



# **LAWS OF MALAYSIA**

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**REPRINT**

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**Act 225**

## **MALAYSIAN EXAMINATIONS COUNCIL ACT 1980**

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**MALAYSIAN EXAMINATIONS COUNCIL  
ACT 1980**

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# LAWS OF MALAYSIA

## Act 225

### MALAYSIAN EXAMINATION COUNCIL ACT 1980

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## LAWS OF MALAYSIA

### Act 225

### MALAYSIAN EXAMINATION COUNCIL ACT 1980

An Act to establish the Malaysian Examinations Council for the purpose of conducting certain examinations and to provide for matters connected therewith.

[1 February 1980, P.U. (B) 52/1980]

**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 Examinations Council Act 1980.

(2) This Act shall come into force on such date as the Minister may by notification in the *Gazette* appoint.

#### **Interpretation**

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

“Chief Executive” means the Chief Executive of the Council appointed under section 14;

“Council” means the Malaysian Examinations Council established under section 3;

“Director General of Education” means the Director General of Education appointed by the Yang di-Pertuan Agong under section 3 of the Education Act 1996 [*Act 550*];

“Director of Education” means a Director of Education appointed by the Minister under section 4 of the Education Act 1996;

“Director of Examinations” means the Director of Examinations appointed by the Minister under subsection 7(1) of the Education Act 1996;

“Fund” means the Fund established by section 17;

“Minister” means the Minister responsible for education;

“record” includes a record of information in any form on any material, substance, article or thing whatsoever whether permanent or temporary;

“specified examination” means an examination specified in the First Schedule;

“University” means—

- (a) a University established under section 6 of the Universities and University Colleges Act 1971 [*Act 30*]; and
- (b) a University established under section 1A of the Universiti Teknologi MARA Act 1976 [*Act 173*].

## PART II

### THE MALAYSIAN EXAMINATIONS COUNCIL

#### **Establishment of the Malaysian Examinations Council**

**3.** There shall be established a corporation to be known in the national language as the “Majlis Peperiksaan Malaysia” and in English as the “Malaysian Examinations Council” which shall have perpetual succession and a common seal and which may sue and be sued in its said name and, subject to and for the purposes of this Act, may enter into contracts and hold and deal in or with any movable or immovable property and do all other matters and things incidental or appertaining to a body corporate.



## **Membership of the Council**

**4.** (1) The Council shall consist of the following members, that is to say:

- (a) the Vice-Chancellors of the Universities;
- (b) the Secretary General of the Ministry of Education or his nominee;
- (c) the Director General of Education or his nominee;
- (d) the Director of Examinations;
- (e) five members to be appointed by the Yang di-Pertuan Agong; and
- (f) the Chief Executive.

(2) The Yang di-Pertuan Agong shall appoint one of the University Vice-Chancellors to be the Chairman of the Council for such period, not exceeding three years, as may be specified in the instrument of appointment.

(3) A University Vice-Chancellor may be reappointed as Chairman of the Council upon the expiry of his term of office as Chairman.

(4) The provisions of the Second Schedule shall apply to the Council.

## **Appointment of alternate members**

**5.** (1) The Minister shall, in respect of each member of the Council who is a University Vice-Chancellor and on the recommendation of the respective member, appoint an alternate member who may attend, in place of the member concerned, any meeting of the Council which he is for any reason unable to attend.

(2) An alternate member, when attending a meeting of the Council, shall for all purposes be deemed to be a member of the Council.

**Common seal**

**6.** (1) The common seal of the Council shall bear such device as the Council shall approve and may from time to time be broken, changed, altered or made anew as the Council thinks fit.

(2) The common seal shall be kept in the custody of the Chairman or such other person as may be authorized by the Council.

(3) The common seal shall not be affixed to any instrument except in the presence of the Chairman and one other member of the Council who shall sign their names to the instrument in token of such presence, and the signatures shall be sufficient evidence that the seal was duly and properly affixed and is the lawful seal of the Council.

(4) 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 Council and such document or instrument may be executed on behalf of the Council by any officer or servant of the Council generally or specially authorized by the Council in that behalf.

(5) The seal of the Council shall be officially and judicially noticed.

