



BAHAGIAN PERUNDANGAN & PENDAKWAAN

**EMPLOYEES' SOCIAL SECURITY ACT 1969 [ACT 4]  
P.U.(A) 53/76  
EMPLOYEES' SOCIAL SECURITY (SOCIAL SECURITY APPELLATE BOARD  
PROCEDURE) REGULATIONS, 1976.**

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**P.U.(A) 53/76 EMPLOYEES' SOCIAL SECURITY (SOCIAL SECURITY APPELLATE BOARD PROCEDURE) REGULATIONS, 1976.**

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**Preamble**

IN exercise of the powers conferred by section 105 (2) of the Employees' Social Security Act, 1969 [Act 4], the Minister hereby makes the following regulations:

**1. Citation.**

These regulations may be cited as the **Employees' Social Security (Social Security Appellate Board Procedure) Regulations, 1976.**

**2. Interpretation.**

(1) In these regulations, unless the context otherwise requires-

"Act" means the Employees' Social Security Act, 1969;

"assessors" means assessors of the Board nominated under section 83;

"Board" means any Social Security Appellate Board constituted under section 83;

"Chairman" means the Chairman of the Board;

"Headquarters of the Organisation" means the head office of the Social Security Organisation in the State or States or area or areas specified under section 83;

"Organisation" means the Social Security Organisation;

"Reference Record" means the documents compiled under regulation 8;

"section" means a section of the Act;

"witness" means any person who testifies in proceedings under these regulations.



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(2) A form referred to by alphabet in these regulations means the form so marked in the Schedule hereto, provided that the notes to the form shall not be deemed to be part thereof, but the form shall be completed in conformity with the notes:

Provided further that a form may be modified to suit particular circumstances.

**3. Form of application to Board and fee payable.**

(1) An application to the Board to decide any question, dispute, claim or other matter in respect of which the Board may adjudicate under section 84 shall be in Form A.

(2) The application shall be prepared by the applicant and seven copies of it shall be filed at the office of the Chairman of the Board constituted for the State or States or area or areas wherein the subject matter of the application arose:

Provided that where the application is made by a person other than the Organisation, such application may be lodged with the Director General of the Organisation who shall then forward the application to the office of the Chairman of the Board concerned.

(3) Any application shall be accompanied by a fee of two ringgit paid by means of stamps on praecipe.

**4. Acknowledgment and service of application.**

(1) On receipt of the application in Form A, the Chairman shall-

(a) cause a copy of the application to be returned to the applicant, duly acknowledged;  
and

(b) cause another copy of the application to be served on the respondent.

(2) The practice of a Sessions Court in West Malaysia or the Court of a Magistrate of the First Class in East Malaysia as to substituted service of summonses and notices shall apply to service of applications, notices and Reference Records under these regulations where personal service cannot be effected.



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(3) An application for substituted service may be made orally to the Chairman who may, after calling for such evidence as he shall see fit, make an order for substituted service as in Form B.

**5. Defence.**

(1) At the time that the copy of the application is served on the respondent, the Chairman shall notify him in Form C that he may file a written statement of defence within ten days of the service of the application and notice on him.

(2) The defence shall be filed in Form D and the respondent shall cause a copy thereof to be served on the applicant.

**6. Service.**

Any form or other process required to be served under these regulations may be served by an employee of the Organisation or by such other person as the Chairman may permit.

**7. Reference Record.**

(1) The organisation shall prepare a Reference Record which shall consist of certified true copies of the following:

- (a) the application in Form A;
- (b) the respondent's written statement of defence, if any, in Form D;
- (c) a statement of the facts of the case by the Organisation;
- (d) other relevant documents, if any.

(2) The Organisation shall provide the Chairman, the assessors and the parties to the application with a copy each of the Reference Record at least ten clear days before the date of hearing of the application.



## **8. Institution of application.**

(1) Any application shall be instituted in and heard by the Board appointed for the area in which the insured person was working at the time the question, dispute or claim which is the subject-matter of the application arose.

