



LAWS OF MALAYSIA

ONLINE VERSION OF UPDATED
TEXT OF REPRINT

Act 551

MALAYSIAN RUBBER BOARD (INCORPORATION) ACT 1996

As at 1 December 2011

**MALAYSIAN RUBBER BOARD
(INCORPORATION) ACT 1996**

Date of Royal Assent 2 September 1996

Date of publication in the *Gazette* 12 September 1996

PREVIOUS REPRINTS

First Reprint 2002

Second Reprint 2006

LAWS OF MALAYSIA

Act 551

MALAYSIAN RUBBER BOARD (INCORPORATION) ACT 1996

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation

PART II

ESTABLISHMENT OF THE BOARD

3. The Board and its objectives
4. Functions and powers of Board
5. Membership of Board
6. Tenure of office
7. Alternate members
8. Temporary exercise of functions of Chairman
9. Revocation and resignation
10. Vacation of office
11. Non-liability of members of Board
12. Public Authorities Protection Act 1948
13. Public servant
14. Power of Minister to give directions

Section

15. Returns, reports, accounts and information
16. Delegation of Board's functions, powers or duties
17. Board may establish committees

PART III

DIRECTOR GENERAL, OFFICERS AND SERVANTS OF THE BOARD

18. Appointment of Director General
19. Appointment of officers and servants
20. Power to grant loans and make advances to officers and servants
21. Delegation of Director General's duties
22. Disciplinary committees
23. Appeal against decision of disciplinary committee
24. Power to make disciplinary regulations
25. Imposition of surcharge
26. Notification of surcharge
27. Withdrawal of surcharge
28. Recovery of surcharge
29. Composition of Board in special cases

PART IV

RESEARCH AND DEVELOPMENT

30. Establishment of research centres
31. Functions and powers of research centres
32. Access to research centres, *etc.*
33. Prohibition against reproduction or publication

PART V

FINANCE

34. The Fund
35. Expenditure to be charged on Fund

Section

- 36. Conservation of Fund
- 37. Cess on rubber and rubber products
- 38. Fees for technical advisory services
- 39. Expenditure and preparation of estimates
- 40. Statutory Bodies (Accounts and Annual Reports) Act 1980

PART VI

OTHER POWERS AND FUNCTIONS OF THE BOARD

- 41. Power to borrow
- 42. Investment
- 43. Power to employ agents, *etc.*
- 44. Power to grant loans
- 45. Power to establish corporations

PART VII

ENFORCEMENT

- 46. Authorization of officers
- 47. Power of investigation
- 48. Search by warrant
- 49. List of things seized
- 50. Forfeiture of rubber, *etc.*, seized
- 51. Property in forfeited rubber, *etc.*
- 52. Cost of holding rubber, *etc.*, seized
- 53. No costs or damages arising from seizure to be recoverable
- 54. Obstruction of authorized officer

PART VIII

GENERAL

- 55. Regulation of rubber industry
- 56. General penalty

Section

- 57. Compounding of offences
- 58. Institution and conduct of prosecution
- 59. Jurisdiction to try offences
- 60. Protection of officers
- 61. Power to exempt
- 62. Regulations
- 63. Validation of acts done in anticipation of Act

PART IX

REPEAL, SAVINGS AND TRANSITIONAL

- 64. Repeal and dissolution
- 65. Transfer of powers, *etc.*
- 66. Transfer of property
- 67. Existing contracts
- 68. Transfer of moneys in funds
- 69. Membership of dissolved Boards
- 70. Continuance of officers and servants
- 71. Savings for certificates, licences and registers
- 72. Continuance of pending applications, *etc.*
- 73. Continuance of civil and criminal proceedings
- 74. Reference in law or document to dissolved Boards and dissolved Institute
- 75. Prevention of anomalies

FIRST SCHEDULE

SECOND SCHEDULE

LAWS OF MALAYSIA**Act 551****MALAYSIAN RUBBER BOARD
(INCORPORATION) ACT 1996**

An Act to repeal the Malaysian Rubber Research and Development Fund Act 1958, the Rubber Research Institute of Malaysia Act 1966, the Malaysian Rubber Exchange and Licensing Board Act 1972, the Rubber Shipping and Packing Control Act 1949 and the Rubber Export Registration Act 1966; to dissolve the Malaysian Rubber Research and Development Board, the Rubber Research Institute of Malaysia and the Board of the Rubber Research Institute of Malaysia and the Malaysian Rubber Exchange and Licensing Board; to establish the Malaysian Rubber Board and to provide for matters connected therewith and to make better provision in respect of the rubber industry of Malaysia.

[1 January 1998, P.U. (B) 2/1998]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I**PRELIMINARY****Short title and commencement**

1. (1) This Act may be cited as the Malaysian Rubber

Board (Incorporation) Act 1996.

(2) This Act shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint and the Minister may appoint different dates for the coming into force of this Act, or of different provisions of this Act, in *Peninsular Malaysia, Sabah and Sarawak respectively.

Interpretation

2. In this Act, unless the context otherwise requires—

“appointed day” means the day on which this Act, or if different dates are appointed for the coming into force of different provisions of this Act, the day on which Part IX comes into force;

“authorized officer” means—

(a) an officer of the Board authorized under section 46;

(b) a police officer not below the rank of Inspector; or

(c) an officer of customs;

“Board” means the Malaysian Rubber Board established under section 3;

“cess” means the cess imposed under section 37;

“Chairman” means the Chairman of the Board appointed under section 5;

“Director General” means the Director General of the Board appointed under section 18;

*NOTE—All reference to “West Malaysia” shall be construed as reference to “Peninsular Malaysia” —see the Interpretation (Amendment) Act 1997 [*Act A996*], subsection 5(2).

“Fund” means the Malaysian Rubber Board Fund established under section 34;

“Malaysian Rubber Exchange” means the Malaysian Rubber Exchange established under the Malaysian Rubber Exchange (Incorporation) Act 1962 [*Act 402*];

“member” means a member of the Board and includes an alternate member;

“research centre” means a research centre established under section 30;

“research finding” means any results from research and development activities and includes inventions and improvements in any process, apparatus, machine or technique;

“rubber” means all natural rubber in liquid, solid or blended form derived from any latex-bearing plant and synthetic rubber in liquid, solid or blended form derived from petrochemical products and includes all elastomers derived from natural or synthetic rubber or both;

“rubber industry” includes the production of rubber and hevea wood, the processing and utilization of rubber, the manufacture of rubber products, and services related thereto;

“rubber products” means all vulcanisates in finished or semi-finished form derived wholly or partly from rubber;

“this Act” includes any subsidiary legislation made under this Act.

PART II

ESTABLISHMENT OF THE BOARD

The Board and its objectives

3. (1) There is established a body corporate by the name

of “Malaysian Rubber Board” with perpetual succession and a common seal, which may sue and be sued in its corporate name and, subject to and for the purposes of this Act, may enter into contracts and may acquire, purchase, take, hold and enjoy movable and immovable property of every description and may convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property or any interest therein vested in the Board upon such terms as it thinks fit.

(2) The objectives of the Board are—

- (a) to promote and develop the rubber industry of Malaysia;
and
- (b) to develop national objectives, policies and priorities for the orderly development and administration of the rubber industry of Malaysia.

(3) The provisions of the First Schedule shall apply to the Board.

Functions and powers of Board

4. (1) The functions of the Board shall be—

- (a) to implement policies and developmental programmes to ensure the viability of the rubber industry of Malaysia;
- (b) to promote and implement research and development activities in the production, use and consumption of rubber;
- (c) to plan, co-ordinate and monitor all rubber research and development activities;
- (d) to regulate the rubber industry, in particular in relation to dealings in rubber, packing, grading, shipping and export of rubber;
- (e) to control and monitor the quality of rubber, rubber planting

materials and rubber products;

- (f) to develop, transfer, exploit and promote research findings;
- (g) to provide technical, advisory and consultancy services to the rubber industry;
- (h) to administer and manage the Fund;
- (i) to regulate the Malaysian rubber market and manage the Malaysian Rubber Exchange;
- (j) to formulate and implement an international marketing strategy for the rubber industry of Malaysia;
- (k) to liaise and co-operate with rubber agencies within or outside Malaysia to further enhance the rubber industry of Malaysia;
- (l) to plan and implement human resource training in line with the needs of the rubber industry;
- (m) to be the resource and information centre for the rubber industry; and
- (n) to publish or sponsor the publication of periodicals, booklets and other information materials.

(2) The Board shall have power—

- (a) to undertake and co-ordinate activities relating to research and development into the production, use, consumption and marketing of rubber and rubber products, and services related thereto;
- (b) to commission any person or body to carry out research;
- (c) to carry on all activities, particularly activities which are commercial in nature the carrying on of which appears to it to be requisite, advantageous or convenient for or

in connection with the performance of its functions;

- (d) to impose fees or any other charges it thinks fit for the use of any facility relating to research, investigation, testing, technical advice or any other service provided by the Board;
- (e) to acquire by purchase, bailment, application or otherwise, any rights, privileges or licences that it considers necessary for the performance of its functions;
- (f) to dispose of by sale, bailment or otherwise, or turn to account or otherwise deal with any rights, privileges or licences of the Board;
- (g) to enter into such negotiations and agreements or arrangements as it thinks fit for discharging its functions;
- (h) to award certificates of proficiency in respect of training and accredited programmes;
- (i) to plan, co-ordinate and undertake such activities as it thinks necessary for the purpose of protecting and furthering the interests of the rubber industry of Malaysia;
- (j) to impose fees or any other charges it thinks fit for giving effect to any of its functions or powers; and
- (k) to do such other things as it thinks fit to enable it to perform its functions and powers effectively or which are incidental to the performance of its functions.

Membership of Board

5. (1) The Board shall consist of the following members who shall be appointed by the Minister:

- (a) a Chairman;

- (b) a representative of the Ministry charged with the responsibility for the rubber industry;
- (c) a representative of the Treasury;
- (d) a representative of the Rubber Industry Smallholders' Development Authority;
- (e) a representative of the smallholder sector of the rubber industry;
- (f) a representative of the estate sector of the rubber industry;
- (g) a representative of the rubber processing sector;
- (h) a representative of the rubber trade sector;
- (i) two representatives of the rubber products manufacturing sector;
- (j) two representatives of such States as the Minister may determine;
- (k) two persons who, in the opinion of the Minister, are able to contribute to the development of the rubber industry; and
- (l) the Director General.

(2) The Board shall be deemed to be duly constituted notwithstanding that any of the members to be appointed under paragraph (1)(j) or (k) has not been appointed.

Tenure of office

6. Subject to such conditions as may be specified in his instrument of appointment, a member of the Board shall, unless he sooner resigns or vacates his office or his appointment is sooner revoked, hold office for a term not exceeding two years and is eligible for reappointment.

Alternate members

7. (1) The Minister may, in respect of each member appointed under paragraphs 5(1)(b) to (k), appoint an alternate member to attend, in place of that member, meetings of the Board that member is for any reason unable to attend.

(2) When attending meetings of the Board, an alternate member shall for all purposes be deemed to be a member of the Board.

(3) An alternate member shall, unless he sooner resigns his membership or his appointment is sooner revoked, cease to be an alternate member when the member in respect of whom he is an alternate ceases to be a member of the Board.

Temporary exercise of functions of Chairman

8. (1) Where the Chairman is for any reason unable to perform the functions of the Chairman or during any period of vacancy in the office of the Chairman, the Minister may appoint any member of the Board other than the Director General to perform the functions of the Chairman.

(2) Until an appointment under subsection (1) is made or in default of such appointment or in the absence of the Chairman from any meeting of the Board, the member appointed under paragraph 5(1)(b) shall perform the functions of the Chairman.

(3) A member appointed under subsection (1) or (2), as the case may be, shall, during the period in which he is performing the functions of the Chairman under this section be deemed to be the Chairman.

Revocation and resignation

9. (1) The appointment of any member may at any time be revoked by the Minister without assigning any reason therefore.

(2) A member may at any time resign his office by a written notice addressed to the Minister.

Vacation of office

10. (1) The office of a member of the Board shall be vacated—

- (a) if he dies;
- (b) if there has been proved against him, or he has been convicted on, a charge in respect of—
 - (i) an offence involving fraud, dishonesty or moral turpitude;
 - (ii) an offence under any law relating to corruption; or
 - (iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;
- (c) if he becomes a bankrupt;
- (d) if he is of unsound mind or is otherwise incapable of discharging his duties;
- (e) if he absents himself from three consecutive meetings of the Board without leave of the Chairman or in the case of the Chairman, without leave of the Minister;
- (f) in the event of his resignation being accepted by the Minister; or
- (g) if his appointment is revoked by the Minister.

(2) Where any person ceases to be a member by reason of

any of the provisions of this Act, another person shall be appointed in his place in accordance with the provisions applying.

Non-liability of members of Board

11. No member of the Board shall incur personal liability for any loss or damage caused by an act in administering the affairs of the Board, unless the loss or damage is occasioned by an intentionally wrongful act on his part.

Public Authorities Protection Act 1948

12. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Board or against any member, officer, servant or agent of the Board in respect of any act, neglect or default done or committed by him in such capacity.

Public servant

13. All members of the Board or any of its committees or any officer, servant or agent of the Board, while discharging their duties as such member, officer, servant or agent shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Power of Minister to give directions

14. (1) The Board shall be responsible to the Minister.

(2) The Minister may give directions not inconsistent with this Act and the Board shall, as soon as possible, give effect to such directions.

Returns, reports, accounts and information

15. (1) The Board shall furnish to the Minister, and such public authority as may be directed by the Minister, such returns, reports, accounts and information with respect to its property and activities as the Minister may require or direct.

(2) Without prejudice to the generality of subsection (1), the Board shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister and, if so directed by the Minister, to any other public authority, a report dealing with the activities of the Board during the preceding financial year and the report shall be in such form and shall contain such information relating to the proceedings and policy of the Board as the Minister may specify.

Delegation of Board's functions, powers or duties

16. (1) The Board may, subject to such conditions, limitations or restrictions as it thinks fit to impose, delegate any of its functions, powers or duties, except the power to borrow money, grant loans, establish corporations or make regulations, to—

(a) any member of the Board;

(b) any committee established by the Board; or

(c) any officer or servant of the Board,

and any function, power or duty so delegated may be performed, exercised or discharged by the member, officer or servant, as the case may be, in the name and on behalf of the Board.

(2) A delegation under this section shall not preclude the Board itself from performing or exercising at any time any of the functions, powers or duties so delegated.

(3) Without prejudice to the generality of subsection (1) and the other provisions of this Act, the Board may delegate to the Director General—

- (a) the power to grant loans and make advances to the officers and servants of the Board under section 20; and
- (b) the authority to sanction expenditure from the Fund or any other moneys vested in or under the control of the Board up to such limit as the Board shall specify.

Board may establish committees

17. (1) The Board may establish such committees as it considers necessary or expedient to assist it in the performance of its functions under this Act, including a Management Committee for the purpose of managing the Malaysian Rubber Exchange.

(2) The Board may appoint any person to be a member of any committee established under subsection (1) provided that any committee so established shall include at least one member of the Board.

(3) A committee established under this section may elect any of its members to be chairman and may regulate its own procedure and, in the exercise of its powers under this subsection, such committee shall be subject to and act in accordance with any direction given to the committee by the Board.

(4) Meetings of a committee established under this section shall be held at such times and places as the chairman of the committee may, subject to subsection (3), determine.

(5) A committee may invite any person, for the purpose of advising it on any matter under discussion, to attend any meeting of the committee but the person so invited shall not be entitled to vote at any such meeting.

(6) Members of a committee or any person invited to attend any meeting of a committee may be paid such allowances and other expenses as the Board may determine.

(7) A member of a committee shall hold office for such term as may be specified in his instrument of appointment and is eligible for reappointment.

(8) The appointment of any member of a committee may at any time be revoked by the Board without assigning any reason therefore.

(9) A member of a committee may at any time resign his office by a written notice addressed to the Chairman of the Board.

PART III

DIRECTOR GENERAL, OFFICERS AND SERVANTS OF THE BOARD

Appointment of Director General

18. (1) The Minister shall appoint a Director General of the Board on such terms and conditions as the Minister may determine.

(2) The Board shall vest in the Director General such powers and shall impose upon him such duties as the Board may determine.

(3) The Director General shall be responsible for—

(a) the proper administration and management of the affairs of the Board;

(b) the preparation of—

(i) all programmes, schemes, projects and activities;

(ii) an estimate of expenditure for the implementation of the annual programmes; and

(iii) an estimate of income,

for the approval of the Board;

(c) the execution of the annual programme of the Board; and

(d) the carrying out of the decisions and directions of the Board.

(4) The Director General shall have general control of the officers and servants of the Board.

(5) The Director General shall perform such further duties as the Board may direct.

(6) In discharging his duties, the Director General shall act under the general authority and direction of the Board.

(7) If the Director General is temporarily absent from Malaysia or is temporarily incapacitated through illness or for any other sufficient reason from performing his duties, the Board may direct the Deputy Director General to perform his duties during such temporary absence or incapacity.

(8) For the purposes of subsection (7)—

(a) if there is more than one Deputy Director General, the Board shall nominate a Deputy Director General to perform the duties; and

(b) if the office of Deputy Director General is vacant, the Board may direct any other officer of the Board to perform the duties.

Appointment of officers and servants

19. (1) Subject to any regulations made under subsection (3), the Board may—

- (a) with the approval of the Minister, appoint such number of Deputy Directors General;
- (b) appoint such number of other officers and servants as may be necessary for carrying out the purposes of this Act,

on such terms and conditions as the Board considers desirable.

(2) No person shall be eligible for employment as an officer or servant of the Board if he has, directly or indirectly, by himself or his partner, any share or interest in any contract or proposed contract with, for or on behalf of the Board.

(3) The Board may, with the approval of the Minister, make regulations with respect to the conditions of service of its officers and servants.

(4) The appointment of the Director General and Deputy Directors General shall be published in the *Gazette*.

Power to grant loans and make advances to officers and servants

20. The Board may grant loans and make advances to its officers and servants on such terms and conditions as the Board may determine.

Delegation of Director General's duties

21. (1) The Director General may in writing delegate any of the functions, powers or duties assigned to him under this Act to any officer of the Board, subject to such terms and conditions as he thinks fit.

(2) A delegation under this section shall not preclude the Director General himself from performing or exercising at any time any of the functions, powers or duties so delegated.

Disciplinary committees

22. (1) The Board shall have disciplinary authority over all its officers and servants and shall exercise disciplinary control in respect of all such persons in accordance with this Act and any regulations made under section 24.

(2) For the purposes of this section—

(a) there shall be established a disciplinary committee of the Board in respect of the Director General consisting of—

(i) the Chairman, who shall be the chairman of the committee; and

(ii) at least two members of the Board, which shall not include the Director General, as shall be determined among the members themselves; and

(b) the Board may, by notification in the *Gazette*, establish different disciplinary committees for different categories of officers and servants of the Board.

(3) The following shall apply to any disciplinary committee established under paragraph (2)(b):

(a) such committee shall consist of any number of members of the Board, other than the Chairman of the Board, or officers of the Board, or any combination of such members and officers; and

(b) an officer who is a member of a disciplinary committee shall not be lower in rank than any officer or servant over whom the committee of which he is a member has disciplinary authority.

(4) The committee established under paragraph (2)(b) shall exercise its powers in all matters relating to the discipline of officers and servants placed under its jurisdiction.

(5) In the exercise of its disciplinary functions and powers, a disciplinary committee referred to in subsection (2) shall have the power to take disciplinary action and impose any disciplinary punishment or any combination of two or more disciplinary punishments as may be provided for under any regulations made under section 24.

Appeal against decision of disciplinary committee

23.(1) A decision of the disciplinary committee established under paragraph 22(2)(a) shall be appealable to the Minister.

(2) A decision of the disciplinary committee established under paragraph 22(2)(b) shall be appealable to the Disciplinary Appeal Board which shall consist of the following members:

(a) the Chairman of the Board, who shall be the chairman of the Disciplinary Appeal Board and having a casting vote; and

(b) three members of the Board, not being members of the disciplinary committee whose decision is subject-matter of the appeal, to be appointed by the chairman of the Disciplinary Appeal Board with the approval of the Board for the purpose of the appeal.

(3) The Minister or the Disciplinary Appeal Board, as the case may be, may confirm, reverse or vary the decision of the disciplinary committee.

(4) When the Disciplinary Appeal Board considers an appeal made under subsection (2), a member of the disciplinary committee against whose decision the appeal is made who is also a member of the Board shall not be present or in any way participate in any proceedings relating to that appeal.

(5) The decision of the Minister or the Disciplinary Appeal Board under subsection (3) shall be final and conclusive.

Power to make disciplinary regulations

24.(1) The Board may, with the approval of the Minister, make such regulations as it thinks necessary or expedient to provide for the discipline of the officers and servants of the Board.

