



# **LAWS OF MALAYSIA**

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**REPRINT**

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**Act 203**

## **LEMBAGA KEMAJUAN KELANTAN SELATAN ACT 1978**

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**LEMBAGA KEMAJUAN KELANTAN SELATAN  
ACT 1978**

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# LAWS OF MALAYSIA

## Act 203

### LEMBAGA KEMAJUAN KELANTAN SELATAN ACT 1978

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## LAWS OF MALAYSIA

### Act 203

#### LEMBAGA KEMAJUAN KELANTAN SELATAN ACT 1978

An Act to incorporate the Lembaga Kemajuan Kelantan Selatan and to provide for matters connected therewith.

[1 May 1978, P.U. (B) 236/1978]

**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**

1. This Act may be cited as the Lembaga Kemajuan Kelantan Selatan Act 1978.

##### **Interpretation**

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

“accounting officer” includes every officer and servant who is charged with the duty of collecting, receiving, or accounting for, or who in fact collects, receives or accounts for, any money of the Fund, or who is charged with the duty of disbursing, or who does in fact disburse, any such money, and every officer and servant who is charged with the receipt, custody or disposal of, or the accounting for, any store and property of the Lembaga or who in fact receives, holds or disposes of such store and property;

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

“company” has the same meaning as that assigned to “corporation” under subsection 4(1) of \*Companies Act 1965 [*Act 125*];

“corporation” means a corporation established under section 28;

“Deputy Chairman” means the Deputy Chairman of the Lembaga appointed under section 5;

“Deputy General Manager” means a Deputy General Manager appointed under subsection 13(6);

“Division” means a Division set up under section 14;

“Fund” means the fund established under section 17;

“General Manager” means the General Manager appointed under subsection 13(1);

“Kawasan Kelantan Selatan” means any area determined by the Minister in accordance with section 9;

“Lembaga” means the Lembaga Kemajuan Kelantan Selatan established under section 3;

“Manager” means a Manager of a Division designated under section 14;

“Minister” means the Minister charged with the responsibility for rural and regional development;

“the State” means the State of Kelantan.

## PART II

### THE LEMBAGA

#### **The Lembaga**

**3.** A body corporate by the name “Lembaga Kemajuan Kelantan Selatan” is established with perpetual succession and a common

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\*NOTE—The Companies Act 1965 [*Act 125*] has since been repealed by the Companies Act 2016 [*Act 777*] w.e.f. 31 January 2017—see subsection 620(1) of Act 777.

seal, which may sue and be sued in its 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 Lembaga, upon such terms as it deems fit.

### **Functions of the Lembaga**

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

- (a) to promote, stimulate, facilitate and undertake economic and social development in the Kawasan Kelantan Selatan;
- (b) to promote, stimulate, facilitate and undertake residential, agricultural, industrial and commercial development in the Kawasan Kelantan Selatan; and
- (c) to control and co-ordinate the performance of the aforesaid activities in the Kawasan Kelantan Selatan.

(2) The Lembaga shall have power to do all things expedient or reasonably necessary for, or incidental to, the performance of its functions, and in particular, but without prejudice to the generality of the foregoing—

- (a) to carry on all activities, particularly commercial and industrial activities, the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the performance of its said functions, including the manufacturing, assembling, processing, packing, grading and marketing of products, research and training;
- (b) to initiate preliminary studies of possible development and redevelopment areas and make preliminary plans outlining development or redevelopment activities and preliminary surveys to determine if the undertaking and carrying out of development or redevelopment projects are feasible;

- (c) to co-operate with or act as agent or managing agent of, or otherwise act in association with or on behalf of, the Government of the Federation or of the State, any public authority, any company, any corporation, any body or any person;
- (d) to promote and co-ordinate the carrying on of such activities by the Government of the Federation or of the State, any public authority, any company, any corporation, or any other body or person;
- (e) to establish or expand, or promote the establishment or expansion, of companies, corporations or other bodies to carry on any such activities either under the control or partial control of the Lembaga or independently;
- (f) to give assistance to any public authority, company, corporation or other body or person appearing to the Lembaga to have facilities for the carrying on of any such activities, including financial assistance by the taking up of share or loan capital or by loan or otherwise;
- (g) to purchase, underwrite or otherwise acquire any stock and shares in any public or private company, and to dispose of the same on such terms and conditions as the Lembaga may determine;
- (h) to require departments and governmental and non-governmental agencies engaged in carrying out or intending to carry out development in the Kawasan Kelantan Selatan to submit reports regarding their activities or proposed activities containing such particulars and information as may be specified by the Lembaga;
- (i) to appoint agents or establish such other bodies as it may deem fit for the purpose of performing its functions;
- (j) to impose fees or any other charges it deems fit for giving effect to any of its powers or functions;