(2) Nothing in paragraph (1) shall affect the power of the Minister by virtue of section 85 (2) to transfer any application or any matter pending before any Board in a State or area to any such Board in another State or area.

(3) The Board to which any application or any matter is transferred shall continue the proceedings as if they had been originally instituted in it.

## **9. Notice of hearing of application.**

(1) The Board shall notify the applicant and the respondent of the date, time and place of hearing of the application.

(2) The notice to the applicant and to the respondent shall be in Form E and Form F respectively.

(3) The forms shall be signed by the Chairman and he shall cause them to be served on the applicant and the respondent in accordance with the provisions of regulation 4 at least ten clear days before the hearing of the application.

(4) The Board may summon such witnesses as appear to be necessary to attend before it either of its own motion or on the application of the parties concerned.

(5) A summons to a witness shall be in Form G and shall be served on him personally.

## **10. Place of hearing.**

All applications shall be heard at the Headquarters of the Organisation for the area concerned: Provided that the Chairman may, in his discretion, direct that the hearing be held at some other appropriate place according to the convenience of the Board, the parties to the application and witnesses.



## 11. Practice and procedure.

Subject to the provisions of the Act and these regulations, the following practice and procedure shall apply in relation to the hearing of an application by the Board:

- (a) the hearing shall be held on the date and at the time and place specified in the notice of hearing;
- (b) the Board shall keep or cause to be kept a record of the proceedings before it;
- (c) at the commencement of the hearing, the names, places of abode and other particulars of the parties to the application shall be entered in the record and if any of the parties is represented by any legal practitioner or by any person authorised under section 88, the name of such legal practitioner or such authorised person shall be entered in the record;
- (d) the Board shall then call upon the applicant to state his case and to adduce such evidence, oral or written, as seems relevant to the Board and oaths may be administered on the direction of the Board for this purpose;
- (e) the Board shall then call upon the respondent to state his defence and to adduce such evidence, oral or written, as seems relevant to the Board and oaths may be administered on the direction of the Board for this purpose;
- (f) each party to the proceedings shall have the right to examine witnesses produced by the adverse party;
- (g) the provisions of law relating to evidence shall not apply to proceedings before the Board;
- (h) the Board may put any question which in its opinion is relevant to the case to any witness at any stage of the proceedings before it;
- (i) if any written statement or documentary evidence is tendered during the proceedings it shall be marked as an exhibit and form part of the record;



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(j) the Board may record or cause to be recorded any oral evidence in narrative form unless the Board considers it expedient that all or part of such oral evidence be recorded by way of question and answer;

(k) when both parties have closed their cases, the Board may permit each party to address it with respect to all matters raised in the proceedings;

(l) at the conclusion of the hearing the Board shall either-

(i) pronounce its decision through the Chairman; or

(ii) reserve its decision to be delivered at a date to be fixed, and the Chairman shall, in either case, state concisely the grounds for the decision of the Board.

### **12. Procedure when parties absent.**

(1) If on the date of hearing of the application or at any adjournment thereof the applicant does not appear, the application shall be dismissed.

(2) If on the date of hearing of the application or at any adjournment thereof the respondent does not appear, the Board shall proceed with the hearing in his absence and make a decision thereon.

(3) Notwithstanding paragraphs (1) and (2) of this regulations, the Board may at any stage order that the hearing of the application be adjourned to a later date if such a course appears to it to be necessary and the Board may further make such order as to costs as it may think just.

### **13. Powers of the Board in proceedings.**

For the purposes set out in section 87, the Board shall adopt, with such modification or variation as may be necessary, the appropriate provisions applicable in proceedings of a civil nature in a Sessions Court in West Malaysia or the Court of a Magistrate of the First Class in East Malaysia.





#### **14. Seal of the Board.**

(1) The Board shall have a common seal which shall bear such device as the Board may approve and such seal may from time to time be broken, altered or made anew as the Board shall think fit.

(2) Until a seal is provided by the Board under this regulation a circular stamp, bearing the words "SOCIAL SECURITY APPELLATE BOARD" with the name of the area or areas or State or States for which the Board is constituted may be used as a common seal.

