

No. S 29

**CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))**

TABUNG AMANAH PEKERJA ACT (AMENDMENT) (NO. 2) ORDER, 2014

ARRANGEMENT OF SECTIONS

Section

1. Citation and commencement.
 2. Amendment of section 4 of Chapter 167.
 3. Insertion of new section 5A.
 4. Addition of new Schedule.
-

CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

TABUNG AMANAH PEKERJA ACT (AMENDMENT) (NO. 2) ORDER, 2014

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation and commencement.

1. This Order may be cited as the Tabung Amanah Pekerja Act (Amendment) (No. 2) Order, 2014 and shall commence on 1st April 2014.

Amendment of section 4 of Chapter 167.

2. Section 4 of the Tabung Amanah Pekerja Act, in this Order referred to as the Act, is amended, in subsection (9), by deleting “prescribed” from the third line and by substituting “declared” therefor.

Insertion of new section 5A.

3. The Act is amended by inserting the following new section immediately after section 5 —

“Transfer of functions, property etc.

5A. The provisions of the Schedule shall have effect for the purpose of the transfer to the Board of functions, property and for other transitional purposes specified in the Schedule.”.

Addition of new Schedule.

4. The Act is amended by adding the following new Schedule —

“SCHEDULE

(section 5A)

TRANSFER OF FUNCTIONS, PROPERTY ETC. TO BOARD

Dissolution of Supplemental Contributory Pensions Board.

1. On 1st April 2014, the Supplemental Contributory Pensions Board shall be dissolved.

Power of Board to exercise functions and powers under S 58/2009.

2. (1) On 1st April 2014, the Board shall, in addition to its powers, duties and functions set out in this Act, exercise all the powers and perform all the functions and duties conferred or imposed on the Supplemental Contributory Pensions Board under the Supplemental Contributory Pensions Order, 2009 (S 58/2009).

(2) Any decision made by the Supplemental Contributory Pensions Board or any other person authorised under the Supplemental Contributory Pensions Order, 2009 (S 58/2009) before 1st April 2014 shall be deemed to be a decision by the Board.

(3) Any permission, consent, approval or authorisation granted by the Supplemental Contributory Pensions Board or any other person authorised under the Supplemental Contributory Pensions Order, 2009 (S 58/2009) before 1st April 2014 shall, so far as it is not inconsistent with any provision of this Act, be deemed to be a permission, consent, approval or authorisation granted by the Board.

(4) Any certificate, notice, order, direction or declaration issued or made by the Supplemental Contributory Pensions Board or any other person authorised under the Supplemental Contributory Pensions Order, 2009 (S 58/2009) before 1st April 2014 shall be deemed to be a certificate, notice, order, direction or declaration issued or made by the Board or an officer of the Board.

(5) Where in any document made before 1st April 2014 in connection with or related to the Supplemental Contributory Pensions Order, 2009 (S 58/2009), any reference is made to the Supplemental Contributory Pensions Board, such reference shall, as from 1st April 2014, be read as the Lembaga Tabung Amanah Pekerja.

(6) The Minister may, by order published in the *Gazette*, make such other savings or transitional provisions which appear to him to be necessary or expedient for the purposes of this paragraph.

Transfer of property, assets and liabilities.

3. (1) On 1st April 2014, all property vested in the Supplemental Contributory Pensions Board and all assets, rights, interests, privileges, liabilities and obligations of the Supplemental Contributory Pensions Board shall be transferred to and vested in the Board without further assurance.

(2) If any question arises as to whether any particular property, asset, right, interest, privilege, liability or obligation has been transferred to or vested in the Board under sub-paragraph (1), a certificate under the hand of the Minister shall be conclusive evidence that the property, asset, right, interest, privilege, liability or obligation was or was not so transferred or vested.

Transfer of employees.

4. (1) On 1st April 2014, all persons employed immediately before that date by the Supplemental Contributory Pensions Board shall be transferred to the service of the Board on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) Until such time as the scheme and terms and conditions of service are drawn up by the Board, the scheme and terms and conditions of service in the Supplemental Contributory Pensions Board shall continue to apply to every person transferred to the service of the Board under sub-paragraph (1) as if he were still in the service of the Supplemental Contributory Pensions Board.

Existing contracts, agreements etc.

5. All contracts deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before 1st April 2014 to which the Supplemental Contributory Pensions Board or any person acting on its behalf, is a party and relating to —

(a) any property, assets, rights, interests, privileges, liabilities or obligations transferred to or vested in the Board under paragraph 3(1); or

(b) any employee of the Supplemental Contributory Pensions Board transferred to the service of the Board under paragraph 4(1),

shall continue in force on and after that date and shall be enforceable by or against the Board as if, instead of the Supplemental Contributory Pensions Board or a person acting on behalf of the Supplemental Contributory Pensions Board, the Board had been named therein or had been a party thereto.

Pending proceedings.

6. Any proceedings or cause of action pending or existing immediately before 1st April 2014 by or against the Supplemental Contributory Pensions Board or any person acting on behalf of the Supplemental Contributory Pensions Board may be continued and shall be enforced by or against the Board.”.

Made this 6th. day of Sya'aban, 1435 Hijriah corresponding to the 4th. day of June, 2014 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM