



# **LAWS OF MALAYSIA**

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**REPRINT**

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**Act 455**

## **TIN INDUSTRY (RESEARCH AND DEVELOPMENT) FUND ACT 1953**

*Incorporating all amendments up to 1 January 2006*

PUBLISHED BY  
THE COMMISSIONER OF LAW REVISION, MALAYSIA  
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968  
IN COLLABORATION WITH  
PERCETAKAN NASIONAL MALAYSIA BHD  
2006

**TIN INDUSTRY (RESEARCH AND DEVELOPMENT)  
FUND ACT 1953**

First enacted	... ..	1953 (Ord. No. 58 of 1953)
Revised	... ..	1991 (Act 455 w.e.f 13 April 1991)

*PREVIOUS REPRINT*

<i>First Reprint</i>	... ..	2001
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# **LAWS OF MALAYSIA**

## **Act 455**

### **TIN INDUSTRY (RESEARCH AND DEVELOPMENT) FUND ACT 1953**

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**LAWS OF MALAYSIA****Act 455****TIN INDUSTRY (RESEARCH AND DEVELOPMENT)  
FUND ACT 1953**

An Act to provide for the collection of a cess or cesses on the export of tin, for the establishment of a Fund into which money collected as cess is to be paid; and for the constitution of a Board to administer the Fund.

*[1 January 1954, L.N. 855/1953]*

**Short title**

1. This Act may be cited as the Tin Industry (Research and Development) Fund Act 1953.

**Interpretation**

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

“Board” means the Tin Industry (Research and Development) Board established under section 4;

“Committee” means the Publicity Management Committee of the Board established under section 6;

“Fund” means the Tin Industry (Research and Development) Fund established under section 3;

“Minister” means the Minister charged with the responsibility for the tin industry;

“recognized association” means any association of tin producers declared to be a recognized association of tin producers in accordance with subsection 4(3);

“tin” means tin metal, other refined tin, or the tin content of concentrates or of ore which has been extracted from its original position.

### **Establishment and objects of the Fund**

**3.** For the purposes of this Act there shall be a Tin Industry (Research and Development) Fund which shall be used for expenditure on research, development and publicity for the purpose of stimulating the consumption of tin and for the purpose of popularizing and extending the uses of tin and disseminating information regarding the production, characteristics and availability of tin and for any other purpose recommended by the Board and approved by the Minister as being beneficial to the interests of the tin industry in Malaysia.

### **Establishment and constitution of the Board**

**4.** (1) For the purposes of this Act there shall be a Board to be known as the Tin Industry (Research and Development) Board consisting of six members representing Malaysian tin producers, in this Act referred to as “representative members”, and three official members, as hereafter in this section provided.

(2) The members representing Malaysian tin producers shall be six persons nominated by a recognized association in accordance with subsection (3).

(3) (a) The organizations listed in the first column of the Schedule shall be recognized associations of tin producers and shall be entitled to nominate the number of representatives shown opposite to the name of each of the said association in the second column of the Schedule.

(b) The Minister may at any time, on the recommendation of the Board, amend the Schedule.

(4) The official members shall consist of three persons holding office of emolument under the Government to be nominated by the Minister.

(5) Every recognized association may also appoint one or more persons to be alternate members of the Board, who may attend meetings of the Board when a substantive member of the Board is temporarily unable to attend, and when so attending such alternate member shall be deemed, for all purposes, to be a member of the Board.

(6) If any member of the Board dies or resigns the vacancy so created shall be filled by the appointment of another person by the recognized association who appointed the member so dying or resigning.

(7) (a) Every representative member and alternate member of the Board shall hold office for such period as may be decided by the recognized association or associations which nominated him.

(b) Official members of the Board shall hold office for such period as may be decided by the Minister.

(8) The members of the Board shall not be entitled to any remuneration but may be paid such travelling expenses and subsistence allowances as may be fixed by the Board.

### **Proceedings of the Board**

**5.** (1) The Chairman of the Board shall be elected by the members of the Board from amongst the representative members for a period of one year and shall be eligible for re-election at the end of that period.

(2) The Board shall meet at such times and at such places as the Chairman of the Board may appoint.

(3) In the absence of the Chairman from any meeting members of the Board shall elect for that meeting a temporary Chairman from amongst the representative members present at the meeting.

