

**EMPLOYEE TRUST ACT**  
**(CHAPTER 167)**  
**EMPLOYEE TRUST RULES**

**S 10/1999**  
Amended by  
S 7/2010  
S 7/2013  
S 30/2015  
S 2/2016

**REVISED EDITION 2019**



**SUBSIDIARY LEGISLATION**

**EMPLOYEE TRUST RULES**

**ARRANGEMENT OF RULES**

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**SUBSIDIARY LEGISLATION****Rules made under section 38(2)****EMPLOYEE TRUST RULES**

*Commencement: 13th March 1999*

## PART 1

## PRELIMINARY

**Citation**

1. These Rules may be cited as the Employee Trust Rules.

**Interpretation**

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

“approved bank” means a bank which has been approved by the Board to receive contribution payments for the purposes of rule 10;

“approved computer programme” means a computer programme which has been either designed and approved, or approved, by the Board.

## PART 2

## REGISTRATION OF EMPLOYERS

**Registration of employers**

3. (1) Every employer shall, before the end of the first week in the first month in which he is paying wages in respect of which he is required to pay contributions under the Act or regulations under the Act, register with the Board by submitting to the Board in such form and manner as the Board may determine.

*[S 7/2013]*

- (2) Any employer who contravenes the provisions of subrule (1) is guilty of an offence.

- (3) Where any person ceases to be an employer, within the meaning of the Act, he shall, within 30 days of such cesser, notify the Board of the same in writing.

[Subsidiary]

(4) Any person who contravenes the provisions of subrule (3) is guilty of an offence.

#### **Different registrations allowed**

4. An employer may register with the Board for —

- (a) different categories of employees; and
- (b) different locations of his company,

up to a maximum of eight registrations altogether.

#### **Particulars required**

5. An employer who is required to register under rule 3 shall give the particulars as required in the form and may be required to produce such documentary evidence as the Board may consider necessary to support the accuracy of any particular submitted.

### PART 3

#### REGISTRATION OF EMPLOYEES

##### **Registration of employees**

6. (1) Every employer shall register all his employees for whom contributions are required with the Board.

(2) An employer who fails to register his employees with the Board as required by subrule (1) is guilty of an offence.

##### **Application for registration**

7. Application for registration shall be made in such form and manner as the Board may determine.

*[S 7/2013]*

##### **Registration card**

8. A member whose registration has been accepted by the Board shall be sent a registration card in such form and manner as the Board may determine which he shall produce whenever he requires any of the Board's services.

*[S 7/2013]*

##### **Two registrations**

9. A member who has received two registration numbers shall forthwith inform the Board of this fact and the Board shall withdraw one of the registration numbers.

## PART 4

## PAYMENT OF CONTRIBUTIONS

**Forms of payment**

10. (1) All payments of contributions shall be made by submitting such form as the Board may determine together with such payments or using computer tapes and diskettes using an approved computer programme in such form as the Board may determine.

*[S 7/2013; S 30/2015]*

(2) Payment shall be made in cash or by crossed cheque, postal order or money order payable to the Managing Director.

*[S 2/2016]*

(3) An employer paying by cheque, postal order or money order shall write his account number at the back of such cheque, postal order or money order.

**Payment received**

11. Payment of contributions for each preceding month shall be submitted not later than the 15th of the following month to any of the offices of the Board.

**Payment by post**

12. Payment of contributions for each preceding month sent through the postal service shall be postmarked not later than the 15th of the following month.

**Payment through banks**

13. Payment of contributions for each preceding month paid through approved banks shall be received by the banks not later than the 15th of the following month.

**Automatic penalty charges**

14. Employers whose payments for the preceding month which are received later than the 15th of the following month shall automatically be charged  $1\frac{1}{2}$  per cent the payment due for every month that the payments are not received in addition to any other penalty which may be charged or a rate of prescribed percentage by the Board to compensate the member for the loss of dividend payments as well as operating cost of the Board, whichever is higher.

**Penalty**

15. An employer who fails to pay to the Board within the period prescribed in rules 11, 12 and 13 which he is liable to pay under the provisions of the Act is guilty of an offence.

[Subsidiary]

**Two employers**

16. (1) Where an employee is employed by two employers and receiving payments from both, both employers shall be liable to pay contributions and the employee shall be required to pay contributions from both wages.

