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PERBADANAN PUTRAJAYA ACT 1995

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Act 536

PERBADANAN PUTRAJAYA ACT 1995

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LAWS OF MALAYSIA

Act 536

PERBADANAN PUTRAJAYA ACT 1995

An Act to incorporate the Perbadanan Putrajaya and to provide for matters connected therewith.

[1 March 1996, P.U. (B) 78/1996]

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. This Act may be cited as the Perbadanan Putrajaya Act 1995 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint; and the Minister may appoint different dates for the coming into force of different provisions of this Act.

Interpretation

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

“Chief Executive” means the chief executive officer referred to in subsection 14(1) and includes any officer directed under subsection 14(6) to perform the duties of the chief executive officer;

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

“corporation” means a corporation established under section 29;

“Fund” means the fund established under section 20;

“Minister” means the Minister responsible for the Federal Territory of Putrajaya;

“Perbadanan” means Perbadanan Putrajaya established under section 3;

“President” means the President of the Perbadanan appointed under section 5;

“State Government” means the Government of the State of Selangor.

PART II

THE PERBADANAN

The Perbadanan and its objective

3. (1) There is hereby established a body corporate by the name of “Perbadanan Putrajaya” with perpetual succession and a common 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 Perbadanan upon such terms as it deems fit.

(2) (*Deleted by Act A1168*).

Functions of the Perbadanan

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

- (a) to perform all functions of a local government in the Federal Territory of Putrajaya;
- (b) to promote, stimulate, facilitate and undertake economic and social development in the Federal Territory of Putrajaya;
- (c) to promote, stimulate, facilitate and undertake commercial development, infrastructure development as well as residential development in the Federal Territory of Putrajaya; and
- (d) to control and coordinate the performance, in the Federal Territory of Putrajaya, of the activities mentioned in paragraphs (b) and (c).

(2) The Perbadanan 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 exercise all powers of a local government in the Federal Territory of Putrajaya;
- (b) to carry on all activities, particularly activities which are commercial in nature the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the performance of its functions;
- (c) 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;
- (d) to co-operate with or act as agent or managing agent of or otherwise act in association with or on behalf of the Federal Government or of the State Government, any public authority, any company or corporation, or any other body or person;

- (e) to promote and co-ordinate the carrying on of such activities by the Federal Government or of the State Government, public authority, any company or corporation, or any other body or person;
- (f) with the approval of the Minister, to establish or expand, or promote the establishment or expansion of companies, corporations or other bodies to carry on any of the activities mentioned in paragraphs (b) and (c) either under the control or partial control of the Perbadanan or independently;
- (g) to require government departments and governmental and non-governmental agencies engaged in carrying out or intending to carry out development in the Federal Territory of Putrajaya to submit reports, containing such particulars and information as may be specified by the Perbadanan, regarding their activities or proposed activities;
- (h) to appoint such agents as it deems fit for the purpose of performing its functions;
- (i) with the approval of the Minister, to privatize or in any other manner transfer or dispose of any of its activities in relation to its functions under this section or to privatize or in any other manner transfer or dispose of any of its assets;
- (j) to impose fees or any other charges it deems fit for giving effect to any of its functions or powers;
- (k) to regulate, co-ordinate and undertake development, including the development of infrastructure, in the Federal Territory of Putrajaya; and
- (l) to do such other things as it deems fit to enable it to carry out its functions and powers effectively.

(3) Subject to section 9, it shall be the responsibility of the Perbadanan 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 Federal Government for the time being in force and in particular the policy relating to the development of Federal Territory of Putrajaya as the Federal Government administrative centre.

Membership of the Perbadanan

5. (1) The Perbadanan shall comprise two persons representing the State Government, to be nominated by the Menteri Besar of Selangor with the approval of the Ruler of the State of Selangor, and the following members who shall be appointed by the Minister:

- (a) a President who shall act as Chairman;
- (b) three Federal Government officials; and
- (c) two other members from the private sector.

(2) The Deputy President of the Perbadanan shall be appointed by the President from amongst the Federal Government officials, and during the absence of the President at any sitting, the Deputy President shall preside over the sitting.

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

Alternate member

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

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

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

Secretary

6. There shall be a Secretary to the Perbadanan who shall be appointed from amongst members of the Judicial and Legal Service.