#### **15. Process to bear seal.**

Any form or other process issued under the hand of the Chairman shall bear the seal of the Board at the place so signified.

#### **16. Reference to High Court.**

(1) The Board may submit any question of law for the decision of the High Court and if the Board so does, it shall decide the question pending before it in accordance with such decision.

(2) The question submitted for the decision of the High Court shall be in Form H.

#### **17. Appeal only on question of law.**

(1) There shall be no appeal to the High Court from an order of the Board unless the order involves a substantial question of law.

(2) The notice of appeal shall be filed with the Board in Form I within sixty days from the day on which the order was made.

(3) Subject to paragraph (2) of this regulation-

(a) in the case of West Malaysia the provisions of Order XXXIX of the Subordinate Court Rules, 1950 [*L.N.339 / 50.*], and



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(b) in the case of East Malaysia the provisions of the Magistrates' Courts (Civil Appeals) Rules [*Sabah G.N.S. 129 / 51., Swk. G.N.S. 33 of 1952.*]

shall apply, with such modifications as may be necessary, to an appeal from the order of the Board to the High Court.

**18. Applicability of provisions relating to Sessions and Magistrates' Courts.**

Where it is not provided for otherwise by the Act or these regulations-

(a) the Board may regulate its proceedings having regard to the rules applicable in a Sessions Court in West Malaysia [*L.N.339 / 50.*] or the Court of a Magistrate of the First Class in East Malaysia [*Sabah G.N.S. 127 / 51; 128 / 51; 129 / 51.Swk. G.N.S. 33 of 1952; 74 of 1955; 25 of 1956; 59 of 1956; 32 of 1952; 7 of 1957; 90 of 1958.*] in any civil cause or matter; and

(b) forms which are in use in the courts mentioned in paragraph (a) may be used with modifications in proceedings before the Board.



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(Regulation 2 (2))

EMPLOYEES' SOCIAL SECURITY (SOCIAL SECURITY APPELLATE BOARD PROCEDURE) REGULATIONS, 1976

FORM A

(Regulation 3 (1))

In the Social Security Appellate Board for ..... (1)
at..... (2) Application No .....(3) of 19 ..... (3)

BETWEEN

..... Applicant
residing (or having his place of business or
employed) at ..... (4)

AND

..... Respondent
residing (or having his place of business or
employed) at .....(4)

APPLICATION

WHEREAS a \*question / dispute / claim has arisen under the Employees' Social Security Act, 1969, out of the following circumstances:(5)

AND WHEREAS the Applicant seeks:(6)

NOW THEREFORE the aforesaid \*question / dispute / claim is hereby submitted to the Social Security Appellate Board for its decision and order consequent thereon.

Dated this ..... day of ....., 19 .....

.....
Applicant

\*Delete appropriately.

NOTES:

- (1) Specify area.
(2) Specify place.
(3) Leave blank, for completion of particulars of Application by Board.
(4) Insert full address.
(5) Set out briefly the circumstances of the \*question / dispute / claim in numbered paragraphs.
(6) Set out the relief or order sought in numbered paragraphs.



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EMPLOYEES' SOCIAL SECURITY (SOCIAL SECURITY APPELLATE BOARD PROCEDURE) REGULATIONS, 1976

FORM B

(Regulation 4 (3))

In the Social Security Appellate Board for ..... (1) at ..... (2) Application No .....(3) of 19 ..... (3)

BETWEEN

..... Applicant residing (or having his place of business or employed) at ..... (4)

AND

..... Respondent residing (or having his place of business or employed) at .....(4)

ORDER FOR SUBSTITUTED SERVICE

Application by ..... (5) for an order that ..... (6) Other parties appearing, if any ..... Evidence taken \*orally / by affidavit of ..... Order made.....

Dated this ..... day of ....., 19 .....

(L.S.)

..... Chairman, Social Security Appellate Board

\*Delete appropriately.