(2) Notwithstanding subrule (1), if an employee is employed by two employers but only receiving one wage, he shall be required to pay contributions from that one wage only; and his employer shall be liable to pay contribution from that one wage only.

**Register of contributions payment**

17. (1) Every employer shall prepare and furnish statement of wages to each and every employee and the statement of wages shall contain such information as may be prescribed by the Board.

(2) Every employer shall prepare and keep one or more registers containing the following particulars of every employee —

- (a) full name of employee;
- (b) fund membership number;
- (c) sex;
- (d) date of birth;
- (e) identity card number and colour;
- (f) permanent home address;
- (g) occupation;
- (h) date of commencement of employment;
- (i) duration of wage period;
- (j) wages for the period;
- (k) other remuneration for the period;
- (l) amount deducted for contributions; and
- (m) amount paid by employer for employer's share of contributions,

and such registers shall be kept for such period that every particular recorded therein shall be available for inspection for not less than 6 years after recording thereof.

(3) The register or registers required to be kept under subrule (2) shall be *prima facie* evidence of such entry having been made.

[S 7/2010]

## PART 5

### WITHDRAWALS

#### **Withdrawal forms** [S 7/2013]

**18.** All applications for withdrawals under section 17 shall be made using such forms as the Board may determine.

#### **Withdrawals under section 11** [S 7/2013]

**19.** All applications for refunds under section 11 shall be made using such forms as the Board may determine.

#### **Documents required**

**20.** A member who is applying for any form of withdrawal shall give the particulars as required in the forms and may be required to produce such documentary evidence as the Board may consider necessary to support the accuracy of any particular submitted.

#### **Housing withdrawals**

**21.** (1) A member who is applying for withdrawal under section 17(2)(b) or (c) shall have been a member for a minimum period of 10 years and has been contributing for at least 5 of those 10 years or has a minimum savings of \$40,000 whichever is less:

Provided that the member has not made an application for, or has not received, any cash grant made by the Government under any scheme approved by the Minister in respect of housing under section 16.

[S 30/2015]

(2) The value of the house for which a member is applying withdrawal for shall be determined by the Board.

(3) The value of the cost of a house may include payment for legal charges but shall not include the cost of the land, the cost of developing the same and any other pre-construction cost.

[Subsidiary]

**Withdrawal under section 17(2)(b)**

22. A member who is applying for withdrawal under section 17(2)(b) may apply for a withdrawal of a payment of 10 *per cent* of the total cost of the purchase price of a house if the cost of the house is valued at \$150,000 and above or 15 *per cent* of the total cost of the purchase price of a house if the cost of the house is valued at below \$150,000, or the amount standing to the credit of such member, whichever is less.

**Withdrawal under section 17(1)(e)**

23. (1) Where a member who has received payments for withdrawal under section 17(1)(e) is subsequently found to be living in Brunei Darussalam or working in Brunei Darussalam, he is guilty of an offence.

(2) Such member shall be required to return the amount of money that he has withdrawn and all the dividend payments that would have been paid to him if he has not withdrawn such amount and the administration cost of processing his application in addition to any penalty that may be imposed on him.

(3) The amount of money that is returned together with the dividend payments that would have been paid to him if he has not withdrawn such amount shall be returned to his account.

**Withdrawal under section 17(1)(b)**

24. Where a member who has withdrawn under section 17(1)(b) is subsequently engaged in any employment and elects to pay monthly contributions to the Trust as stated in section 17(4)(b), he shall not withdraw the amount standing to his credit in the Trust until after a lapse of one year from the period of further employment.

[S 2/2016]

**Collection of withdrawal payments**

25. (1) All payments of withdrawals approved shall be collected from the stated Board's office by the member who applied for the withdrawal.

(2) No collections are allowed by anyone other than the member himself unless the payments made are withdrawals under section 17(1)(a) or the payments made are for withdrawals under section 17(1)(c) and (d) and the member is certified incapacitated or unable to come to collect the payments himself.

(3) Notwithstanding subrule (1), a member may apply to the Board for payments to be paid to his own bank account or posted to him at his address and the Board shall not be held responsible for any loss or non-receipt of the payments.

PART 6

GENERAL

**Fee for services under section 24(3)**

**26.** The prescribed fee for application of information under section 24(3) is \$50 for every member for which an employer is seeking information on.