**Duty of the Council**

**7.** (1) The duty of the Council is to conduct, subject to and in accordance with this Act, the specified examinations and all other matters that may be necessary or incidental to such examinations, including—

- (a) the preparation and publication of examination syllabuses;
- (b) the preparation of examination papers;
- (c) the admission or enrolment of candidates; and
- (d) the award of certificates.

(2) In the conduct of the Malaysia Higher School Certificate Examination, the Council shall collaborate with the Universities, and may further collaborate with any other person, body, organization, institution or authority in or outside Malaysia.

(3) In the conduct of any other specified examination, the Council may collaborate with any person, body, organization, institution or authority in or outside Malaysia.

(4) In discharging its duty the Council shall have constant regard to the importance of, and need for, maintaining proper standards for the specified examinations.

(5) Without prejudice to subsections (1), (2), (3) and (4), the Council may, with the approval of the Minister, conduct any examination, other than the specified examinations, and all matters that may be necessary or incidental to such examination, for any person, body, organization, institution or authority in or outside Malaysia.

(6) Notwithstanding any other provision in this Act or paragraph 69(4)(b) of the Education Act 1996, any person, body, organization, institution or authority in or outside Malaysia shall not conduct any examination other than the specified examination, which relates to academic matters, without a written approval of the Director of Examinations as required under subsection 69(1) of the Education Act 1996.

### **Commencement of duty to conduct a specified examination**

**8.** The duty of the Council to conduct a specified examination shall commence from such examination year as the Minister may by notification in the *Gazette* appoint in relation to that examination.

### **Prerogative of the Council**

**9.** The Council shall, in relation to a specified examination, enjoy the prerogative of awarding and withdrawing certificates, withholding and cancelling the results of any candidate, and barring any person from taking the examination.

**Assistance of Director of Education**

**10.** The Council may seek the assistance of any Director of Education in the organization and conduct of any specified examination, including assistance in—

- (a) the collection and payment of fees and allowances in connection with the examination;
- (b) the provision and arrangement of examination centres and the appointment of regional officers, invigilators, supervisors and examiners;
- (c) the provision of facilities for the custody and security of question papers and answer scripts for the examination; and
- (d) the provision of such other facilities as the Council may require for the efficient conduct of the examination.

**Committees and subcommittees**

**11.** (1) The Council shall appoint a standing finance committee to regulate and control the finances of the Council.

(2) The Council may appoint such other committees as it thinks necessary to perform such of the functions of the Council as may be delegated to them by the Council.

(3) A committee may, with the approval of the Council, appoint such subcommittees as it thinks necessary to exercise such of the functions of the committee as may be delegated to them by the committee.

(4) A committee or a subcommittee may consist of persons who are not members of the Council.

(5) Subject to any directions of the Council, a committee or subcommittee shall regulate its own procedure.

**Setting, assessing and marking of examination questions and answers**

**12.** (1) The Council may appoint suitably qualified persons, whether residing in or outside Malaysia, to set, assess or mark questions or answers for a specified examination.

(2) Any person appointed under subsection (1) who, without the permission of the Council, delegates his duty to set, assess or mark examination questions or answers to any unauthorized person commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to a term of imprisonment not exceeding one year or to both.

(3) The Council shall have the right to withhold in whole or in part any allowance or fee payable to any person appointed under subsection (1) in the event of unsatisfactory work as found by the Council.

**Power to delegate**

**12A.** (1) The Council may, subject to such restrictions or conditions as it may think fit to impose, in writing delegate to any committee or subcommittee of the Council, or to the Chief Executive or any other officer appointed under section 16, all or any of the powers and duties conferred or imposed on the Council under this Act or any rules made under section 31, and may at anytime revoke such delegation.

(2) No delegation under subsection (1) shall affect the exercise of any power or the performance of any duty by the Council.

**Power to employ agents, technical advisors and other persons**

**13.** The Council may employ and pay agents, technical advisors and other persons to transact any business or to do any act required to be transacted or done in the execution of its duties or for the better carrying into effect of the purposes of this Act.

## PART III

## ADMINISTRATION

**Appointment of the Chief Executive**

**14.** (1) There shall be a Chief Executive of the Council.

(2) The Minister shall appoint the first Chief Executive of the Council for such period and on such terms and conditions as the Minister may determine, and the Council shall appoint every subsequent Chief Executive on such terms and conditions as the Council may determine with the approval of the Minister.