Public Authorities Protection Act 1948

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

Public servant

8. All members, officers and servants of the Perbadanan, 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

9. The Perbadanan 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 Perbadanan shall, as soon as possible, give effect to all such directions.

Responsibility of Perbadanan Putrajaya

10. It shall be the responsibility of the Perbadanan to perform, in the Federal Territory of Putrajaya, the functions conferred upon it by this Act and any other written law.

Additional functions of the Perbadanan

11. In addition to the duties imposed upon and powers vested in the Perbadanan by this Act, the Perbadanan may undertake such other

functions, exercise such other powers and administer and expend such other moneys for such purposes as the Federal Government may assign or give to it, and in so doing the Perbadanan shall be deemed to be fulfilling the purposes of this Act and the provisions of this Act shall apply to the Perbadanan in respect of the undertaking of such functions, the exercise of such powers and the administration and expending of such moneys:

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

Returns, reports, accounts and information

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

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

PART III

PRESIDENT, OFFICERS, SERVANTS

The President

13. (1) Without prejudice to the other provisions of this Act, the President shall perform such duties as the Minister may, from time to time, determine.

(2) The Perbadanan may, with the approval of the Minister, delegate to the President all or any of the functions vested in or imposed on the Perbadanan by this Act and any function, power or

duty so delegated may be performed, exercised or discharged by the President in the name and on behalf of the Perbadanan.

The chief executive officer

14. (1) The President shall be the chief executive officer of the Perbadanan on such terms and conditions as may seem desirable to the Perbadanan and the Perbadanan shall vest in him such powers and impose upon him such duties as may be determined by the Perbadanan.

(2) The Chief Executive shall be responsible for—

- (a) the preparation of all programmes, schemes and projects for the consideration of the Perbadanan;
- (b) the execution of all programmes, schemes and projects of the Perbadanan; and
- (c) the carrying out of the decisions and directions of the Perbadanan.

(3) The Chief Executive shall have general control of the other officers and servants of the Perbadanan.

(4) The Chief Executive shall perform such further duties as the Perbadanan may, from time to time, direct.

(5) In discharging his duties, the Chief Executive shall act under the general authority and directions of the Perbadanan.

(6) If the Chief Executive is temporarily absent from Malaysia or is temporarily incapacitated through illness or for any other sufficient reason from the performance of his duties, the Perbadanan may direct any other officer of the Perbadanan to perform his duties during such temporary absence or incapacity.

Appointment of officers and servants of the Perbadanan

15. (1) Subject to any regulations made under section 16, the Perbadanan may appoint, on such terms and conditions as it may think desirable, such number of 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 Perbadanan if he has, directly or indirectly, by himself or his partner, any share or interest in any contract or proposed contract with, for or on behalf of the Perbadanan.

Regulations with respect to conditions of service

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

Power of Perbadanan to make regulations relating to conduct and discipline

17. (1) The Perbadanan may, with the approval of the Minister, make such regulations as it deems necessary or expedient to provide for the conduct and discipline of the officers and servants of the Perbadanan.

(2) The regulations made under this section may include—

- (a) provisions for the establishment of appropriate disciplinary authorities for the different categories of officers and servants of the Perbadanan;
- (b) provisions for the establishment of a Disciplinary Appeal Board to hear appeals from the decisions of the disciplinary authorities; and
- (c) provisions for—
 - (i) the interdiction with reduction in salary or other remuneration; or

- (ii) the suspension without salary or other remuneration,

of an officer or servant of the Perbadanan during the pendency of the disciplinary proceedings.

(3) The regulations made under this section may create such disciplinary offences and provide for such disciplinary punishments as the Perbadanan may deem appropriate, and the punishments so provided may extend to dismissal or reduction in rank.

(4) The regulations made under this section may, in prescribing the procedure for disciplinary proceedings, provide for an opportunity for representations to be made by the person against whom the disciplinary proceedings are taken before a decision is arrived at by the disciplinary authority on such disciplinary charge laid against such person.

Surcharge

18. (1) If it appears to the Perbadanan that any person who is or was in the employment of the Perbadanan—

- (a) has failed to collect any moneys owing to the Perbadanan for the collection of which he is responsible;
- (b) is or was responsible for any payment from the Fund of moneys which ought not to have been made 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, stamps, securities, stores or other property of the Perbadanan;
- (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, of moneys from the Fund to any person to whom such payment is due under any

contract, agreement or arrangement entered into between that person and the Perbadanan,

the Perbadanan shall serve on him a written notice calling on him to show cause why he should not be surcharged, and if a satisfactory explanation is not, within fourteen days from the date of service of the notice as aforesaid, furnished to the Perbadanan with regard to the failure to collect, payment which ought not to have been made, payment not duly approved, deficiency or destruction, or failure to keep proper accounts or records, or failure to make payment, or delay in making payment, the Perbadanan may surcharge against the said person a sum not exceeding the amount of any such amount not collected, such payment, deficiency, or loss, or the value of the property destroyed, as the case may be; and with regard to the failure to keep proper accounts or records, or the failure to make payment, or the delay in making payment, the Perbadanan may surcharge against the said person such sum as it thinks fit.

(2) When a surcharge is made under subsection (1), the Chief Executive shall notify the person surcharged.

(3) The Perbadanan 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 Chief Executive shall at once cause the person surcharged to be notified of such withdrawal.

(4) The amount of any surcharge made under subsection (1) and not withdrawn under subsection (3) shall be a debt due to the Perbadanan from the person against whom the surcharge is made and may be sued for and recovered in any court at the suit of the Perbadanan and may also be recovered by deduction—

- (a) from the salary of the person surcharged if the Perbadanan so directs; or
- (b) from the pension of the person surcharged if the Perbadanan so directs,

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

Perbadanan may adopt regulations, etc.

19. In making regulations under this Part, the Perbadanan may, with the approval of the Minister, adopt with such modifications any regulations, rules, policies, circulars and directives enacted or issued by the Federal Government.

PART IV**FINANCE****The Fund**

20. (1) There is hereby established, for the purposes of this Act, a fund to be administered and controlled by the Perbadanan.

(2) The Fund shall consist of—

- (a) moneys received by the Perbadanan in exercising its functions as a local authority;
- (b) such sums as may be provided from time to time for those purposes by the Parliament;
- (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 Perbadanan;
- (e) any property, investment, mortgage, charge or debenture acquired by or vested in the Perbadanan;
- (f) sums borrowed by the Perbadanan 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 Perbadanan in respect of any matter incidental to its functions, powers and duties.

Conservation of Fund

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

Expenditure to be charged on the Fund

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

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

Expenditure and preparation of estimates

23. (1) The expenditure of the Perbadanan 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 Perbadanan shall submit to the Minister an estimate of the expenditure (including the expenditure 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 the following year, notify the Perbadanan of the amount authorized for expenditure generally or of the amounts authorized for each description of expenditure.

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

Statutory Bodies (Accounts and Annual Reports) Act 1980

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

PART V**OTHER POWERS AND FUNCTIONS OF
THE PERBADANAN****Delegation of functions, powers or duties of the Perbadanan**

25. (1) The Perbadanan may, subject to such conditions, limitations or restrictions as it thinks fit to impose, delegate to the Chief Executive any function, power or duty, as the Perbadanan may determine, vested in or imposed on the Perbadanan by this Act, except the power to borrow money, raise loans or make regulations; and any function, power or duty so delegated may be performed, exercised or discharged by the Chief Executive, as the case may be, in the name and on behalf of the Perbadanan.

(2) Without prejudice to the generality of subsection (1) and to the other provisions of this Act, the Perbadanan may delegate to the Chief Executive authority to sanction expenditure from the Fund or any other moneys vested in and under the control of the Perbadanan up to such limit as the Perbadanan shall specify.

Power to borrow

26. (1) The Perbadanan may, from time to time, with the approval of the Minister, 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 may approve, any sums required by the Perbadanan for meeting any of its obligations or discharging any of its duties.

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

- (a) the provision of working capital;
- (b) the performance of the functions, the exercise of the powers and the discharge of the duties of the Perbadanan under this Act;
- (c) the performance of such additional functions as may be undertaken by the Perbadanan 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

27. The assets of the Perbadanan shall, in so far as they are not required to be expended by the Perbadanan under this Act, be invested in such manner as the Minister may approve.

Power to employ agents, etc.

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

Power to establish corporations

29. (1) The Perbadanan may from time to time, with the approval of the Minister, by order published in the *Gazette*, establish a corporation, by such name as the Perbadanan 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 Perbadanan in the performance of its functions, the exercise of its powers or the discharge of its duties.

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

Acquisition of land

30. (1) When any immovable property in the Federal Territory of Putrajaya, not being State land, is needed to be acquired by the Perbadanan for the purpose of this Act, such property may be acquired in accordance with the provisions of any written law for the time being in force in the State relating to the acquisition of land for a public purpose, 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 Perbadanan, 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) All expenses and compensation payable for the acquisition of any immovable property under this section shall be paid by the Perbadanan.

(3) Where any immovable property has been acquired under this section, the Perbadanan 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

Exemption from stamp duty

31. The Perbadanan shall be exempted from the payment of stamp duty under the Stamp Act 1949 [*Act 378*].

Obligation of secrecy

32. (1) Except for any of the purposes of this Act or for the purpose of any civil or criminal proceedings under any written law, no member, officer or servant of the Perbadanan 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 who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Power to make regulations

33. (1) The Perbadanan 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 may be made for—

- (a) regulating the development of land in the Federal Territory of Putrajaya and generally providing for the orderly development of land in the Federal Territory of Putrajaya;

- (b) prescribing the manner in which documents, cheques and instruments of any description shall be signed or executed on behalf of the Perbadanan;
 - (c) prescribing the responsibilities and control of officers and servants of the Perbadanan;
 - (d) imposing fees in such cases as may be determined by the Perbadanan;
 - (e) 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 Perbadanan, and, in particular, for regulating the method of issue, transfer, redemption or other dealing with such shares, stock, bonds, debentures or debenture stock;
 - (ea) regulating any activity, service or works undertaken in any public place, park, walk, recreation ground, pleasure ground, garden, swimming pool, lake, river, wetland, stadium, building or site;
 - (eb) providing for the registration and accreditation of any person or body of persons undertaking any activity, service or works referred to in paragraph (ea); and
 - (f) providing generally for the performance of the functions, the exercise of the powers and the discharge of the duties of the Perbadanan under the provisions of this Act.
- (3) Regulations under this section—
- (a) may provide that any act or omission in contravention of any provision thereof shall be an offence;
 - (b) may provide for the imposition of penalties, which shall not exceed five thousand ringgit, for such offence; and
 - (c) may prescribe the offences under this Act and any regulations made under this Act which may be compounded, the persons who may compound, the limit

of the sum of money to be collected for compounding such offences and the procedure and forms to be complied with in compounding such offences.

Things done in anticipation of the enactment of this Act

34. All things done by any person or authority on behalf of the Perbadanan in the preparation of and towards the proper implementation of any of the provisions 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 acquired or obligations incurred on behalf of the Perbadanan from anything so done shall upon the coming into force of this Act be deemed to be the rights and obligations of the Perbadanan.

Savings

35. Any structure plan prepared and approved by the State Planning Committee of the State of Selangor which affects the Federal Territory of Putrajaya before the establishment of the Perbadanan, shall be deemed to be the structure plan of the Federal Territory of Putrajaya as if it was prepared and approved by the Perbadanan.

Modifications

36. The Minister may from time to time whenever it appears to him necessary or expedient to do so, whether for the purpose of removing difficulties or in consequence of the passing of this Act, by order make such modifications to any provisions in any existing laws as he thinks fit.

FIRST SCHEDULE

[Subsection 5(3)]

Appointment, revocation and resignation

1. (1) A member of the Perbadanan shall, subject to such conditions as may be specified in his instrument of appointment, hold office for a term not exceeding three years and is eligible for reappointment.

(2) The appointment of any member, other than the representative of the State Government, may at any time, be revoked by the Minister without assigning any reason therefore.

(3) A member, other than the representative of the State Government, may at any time, resign his office by letter addressed to the Minister.

(4) Every member shall devote such time to the business of the Perbadanan as is necessary to discharge his duties effectively.

