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WARTAKERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

PERATURAN-PERATURAN INSTITUSI KEWANGAN
PEMBANGUNAN (SKIM OMBUDSMAN KEWANGAN)
(PINDAAN) 2024

*DEVELOPMENT FINANCIAL INSTITUTIONS
(FINANCIAL OMBUDSMAN SCHEME)
(AMENDMENT) REGULATIONS 2024*

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AKTA INSTITUSI KEWANGAN PEMBANGUNAN 2002

PERATURAN-PERATURAN INSTITUSI KEWANGAN PEMBANGUNAN
(SKIM OMBUDSMAN KEWANGAN) (PINDAAN) 2024

PADA menjalankan kuasa yang diberikan oleh seksyen 123 Akta Institusi Kewangan Pembangunan 2002 [*Akta 618*], Menteri, atas syor Bank, membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Institusi Kewangan Pembangunan (Skim Ombudsman Kewangan) (Pindaan) 2024**.

(2) Peraturan-Peraturan ini mula berkuat kuasa pada 1 Januari 2025.

Pindaan peraturan 2

2. Peraturan-Peraturan Institusi Kewangan Pembangunan (Skim Ombudsman Kewangan) 2016 [*P.U. (A) 16/2016*], yang disebut “Peraturan-Peraturan ibu” dalam Peraturan-Peraturan ini, dipinda dalam peraturan 2—

(a) dengan menggantikan takrif “ombudsman” dengan takrif yang berikut:

‘ “ombudsman” ertinya mana-mana orang yang dilantik oleh lembaga pengarah pengendali skim untuk mengadjudikasi pertikaian yang dirujuk kepada Skim Ombudsman Kewangan, termasuk mana-mana orang lain yang memiliki pengetahuan adjudikasi dan pengetahuan khas yang mendalam bagi jenis pertikaian yang dirujuk kepada Skim Ombudsman Kewangan;’ dan

(b) dalam takrif “pengendali skim”, dengan menggantikan perkataan “Akta Syarikat 1965 [*Akta 125*]” dengan perkataan “Akta Syarikat 2016 [*Akta 777*]”.

Pindaan peraturan 3

3. Subperaturan 3(3) Peraturan-Peraturan ibu dipinda dengan menggantikan perkataan “terma rujukan” dengan perkataan “dokumen konstituen”.

Peraturan baharu 3A

4. Peraturan-Peraturan ibu dipinda dengan memasukkan selepas peraturan 3 peraturan yang berikut:

“Obligasi pengendali skim

3A. (1) Pengendali skim hendaklah pada setiap masa mengendalikan Skim Ombudsman Kewangan mengikut prinsip kebebasan, keadilan dan kesaksamaan, kemudahaksesan, kebertanggungjawaban, ketelusan dan keberkesanan.

(2) Tanpa mengehendkan keluasan subperaturan (1), pengendali skim hendaklah—

- (a) memastikan proses membuat keputusan pertikaian adalah bebas, adil dan saksama;
- (b) menyediakan akses yang mudah dan pada kadar yang berpatutan kepada perkhidmatannya;
- (c) menyenggara tatacara pengendalian Skim Ombudsman Kewangan yang mudah difahami, jelas dan telus;
- (d) memaklumkan keputusan pertikaian dan alasan bagi keputusan itu secara bertulis melalui suatu surat atau e-mel kepada pengadu yang layak dan anggota; dan
- (e) menyiarkan maklumat mengenai perkhidmatannya secara berkala bagi mewujudkan kesedaran awam tentang perkhidmatannya.”.

Penggantian peraturan 4

5. Peraturan-Peraturan itu dipinda dengan menggantikan peraturan 4 dengan peraturan yang berikut:

“Dokumen konstituen dan terma rujukan Skim Ombudsman Kewangan

4. (1) Pengendali skim hendaklah mengemukakan dokumen konstituen dan terma rujukan Skim Ombudsman Kewangan untuk kelulusan Bank sebelum mengendalikan Skim Ombudsman Kewangan.

(2) Kandungan dokumen konstituen yang disebut di bawah subperaturan (1) hendaklah termasuk—

(a) tatacara keanggotaan, termasuk hal keadaan pemberhentian keanggotaan itu;

(b) fi langganan dan fi atau caj lain yang kena dibayar oleh suatu anggota atau mana-mana golongan anggota, termasuk fi berlainan yang boleh dikenakan terhadap golongan anggota yang berlainan; dan

(c) tatacara bagi memastikan pematuhan kepada terma keanggotaan jika berlaku apa-apa kemungkiran terhadap terma keanggotaan itu.

(3) Kandungan terma rujukan yang disebut di bawah subperaturan (1) hendaklah termasuk—

(a) jenis pertikaian yang boleh dirujuk kepada Skim Ombudsman Kewangan; dan

(b) proses penyelesaian pertikaian Skim Ombudsman Kewangan termasuk—

- (i) tatacara dan tempoh masa bagi suatu anggota memberikan apa-apa dokumen dan maklumat sebagaimana yang dikehendaki bagi maksud penyelesaian pertikaian yang dirujuk kepada Skim Ombudsman Kewangan;
- (ii) tatacara dan tempoh masa bagi suatu anggota untuk mematuhi apa-apa award yang diberikan di bawah Skim Ombudsman Kewangan;
- (iii) kategori pengadu yang layak;
- (iv) jenis award yang boleh diberi berkenaan dengan suatu pertikaian;
- (v) tatacara dan tempoh masa bagi suatu pertikaian dirujuk kepada Skim Ombudsman Kewangan;
- (vi) hal keadaan yang suatu pertikaian boleh enggan diterima atau ditolak;
- (vii) hal keadaan dan tempoh masa bagi pengantaraan atau adjudikasi suatu pertikaian di bawah Skim Ombudsman Kewangan; dan
- (viii) tatacara bagi memastikan pengadu yang layak dan anggota mematuhi pada setiap masa kewajipan kerahsiaan sebagaimana yang diperuntukkan dalam peraturan 8.

(4) Pengendali skim hendaklah mengendalikan Skim Ombudsman Kewangan mengikut dokumen konstituen dan terma rujukan yang diluluskan.

(5) Tiada pindaan boleh dibuat kepada dokumen konstituen dan terma rujukan yang diluluskan tanpa—

(a) rundingan terdahulu dengan anggota; dan

(b) kelulusan bertulis terdahulu Bank.

(6) Pengendali skim hendaklah menyiarkan dokumen konstituen yang diluluskan, terma rujukan yang diluluskan dan apa-apa pindaan kepada dokumen konstituen dan terma rujukan yang diluluskan itu dalam laman sesawang pengendali skim atau dalam apa-apa bentuk dan cara lain sebagaimana yang ditentukan oleh Bank.”.

Pindaan peraturan 11

6. Peraturan 11 Peraturan-Peraturan ibu dipinda—

(a) dalam perenggan (2)(a), dengan menggantikan perkataan “sebagaimana yang dinyatakan dalam Jadual” dengan perkataan “dua ratus lima puluh ribu ringgit”; dan

(b) dalam subperaturan (4), dengan menggantikan perkataan “sebagaimana yang dinyatakan dalam Jadual” di mana-mana jua terdapat dengan perkataan “dua ratus lima puluh ribu ringgit”.

Peraturan baharu 11A

7. Peraturan-Peraturan ibu dipinda dengan memasukkan selepas peraturan 11 peraturan yang berikut:

“Semakan bebas terhadap Skim Ombudsman Kewangan

11A. (1) Pengendali skim hendaklah melantik suatu pihak bebas yang mempunyai kepakaran yang berkaitan untuk menjalankan suatu semakan bebas terhadap Skim Ombudsman Kewangan, yang hendaklah termasuk suatu penilaian kualitatif dan kuantitatif bagi pelaksanaan Skim Ombudsman

Kewangan, tiga tahun dari tarikh permulaan operasinya dan kemudiannya, sekurang-kurangnya sekali dalam setiap lima tahun.

(2) Pengendali skim hendaklah berunding dengan Bank mengenai ruang lingkup semakan bebas dan terma pelantikan penyemak bebas.

(3) Pengendali skim hendaklah—

(a) bekerjasama dengan penyemak bebas dan memberikan akses kepada semua dokumen dan maklumat yang diminta; dan

(b) menanggung kos dan perbelanjaan bagi semakan bebas itu.

(4) Walau apa pun subperaturan (1), Bank boleh, pada bila-bila masa, mengarahkan supaya suatu semakan bebas dijalankan atau mengarahkan supaya ruang lingkup semakan bebas itu diperluas.”.

Pemotongan Jadual

8. Peraturan-Peraturan ibu dipinda dengan memotong Jadual.

Dibuat 31 Disember 2024
[BNM/JUN/1125/35/41; PN(PU2)625/III]

DATUK SERI AMIR HAMZAH BIN AZIZAN
Menteri Kewangan II

DEVELOPMENT FINANCIAL INSTITUTIONS ACT 2002

DEVELOPMENT FINANCIAL INSTITUTIONS (FINANCIAL OMBUDSMAN SCHEME)
(AMENDMENT) REGULATIONS 2024

IN exercise of the powers conferred by section 123 of the Development Financial Institutions Act 2002 [Act 618], the Minister, on the recommendation of the Bank, makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Development Financial Institutions (Financial Ombudsman Scheme) (Amendment) Regulations 2024**.

(2) These Regulations come into operation on 1 January 2025.

Amendment of regulation 2

2. The Development Financial Institutions (Financial Ombudsman Scheme) Regulations 2016 [P.U. (A) 16/2016], which are referred to as the “principal Regulations” in these Regulations, are amended in regulation 2—

(a) by substituting for the definition of “ombudsman” the following definition:

‘ “ombudsman” means any person appointed by the board of directors of the scheme operator to adjudicate disputes referred to the Financial Ombudsman Scheme, including any other person who possess knowledge of adjudication and extensive specialised knowledge for the types of dispute referred to the Financial Ombudsman Scheme;’; and

(b) in the definition of “scheme operator”, by substituting for the words “Companies Act 1965 [Act 125]” the words “Companies Act 2016 [Act 777]”.

Amendment of regulation 3

3. Subregulation 3(3) of the principal Regulations is amended by substituting for the words “terms of reference” the words “constituent documents”.

New regulation 3A

4. The principal Regulations are amended by inserting after regulation 3 the following regulation:

“Obligations of scheme operator

3A. (1) The scheme operator shall at all times operate the Financial Ombudsman Scheme in accordance with the principles of independence, fairness and impartiality, accessibility, accountability, transparency and effectiveness.

(2) Without limiting the generality of subregulation (1), the scheme operator shall—

- (a) ensure the decision-making process of the dispute is independent, fair and impartial;
- (b) provide easy and affordable access to its services;
- (c) maintain procedures of the operations of the Financial Ombudsman Scheme which are easy to understand, clear and transparent;
- (d) inform the decision of the dispute and the grounds of the decision in writing through a letter or an e-mail to the eligible complainant and the member; and
- (e) publish regularly information on its services to create public awareness of its services.”.

Substitution of regulation 4

5. The principal Regulations are amended by substituting for regulation 4 the following regulation:

“Constituent documents and terms of reference of Financial Ombudsman Scheme

4. (1) The scheme operator shall submit the constituent documents and the terms of reference of the Financial Ombudsman Scheme for the approval of the Bank before operating the Financial Ombudsman Scheme.

(2) The content of the constituent documents which is referred to under subregulation (1) shall include—

- (a) the procedures for membership, including the circumstances of the cessation of the membership;
- (b) the subscription fee and other fees or charges payable by a member or any class of members, including the different fees chargeable to different classes of members; and
- (c) the procedures for ensuring compliance to the terms of membership if there is any breach of the terms of membership.

(3) The content of the terms of reference which is referred to under subregulation (1) shall include—

- (a) the types of disputes which may be referred to the Financial Ombudsman Scheme; and
- (b) the dispute resolution process of the Financial Ombudsman Scheme including—

- (i) the procedures and time period for a member to provide any document and information as required for the purpose of resolving a dispute referred to the Financial Ombudsman Scheme;
- (ii) the procedures and time period for a member to comply with any award granted under the Financial Ombudsman Scheme;
- (iii) the category of eligible complainants;
- (iv) the types of awards that may be granted with respect to a dispute;
- (v) the procedures and time period for a dispute to be referred to the Financial Ombudsman Scheme;
- (vi) the circumstances under which a dispute may be refused or dismissed;
- (vii) the circumstances and time period for mediation or adjudication of a dispute under the Financial Ombudsman Scheme; and
- (viii) the procedures to ensure that the eligible complainant and the member comply at all times with the duty of confidentiality as provided in regulation 8.

(4) The scheme operator shall operate the Financial Ombudsman Scheme in accordance with the approved constituent documents and terms of reference.

(5) No amendment shall be made to the approved constituent documents or terms of reference without—

(a) prior consultation with the members; and

(b) prior written approval of the Bank.

(6) The scheme operator shall publish the approved constituent documents, the approved terms of reference and any amendment to such approved constituent documents and the terms of reference in the scheme operator's website or in such other form and manner as the Bank may specify."

Amendment of regulation 11

6. Regulation 11 of the principal Regulations is amended—

(a) in paragraph (2)(a), by substituting for the words "as set out in the Schedule" the words "of two hundred fifty thousand ringgit"; and

(b) in subregulation (4), by substituting for the words "as set out in the Schedule" wherever appearing the words "of two hundred fifty thousand ringgit".

New regulation 11A

7. The principal Regulations are amended by inserting after regulation 11 the following regulation:

"Independent review of Financial Ombudsman Scheme

11A. (1) The scheme operator shall appoint an independent party with the relevant expertise to conduct an independent review of the Financial Ombudsman Scheme, which shall include a qualitative and quantitative assessment of the performance of the Financial Ombudsman Scheme, three years from the date of commencement of its operations and subsequently, at least once in every five years.

(2) The scheme operator shall consult the Bank on the scope of the independent review and the terms of appointment of the independent reviewer.

(3) The scheme operator shall—

(a) co-operate with the independent reviewer and afford access to all documents and information requested; and

(b) bear the costs and expenses of the independent review.

(4) Notwithstanding subregulation (1), the Bank may, at any time, direct that an independent review be carried out or direct that the scope of the independent review be extended.”.

Deletion of the Schedule

8. The principal Regulations are amended by deleting the Schedule.

Made 31 December 2024
[BNM/JUN/1125/35/41; PN(PU2)625/III]

DATUK SERI AMIR HAMZAH BIN AZIZAN
Finance Minister II