021]

(2) The Deputy Controller and all Pensions Officers and other officers appointed under subsection (1) shall be under the direction of the Controller.

### **Pensions etc. to be charged on Retirement Fund etc.** [S 29/2021]

**4.** (1) There shall be charged on and paid out of the Retirement Fund such sums of money as may from time to time be granted by way of old age pensions in pursuance of this Act.

(2) There shall be charged on and paid out of the Consolidated Fund such sums of money as may from time to time be granted by way of allowances in pursuance of this Act.

**Pensions etc. not of right**

5. No person shall have an absolute right to any pension or allowance granted in pursuance of this Act.

**Receipt of pensions etc. not to affect any other privileges**

6. The receipt of any pension or allowance granted in pursuance of this Act shall not deprive the recipient of any franchise, right or privilege to which he may be entitled, or subject him to any disability.

**Description of pensions and allowances** [S 29/2021]

7. The following pensions and allowances may, in accordance with the regulations contained in the Schedule, be granted in pursuance of this Act —

- (a) old age pensions;
- (b) allowances for the blind;
- (c) allowances for any person suffering from Hansen's disease;
- (d) allowances for mental disorder;
- (e) disability allowances;
- (f) care provider allowances;
- (g) such other pensions and allowances as the Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, prescribe.

**Regulations relating to certain pensions etc.**

8. (1) The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make regulations which are necessary or expedient for giving effect to and carrying out the provisions of this Act, including the prescription of anything required to be prescribed under this Act, and for the due administration thereof.

(2) All regulations made under this section shall have the same force and effect as if they were contained in this Act.

(3) Whenever the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, is satisfied that it is equitable or expedient in

the interests of public faith or good government that any regulations made under this section should have retrospective effect in order to confer a benefit upon or remove a disability attaching to any person, that regulation may be given retrospective effect for that purpose.

### **Pensions etc. not to be assignable**

9. Any pension or allowance granted in pursuance of this Act shall not be assignable, transferable or chargeable except for the purpose of satisfying —  
[S 29/2021]

- (a) a debt due to Government; or
- (b) an order of any competent Court;

and shall not otherwise 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.

### **Pensions etc. to cease upon events**

10. (1) If any person to whom a pension or allowance granted in pursuance of this Act —  
[S 29/2021]

- (a) is adjudicated bankrupt;
- (b) is declared insolvent by judgment of any competent Court;
- (c) is sentenced to a term of imprisonment by any competent Court for any offence; or
- (d) ceases to fulfil any of the statutory conditions qualifying him for the payment of such pension or allowance,

then such pension or allowance shall forthwith cease.

[S 29/2021]

(2) When any person whose pension or allowance has ceased —

- (a) under subsection (1)(a) or (b), obtains his discharge from bankruptcy or insolvency;



(b) under subsection (1)(c), at any time after conviction receives a free pardon or completes the term of imprisonment to which he has been sentenced; or

(c) under subsection (1)(d), subsequently fulfils the statutory conditions qualifying him for the payment of such pension or allowance,

then it shall be lawful for the Controller to direct that the pension or allowance shall be restored as from the date of such discharge, pardon or other event by virtue of which such person may qualify for such pension or allowance, or any later date, and the pension or allowance shall be restored accordingly.

*[S 29/2021]*

11. *(Repealed by S 29/2021).*

**Eligibility conditions for benefit** *[S 29/2021]*

12. (1) No pension or allowance shall be granted or payable in pursuance of this Act unless —

(a) the person to whom such pension or allowance is granted —

(i) is a citizen of Brunei Darussalam;

(ii) is a person who was born in Brunei Darussalam and has no national status; or

(iii) is a permanent resident and has no national status; and

(b) he maintains a physical presence in Brunei Darussalam for 183 days or more within a specified period.

(2) No old age pension shall be granted or payable to any permanent resident who was born outside Brunei Darussalam and has no national status unless he has residence within Brunei Darussalam for a period of at least 20 years immediately preceding the date on which he became eligible for such pension.

(3) For the purposes of this section, physical presence in or residence within Brunei Darussalam shall include any period —

(a) of absence spent in service on board a vessel registered in Brunei Darussalam by a person who before his absence on that service was living in Brunei Darussalam;

(b) spent abroad in any service under the Government, or as the wife or servant of a person in any such service;

(c) spent abroad by any person during which that person has maintained or assisted in maintaining any dependant in Brunei Darussalam;

(d) spent abroad by any person for reasons of health;

(e) spent abroad by any person for the purpose of education.

(4) The Minister of Home Affairs shall, with the approval of His Majesty the Sultan and Yang Di-Pertuan, appoint such person or body of persons as he thinks fit to be the Competent Authority responsible for the certification that a person claiming the benefit has no national status and has physical presence in or residence within Brunei Darussalam for the purposes of subsections (1) and (2) and notice of such appointment shall be published in the *Gazette*.