- (k) to receive, in consideration of the services rendered by it, such commission or payment as may be agreed upon;
- (l) to regulate development in the Kawasan Kelantan Selatan; and
- (m) to do such other things as it deems fit for the effective carrying out of its functions and powers.

(3) Subject to section 8, it shall be the responsibility of the Lembaga in performing its functions under this Act to ensure that the functions are performed in such manner as shall be in furtherance of the policy of the Government for the time being in force and in particular the policy relating to the restructuring of society.

### **Membership of the Lembaga**

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

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) a representative of the Ministry charged with the responsibility for rural and regional development;
- (d) a representative of the Treasury from the Ministry of Finance;
- (e) a representative of the Economic Planning Unit, Prime Minister's Department;
- (f) three representatives of the State Government;
- (g) four persons who, in the Minister's opinion, are suitable and able to contribute in exercising the function and role of the Lembaga; and
- (h) the General Manager.

(2) Subject to subsection (3), the First Schedule shall apply to the members of the Lembaga.

(3) Paragraphs 1, 2 and 3 of the First Schedule shall not apply to the General Manager.

(4) (*Deleted by Act A1543*).

(5) Whenever the office of the General Manager is vacant, subsection (1) shall be read as if paragraph (*h*) had been deleted.

### **Alternate member**

**5A.** (1) The Minister may, in respect of each member appointed under paragraph 5(1)(*c*), (*d*) or (*e*), appoint a person to be an alternate member to attend, as an alternate to such member, meetings of the Lembaga when such member is unable to attend for any reasons.

(2) For the purpose of subsection (1), an alternate member shall be named by the member appointed under paragraph 5(1) (*c*), (*d*) or (*e*), with the approval of the Minister.

(3) An alternate member who attends the meetings of the Lembaga shall, for all purposes, be deemed to be a member of the Lembaga.

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

### **Public Authorities Protection Act 1948**

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

### **Public servants**

7. All members, officers and servants of the Lembaga, while discharging their duties as such members, officers and servants, shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

### **Power of the Minister to give directions**

8. (1) The Lembaga shall be responsible to the Minister, and the Minister may from time to time give directions not inconsistent with the provisions of this Act and the Lembaga shall, as soon as possible, give effect to all such directions.

(2) Without prejudice to the generality of subsection (1), and subject to consultation with the Lembaga, the power of the Minister to give directions shall extend to the giving to it of directions—

(a) as to the disposal of capital assets; and

(b) as to the application of the proceeds of such disposals,

notwithstanding that the directions may be of a specific character:

Provided that no such direction shall, so long as any sum borrowed by the Lembaga in accordance with the provisions of this Act remains outstanding, be given.

### **The Kawasan Kelantan Selatan**

9. (1) For the purposes of this Act, the Minister may, with the concurrence of the Government of the State, from time to time determine by notification in the *Gazette* the area or areas within which the Lembaga shall perform its functions under this Act and such area or areas shall be known as the “Kawasan Kelantan Selatan”.

(2) Notwithstanding any other written law, it shall be the responsibility of the Lembaga to perform the functions provided by this Act in the Kawasan Kelantan Selatan.

**Additional functions of the Lembaga**

**10.** In addition to the duties imposed upon and powers vested in the Lembaga by this Act, the Lembaga may undertake such other functions, exercise such other powers and administer and expend such other moneys for such purposes as the Government of the Federation or of the State may assign or give to it and in so doing the Lembaga shall be deemed to be fulfilling the purposes of this Act and the provisions of this Act shall apply to the Lembaga in respect of such functions and the administration and expending of such moneys:

Provided always that the accounts of such moneys shall be kept separate and apart from those of the Fund.

**Returns, reports, accounts and information**

**11.** (1) The Lembaga shall furnish the Minister and such other person, body of persons or 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 from time to time require or direct.

(2) Without prejudice to the generality of subsection (1), the Lembaga 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 the Government of the State or any other public authority, a report dealing with the activities of the Lembaga during the preceding financial year and in such form and containing such information relating to the proceedings and policy of the Lembaga as the Minister may from time to time specify.

**PART III****DIVISIONS, OFFICERS AND SERVANTS****The Chairman**

**12.** (1) The Chairman shall be responsible for the supervision and control of the implementation of policies and decisions made by the Lembaga.

(2) The Chairman may, subject to such conditions, limitations or restrictions as he thinks fit, delegate his powers, duties or functions to any other member, any officer or servant of the Lembaga to carry out such powers, duties or functions vested in or imposed on the Chairman as the Chairman may determine.

(3) The Chairman shall perform such other or further duties as the Minister may from time to time determine.

(4) If the Chairman is temporarily absent from Malaysia or is temporarily incapacitated through illness or for any other sufficient reason from the performance of his duties, the Deputy Chairman shall perform the duties of the Chairman during such temporary absence or incapacity.

### **General Manager and his Deputies**

**13.** (1) The Minister shall appoint a General Manager in accordance with such conditions and for such period as may be determined by the Minister.

(2) The General Manager shall be responsible for—

(a) the administration and management of the Lembaga;

(b) the planning and execution of any programme, scheme or project; and

(c) the carrying out of any decision of the Lembaga.

(3) The General Manager shall be responsible to the Minister and the Lembaga.

(4) The General Manager shall have administrative control of the officers and servants of the Lembaga.

(5) The General Manager shall perform such other or further duties as the Minister or the Lembaga determines.

(6) To assist the General Manager in his functions, the Lembaga may, with the approval of the Minister, appoint one or more Deputy General Managers and vest them with such powers and impose upon them such duties and functions as may be determined by the Lembaga.

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

(7A) The General Manager may, subject to such conditions, limitations or restrictions as he thinks fit, delegate his powers, duties or functions to any officer or servant of the Lembaga to carry out such powers, duties or functions vested in or imposed on the General Manager under this Act as the General Manager may determine and such delegation—

(a) shall not preclude the General Manager from performing or exercising, at any time, any powers, duties or functions so delegated; and

(b) shall be done in the name of the Lembaga.

(8) The General Manager and every Deputy General Manager are officers of the Lembaga.

### **Organization of the Lembaga into Divisions**

**14.** (1) The Lembaga may set up such Divisions as it may think desirable, and each Division shall be under the control and charge of an executive officer designated as “the Manager”.

(2) The Manager of each Division shall be appointed by the Lembaga with the approval of the Minister.

(3) It shall be the responsibility of the Manager of an appropriate Division to implement and execute the decisions of the Lembaga on matters pertaining to his Division, to submit policy recommendations for consideration by the Lembaga, to participate without the right to vote in any meeting of the Lembaga whenever matters pertaining to his Division are being considered in that meeting and also to exercise all the powers that may be delegated to him by the Lembaga.

(4) Every Manager is an officer of the Lembaga.

**Appointment of other officers and servants**

**15.** (1) Subject to any regulations made under section 16, the Lembaga may appoint on such terms and conditions as the Lembaga may think desirable such other officers and servants as may be necessary for carrying out the purposes of this Act.

(2) No person shall be eligible for employment as an officer or servant of the Lembaga who 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 Lembaga.

(3) Any officer or servant of the Lembaga who has or acquires any such share or interest shall be liable in the discretion of the Lembaga to summary dismissal without notice.

**Regulations governing conditions of service of officers and servants**

**16.** The Lembaga may, from time to time, with the approval of the Minister, make regulations governing the conditions of service of its officers and servants.

**Statutory Bodies (Discipline and Surcharge) Act 2000**

**16A.** The Statutory Bodies (Discipline and Surcharge) Act 2000 [Act 605] shall apply to the Lembaga.

**16B–16H.** (*Deleted by Act A1543*).

PART IV

FINANCE

**Establishment of the Fund**

**17.** (1) For the purposes of this Act there is established a fund to be administered and controlled by the Lembaga.

(2) The Fund shall consist of—

- (a) such sums as may be provided from time to time for those purposes by Parliament or the Legislative Assembly of the State;
- (b) such sums as may be allocated from time to time to the Lembaga from loan funds;
- (c) moneys earned by the operation of any project, scheme or enterprise financed from the Fund;
- (d) moneys earned or arising from any property, investment, mortgage, charge or debenture acquired by or vested in the Lembaga;
- (e) any property, investment, mortgage, charge or debenture acquired by or vested in the Lembaga;
- (f) sums borrowed by the Lembaga for the purposes of meeting any of its obligations or discharging any of its duties; and
- (g) all other sums or property which may in any manner become payable to or vested in the Lembaga in respect of any matter incidental to its powers and duties.

(3) In this section the expression “loan funds” means such sums as may be made available from time to time to the Government of the Federation or of the State by way of loan.

### **Balancing of revenue account**

**18.** It shall be the duty of the Lembaga to conserve the Fund by so exercising and performing its powers, functions and duties under this Act as to secure that the total revenues of the Lembaga are, subject to any directions given by the Minister under section 8, sufficient to meet all sums properly chargeable to its revenue account, including depreciation and interest on capital, taking one year with another.



### **Reserve fund**

**19.** The Lembaga shall establish and manage a reserve fund within the Fund.

### **Expenditure to be charged on the Fund**

**20.** The Fund shall be expended for the purpose of—

- (a) granting loans under section 27;
- (b) paying any expenditure lawfully incurred by the Lembaga, including survey, legal and other fees and costs, and the remuneration of officers and servants appointed and employed by the Lembaga, including superannuation allowances, pensions or gratuities;
- (c) paying any other expenses, costs or expenditure properly incurred or accepted by the Lembaga in the performance of its functions or the exercise of its powers under section 4;
- (d) purchasing or hiring plant, equipment, machinery, stores and any other materials and 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 section 4;
- (e) repaying any moneys borrowed under this Act and the interest due thereon; and
- (f) generally, paying any expenses for carrying into effect the provisions of this Act.

### **Expenditure and preparation of estimates**

**21.** (1) The expenditure of the Lembaga 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 Lembaga shall submit to the Minister an estimate of the expenditure (including those for development projects) for the following year

in such form and containing such particulars as the Minister may direct; and the Minister shall before the beginning of that following year notify the Lembaga of the amount authorized for expenditure generally or of the amounts authorized for each description of expenditure.

(3) The Lembaga 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 in the supplementary estimate.

(4) The Minister may direct the Lembaga to submit a copy of the estimate or supplementary estimate, as the case may be, to the Government of the State or to such other person as may be specified in the direction.

### **Statutory Bodies (Accounts and Annual Reports) Act 1980**

**22.** The Statutory Bodies (Accounts and Annual Reports) Act 1980 [Act 240] shall apply to the Lembaga and corporation incorporated under this Act.

## **PART V**

### **OTHER POWERS OF THE LEMBAGA**

#### **Delegation of powers of Lembaga**

**23.** (1) The Lembaga may, subject to such conditions, limitations or restrictions as it thinks fit, delegate to the Chairman, General Manager or any other person the power and authority to carry out on its behalf such powers, duties or functions by this Act vested in or imposed on the Lembaga as the Lembaga may determine, except the power to borrow money, raise loans or make regulations; and any power or function so delegated may be exercised or performed by the Chairman or General Manager or other person, as the case may be, in the name and on behalf of the Lembaga.

(2) Without prejudice to the generality of subsection (1), the Lembaga may delegate to the Chairman, General Manager, any of its other members or any other person authority to sanction expenditure from the Fund or any other money under the control of the Lembaga up to such limit as the Lembaga shall specify.

### **Power to borrow**

**24.** (1) The Lembaga may from time to time 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, with the concurrence of the Minister of Finance, may approve, any sums required by the Lembaga for meeting any of its obligations or discharging any of its duties.

(2) The Lembaga may from time to time, with the approval of the Minister and the concurrence of the Minister of Finance, borrow money by the issue of bonds, debentures or debenture stock or raise capital by the issue of shares or stock of such class and value and upon such terms as it may deem expedient, for all or any of the following purposes:

- (a) the provision of working capital;
- (b) the discharge of the duties of the Lembaga under this Act;
- (c) the performance of such additional functions as may be undertaken by the Lembaga under this Act;
- (d) the redemption of any shares or stock which it is required or entitled to redeem; and
- (e) any other expenditure properly chargeable to capital account.

### **Investment**

**25.** The assets of the Lembaga shall, in so far as they are not required to be expended by the Lembaga under this Act, be invested in such manner as the Minister, with the concurrence of the Minister of Finance, may approve.

### **Power to employ agents**

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

**Power to grant loans**

**27.** In the discharge of its duties or in the performance of its functions, the Lembaga may grant loans, and such loans may be granted subject to such terms and conditions as the Lembaga may deem fit to impose in particular cases.

**Power to establish corporations**

**28.** (1) The Lembaga may from time to time, by order published in the *Gazette*, establish a corporation by such name as the Lembaga may think 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 Lembaga in the discharge of its duties or the performance of its functions.

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

**Power to establish committees**

**28A.** (1) The Lembaga may establish such committees as the Lembaga considers necessary or expedient to assist the Lembaga in the performance of its functions under this Act.

(2) The Third Schedule shall apply to every committee established by the Lembaga under subsection (1).

**Compulsory acquisition of land**

**29.** (1) When any immovable property, not being State land, is needed to be acquired by the Lembaga for the purposes of this Act, such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose for the time being in force in the State, and any declaration required by any such written law that such land is so needed may be made notwithstanding that compensation is to be paid by the Lembaga, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose in accordance with such written law.

(2) The expenses and compensation in respect of any immovable property acquired under this section shall be paid by the Lembaga.

(3) When any immovable property has been acquired under this section, the Lembaga shall extract the necessary documents of title in respect of such property and shall pay any rent to which such property may be subject.

## PART VI

### GENERAL

**30.** (*Deleted by Act 478*).

#### **Obligation of secrecy**

**31.** (1) Except for the purpose of this Act or of any criminal proceedings under this Act, no member, officer or servant of the Lembaga shall disclose any information which has been obtained by him in the course of his duties and which is not published in pursuance of this Act.

(2) Any person contravening subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand ringgit or to both.

#### **Power to make regulations**

**32.** (1) The Lembaga may, with the approval of the Minister, make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations under that subsection may be made for—

- (a) prescribing the manner in which documents, cheques and instruments of any description shall be signed or executed on behalf of the Lembaga;
- (b) prescribing the responsibilities and control of officers and servants of the Lembaga;

- (c) imposing fees in such cases as may be determined by the Lembaga;
  - (d) providing for such matters in connection with shares, stock, bonds, debentures or debenture stock issued under this Act as may appear necessary or expedient to the Lembaga, and, in particular, for regulating the method of issue, transfer, redemption or other dealing with such shares, stock, bonds, debentures or debenture stock;
  - (e) prescribing the manner in which and the terms and conditions on which loans may be granted by the Lembaga under section 27; and
  - (f) providing generally for the exercise of the powers and the discharge of the duties of the Lembaga under this Act.
- (3) Such regulations—
- (a) may provide that any act or omission in contravention of any provision thereof shall be an offence; and
  - (b) may provide for the imposition of penalties for such offences which shall not exceed one thousand ringgit.

### **Power to amend Schedules**

**32A.** The Lembaga may, with the approval of the Minister, amend any Schedule by order published in the *Gazette*.

### **Things done in anticipation of this Act**

**33.** All things done by any person or authority on behalf of the Lembaga in the preparation of and towards the proper implementation of this Act and any expenditure incurred in relation thereto, in anticipation of the enactment of this Act, shall be deemed to have been authorized by this Act, and all rights and obligations acquired or incurred on behalf of the Lembaga from anything so done or any expenditure so incurred shall upon the coming into operation of this Act be deemed to be the rights and obligations of the Lembaga.