**Duties of the Chief Executive**

**15.** (1) The Chief Executive shall be the principal executive, administrative and academic officer of the Council and shall perform such duties as are attributable to such an office.

(2) In particular, it shall be the duty of the Chief Executive to ensure that the provisions of this Act and of any subsidiary legislation made under this Act are observed.

(3) The Chief Executive may do all such things conformable to law as he thinks necessary for the purpose of performing his duties under this Act.

(4) The Chief Executive shall be responsible to the Council in the performance of his duties under this Act.

**Appointment of other officers and servants**

**16.** The Council may appoint, in addition to the Chief Executive, such other officers and servants as it considers necessary for carrying out the purposes of this Act, on such terms and conditions as the Council may determine with the approval of the Minister.

PART IIIA

DISCIPLINE

**Disciplinary committees**

**16A.** (1) The Council 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 16D.

(2) For the purposes of this section —

(a) there shall be established a disciplinary committee of the Council in respect of the Chief Executive of the Council consisting of—

(i) a person to be appointed by the Minister, who shall be the chairman of the committee; and

(ii) two members of the Council to be appointed by the Council; and

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

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

(a) such disciplinary committee shall consist of any number of members of the Council, other than the Chairman of the Council, or officers of the Council, 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 disciplinary committee of which he is a member has disciplinary authority.

(4) The disciplinary 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, 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 16D.

### **Appeal against decision of disciplinary committee**

**16B.** (1) A decision of the disciplinary committee under paragraph 16A(2)(a) shall be appealable to the Minister.

(2) A decision of any disciplinary committee under paragraph 16A(2)(b) shall be appealable to the Disciplinary Appeal Board established under section 16C.

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

### **Establishment of Disciplinary Appeal Board**

**16C.** (1) There shall be a Disciplinary Appeal Board of the Council which shall consist of the following members:

- (a) the Chairman of the Council, who shall be the chairman of the Disciplinary Appeal Board and who shall have the casting vote; and
- (b) three members of the Council, not being members of the disciplinary committee whose decision is the subject matter of the appeal, to be appointed by the chairman of the Disciplinary Appeal Board with the approval of the Council for the purpose of the appeal.

(2) When the Disciplinary Appeal Board considers an appeal made under section 16B, a member of the disciplinary committee against whose decision the appeal is made who is also a member of the Council shall not be present or in any way participate in any proceedings relating to that appeal.



**Power to make disciplinary regulations**

**16D.** (1) The Council, with the approval of the Minister, may make regulations to provide for the discipline of its officer and servants.

(2) The disciplinary regulations made under this section—

- (a) may create disciplinary offences;
- (b) may provide for such disciplinary punishments as the Council may deem appropriate, and the punishments may extend to—
  - (i) a warning;
  - (ii) a fine;
  - (iii) a forfeiture of emoluments;
  - (iv) a deferment of salary movement;
  - (v) a reduction of salary;
  - (vi) a reduction in rank; and
  - (vii) a dismissal;
- (c) shall provide an opportunity for 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 any of the following cases:
  - (i) where an officer or a servant of the Council is dismissed or reduced in rank on the ground of misconduct in respect of which a criminal charge has been proved against him;
  - (ii) where the Council, 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—

- (A) made against an officer or a servant of the Council any order of detention, supervision, restricted residence, banishment or deportation; or
- (B) imposed on an officer or a servant of the Council 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 a servant of the Council during the pendency of a criminal proceeding against him or disciplinary proceeding 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 a servant of the Council—
  - (i) where the officer or servant has been convicted by a criminal court; or
  - (ii) where an order of detention or restriction has been made in respect of or imposed on the officer or servant.

### **Imposition of surcharge**

**16E.** (1) A person who is or was in the employment of the Council may be surcharged if it appears to the Council that the person—

- (a) has failed to collect moneys owing to the Council for the collection of which he is or was responsible;
- (b) is or was responsible for any improper payment of moneys from the Council 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 Council;

- (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 Council, 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 Council.

(2) The Council, before a person is surcharged, shall 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 notice in subsection (2), the Council may—

- (a) in the case of paragraphs (1)(a), (1)(b) and (1)(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; and
- (b) in the case of paragraphs (1)(d) and (1)(e), surcharge against the person such sum as the Council deems fit.