(5) Any person aggrieved by any decision of the Competent Authority pursuant to the exercise of the function of the Competent Authority under subsection (4) may appeal to the Minister of Home Affairs within 21 days of being notified of such decision, and the decision of the Minister of Home Affairs shall be final.

(6) In this section —

“dependant” means any person who satisfies the Pensions Officer that —

(a) he is a member of the family of any person fulfilling the statutory conditions; and

(b) his requirements are normally mainly provided for by the person fulfilling such statutory conditions;

“specified period” means a period of 12 months commencing from any one of the following —

- (a) from 1st January of the year in which a claim is made;
- (b) from 1st January of the year immediately preceding the year in which a claim is made.”.

### **Determination of claims**

**13.** Every claim for any pension or allowance to be granted in pursuance of this Act, and every question whether —

- (a) in the case of any person claiming such pension or allowance, the statutory conditions are fulfilled;
- (b) in the case of a person in receipt of such pension or allowance, such conditions continue to be fulfilled; or
- (c) any person is disqualified for receiving such pension or allowance,

shall be decided by the Pensions Officer.

### **Appeal from Pensions Officer and others to Controller**

**14.** Any person who is dissatisfied with the exercise of any discretion conferred on any officer other than the Controller by this Act may appeal against such exercise to the Controller, who may make such order in respect thereof as he may consider just.

### **Appeal from Controller to Minister**

**15.** (1) Any person who is dissatisfied with any decision confirmed by, or any order, action or decision of the Controller either as to the carrying out of or the meaning of any of the provisions of this Act or by any order under section 14 may appeal against such order, action or decision to the Minister by sending by registered post a petition, concisely stating the grounds of appeal within 21 days of being notified of such order, action or decision.

[S 29/2021]

(2) *Repealed.*

(3) (a) The Minister may dismiss any appeal, or may affirm, modify, amend or reverse, either wholly or in part, the Controller's order, action or decision appealed against.

(b) Where an order, action or decision is modified, amended or reversed by the Minister, the Controller shall give effect to such order, action or decision as thus modified, amended or reversed.

(c) The decision of the Minister upon any appeal shall be final and shall not be questioned in any court.

### **Powers of Pensions Officers**

**16.** (1) All Pensions Officers are deemed to be public servants for the purposes of the Penal Code (Chapter 22) and shall for the purposes of Chapter X of the Penal Code (Chapter 22) be legally competent to require that any person applying for or in receipt of any pension or allowance to be granted or granted in pursuance of this Act, either for himself or any other person shall —

(a) attend in person or by an agent at a certain time and place in obedience to a notice from such Officer;

(b) produce or deliver up to such Officer any document relating to the statutory conditions to be fulfilled by himself or such other person;

(c) be bound to give such notice or furnish such information as such Officer may require in relation to such pension or allowance;

(d) sign any statement made by him in relation to such pension or allowance.

(2) Every Pensions Officer shall be legally competent to require that any person applying for, or in receipt of any pension or allowance to be granted or granted in pursuance of this Act, shall without expense to such person submit to medical examination by a medical practitioner; and if such person fails to submit himself for such examination, no pension or allowance shall be payable to or in respect of such person unless the Controller is satisfied that there was reasonable cause for the failure:

[S 29/2021]

Provided nevertheless that such person shall be entitled at his own expense to have his own medical practitioner present at the examination.

(3) For the purposes of this Act, all Pensions Officers shall be authorised to take and receive in Brunei Darussalam the declaration of any person making such declaration in the form in the Schedule to the Statutory Declarations Act (Chapter 12).

**Penalty for false statements etc.**

17. Any person who, for the purpose of obtaining or continuing a pension or allowance to be granted or granted in pursuance of this Act, either for himself or any other person, makes any statement which is false, and which he either knows or believes to be false, or does not believe to be true, touching any point material to the grant of such pension or allowance, is guilty of an offence and liable on conviction to a fine of \$5,000 and imprisonment for 6 months.

**Certificate of age to be evidence thereof** [S 29/2021]

18. Any certificate purporting to be under the hand or seal of the Director-General of Medical Services or any Government Medical Officer or Government Medical Practitioner concerning the age of any person claiming or in receipt of any pension or allowance payable in pursuance of this Act shall, for the purposes of this Act and of any proceedings hereunder, be *prima facie* evidence in all courts and before all tribunals of the age of such person.

[S 29/2021]

**Recovery of pensions etc. incorrectly paid**

19. If it is found at any time that any person has been in receipt of a pension or allowance granted in pursuance of this Act to or in respect of any person while the statutory conditions in relation to such pension or allowance were not fulfilled in the case of such person, or while such person was disqualified from receiving the pension or allowance, he, or in event of his death his personal representative, is liable, if the Controller so orders, to repay to the Government any sums granted in respect of such period, and the amount of such sums may be recovered as a debt due to the Government:

Provided that in the case of a personal representative such repayment shall only be made from any sums to which that person becomes entitled as a personal representative.