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FIRST SCHEDULE

[Subsection 5(2)]

**Terms and conditions of appointment, revocation and resignation**

1. (1) A member of the Lembaga shall hold office for such term and subject to such conditions as the Minister may specify in the instrument appointing him.

(2) The appointment of any member may at any time be revoked by the Minister without assigning any reason therefor.

(3) A member may at any time resign his office by letter addressed to the Minister.

(4) A member shall devote such time to the business of the Lembaga as may be necessary to the discharge of his duties.

**Vacation of office**

2. (1) The office of a member of the Lembaga 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; or

(c) if he becomes 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 without leave of the Lembaga;

(f) in the event of his resignation being accepted by the Minister; or

(g) if his appointment is revoked.

(2) Where any member ceases to be a member by reason of any of the provisions of this Act, a person shall be appointed in his place in accordance with the provisions applicable.

**Remuneration and allowances**

**3.** There shall be paid to members of the Lembaga or any other person such salaries, remuneration or allowances as the Lembaga may determine after consultation with the Minister.

**Meetings**

**4.** (1) The Lembaga shall meet at least once in every three months.

(2) The quorum of the Lembaga shall be six.

(2A) Every member of the Lembaga present shall be entitled to one vote.

(3) At all meetings of the Lembaga the Chairman or, in his absence, such member as the members present may elect, shall preside.

(4) If on any question to be determined by the Lembaga there is an equality of votes, the Chairman or the member presiding shall have a casting vote in addition to his deliberative vote.

(5) Subject to subparagraphs (1), (2), (3) and (4), the Lembaga shall determine its own procedure.

**Lembaga may invite others to meetings**

**5.** The Lembaga may request any person (not being a member of the Lembaga) to attend any meeting or deliberation of the Lembaga for the purpose of advising it on any matter under discussion, but any person so attending shall have no right to vote at the said meeting or deliberation.

**Common seal**

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

(2) Until a seal is provided by the Lembaga a stamp bearing the description “Lembaga Kemajuan Kelantan Selatan” may be used and shall be deemed to be a common seal.

(3) The common seal or the stamp referred to in subparagraph (2) shall be kept in the custody of the General Manager or such other person as may be authorized by the Lembaga, and shall be authenticated by either the General Manager 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 Lembaga; and any such document or instrument may be executed on behalf of the Lembaga by any officer or servant of the Lembaga generally or specially authorized by the Lembaga in that behalf.

- (4) The seal of the Lembaga shall be officially and judicially noticed.

### **Disclosure of interest**

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

### **Minutes**

8. (1) The Lembaga shall cause minutes of all meetings of the Lembaga to be maintained and kept in a proper form.

(2) Any minutes made of meetings of the Lembaga shall, if duly signed, be receivable in evidence in all legal proceedings without further proof and every meeting of the Lembaga 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**

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

- (a) any vacancy in the membership of, or of any defect in the constitution of, the Lembaga;
  - (b) the contravention by any member of the Lembaga of the provisions of paragraph 7; or
  - (c) any omission, defect or irregularity not affecting the merits of the case.
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## SECOND SCHEDULE

[Subsection 28(2)]

**Power of Lembaga to make regulations in respect of a corporation**

1. The Lembaga shall, on or before the date on which any corporation is established under section 28, make regulations in respect of such corporation defining—

- (a) the purposes and objects for which such 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 Lembaga and its rights of control over such corporation.

**Saving**

2. Nothing in paragraph 1 shall be deemed to authorize the Lembaga to make regulations to establish any corporation for any purpose or object more extensive in scope than the purposes or objects for which the Lembaga was 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 Lembaga under this Act.

**Effect of regulations**

3. Subject to the provisions of this Act and of any regulations made under section 32, 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 the regulations**

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

**Register of corporations**

5. The Lembaga shall keep a register in the prescribed form of all corporations established by it under section 28 and such register together with copies of all regulations made under paragraph 1 shall be open to public inspection at such place or places and at such times as it may prescribe.

**Winding up**

6. (1) The Lembaga may by order published in the *Gazette* direct that any corporation established by it shall be wound up and dissolved.