(2) The disciplinary regulations made under this section—

- (a) may create disciplinary offences;
- (b) may provide for disciplinary punishments as the Board thinks appropriate, and the punishments may extend to warning, fine, forfeiture of emoluments, a deferment of salary movement, reduction of salary, reduction in rank and dismissal;
- (c) shall provide for an opportunity to the person against whom disciplinary proceedings are taken to make representations against the disciplinary charge laid against him before a decision is arrived at by the disciplinary committee except in the following cases:
 - (i) where an officer or servant of the Board is dismissed or reduced in rank on the ground of conduct in respect of which a criminal charge has been proved against him;
 - (ii) where the Board, on the recommendation of the Minister charged with the responsibility for home affairs, is satisfied that in the interest of the security of Malaysia or any part thereof it is not expedient to carry out the requirements of this paragraph; or
 - (iii) where there has been made against an officer or servant of the Board any order of detention, supervision, restricted residence, banishment or deportation, or where there has been imposed on such officer or servant of the Board any form of

restriction or supervision by bond or otherwise, under any law relating to the security of Malaysia or any part thereof, prevention of crime, preventive detention, restricted residence, banishment, immigration, or protection of women and girls;

- (d) may provide for the interdiction with reduced emoluments of an officer or servant of the Board during the pendency of criminal proceedings against him or disciplinary proceedings against him with the view to his dismissal or reduction in rank; and
- (e) may provide for the suspension without emoluments of an officer or servant of the Board where the officer or servant has been convicted by any criminal court or where an order of detention or restriction has been made in respect of or imposed on the officer or servant.

Imposition of surcharge

25. (1) A person who is or was in the employment of the Board may be surcharged if it appears to the Board that the person—

- (a) has failed to collect moneys owing to the Board for the collection of which he is or was responsible;
- (b) is or was responsible for any improper payment of moneys from the Board or for any payment of moneys which is not duly approved;
- (c) is or was responsible, directly or indirectly, for any deficiency in, or for the destruction of, any moneys, stores or other property of the Board;
- (d) being or having been an accounting officer, fails or has failed to keep proper accounts or records; or
- (e) has failed to make any payment, or is or was responsible for any delay in the payment from the Board, of moneys

to any person to whom such payment is due under any law or under any contract, agreement or arrangement entered into between that person and the Board.

(2) The Board shall, before the person is surcharged, serve on him a written notice calling on him to show cause why he should not be surcharged.

(3) If a satisfactory explanation is not received within fourteen days from the date of service of the aforesaid notice, the Board may—

(a) in the case of paragraphs (1)(a), (b) and (c), surcharge against the person a sum not exceeding the amount not collected, or of the improper payment made, or of the deficiency in or destruction of the property caused;

(b) in the case of paragraphs (1)(d) and (e), surcharge against the person, such sum as the Board thinks fit.

Notification of surcharge

26. The Board shall notify the person surcharged in respect of any surcharge made under subsection 25(3).

Withdrawal of surcharge

27. Notwithstanding subsection 25(3) and section 26, the Board may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been made, and the Board shall forthwith notify the person surcharged of the withdrawal.

Recovery of surcharge

28. The amount of any surcharge made under subsection 25(3) and not withdrawn under section 27 shall be a debt due to the Board from the person surcharged and may be sued for and recovered in any court at the suit of the Board and may also, if the Board so directs, be recovered by deduction—

(a) from the salary of the person surcharged; or

(b) from the pension of the person surcharged,

by equal monthly installments not exceeding one-fourth of the total monthly salary or pension, as the case may be, of that person.

Composition of Board in special cases

29. In any action for surcharge against the Director General, the composition of the Board for the purposes of sections 25 to 28 shall not include the Director General.

PART IV

RESEARCH AND DEVELOPMENT

Establishment of research centres

30. (1) The Board may establish and manage research centres for the purpose of research into and investigation of all problems and matters relating to rubber, rubber products and the rubber industry.

(2) The Rubber Research Institute of Malaysia established under the Rubber Research Institute of Malaysia Act 1966 [*Act 407*] shall be reconstituted, controlled and managed as provided under this Act and shall be deemed to be a research

centre established under this Act.

Functions and powers of research centres

31. (1) The functions of a research centre shall be—

- (a) to carry out rubber research and development activities; and
- (b) to provide and conduct training in line with the needs of the rubber industry.

(2) The research centre shall have power—

- (a) to undertake rubber research and development activities;
- (b) to commission any person or body to carry out rubber research and development activities; and
- (c) to impose fees or any other charges it thinks fit for the use of any facility relating to research, investigation, testing, technical advice, training or any other service provided by the research centre.

Access to research centres, *etc.*

32. (1) The Board may, subject to such conditions, restrictions or limitations as it may determine allow access to research centres and their facilities, and to their research findings.

(2) No person shall make copies of or take extracts from any research findings except in accordance with this Act.

Prohibition against reproduction or publication

33. No person may reproduce or publish in whole or in part the

contents of any research findings except—

- (a) with the prior written consent of the Director General;
and
- (b) in accordance with any terms and conditions as the Director General may determine.

PART V

FINANCE

The Fund

34. (1) There is established, for the purposes of this Act, a fund to be known as the “Malaysian Rubber Board Fund”, to be administered and controlled by the Board.

(2) The Fund shall consist of—

- (a) such sums as may be provided for the purposes of this Act by Parliament;
- (b) moneys earned by the operation of any project, scheme or enterprise financed from the Fund;
- (c) moneys earned or arising from any property, investment, mortgage, charge or debenture acquired by or vested in the Board;
- (d) any property, investment, mortgage, charge or debenture acquired by or vested in the Board;
- (e) sums borrowed by the Board for the purposes of meeting any of its obligations or discharging any of its duties;
- (f) moneys earned from the consultancy, advisory or any

other services provided by the Board and the research centres;

- (g) moneys collected or paid under section 37;
- (h) moneys collected or paid under section 57;
- (i) moneys collected by the Board under the regulations made under this Act and specified therein as sums payable into the Fund;
- (j) moneys distributed as dividends from the corporations established under this Act;
- (k) donations and contributions received from within or outside Malaysia and includes moneys received from any government or organization outside Malaysia; and
- (l) all other sums or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions and powers.

Expenditure to be charged on Fund

35. The Fund shall be expended for the purpose of—

- (a) paying any expenditure lawfully incurred by the Board, including legal fees and costs and other fees and costs, and the remuneration of officers and servants of the Board, including the granting of loans, superannuation allowances, pensions or gratuities;
- (b) financing research and development activities;
- (c) contributing to research centres established under this Act;
- (d) contributing to the Tun Abdul Razak Research Centre;

- (e) contributing to international rubber bodies or organizations of which the Board is a member;
- (f) contributing to organizations related to the rubber industry as the Minister may determine;
- (g) financing scholarships for higher education as may be approved by the Board;
- (h) granting loans to institutions of higher learning within or outside Malaysia concerned in the teaching and training of rubber technologists;
- (i) granting loans or providing capital for corporations established under this Act;
- (j) financing the operation and activities of the Malaysian Rubber Exchange;
- (k) paying any other expenses, costs or expenditure properly incurred or accepted by the Board in the performance of its functions or the exercise of its powers under this Act;
- (l) purchasing or hiring equipment, machinery and any other materials, acquiring land and erecting buildings, and carrying out any other works and undertakings in the performance of its functions or the exercise of its powers under this Act;
- (m) repaying any moneys borrowed under this Act and the interest due thereon; and
- (n) generally, paying any expenses for carrying into effect the provisions of this Act.