(4) At any meeting of the Board five members, three of whom shall be representative members, shall form a quorum for the transaction of business.

(5) The powers of the Board shall not be affected by any vacancy in the membership thereof.

(6) All questions at meetings of the Board shall be determined by the majority of the members personally present and voting and each member so present shall be entitled to cast one vote, and in the event of an equality of votes the Chairman shall also have a casting vote.

(7) Subject to this Act, the Board may make rules for the conduct of its proceedings.

### **Establishment of a Publicity Management Committee**

**6.** (1) For the purposes of discharging the functions of the Board in so far as they relate to publicity there shall be a Publicity Management Committee of the Board which shall consist of the representative members of the Board. The Committee shall elect its own Chairman who shall hold office for a period of one year and shall be eligible for re-election. In the absence of the Chairman from any meeting the members of the Committee present at the meeting shall elect a temporary Chairman for that meeting.

(2) The members of the Committee shall not be entitled to any remuneration but may be paid such travelling expenses and subsistence allowances as may be fixed by the Board.

(3) The Committee shall meet at such places and at such times as the Chairman of the Committee may appoint.

(4) The quorum of the Committee shall be three but subject thereto the Committee may act notwithstanding any vacancy in their number.

(5) All questions at meetings of the Committee shall be determined by the majority of the members personally present and voting and each member so present shall be entitled to cast one vote, and in the event of there being an equality of votes the Chairman shall also have a casting vote.

(6) Subject to this Act, the Committee may make rules for the conduct of its proceedings.



### **Incorporation of the Board**

7. (1) The Board shall be a body corporate and shall, by the name of “The Tin Industry (Research and Development) Board”, have continuous succession and shall have and may use a common seal and, by the same name, may sue and be sued in all courts and in all manner of suits and proceedings and may do all other matters and things incidental or appertaining to a body corporate and not inconsistent with this Act.

(2) The common seal of the Board shall not be used except by the authority of the Board and shall not be affixed to any instrument except in the presence of the Chairman and one other member of the Board, who shall sign their names on the instrument and such signing shall be sufficient evidence that such seal was duly and properly affixed and that the same is the lawful seal of the Board.

### **Power of the Minister to make orders imposing a cess on tin**

8. (1) The Minister on the recommendation of the Board may, for the purposes of this Act, make orders for the imposition, variation, cancellation and collection of a cess or cesses on tin exported from Malaysia. Unless otherwise prescribed in such orders, such cess or cesses shall be collected in the same manner as a duty imposed under the Customs Act 1967 [Act 235], and the said Act shall apply to the collection of such cess or cesses.

(2) Every order made under subsection (1) shall be laid on the table of the Dewan Rakyat as soon as practicable after the publication of the said order in the *Gazette*.

(3) All moneys collected under an order made under subsection (1) shall be paid into the Fund within thirty days from the end of the month to which such collection relates.

(4) On the coming into force of this Act any customs duty or duties imposed on tin exported from Malaysia under the Customs Act 1967, or under or by virtue of any written law repealed by the said Act which may be declared by the Minister to have been imposed with the same objects as this Act, shall be deemed to be and continue in force as if it or they were a cess or cesses imposed by an order under subsection (1). Where a declaration has been made by the Minister in respect of any customs duty or duties

under this subsection, any moneys certified by the Minister of Finance to have been collected, whether before, on or after the coming into force of this Act, in respect of such duty or duties shall, after deducting all sums already expended by the Government of Malaysia in respect of tin research and publicity, but excluding contributions by the Government to the International Tin Research Institute approved by the Dewan Rakyat, be paid into the Fund in the manner provided in subsection (3) or, if the period therein specified for such payment has already elapsed, shall be so paid forthwith.

### **Vesting of Fund in the Board**

**9.** (1) Subject to paragraph 11(a), the Fund shall vest in the Board, and the Board shall have the general management, administration and control of the Fund and for that purpose may—

- (a) invest the moneys of the Fund as it deems necessary;
- (b) appoint such officers and employ such persons as it may think necessary for the administration of the Fund; and
- (c) do all such things as are considered necessary or expedient for furthering the interests of the Fund or carrying out the object thereof.