(2) Upon the dissolution of any corporation under this paragraph the assets of the corporation, after payment of all liabilities, shall be transferred to and vested in the Lembaga.

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

**Corporation to be body corporate**

7. Every corporation established under section 28 shall be a body corporate by such name as the Lembaga shall give to such corporation 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 Lembaga in each case.

**Common seal of the corporation**

8. (1) Every corporation shall have a common seal, which shall bear such device as the corporation, with the approval of the Lembaga, may approve, and such seal may from time to time be broken, changed, altered and made anew by the corporation, with the approval of the Lembaga, as the corporation shall think fit.

(2) Until a seal is provided by the corporation under this paragraph a stamp bearing the name of the corporation encircling the letters “LKKS” may be used as a common seal.

(3) The common seal, or the stamp referred to in subparagraph (2), shall be in the custody of such person as the corporation shall direct 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 seal of every corporation shall be officially and judicially noticed.

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## THIRD SCHEDULE

[Subsection 28A(2)]

**Terms and conditions of appointment, revocation and resignation**

**1.** (1) In exercise of its powers under this Act, the committee shall be subject to, and act in accordance with, any direction issued to the committee by the Lembaga.

(2) The Lembaga may appoint any person to be a member of any committee and elect any of its members to be the chairman of a committee.

(3) A member of the committee shall hold office for such term as specified in his letter of appointment and is eligible for reappointment.

(4) The appointment of any member of the committee may, at any time, be revoked by the Lembaga.

(5) A member of a committee may, at any time, resign his office by giving a notice in writing addressed to the Chairman of the Lembaga.

**Meetings**

**2.** (1) The meetings of a committee shall be held at such times and places as the chairman of the committee may determine.

(2) A committee may invite any person who is not a member of the committee to attend any of its meetings for the purposes of advising the committee on any matter under discussion but that person shall not be entitled to vote at the meeting.

(3) Members of the committee or any person invited under subparagraph (2) may be paid such allowances and other expenses as determined by the Lembaga.

**Procedure**

**3.** Subject to this Act, the committee may regulate its own procedures.

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**LAWS OF MALAYSIA****Act 203****LEMBAGA KEMAJUAN KELANTAN SELATAN****LIST OF AMENDMENTS**

| Amending law      | Short title   | In force from |
|-------------------|---|---------------|
| Act A520          | Lembaga Kemajuan (Amendment) Act 1981   | 01-01-1981    |
| Act 478           | Revocation of Exemption From Payment of Stamp Duties Act 1992                             | 21-02-1992    |
| Act A968          | Lembaga Kemajuan Kelantan Selatan (Amendment) Act 1996                                    | 27-09-1996    |
| P.U. (A) 285/2003 | Revision of Laws (Rectification of Lembaga Kemajuan Kelantan Selatan Act 1978) Order 2003 | 01-08-2003    |
| Act A1543         | Lembaga Kemajuan Kelantan Selatan (Amendment) Act 2017                                    | 15-11-2017    |

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**LAWS OF MALAYSIA****Act 203****LEMBAGA KEMAJUAN KELANTAN SELATAN****LIST OF SECTIONS AMENDED**

| Section        | Amending authority    | In force from            |
|----------------|-----------------------|--------------------------|
| 2              | Act A968<br>Act A1543 | 27-09-1996<br>15-11-2017 |
| 5              | Act A520<br>Act A1543 | 01-01-1981<br>15-11-2017 |
| 5A             | Act A1543             | 15-11-2017               |
| 12             | Act A1543             | 15-11-2017               |
| 13             | Act A520<br>Act A1543 | 01-01-1981<br>15-11-2017 |
| 14             | Act A1543             | 15-11-2017               |
| 16A–16H        | Act A968<br>Act A1543 | 27-09-1996<br>15-11-2017 |
| 22             | Act A1543             | 15-11-2017               |
| 28A            | Act A1543             | 15-11-2017               |
| 30             | Act 478               | 21-02-1992               |
| 32A            | Act A1543             | 15-11-2017               |
| First Schedule | Act A520<br>Act A1543 | 01-01-1981<br>15-11-2017 |
| Third Schedule | Act A1543             | 15-11-2017               |