Conservation of Fund

36. It shall be the duty of the Board to conserve the Fund by so performing its functions and exercising its powers under this Act

as to secure that the total revenues of the Board are sufficient to meet all sums properly chargeable to its revenue account including depreciation and interest on capital taking one year with another.

Cess on rubber and rubber products

37. (1) The Minister may, after consultation with the Minister of Finance, make orders for the imposition, variation or cancellation of a cess on rubber and rubber products produced in or exported from Malaysia and the orders may specify the nature, amount and rate of the cess and the manner of collection of the cess.

(2) Except in so far as may otherwise be provided in any such order, such cess shall be deemed for the purposes of collection and the enforcement of the collection thereof to be a customs duty imposed under the Customs Act 1967 [*Act 235*].

(3) An order made under this section may prescribe different amounts, rates and manner of collection for different types or grades of rubber and rubber products.

(4) A person who fails or refuses to pay any cess imposed under this section commits an offence and shall, on conviction, be liable to a fine not exceeding ten times the amount of cess due or to imprisonment for a term not exceeding three years or to both.

(5) The amount of any cess imposed under this section shall be a debt due to the Board from the person on whom the cess is imposed and may be sued for and recovered in any court at the suit of the Board.

(6) The institution of proceedings under this section shall not relieve any person from liability for the payment of any cess for which he is or may be liable or from liability to make any return which he is required by this Act to make.

Fees for technical advisory services

38. The Board may fix and collect fees and other charges in respect of any technical advisory services or other services provided by the Board under this Act.

Expenditure and preparation of estimates

39. (1) The expenditure of the Board up to such amount as may be authorized by the Minister for any one year shall be defrayed out of the Fund.

(2) Before the beginning of September of each year, the Board shall submit to the Minister an estimate of the expenditure (including the expenditure for research and development activities) for the following year in such form and containing such particulars as the Minister may direct; and the Minister shall, before the beginning of the following year, notify the Board of the amount authorized for expenditure generally or of the amounts authorized for each description of expenditure.

(3) The Board may at any time submit to the Minister a supplementary estimate for any one year and the Minister may allow the whole or any part of the additional expenditure included therein.

Statutory Bodies (Accounts and Annual Reports) Act 1980

40. The Statutory Bodies (Accounts and Annual Reports) Act 1980 [*Act 240*] shall apply to the Board and any corporation established under this Act.

PART VI**OTHER POWERS AND FUNCTIONS OF THE BOARD****Power to borrow**

41. The Board may, with the approval of the Minister after consultation with the Minister of Finance, borrow, at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the Minister after consultation with the Minister of Finance may approve, any sums required by the Board for meeting any of its obligations or discharging any of its duties.

Investment

42. (1) The moneys of the Board shall, in so far as they are not required to be expended by the Board under this Act, be invested in such manner as the Minister, after consultation with the Minister of Finance, may approve.

(2) Without prejudice to the generality of subsection (1), the Board may, with the approval of the Minister, acquire and develop land and property for or in connection with the exercise of its powers and for this purpose may enter into such negotiations, arrangements or agreements as may be necessary for generating income required for the operation of the Board.

(3) The Board may make available any research finding vested in the Board to any person or body subject to such conditions and the payment of such fees or royalties, if any, as the Board may determine with the approval of the Minister, for the purpose of its commercialization.

Power to employ agents, etc.

43. The Board may employ and pay agents and technical advisers, including advocates and solicitors, bankers, stockbrokers, surveyors, valuers and other persons, to transact any business or to do any act required to be transacted or done in the performance of its functions, the exercise of its powers or the discharge of its duties or for the better carrying into effect of the purposes of this Act.

Power to grant loans

44. The Board may, with the approval of the Minister after consultation with the Minister of Finance, grant loans at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the Minister, after consultation with the Minister of Finance, may approve.

Power to establish corporations

45. (1) The Board may, with the approval of the Minister after consultation with the Minister of Finance, by order published in the *Gazette*, establish a corporation, by such name as the Board thinks fit, to carry out and have the charge, conduct and management of any project, scheme or enterprise which has been planned or undertaken by the Board in the performance of its functions, the exercise of its powers or the discharge of its duties.

(2) The provisions of the Second Schedule shall apply to every corporation established by the Board under subsection (1).

PART VII**ENFORCEMENT****Authorization of officers**

46. (1) The Director General may in writing authorize any officer of the Board not below the rank of Assistant Enforcement Officer to exercise the powers under this Part.

(2) An officer authorized under subsection (1) when acting under this Act shall, on demand, declare his office, and produce to the person against whom he is acting or from whom he seeks any information such authority card as the Director General may direct to be carried by such officer.

Power of investigation

47. An authorized officer shall have the power to investigate the commission of any offence under this Act.

Search by warrant

48. (1) If it appears to a Magistrate upon written information on oath and after such enquiry as he considers necessary that there is reasonable cause to believe that in any premises there is or has been any contravention of this Act, the Magistrate may issue a warrant authorizing any authorized officer named therein, at any reasonable time by day or by night and with or without assistance, to enter the premises, if need be by force, and there to—

(a) search for and seize any rubber, rubber product, thing, book, document or other article that is reasonably believed to furnish evidence of the contravention of this Act;

(b) take samples of any rubber, rubber product or thing found

in the premises for the purpose of ascertaining, by testing or otherwise, whether the offence has been committed; and

- (c) make copies of or take extracts from any book, document or other article found in the premises.

(2) Where, by reason of its nature, size or amount, it is not practicable to remove any rubber, rubber product, thing, book, document or other article seized under subsection (1), the authorized officer shall, by any means, seal such rubber, rubber product, thing, book, document or other article in the premises or container in which it is found.

(3) It shall be an offence for any person without lawful authority to break, tamper with or damage the seal referred to in subsection (2) or to remove any rubber, rubber product, thing, book, document or other article under seal or to attempt to do so.

(4) An authorized officer entering any premises under this section may take with him such other persons and equipment as may appear to him to be necessary.

(5) An authorized officer may in the exercise of his powers under this section, if it is necessary so to do,—

- (a) break open any outer or inner door of the premises and enter therein;
- (b) forcibly enter the premises and every part thereof;
- (c) remove by force any obstruction to entry, search, seizure and removal as he is empowered to effect; and
- (d) detain every person found in the premises until the place has been searched.

List of things seized

49. (1) Except as provided in subsection (2), where any rubber, rubber product, thing, book, document or other article is seized under this Part, the seizing officer shall prepare a list of the things seized and immediately deliver a copy signed by him to the occupier of the premises which has been searched under section 48, or to his agent or servant, at those premises.

(2) Where the premises are unoccupied, the seizing officer shall whenever possible post a list of the things seized conspicuously on the premises.