(2) No member of the Board shall be liable for any loss arising from or by reason of any investment made under paragraph (1)(a) unless such loss has been occasioned by his wilful negligence or fraud.

### **Expenses of Fund**

**10.** All costs, charges and expenses of administering the Fund shall be chargeable to the Fund and may be paid thereout from time to time.

### **Division of the Fund**

**11.** The Board shall divide the moneys of the Fund into two parts to be known as—

- (a) the Publicity Fund, which shall consist of such an amount from the moneys paid into the Fund in accordance with subsection 8(4) as may be certified by the Minister of

Finance to have been collected for publicity purposes, together with any moneys collected as a cess for publicity purposes imposed under an order made under subsection 8(1), the total amount of which so made up shall be applied to the Committee in the discharge of its functions; and

- (b) the Research, Development and General Purposes Fund, which shall consist of the balance of the moneys paid into the Fund in accordance with subsection 8(4) after deducting from such moneys the amount paid into the Publicity Fund in accordance with the immediately preceding paragraph of this section, together with any moneys collected as a cess or cesses for any of the purposes prescribed in section 3, other than for publicity, imposed under an order made under subsection 8(1).

### **Accounts of Fund**

**12.** (1) The Board shall cause full and true accounts of the Fund to be kept, which shall include separate accounts in respect of the Publicity Fund and the Research, Development and General Purposes Fund and shall, as soon as possible after 31 December of each year, issue a report of the Fund, together with a balance sheet and an account of income and expenditure during the preceding year, calculated from 1 January or from the date of inception of the Fund to 31 December, and a list of the investments (if any) of the Fund showing their cost price and value at such last mentioned date.

(2) The annual balance sheet, income and expenditure account and list of investments (if any) of the Fund shall, prior to the issue thereof, be audited by such auditor as the Minister may appoint.

(3) The annual report of the Board and the Auditor's report or certificate and any observations shall be transmitted to the Minister not later than 30 April of each year and shall be laid before the Dewan Rakyat by the Minister and published in the *Gazette*.

### **Power of the Board to require information**

**13.** (1) The Board may require any person to submit any information which is reasonably necessary for the discharge of the duties of the Board under this Act; and any person who wilfully or without

reasonable excuse refuses to give such information to the Board or who knowingly or negligently gives any information which is false in any material particular shall be liable to imprisonment for a term of two years or to a fine of five thousand ringgit or to both.

(2) Where an offence under subsection (1) has been committed by a body corporate any person who at the time of the commission of such offence was a director, general manager, secretary or similar official of the body corporate or was purporting to act in such capacity shall be deemed to be guilty of that offence if he has wilfully connived at the commission thereof.

## **Rules**

**14.** (1) The Board may with the approval of the Minister make rules for the carrying out of any of the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may provide for a scheme or schemes for the winding-up of the Fund and for the disposal or repayment of any moneys accumulated therein and for all matters necessary for or incidental to such winding-up.

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SCHEDULE

[Subsection 4(3)]

RECOGNIZED ASSOCIATIONS OF TIN PRODUCERS

Name of Organization	Number of Representatives which may be nominated to the Board
Malaysian Chamber of Mines	4
All-Malaya Chinese Mining Association	2

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**TIN INDUSTRY (RESEARCH AND DEVELOPMENT)  
FUND ACT 1953**

**LIST OF AMENDMENTS**

Amending law	Short title	In force from
L.N. 113/1956	Minister of Finance Order 1956	02-04-1956
L.N. 207/1957	Minister for Commerce and Industry (Transfer of Functions) Order 1957	02-04-1956
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13-11-1958
Act 65/1966	Tin Industry (Research and Development) Fund (Amendment) Act 1966	19-09-1966

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**LAWS OF MALAYSIA****Act 455****TIN INDUSTRY (RESEARCH AND DEVELOPMENT)  
FUND ACT 1953****LIST OF SECTIONS AMENDED**

Section	Amending authority	In force from
2	L.N. 332/1958 Act 65/1966	13-11-1958 19-09-1966
3	L.N. 332/1958	13-11-1958
4	L.N. 332/1958	13-11-1958
8	L.N. 332/1958	13-11-1958
12	L.N. 332/1958	13-11-1958
14	L.N. 332/1958 Act 65/1966	13-11-1958 19-09-1966

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