NOTES:

- (1) Specify area. (2) Specify place. (3) Insert particulars of Application. (4) Insert full address. (5) Insert name of Applicant for order. (6) Specify directions as to service.



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FORM C

Regulation 5 (1)

In the Social Security Appellate Board for ..... (1)
at ..... (2) Application No .....(3) of 19 ..... (3)

BETWEEN

..... Applicant
residing (or having his place of business or
employed) at ..... (4)

AND

..... Respondent
residing (or having his place of business or
employed) at .....(4)

NOTICE TO FILE DEFENCE

To .....(5) the above-named Respondent.

TAKE NOTICE that an Application has been made to this Board seeking
..... (6)

AND TAKE NOTICE that if you desire to contest the said Application, you must file in the office of the
Board at .....(2) seven copies of a written statement of defence in Form
D within ten days of the service of the Application in Form A and of this notice on you and you must
further cause to be served a copy of the said statement of defence on the Applicant above-named.

Dated this ..... day of ....., 19.....

(L.S.)

.....
Chairman,
Social Security Appellate Board

NOTES:

- (1) Specify area.
(2) Specify place.
(3) Insert particulars of Application.
(4) Insert full address.
(5) Insert name of Respondent.
(6) Set out briefly the relief or order sought.



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FORM D

Regulation 5 (2)

In the Social Security Appellate Board for ..... (1) at ..... (2) Application No .....(3) of 19 ..... (3)

BETWEEN

..... Applicant residing (or having his place of business or employed) at ..... (4)

AND

..... Respondent residing (or having his place of business or employed) at .....(4)

STATEMENT OF DEFENCE

- 1. (The Respondent admits ..... (5))
2. (The Respondent denies .....(5))
3. (The Respondent will contend .....(6))

Dated this ..... day of ....., 19 .....

..... Respondent

NOTES:

- (1) Specify area.
(2) Specify place.
(3) Insert particulars of Application.
(4) Insert full address.
(5) The Respondent should first admit or deny specifically every material allegation of fact in the application.
(6) The Respondent should then set out any other matters whereon he relies.



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FORM E

Regulation 9 (2)

In the Social Security Appellate Board for ..... (1)
at ..... (2) Application No .....(3) of 19 ..... (3)

BETWEEN

..... Applicant
residing (or having his place of business or
employed) at ..... (4)

AND

..... Respondent
residing (or having his place of business or
employed) at .....(4)

NOTICE OF HEARING TO APPLICANT

To ..... (5) the above-named Applicant.

TAKE NOTICE that the Social Security Appellate Board constituted under the Employees' Social Security Act, 1969 will proceed with the hearing of the Application in this matter at .....(6) on the .....day of ....., 19..... at the hour of .....o'clock in the .....noon.

Dated this ..... day of ....., 19.....

(L.S.)

.....
Chairman,
Social Security Appellate Board

NOTES:

- (1) Specify area.
(2) Specify place.
(3) Insert particulars of Application.
(4) Insert full address.
(5) Name of Applicant.
(6) Insert particulars.



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FORM F

Regulation 9 (2)

In the Social Security Appellate Board for ..... (1)
at ..... (2) Application No .....(3) of 19 ..... (3)

BETWEEN

..... Applicant
residing (or having his place of business or
employed) at ..... (4)

AND

..... Respondent
residing (or having his place of business or
employed) at .....(4)

NOTICE OF HEARING TO RESPONDENT

To .....(5), the above-named Respondent.

TAKE NOTICE that the Social Security Appellate Board constituted under the Employees' Social Security Act, 1969 will proceed with the hearing of the Application in this matter at .....(6) on the .....day of .....,19.....at the hour of .....o'clock in the .....noon.

AND TAKE NOTICE that if you do not attend before the Board at the time and place above-mentioned in accordance with the provisions of section 88 of the said Act, such order or decision may be made thereon and proceedings taken as the Board may consider just and expedient.

Dated this..... day of ....., 19 .....

(L.S.)

.....
Chairman,
Social Security Appellate Board

NOTES:

- (1) Specify area.
(2) Specify place.
(3) Insert particulars of Application.
(4) Insert full address.
(5) Insert name of Respondent.
(6) Insert particulars.