(4) The Council shall notify the person surcharged in respect of any surcharge made under subsection (3).

(5) Notwithstanding subsections (3) and (4), the Council 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 Council shall forthwith notify the person surcharged of the withdrawal.

(6) The amount of any surcharge made under subsection (3) and not withdrawn under subsection (5) shall be a debt due to the Council from the person surcharged and may be sued for and recovered in any court at the suit of the Council and may also, if the Council 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 instalments not exceeding one-fourth of the total monthly salary or pension, as the case may be, of that person.

(7) For the purposes of paragraph (1)(d), “accounting officer” includes every officer and servant who is charged with—

- (a) the duty of collecting, receiving or accounting for, or who in fact collects, receives or accounts for, any moneys of the Fund;
- (b) the duty of disbursing, or who does in fact disburse, any moneys of the Fund; or
- (c) the receipt, custody or disposal of, or the accounting for, any stores or property of the Council, or who in fact receives, holds, disposes or accounts for such stores or property.

**Council may adopt regulations, *etc.***

**16f.** In the making of any regulations under this Part, the Council, with the approval of the Minister, may adopt with such modifications as it deems fit, any regulations, rules, policies, circulars and directives enacted or issued by the Federal Government.

PART IV

FINANCE

**The Fund**

**17.** (1) For the purposes of this Act, there shall be established a Fund to be administered and controlled by the Council.

(2) The Fund shall consist of—

- (a) such sums as may be provided from time to time by Parliament;
- (b) any fees or charges payable under this Act;
- (c) any property, investments, mortgages, charges or debentures acquired by or vested in the Council;
- (d) money earned or arising from any property, investments, mortgages, charges or debentures acquired by or vested in the Council; and

- (e) all other moneys or property which may in any manner become payable to or vested in the Council in respect of any matter incidental to its powers and duties.

(3) The Fund shall be expended for the purpose of paying all expenses properly incurred by the Council in the execution of its functions under this Act.

(4) The Council may invest in securities of the Government of Malaysia or such other securities as may be approved in writing by the Minister of Finance such moneys of the Fund as are not immediately required to be expended under this Act.

### **Estimates of income and expenditure**

**18.** (1) The Council shall, not later than the 1 November of each year, submit to the Minister estimates of the income and expenditure of the Council for the following year.

(2) The Minister may disallow, alter, modify or add any item in such estimates.

(3) The Council 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.

### **Accounts and audit**

**19.** (1) The Council shall keep proper accounts and other records in respect of its operations and shall prepare a statement of accounts in respect of each year.

(2) The accounts of the Council shall be audited annually by such auditor as may be appointed by the Council with the approval in writing of the Minister of Finance.

(3) As soon as the accounts of the Council have been audited, the Council shall cause a copy of the audited statement of accounts to be submitted to the Minister, together with a copy of any observations made by the auditor appointed under subsection (2) on the statement or on the accounts of the Council.

(4) The Minister shall cause a copy of the statement and observations submitted to him under subsection (3) to be laid on the table of each House of Parliament.

### **Annual report**

**20.** (1) The Council shall, not later than the 30 June of each year, cause to be made and submitted to the Minister a report dealing with the activities of the Council during the preceding year and containing such information relating to the proceedings and policy of the Council as the Minister may from time to time require.

(2) The Minister shall cause a copy of every report submitted to him under subsection (1) to be laid on the table of each House of Parliament.

## **PART V**

### **GENERAL**

### **Powers of Minister**

**21.** (1) The Council shall be responsible to the Minister and the Minister may from time to time give to the Council directions of a general character which are not inconsistent with the provisions of this Act, and the Council shall give effect to all such directions.

(2) The Council shall furnish the Minister with such returns, reports, accounts and information with respect to its property and activities as the Minister may from time to time require.

(3) The Minister may at any time appoint a committee of enquiry to investigate into the affairs of the Council and such committee shall submit its report to the Minister.

### **Power to amend First Schedule**

**22.** The Minister may, after consultation with the Council, by order amend the First Schedule.

### **Public servants**

**23.** All members, officers and servants of the Council, all members of any committee or subcommittee appointed under this Act, and all persons appointed under section 12, shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

### **Public Authorities Protection Act**

**24.** The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or other proceeding against any member, officer or servant of the Council, against any member of any committee or subcommittee appointed under this Act, and against any person appointed under section 12, in respect of any act, neglect or default done or committed by him in such capacity.