Forfeiture of rubber, etc., seized

50. (1) Any rubber, rubber product, thing, book, document or other article seized in exercise of any power conferred under this Act shall be liable to forfeiture.

(2) An order for the forfeiture or for the release of any rubber, rubber product, thing, book, document or other article seized in exercise of any power conferred under this Act shall be made by the court before which the prosecution with regard thereto has been held and an order for the forfeiture of the rubber, rubber product, thing, book, document or other article shall be made if it is proved to the satisfaction of the court that an offence under this Act has been committed and that the rubber, rubber product, thing, book, document or other article was the subject-matter of or was used in the commission of the offence, notwithstanding that no person may have been convicted of such offence.

(3) If there is no prosecution with regard to any rubber, rubber product, thing, book, document or other article seized in exercise of any power conferred under this Act, such rubber, rubber product, thing, book, document or other article shall be taken and deemed to be forfeited at the expiration of one calendar month from the date of service of a notice to the last-known address of the person from whom the rubber, rubber product,

thing, book, document or other article was seized indicating that there is no prosecution in respect of such rubber, rubber product, thing, book, document or other article, unless before that date a claim thereto is made in the manner set out in subsections (4), (5) and (6).

(4) Any person asserting that he is the owner of the rubber, rubber product, thing, book, document or other article referred to in subsection (3) and that it is not liable to forfeiture may personally or by his agent authorized in writing give written notice to the authorized officer in whose possession such rubber, rubber product, thing, book, document or other article is held that he claims the same.

(5) On receipt of the notice referred to in subsection (4), the authorized officer shall refer the matter to a Magistrate for a decision.

(6) The Magistrate to whom a matter is referred under subsection (5) shall issue a summons requiring the person asserting that he is the owner of the rubber, rubber product, thing, book, document or other article and the person from whom it was seized, to appear before the Magistrate and on their appearance or default to appear, due service of the summons having been proved, the Magistrate shall proceed to the examination of the matter and on proof that an offence under this Act has been committed and that such rubber, rubber product, thing, book, document or other article was the subject-matter of or was used in the commission of such offence, shall order the same to be forfeited and shall, in the absence of such proof order its release.

(7) Any rubber, rubber product, thing, book, document or other article forfeited or deemed to be forfeited shall be delivered to the authorized officer and shall be disposed of in accordance with the directions of the Magistrate.

(8) Where any rubber or rubber product seized in exercise of the powers conferred under this Act is of a perishable nature or is subject to speedy and natural decay or where the custody of such

rubber or rubber product involves unreasonable expense and inconvenience, or is believed to cause obstruction or hazard to the public, the Director General may direct that such rubber or rubber product be sold at any time and the proceeds of the sale held to abide by the result of any prosecution under this Act.

(9) The Board shall not be liable to any person for any deterioration, however caused, in the quality of any rubber or rubber product seized under this Act.

Property in forfeited rubber, *etc.*

51. Any rubber, rubber product or proceeds of sale thereof, thing, book, document or other article forfeited, or taken and deemed to be forfeited, under this Part shall be the property of the Board.

Cost of holding rubber, *etc.*, seized

52. Where any rubber, rubber product, thing, book, document or other article seized under this Act is held in the custody of the Government pending completion of any proceedings in respect of an offence under this Act, the cost of holding such thing in custody shall, in the event of any person being found guilty of an offence, be a debt due to the Government by such person and shall be recoverable accordingly.

No costs or damages arising from seizure to be recoverable

53. No person shall, in any proceedings before any court in respect of the seizure of any rubber, rubber product, thing, book, document or other article seized in the exercise or the purported exercise of any power conferred under this Act, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.

Obstruction of authorized officer

54. Any person who obstructs, impedes, assaults or interferes with any authorized officer in the performance of his functions under this Act commits an offence.

PART VIII

GENERAL

Regulation of rubber industry

55. The rubber industry of Malaysia shall be regulated in accordance with the regulations made under this Act.

General penalty

56. Any person who commits an offence under this Act for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding thirty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Compounding of offences

57. (1) The Director General may compound any offence committed by any person under this Act, by making a written offer to such person to compound the offence upon payment to the Director General of such amount not exceeding fifty per centum of the amount of maximum fine for that offence within such time as may be specified in the offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted, and where the amount specified in the offer is not paid within the time specified in the offer or within such extended period as the Director General may grant, prosecution for the offence may be instituted at any time

thereafter against the person to whom the offer was made.

(3) Wherean offence has been compounded under subsection (1), no prosecution shall thereafter be instituted in respect of such offence against the person to whom the offer to compound was made.

Institution and conduct of prosecution

58. (1) No prosecution for or in relation to any offence under this Act shall be instituted without the written consent of the Public Prosecutor.

(2) Any officer of the Board not below the rank of Assistant Enforcement Officer authorized in writing by the Public Prosecutor may conduct the prosecution for any offence under this Act.

Jurisdiction to try offences

59. Notwithstanding any written law to the contrary, a Court of a Magistrate of the First Class shall have jurisdiction to try any offence under this Act and to impose the full punishment for any such offence.

Protection of officers

60. No action or prosecution shall be brought, instituted or maintained in any court against—

- (a) the Director General, Deputy Directors General, or any other officer duly appointed under this Act for or on account of or in respect of any act ordered or done for the purpose of carrying into effect this Act; and
- (b) any other person for or on account of or in respect of any act done or purported to be done by him under the order,

direction or instruction of the Director General, a Deputy Director General or any other officer duly appointed under this Act if the act was done in good faith and in a reasonable belief that it was necessary for the purpose intended to be served thereby.

Power to exempt

61. (1) The Minister may by order published in the *Gazette* exempt any person or class of persons or any rubber, rubber product, rubber planting materials or other thing or class of rubber, rubber product, rubber planting material or other thing, from all or any of the provisions of this Act.

(2) The Minister may impose any terms and conditions as he thinks fit on any exemption under subsection (1).

Regulations

62. (1) The Minister may make regulations for all or any of the following purposes:

- (a) prescribing the manner of applying for licences, certificates, permits and approvals under this Act, the particulars to be supplied by an applicant, the manner of licensing and certification, the fees payable therefor, the conditions or restrictions to be imposed and the form or forms of licences, certificates, permits and approvals;
- (b) prescribing the standards of processing and methods of preserving, grading or packaging rubber and rubber products, including prescribing the marks to be stamped or otherwise inscribed on rubber packed for export;
- (c) prescribing the procedure to be followed by exporters in exporting rubber and rubber products;
- (d) providing for the maintenance of proper standards of

conduct in the carrying out of the rubber trade and the rubber industry and for dealing with infringements thereof;

- (e) prescribing the procedure to be followed for the administration of the Fund;
- (f) prescribing the forms for the purposes of this Act;
- (g) prescribing the fees and charges payable under this Act and the manner for collecting and disbursing such fees;
- (h) providing for the regulation of all or any of the activities of the Board and generally the performance of the functions, the exercise of the powers and the discharge of the duties of the Board under this Act; and
- (i) providing for such other matters as are contemplated by, or necessary for giving full effect to, the provisions of this Act and for their due administration.

