

No. S 9

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

EMPLOYEE TRUST ACT (AMENDMENT) ORDER, 2024

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EMPLOYEE TRUST ACT (AMENDMENT) ORDER, 2024

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 Employee Trust Act (Amendment) Order, 2024 and shall be deemed to have commenced on 16th July 2012.

Amendment of section 2 of Chapter 167

2. Section 2 of the Employee Trust Act, in this Order referred to as the Act, is amended —

(a) by inserting the following new definition immediately before "Board" —

" "approved scheme" means a scheme established or approved by the Minister under section 15B;"

(b) in the definition of "member", by inserting ", or for whom any account in the Trust is maintained for any purposes of this Act" immediately after "Trust" where it appears the second time.

Insertion of new section 15A

3. The Act is amended by inserting the following new section immediately after section 15 —

"Voluntary contributions

15A. (1) Notwithstanding anything in this Act but subject to such conditions as the Board may impose —

(a) any member may, in respect of whom no contribution is required to be paid under this Act, contribute voluntarily to the Trust in such manner and at such rate as the Minister may direct;

(b) the Board shall credit every contribution received under paragraph (a) into an ordinary account in such manner as the Minister may direct; and

(c) the Minister may give different directions in respect of different classes of members.

(2) The Board may continue to receive such voluntary contributions unless and until the member notifies or indicates his intention not to continue his contributions."

Insertion of new Part 2A

4. The Act is amended by inserting the following new Part immediately after section 15A —

"PART 2A

APPROVED SCHEME

Board to maintain approved scheme

15B. (1) For the purposes of the Trust, the Board may maintain an approved scheme as may be established or approved by the Minister for the benefit of any person who qualifies under such scheme.

(2) The Board shall credit any payment received under an approved scheme into an ordinary account as the Minister may direct.

(3) Any payment paid into the Trust in accordance with the terms of an approved scheme is deemed to be contributions for the purposes of this Act.

(4) The Board may, on application by a member of the Trust who has participated in an approved scheme and is eligible to make a withdrawal under the terms of such scheme, authorise payment of the whole or part of an amount, together with any dividend credited thereon and in such manner, as provided under those terms."

Amendment of section 17

5. Section 17 of the Act is amended —

(a) in subsection (1), by deleting paragraph (d) and by substituting the following new paragraph therefor —

"(d) lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain;"

(b) in subsection (4), in the proviso, by deleting paragraph *(b)* and by substituting the following new paragraph therefor —

"(b) where a member of the Trust withdraws under subsection (1)(d) and he is subsequently engaged in any employment, he may elect to pay monthly contributions to the Trust;".

Amendment of section 19

6. Section 19 of the Act is amended —

(a) in paragraph *(b)*, by deleting "together with any dividend credited thereon," from the last two lines;

(b) by deleting "together with dividend credited thereon" from the third last line and penultimate line.

Insertion of new section 19A

7. The Act is amended by inserting the following new section immediately after section 19 —

"Withdrawal by pensionable employees

19A. The Board may, after receiving a notification under section 19 —

(a) return to the pensionable employee his share of contributions paid to the Trust without any dividend credited thereon; and

(b) return to the employer the equivalent of the employer's share of contributions remitted to the Trust in respect of the pensionable employee."

Insertion of new section 20A

8. The Act is amended by inserting the following new section immediately after section 20 —

"Non-withdrawal by member

20A. Where a member who has attained the age of 55 years has not made any application for withdrawal under section 20 and continues to pay monthly contribution to the Trust, the member shall be treated as making voluntary contributions under section 15A."

Amendment of section 26

9. Section 26 of the Act is amended by deleting "may" from the fourth line and by substituting "shall" therefor.

Amendment of section 38

10. Section 38 of the Act is amended, in subsection (1), by deleting paragraph (a) and by substituting the following new paragraph therefor —

"(a) to provide for the manner of payment and collections of contributions and any matter incidental thereto, including by electronics or other means;".

Made this 11th. day of Rejab, 1445 Hijriah corresponding to the 23rd. day of January, 2024 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

**HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN,
BRUNEI DARUSSALAM.**