**Double benefit payable** [S 29/2021]

**20.** Where any person fulfils the statutory conditions relating to —

- (a) the old age pensions; and
- (b) any one of the allowances referred to in section 7(b), (c), (d), (e) and (f),

both benefits shall be payable to that person.

**Sanction necessary for prosecution**

**21.** No prosecution for any offence under section 17 shall be instituted except with the sanction of the Public Prosecutor.

[S 29/2021]

**Grant of pensions etc. not to imply right to citizenship**

**22.** The grant of any pension or allowance under this Act shall not imply any right to citizenship of Brunei Darussalam.

**Rules**

**23.** The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, make rules to provide for all or any of the following matters —

[S 29/2021]

- (a) the form of any certificates, notices, registers and other documents required for the purpose of carrying out this Act;
- (b) the custody of any certificates, notices, registers and other documents connected with the granting of pensions and allowances in pursuance of this Act;
- (c) the rendering of returns by Pensions Officers;
- (d) the hearing of appeals under section 14 and the procedure to be followed thereunder;
- (e) the establishment of committees to advise the Controller and Pensions Officers in the exercise of their powers under this Act;

[S 29/2021]

(f) any other matters as to which the Controller considers it expedient to make rules for carrying into effect the objects of this Act.

**SCHEDULE**

(section 8)

## OLD AGE PENSIONS AND DISABILITY ALLOWANCES REGULATIONS

## ARRANGEMENT OF REGULATIONS

## Regulation

1. Citation
2. *Repealed*
3. Old age pensions
4. Allowances for the blind
5. Rehabilitation allowance for persons suffering from Hansen's disease
6. *Repealed*
7. Allowances for mental disorder
8. Disability allowance
- 8A. Care provider allowances
- 8B. Guidelines to determine whether statutory conditions fulfilled
- 8C. Guidelines to determine persons suffering from blindness etc.
9. No benefit until qualified
10. Pensions etc. to be subject to certain conditions of identification etc.
11. Pensions etc. to be payable monthly in arrear
12. Admission of claims
13. Discretionary powers of His Majesty the Sultan and Yang Di-Pertuan in exceptional circumstances

SCHEDULE — PENSIONS AND ALLOWANCES

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SCHEDULE — *(continued)*

OLD AGE PENSIONS AND DISABILITY ALLOWANCES REGULATIONS

**Citation**

1. These Regulations may be cited as the Old Age Pensions and Disability Allowances Regulations.

*[S 32/2021]*

2. *(Repealed by S 32/2021).*

**Old age pensions** *[S 32/2021]*

3. A pension, to be called an “old age pension”, shall be payable at the rate specified in the Schedule to these Regulations to any person who satisfies the Pensions Officer that —

*(a)* he has attained the age of 60 years; and

*(b)* he fulfils the eligibility conditions set out in section 12.

**Allowances for the blind** *[S 32/2021]*

4. An allowance, to be called an “allowance for the blind”, shall be payable at the rate specified in the Schedule to these Regulations to any person who satisfies the Pensions Officer that —

*(a)* he has been certified by a medical practitioner to be blind in accordance with the guidelines issued under regulation 8C as may be amended from time to time; and

*(b)* he fulfils the eligibility conditions set out in section 12.

**Rehabilitation allowance for persons suffering from Hansen’s disease** *[S 32/2021]*

5. An allowance, to be called a “rehabilitation allowance”, may be paid at the rate specified in the Schedule to these Regulations to any person who satisfies the Pensions Officer that —

*(a)* he has been certified by a Government Medical Officer or Government Medical Practitioner as a person suffering from Hansen’s disease;

*(b)* he is undergoing medical treatment as required by a Government Medical Officer or a Government Medical Practitioner; and

SCHEDULE — *(continued)*

(c) he fulfils the eligibility conditions set out in section 12.

6. *(Repealed by S 32/2021).*

**Allowances for mental disorder** [S 32/2021]

7. An allowance, to be called an “allowance for mental disorder”, shall be payable at the rate specified in the Schedule to these Regulations to, or for the benefit of, any person who satisfies the Pensions Officer that —

(a) he has been certified by a medical practitioner —

- (i) as a person suffering from mental disorder in accordance with the guidelines issued under regulation 8C as may be amended from time to time; and
- (ii) is, under and within the meaning of the provisions of the Mental Health Order, 2014 (S 25/2014), either detained in a psychiatric facility or delivered over to the care and custody of any relative or friend; and

(b) he fulfils the eligibility conditions set out in section 12.