(2) Regulations made under subsection (1) may prescribe any act in contravention of the regulations to be an offence and may prescribe penalties of a fine not exceeding one hundred thousand ringgit or imprisonment for a term not exceeding three years or both.

Validation of acts done in anticipation of Act

63. (1) Subject to subsection (2), all acts and things done by any person in preparation for or in anticipation of this Act and any expenditure incurred in relation thereto shall be deemed to have been authorized under this Act, provided that the acts and things done are not inconsistent with the general intention and purposes of this Act; and all rights and obligations acquired or incurred as a result of the doing of those acts or things including any expenditure incurred in relation thereto shall be deemed to be the rights and obligations of the Board.

(2) Subsection (1) does not extend to authorizing the appointment of members, officers or servants of the Board except in so far as to authorize the temporary appointment of such persons until the proper appointments are made under this Act.

PART IX

REPEAL, SAVINGS AND TRANSITIONAL

Repeal and dissolution

64. The Malaysian Rubber Research and Development Fund Act 1958 [*Act 401*], the Rubber Research Institute of Malaysia Act 1966 [*Act 407*], the Malaysian Rubber Exchange and Licensing Board Act 1972 [*Act 84*], the Rubber Shipping and Packing Control Act 1949 [*Act 526*] and the Rubber Export Registration Act 1966 [*Act 475*] (the “repealed Acts”) are repealed and the Malaysian Rubber Research and Development Board, the Board of the Rubber Research Institute of Malaysia and the Malaysian Rubber Exchange and Licensing Board (the “dissolved Boards”) and the Rubber Research Institute of Malaysia (the “dissolved Institute”) are dissolved.

Transfer of powers, etc.

65. The powers, rights, privileges, liabilities, obligations and duties that before the appointed day were those of the dissolved Boards and of the dissolved Institute shall devolve as from that day on the Board.

Transfer of property

66. (1) All lands that before the appointed day were vested in, or reserved under any written law relating to land for the purposes of, the dissolved Boards and the dissolved Institute

shall on that day vest in or be deemed to be reserved for the purposes of the Board.

(2) All property and assets other than land that before the appointed day were vested in the dissolved Boards and in the dissolved Institute or in any person on behalf of the dissolved Boards or dissolved Institute, as the case may be, shall on that day vest in the Board.

Existing contracts

67. All deeds, bonds, agreements, instruments and working arrangements subsisting before the appointed day and affecting any of the property transferred under section 66 shall have full force and effect against or in favour of the Board and shall be enforceable as fully and effectually as if, instead of the dissolved Boards or the dissolved Institute or any person acting on behalf of the dissolved Boards or the dissolved Institute, the Board had been named therein or been a party thereto.

Transfer of moneys in funds

68. All moneys standing in or due to be paid to the funds of the dissolved Boards established under the repealed Acts shall on the appointed day be transferred to and be deemed to be part of the Fund established under section 34 of this Act.

Membership of dissolved Boards

69. (1) Notwithstanding anything to the contrary, on the appointed day, the members of the dissolved Boards and the members of any committee appointed under the repealed Acts who held office before that day shall cease to hold office.

(2) Nothing in subsection (1) shall affect the accountability of the outgoing members of the dissolved Boards and as soon

as practicable after the appointed day, the dissolved Boards shall prepare and submit to the Minister a report including the financial statements required under the respective repealed Acts, but the report shall be limited to the period from 1 January of the relevant year to the day before the appointed day.

(3) Notwithstanding section 64, the dissolved Boards shall continue in existence for the purposes of subsection (2).

Continuance of officers and servants

70. The persons who on the appointed day are employed as officers and servants of the dissolved Boards or the dissolved Institute, as the case may be, under the repealed Acts shall continue to be officers and servants of the Board under this Act as if those persons had been appointed under subsection 19(1) of this Act on the same terms and conditions for a term expiring on the day on which their appointments under the repealed Acts would expire.

Savings for certificates, licences and registers

71. (1) Notwithstanding the repeal under section 64 or any provision of this Act to the contrary—

- (a) every person who, before the appointed day, held a valid export registration certificate issued to him under the repealed Acts shall be deemed to be registered under this Act as an exporter until the expiry date of the certificate and subject to the terms and conditions attached thereto;
- (b) every person who, before the appointed day, held a valid certificate for the packing or shipping of rubber for export issued to him under the repealed Acts shall be deemed to be registered under this Act as a packer or exporter, as the case may be, until the expiry date of the certificate and subject to the terms and conditions attached thereto;

- (c) every person who, before the appointed day, held a valid licence to deal in, pack, grade or ship rubber issued to him under the repealed Acts shall be deemed to be licensed under this Act as a dealer, packer, grader or shipper, as the case may be, until the expiry date of the licence and subject to the terms and conditions attached thereto; and
- (d) every person who, before the appointed day, was registered under the repealed Acts as a packer or shipper of rubber shall be deemed to be registered under this Act as a packer or shipper, as the case may be, until such registration is cancelled under this Act.

(2) Every certificate or licence by virtue of which a person is deemed under subsection (1) to be registered or licensed under this Act shall be deemed to have been issued under this Act; and the Board may alter the terms and conditions attached to the certificate or licence for the purpose of bringing them into conformity with the policy of the Board regarding the imposition of conditions and restrictions on registration and licensing under this Act.

(3) The provisions of this Act relating to the cancellation of registration and licences shall apply to all persons deemed under subsection (1) to be registered or licensed under this Act.

(4) If a person deemed to be registered or licensed under this Act under subsection (1) desires to be registered or licensed under this Act as an exporter, packer, shipper, grader or dealer, as the case may be, after the expiration of the period for which he is deemed to be registered or licensed under this Act, he may apply to the Board for registration or for a licence or permit in accordance with the regulations made under this Act, notwithstanding anything to the contrary, and his application shall be made and treated as a fresh application and not as an application for renewal of registration, licence or permit.

(5) All registers kept and maintained under the repealed Acts shall be deemed to be registers kept and maintained under this Act and shall be deemed to form part thereof.

Continuance of pending applications, etc.

72. (1) All applications, approvals or decisions, on appeal or otherwise, pending before the dissolved Boards or the dissolved Institute under the repealed Acts shall on the appointed day be dealt with by the Board under this Act.

(2) All applications, approvals or decisions, on appeal or otherwise, pending before the Minister under the repealed Acts shall on the appointed day be dealt with by the Minister under this Act.

(3) All instruments, certificates or documents lodged with the dissolved Boards or the dissolved Institute under the repealed Acts before the appointed day shall on the appointed day be lodged with the Board.

Continuance of civil and criminal proceedings

73. (1) Neither the repeal under section 64 nor anything contained in this Act shall affect any person's liability to be prosecuted or punished for offences committed under the repealed Acts before the appointed day, or any proceedings brought before that day in respect of such offences.

(2) Any proceedings, whether civil or criminal, or cause of action pending or existing before the appointed day by or against the dissolved Boards or the dissolved Institute or any person acting on behalf of the dissolved Boards or the dissolved Institute may be continued or instituted by or against the Board as it might have been by or against the dissolved Boards, the dissolved Institute or such person if this Act had not been enacted.