### **Obligation of secrecy**

**25.** (1) Except as may be necessary for the exercise or performance of any duty or function under this Act or for carrying into effect the provisions and purposes of this Act, every person who has been appointed under this Act, or who is or has been employed in carrying out or assisting any person to carry out the provisions and purposes of this Act—

- (a) shall preserve and aid in preserving secrecy with regard to all matters coming to his knowledge in the exercise or performance of any duty or function related to his appointment or employment;
- (b) shall not communicate any such matter to any person;
- (c) shall not suffer or permit any person to have access to any records in the possession, custody or control of any person to whom this subsection applies.

(2) Subsection (1) does not apply—

- (a) to the disclosure of any information authorized to be disclosed or furnished by the Council;

- (b) to the disclosure of information for the purpose of any legal proceedings brought under this Act, or for the purpose of any report of any such proceedings; or
- (c) to the disclosure of information for the purpose of any investigation carried out under subsection 21(3).

(3) Any person who contravenes any provision of subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to a term of imprisonment not exceeding two years or to both.

### **Secrecy of marks, answer scripts and statistical data**

**26.** (1) No person shall be entitled to a disclosure of the marks scored or the answer scripts produced by any candidate in an examination conducted by the Council, and no court shall compel the Council or any member, officer or servant of the Council to make any such disclosure to any person.

(2) Nothing in subsection (1) shall preclude the Council from publishing, at its discretion, statistical data when such publication would in its opinion be in the interests of education in Malaysia:

Provided that any statistical data published pursuant to this subsection shall not contain information which may in any manner lead to the identification of any candidate.

### **Exclusive rights in examination questions**

**27.** (1) The Council shall have exclusive rights in all examinations questions set by it or on its behalf.

(2) Any person who, other than for his private and domestic use, publishes or reproduces any past examination question in any form identical or substantially similar to the original question without the permission of the Council commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to a term of imprisonment not exceeding two years or to both.



**Leakage of examination papers**

**28.** (1) Any person engaged in setting, moderating, revising, vetting or printing, or in the collection, storage, distribution or custody, of any question paper or confidential instructions for an examination conducted by the Council, or in making drafts, copies or records of the question paper or confidential instructions, or engaged as a supervisor, invigilator, attendant or in any other capacity for an examination conducted by the Council who, before or during the period of the examination for the subject to which the paper or instructions relate, knowingly or recklessly and without being lawfully authorized to do so, discloses the contents of the paper or instructions, or of any draft, copy or record of the question paper or confidential instructions, to any person, whether a candidate for that examination or not, commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to a term of imprisonment not exceeding two years or to both.

(2) Any person, whether a candidate for a specified examination or not, who, before or during the period of the examination for the subject to which a question paper or confidential instructions for a specified examination relate, knowingly makes use of the contents of the paper or instructions or of any draft, copy or record thereof in any manner and without being lawfully authorized to do so, commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to a term of imprisonment not exceeding two years or to both.

(3) Any person who, before or during the period of the examination for the subject to which a question paper or confidential instructions for an examination conducted by the Council relate, is found in possession, custody or control of the question paper or instructions or part of the question paper or confidential instructions or of any draft, copy or record thereof without being lawfully authorized to do so, commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to a term of imprisonment not exceeding three years or to both.

**Consent to prosecute**

**29.** A prosecution for an offence under this Act shall not be instituted without the consent in writing of the Public Prosecutor.

**30.** (*Deleted by Act A1267*).

**Power to make rules**

**31.** The Council may, with the approval of the Minister, make rules—

- (a) prescribing the syllabus of a specified examination;
  - (b) prescribing the conditions of entry and award pertaining to a specified examination;
  - (c) concerning the conduct of candidates during a specified examination and providing for instances of misconduct, such as cheating and impersonation, and the manner of dealing with persons involved therein;
  - (d) prescribing fees or charges in respect of any examination conducted by the Council;
  - (e) prescribing fees to be paid to examiners, invigilators and other persons involved in the conduct of a specified examination;
  - (f) prescribing the mode of appeal for scrutiny of the results of a specified examination;
  - (g) regulating the terms and conditions of service of the officers and servants of the Council and providing for their discipline; and
  - (h) generally for the better carrying out of the provisions of this Act.
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FIRST SCHEDULE

[Section 2]

SPECIFIED EXAMINATIONS

1. The Peperiksaan Sijil Tinggi Persekolahan Malaysia or, in English, the Malaysia Higher School Certificate Examination.
2. \*Malaysian University English Test.