**Disability allowance** [S 32/2021]

8. An allowance, to be called a “disability allowance”, shall be payable at the rate specified in the Schedule to these Regulations to any person who satisfies the Pensions Officer that —

(a) he has been certified by a medical practitioner —

- (i) as a person suffering from disability in accordance with the guidelines issued under regulation 8C as may be amended from time to time; and
- (ii) that he is likely to be subject to such disability for a considerable period; and

(b) he fulfils the eligibility conditions set out in section 12.

**Care provider allowances** [S 32/2021]

8A. (1) An allowance, to be called “care provider allowance”, shall be payable at the rate specified in the Schedule to these Regulations to, or for the benefit of, any person who satisfies the Pensions Officer that —

SCHEDULE — *(continued)*

(a) he is a recipient of any of the following allowances —

- (i) allowance for the blind;
- (ii) rehabilitation allowance;
- (iii) allowance for mental disorder;
- (iv) disability allowance; and

(b) there exists a need for him to have a care provider.

(2) For the avoidance of doubt, the care provider allowance shall be payable for only one care provider of each recipient of any of the allowances mentioned in sub-regulation (1).

(3) A person is eligible to be a care provider if he is at least 16 years of age and has been determined by the Controller to be a fit person to receive the care provider allowance.

(4) In this regulation —

“care provider” means a person who provides care and support to a recipient of any of the allowances mentioned in sub-regulation (1);

“fit person” means a person whom the Controller, having regard to the character of the person, thinks competent to provide care and support to the recipient of any of the allowances mentioned in sub-regulation (1).

**Guidelines to determine whether statutory conditions fulfilled** [S 32/2021]

**8B.** (1) For the purposes of these Regulations, the Controller shall issue guidelines to determine whether the statutory conditions are fulfilled.

(2) The Controller may, from time to time, amend the guidelines as he may think fit.

**Guidelines to determine persons suffering from blindness etc.** [S 32/2021]

**8C.** (1) For the purposes of regulations 4, 7 and 8, the Director-General of Medical Services shall issue guidelines relating to the criteria on the determination of persons suffering from blindness, mental disorder or disability, respectively.

(2) The Director-General of Medical Services may, from time to time, amend the guidelines as he may think fit.

SCHEDULE — *(continued)***No benefit until qualified**

9. No person shall draw any pension or allowance in respect of any period prior to the date upon which he fulfilled the statutory conditions.

**Pensions etc. to be subject to certain conditions of identification etc.**

10. Every payment of any pension or allowance payable under these Regulations shall be subject to such conditions relating to —

- (a) the identification of the recipient; and
- (b) the fulfilment of the statutory conditions,

as the Controller may direct.

[S 32/2021]

**Pensions etc. to be payable monthly in arrear**

11. Pensions and allowances payable under these Regulations shall, unless the Controller otherwise directs, be payable before the last day of the month for which they are due:

Provided nevertheless that whenever any person ceases to fulfil the statutory conditions relating to any pension or allowance, otherwise than death —

- (a) on or before the fifteenth day of any month, one half of such pension or allowance may be payable hereunder; or
- (b) after the fifteenth day of any month, the whole of such pension or allowance may be payable hereunder.

**Admission of claims**

12. No payment of any pension or allowance payable under these Regulations shall be made unless and until a valid claim has been established thereto at such frequency as the Controller may determine; and no claim shall be admitted in relation to any period in excess of the period of 3 months immediately preceding the date of the making of such claim.

[S 32/2021]

SCHEDULE — *(continued)*

**Discretionary powers of His Majesty the Sultan and Yang Di-Pertuan in exceptional circumstances** [S 32/2021]

13. His Majesty the Sultan and Yang Di-Pertuan may, in his absolute discretion and without assigning any reason therefor, direct that any pension or allowance payable to any person under these Regulations shall not be payable to such person.

[S 32/2021]

## SCHEDULE

[S 32/2021]

(regulations 3, 4, 5, 6, 7, 8 and 8A)

## PENSIONS AND ALLOWANCES

	<i>Pension or allowance</i>	<i>Rate per month</i>
1.	Old age pension	\$250
2.	Allowance for the blind —	
	(a) in respect of persons below the age of 15 years	\$150
	(b) in respect of persons who have attained the age of 15 years	\$250
3.	Allowance for mental disorder —	
	(a) in respect of persons below the age of 15 years	\$150
	(b) in respect of persons who have attained the age of 15 years	\$250
4.	Rehabilitation allowance —	
	(a) in respect of persons below the age of 15 years	\$150
	(b) in respect of persons who have attained the age of 15 years	\$250
5.	Disability allowance —	
	(a) in respect of persons below the age of 15 years	\$150
	(b) in respect of persons who have attained the age of 15 years	\$250
6.	Care provider allowance	\$250.