(3) Any appeal brought or any leave to appeal applied for on or after the appointed day against a decision given before that day in any legal proceedings to which the dissolved Boards were or

the dissolved Institute was a party may be brought by or against the Board.

Reference in law or document to dissolved Boards and dissolved Institute

74. A reference in any law or document in force before the appointed day to the dissolved Boards and the dissolved Institute shall be construed as a reference to the Board.

Prevention of anomalies

75. (1) The Minister may, after consultation with the Board, whenever it appears to him necessary or expedient to do so, whether for the purpose of removing difficulties, preventing anomalies or in consequence of the enactment of this Act, by order published in the *Gazette* make such modifications to any provisions in any existing laws as he thinks fit.

(2) The Minister shall not exercise the powers conferred by subsection (1) after the expiration of two years from the appointed day.

FIRST SCHEDULE

[Subsection 3(3)]

Meetings

1. (1) The Board shall meet at least once in every three months at a time and place as may be appointed by the Chairman.

(2) At least fourteen days notice in writing shall be given to the members.

(3) The Chairman shall preside at a meeting of the Board.

(4) The quorum of the Board shall be seven.

(5) Every member of the Board present shall be entitled to one vote.

(6) If on a question to be determined by the Board there is an equality of votes, the Chairman shall have a casting vote.

Allowance

2. Members of the Board shall be paid such allowances as the Minister may determine.

Board may invite others to meetings

3. (1) The Board may invite any person to attend a meeting or deliberation of the Board for the purpose of advising it on any matter under discussion but that person shall not be entitled to vote at the meeting or deliberation.

(2) A person invited under subparagraph (1) may be paid such fee as the Board may determine.

Common seal

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

(2) Until a seal is provided by the Board, a stamp bearing the words “Malaysian Rubber Board” or “Lembaga Getah Malaysia” may be used and shall be deemed to be the common seal of the Board.

(3) The common seal shall be kept in the custody of the Director General or such other person as may be authorized by the Board, and shall be authenticated by the Director General or such authorized person or by any officer authorized by either of them in writing; and all deeds, documents and other instruments purporting to be sealed with the said seal, authenticated as aforesaid, shall, until the contrary is proved, be deemed to have been validly executed:

Provided that any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the Board; and any such document or instrument may be executed on behalf of the Board by any officer or servant of the Board generally or specially authorized by the Board in that behalf.

(4) The common seal of the Board shall be officially and judicially noticed.

Disclosure of interest

5. A member of the Board having, directly or indirectly, by himself or his partner, any interest in any company or undertaking with which the Board proposes to make any contract or having any interest in any such contract or in any matter under discussion by the Board shall disclose to the Board the fact of his interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Board and, unless specifically authorized thereto by the Chairman, such member shall take no part in any deliberation or decision of the Board relating to the contract or matter.

Minutes

6. (1) The Board shall cause minutes of all its meetings to be maintained and kept in a proper form.

(2) Minutes made of meetings of the Board shall, if duly signed, be admissible in evidence in all legal proceedings without further proof.

(3) Every meeting of the Board in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

Validity of acts and proceedings

7. No act done or proceeding taken under this Act shall be questioned on the ground of—

- (a) a vacancy in the membership of, or a defect in the constitution of, the Board;
- (b) the contravention by any member of the Board of the provisions of paragraph 5; or
- (c) an omission, a defect or an irregularity not affecting the merit of the case.

Procedure

8. Subject to this Act, the Board shall determine its own procedure.

Member of Board to devote time to business of Board

9. Every member of the Board shall devote such time to the business of the Board as may be necessary to discharge his duties effectively.

Appointment to be published

10. The appointment of every member and alternate member of the Board shall be published in the *Gazette*.

SECOND SCHEDULE

[Subsection 45(2)]

Power of Board to make regulations in respect of corporation

1. The Board shall, on or before the date on which any corporation is established under section 45, make regulations in respect of such corporation defining—

- (a) the purposes and objects for which the corporation is established;
- (b) the rights, powers, duties and functions of such corporation;
- (c) the system of management thereof; and
- (d) the relations between such corporation and the Board and the Board's rights of control over such corporation.

Limitation on power to establish corporation

2. Nothing in paragraph 1 shall be deemed to authorize the Board to make regulations for any purpose or object more extensive in scope than the purposes or objects for which the Board has been constituted or to confer on any corporation any right, duty, power or function which is not within the rights, duties, powers or functions of the Board under this Act.

Effect of regulations

3. Subject to the provisions of this Act and of any regulations made under section 62, any regulations made under paragraph 1 shall be binding on the corporation in respect of which they were made and shall have effect for all purposes as if they had been enacted in this Act.

Amendment of regulations

4. The Board may at any time amend, revoke or add to any regulations made under paragraph 1 in respect of any corporation.

Register of corporations

5. The Board shall keep a register in the prescribed form of all corporations established by it under section 45 and such register, together with copies of all regulations made under paragraphs 1 and 4, shall be open to public inspection at such place or places and at such time as it may prescribe.

Winding up

6. (1) The Board may, with the approval of the Minister, by order published in the *Gazette*, direct that any corporation established by it be wound up and dissolved.

(2) Upon the dissolution of any corporation under this paragraph, the assets of the corporation after discharging all its liabilities shall be transferred to and shall vest in the Board.

(3) The winding up of a corporation under this paragraph shall be conducted in such manner as the Board may prescribe.

Corporations to be bodies corporate

7. Every corporation established under section 45 shall be a body corporate by such name as the Board shall give to it and shall have perpetual succession and a common seal and may sue and be sued in such name and, for the purpose of carrying into effect the project, scheme or enterprise for which it has been established, may enter into contracts, and may hold and deal in or with any immovable or movable property and may do all other matters and things incidental or appertaining to a body corporate not inconsistent with the provisions of this Act and subject to such restrictions or limitations as may be prescribed by the Board in each case.

Common seal of corporation

8. (1) Every corporation shall have a common seal which shall bear such device as the corporation, with the approval of the Board, may approve and such seal may be broken, changed, altered or made anew as the corporation, with the approval of the Board, thinks fit.

(2) Until a seal is provided by the corporation, a stamp bearing the name of the corporation encircling the letters "PP" may be used and shall be deemed to be the common seal of the corporation.

(3) The common seal shall be kept in the custody of such person as may be authorized by the corporation, and shall be authenticated by such person; and all deeds, documents and other instruments purporting to be sealed with the said seal, authenticated as aforesaid, shall, until the contrary is proved, be deemed to have been validly executed:

Provided that any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the corporation; and any such document or instrument may be executed on behalf of the corporation by any officer or servant of the corporation generally or specially authorized by the corporation in that behalf.

(4) The common seal of every corporation shall be officially and judicially noticed.

LAWS OF MALAYSIA**Act 551****MALAYSIAN RUBBER BOARD (INCORPORATION)
ACT 1996****LIST OF AMENDMENTS**

Amending law

Short Title

In force from

—NIL—

LAWS OF MALAYSIA**Act 551****MALAYSIAN RUBBER BOARD (INCORPORATION)
ACT 1996****LIST OF SECTIONS AMENDED**

Section	Amending authority	In force from
---------	--------------------	---------------

—NIL—