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FORM G

Regulation 9 (5)

In the Social Security Appellate Board for ..... (1)  
at ..... (2) Application No .....(3) of 19 ..... (3)

BETWEEN

..... Applicant  
residing (or having his place of business or  
employed) at ..... (4)

AND

..... Respondent  
residing (or having his place of business or  
employed) at .....(4)

*SUBPOENA TO GIVE EVIDENCE*

To .....(5)  
of .....(6)

You are hereby commanded personally to attend before the above-named Board sitting at .....(7)  
at.....o'clock in the .....noon on the .....day of .....19  
.....to give evidence on ehalf of the \*Applicant / Respondent above-named and there to remain  
during the hearing of the above-mentioned pplication or until you have the leave of the Board to depart.

((8) And also to bring with you before the Board the following document(s), namely:  
.....  
.....)

Wilful failure to comply with this order may be treated as a contempt of court.

Dated this ..... day of ....., 19 .....

(L.S.)

.....  
*Chairman,  
Social Security Appellate Board*

\*Delete appropriately.

NOTES:

- (1) Specify area.
- (2) Specify place.
- (3) Insert particulars of Application.
- (4) Insert full address.
- (5) Insert name of witness.
- (6) Insert full address of witness.
- (7) Leave blank, for completion of particulars by Board.
- (8) Omit, if no documents are to be brought.



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FORM H

Regulation 16 (2)

In the Social Security Appellate Board for ..... (1)
at ..... (2) Application No .....(3) of 19 ..... (3)

BETWEEN

..... Applicant
residing (or having his place of business or
employed) at ..... (4)

AND

..... Respondent
residing (or having his place of business or
employed) at .....(4)

In the High Court in \*Malaya / Borneo at .....(2)
Reference No.....(3) of 19 .....(3) In the matter of the Employees' Social
Security Act, 1969.

BETWEEN

..... Applicant
residing (or having his place of business or
employed) at ..... (4)

AND

..... Respondent
residing (or having his place of business or
employed) at .....(4)

CASE REFERRED

THIS is a special case submitted for the decision of the High Court pursuant to section 90 of the
Employees' Social Security Act, 1969:(5)

THE question of law for the decision of the High Court is:(6)

Dated this ..... day of....., 19.....

(L.S.)

Chairman,
Social Security Appellate Board

\*Delete appropriately.

NOTES:

- (1) Specify area.
(2) Specify place.
(3) Particulars of Application / Reference for completion by Board / Court.
(4) Insert full address.
(5) State the matters giving rise to the question of law submitted.
(6) State the question of law to be decided.



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FORM I

Regulation 17 (2)

In the Social Security Appellate Board for ..... (1)
at ..... (2) Application No .....(3) of 19 ..... (3)

BETWEEN

..... Appellant
residing (or having his place of business or (\* Applicant /
employed) at..... (4) Respondent)

AND

..... Respondent
residing (or having his place of business or
employed) at .....(4)

NOTICE OF APPEAL

TAKE NOTICE that .....(5) being dissatisfied with the order of the Social
Security Appellate Board for .....(1) sitting at..... (2)
given on the ..... day of ....., 19.....,appeals
to the High Court in

\*Malaya / Borneo at .....(2) against \* either the whole of the said order
or such part of the said order

as decides that : (6)
.....
.....

Dated this ..... day of ....., 19 .....

Appellant

To the Social Security Appellate Board for .....(1)
at .....(2) and to .....(7)

\*Delete appropriately.

NOTES:

- (1) Specify area.
(2) Specify place.
(3) Insert particulars of Application.
(4) Insert full address.
(5) Insert name of Appellant.
(6) Set out details.
(7) Insert name and address of Respondent.

Made this 9th day of February, 1976.
[KB. & TR. Sulit 76 / 65 / 10 Pt. I; PN. (PU2) 58 Pt.III.]

DATUK LEE SAN CHOON,
Minister of Labour and Manpower