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SECOND SCHEDULE

[Subsection 4(4)]

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

**Conditions of appointment of appointed members**

1. (1) An appointed member of the Council shall, unless his appointment is sooner revoked or he sooner resigns, hold office for such term, not exceeding three years, as the Yang di-Pertuan Agong may specify in the instrument appointing him.
- (2) Such a member may be reappointed upon the expiry of his term of office.
- (3) The appointment of any such member may be revoked at any time by the Yang di-Pertuan Agong without any reason being assigned therefor.
- (4) Such a member may at any time resign his office by letter addressed to the Yang di-Pertuan Agong.

**Vacation of office**

2. The office of an appointed member of the Council 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 for more than two years;

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\*NOTE—The Malaysian Examination Council shall be responsible for the conduct of the examination of the Malaysian University English Test with effect from the year 1999. *See*—P.U. (A) 270/1999 w.e.f. 6 January 1999.

- (c) if he becomes bankrupt;
- (d) if he is of unsound mind or is otherwise incapable of performing his duties;
- (e) if he absents himself from three consecutive meetings without leave of the Chairman;
- (f) in the event of his resignation being accepted by the Yang di-Pertuan Agong; or
- (g) if his appointment is revoked.

### **Remuneration and allowances**

3. There shall be paid to members of the Council and of committees and subcommittees appointed under this Act such remuneration or allowances as the Council may, with the approval of the Minister, determine.

### **Meetings**

4. (1) The Council shall meet at least once in every six months.

(2) The quorum of the Council shall be seven.

(3) The Chairman or, in his absence, a member, who shall be a University Vice-Chancellor, appointed by the members present shall preside at all meetings of the Council.

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

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

### **Minutes**

5. The Council shall cause minutes of all its meetings to be maintained and kept in a proper form.

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**LAWS OF MALAYSIA****Act 225****MALAYSIAN EXAMINATIONS COUNCIL  
ACT 1980****LIST OF AMENDMENTS**

Amending law	Short title	In force from
Act A617	Malaysian Examinations Council (Amendment) Act 1985	01-06-1985
Act A1019	Malaysian Examinations Council (Amendment) Act 1998	20-03-1998
P.U. (A) 270/1999	Malaysian Examinations Council (Amendment of First Schedule) Order 1999	06-01-1999
Act A1150	Malaysian Examinations Council (Amendment) Act 2002	24-05-2002
Act A1267	Malaysian Examinations Council (Amendment) Act 2006	30-09-2010

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## LAWS OF MALAYSIA

### Act 225

### MALAYSIAN EXAMINATIONS COUNCIL ACT 1980

#### LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A617 Act A1019 Act A1150	01-06-1985 20-03-1998 24-05-2002
4	Act A617 Act A1150	01-06-1985 24-05-2002
7	Act A1267	30-09-2010
10	Act A1150	24-05-2002
12A	Act A617 Act A1150 Act A1267	01-06-1985 24-05-2002 30-09-2010
14	Act A1150	24-05-2002
15	Act A1150	24-05-2002
16	Act A1150	24-05-2002
16A	Act A1019	20-03-1998
16B	Act A1019	20-03-1998
16C	Act A1019	20-03-1998
16D	Act A1019	20-03-1998
16E	Act A1019	20-03-1998
16F	Act A1019	20-03-1998

Section	Amending authority	In force from
26	Act A617 Act A1267	01-06-1985 30-09-2010
28	Act A617 Act A1267	01-06-1985 30-09-2010
30	Act A1267	30-09-2010
31	Act A1267	30-09-2010
First Schedule	P.U. (A) 270/1999	06-01-1999
Second Schedule	Act A617	01-06-1985

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).



DICETAK OLEH  
PERCETAKAN NASIONAL MALAYSIA BERHAD,  
KUALA LUMPUR  
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA  
WJW000139 06-02-2013