Vacation of office

2. (1) The office of a member of the Perbadanan 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 under section 32 ; or
 - (iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;
- (c) if he becomes a bankrupt;
- (d) if he is of unsound mind or is otherwise incapable of discharging his duties;
- (e) if he absents himself from three consecutive meetings without leave of the Perbadanan;
- (f) in the event of his resignation being accepted by the Minister; or
- (g) if his appointment is revoked by the Minister.

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

Remuneration or allowance

3. There may be paid to members of the Perbadanan or any other person (not being an officer or servant of the Perbadanan who is within the ambit of the provisions of this Act relating to the terms and conditions of service applicable to his case) such remuneration or allowance as the Minister may determine.

Meetings

4. (1) The Perbadanan shall meet at least once in every two months.

(2) The quorum of the Perbadanan shall be four.

(3) The decision of the Perbadanan shall be by majority votes and where there is an equality of votes, the President shall have the deciding vote.

(4) The Secretary shall be present at all meetings of the Perbadanan but he shall have no voting power.

(4A) Notwithstanding subparagraph (4), if the Secretary is unable to be present at any meeting of the Perbadanan due to illness or for any other reason permitted by the President, the President may direct an officer of the Perbadanan who is under the supervisions or control of the Secretary to be present at any meeting of the Perbadanan to perform the function of Secretary at that meeting.

(5) Subject to the provisions of this Act, the Perbadanan shall determine its own procedure.

Perbadanan may invite others to meetings

5. The Perbadanan may request any person (not being a member of the Perbadanan) to attend any meeting or deliberation of the Perbadanan 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 Perbadanan shall have a common seal which shall bear such device as the Perbadanan shall approve and such seal may from time to time be broken, changed, altered or made anew as the Perbadanan may think fit.

(2) Until a seal is provided by the Perbadanan, a stamp bearing the words “Perbadanan Putrajaya” may be used and shall be deemed to be the common seal of the Perbadanan.

(3) The common seal shall be kept in the custody of the President or such other person as may be authorized by the Perbadanan, and shall be authenticated by the

President 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 Perbadanan; and any such document or instrument may be executed on behalf of the Perbadanan by any officer or servant of the Perbadanan generally or specially authorized by the Perbadanan in that behalf.

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

Disclosure of interest

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

Minutes

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

(2) Any minutes made of meetings of the Perbadanan shall, if duly signed, be admissible in evidence in all legal proceedings without further proof and every meeting of the Perbadanan 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 Perbadanan;
 - (b) the contravention by any member of the Perbadanan of paragraph 7; or
 - (c) any omission, defect or irregularity not affecting the merits of the case.
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SECOND SCHEDULE

[Subsection 29(2)]

Power of the Perbadanan to make regulations in respect of corporation

1. The Perbadanan shall, on or before the date on which any corporation is established under section 29, make regulations in respect of such corporation defining—

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

Limitation on power to establish corporation

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

Effect of regulation

3. Subject to the provisions of this Act and of any regulations made under section 33, any regulations made under paragraph 1 shall be binding on the corporation in respect of which they were made and shall have effect for all purposes as if they had been enacted in this Act.

Amendment of regulations

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

Register of corporation

5. The Perbadanan shall keep a register in the prescribed form of all corporations established by it under section 29 and such register, together with copies of all regulations made under paragraphs 1 and 4, shall be open to public inspection at such place or places and at such time as it may prescribe.

Winding up

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

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

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

Corporation to be bodies corporate

7. Every corporation established under section 29 shall be a body corporate by such name as the Perbadanan shall give to it and shall have perpetual succession and a common seal and may sue and be sued in such name and, for the purpose of carrying into effect the project, scheme or enterprise for which it has been established, may enter into contract, 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 Perbadanan in each case.

Common seal of corporation

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

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

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

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

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

LAWS OF MALAYSIA

Act 536

PERBADANAN PUTRAJAYA ACT 1995

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A1168	Perbadanan Putrajaya (Amendment) Act 2002	03-10-2002

LAWS OF MALAYSIA**Act 536****PERBADANAN PUTRAJAYA ACT 1995****LIST OF SECTIONS AMENDED**

Section	Amending authority	In force from
Enacting clause	Act A1168	03-10-2002
2	Act A1168	03-10-2002
3	Act A1168	03-10-2002
4	Act A1168	03-10-2002
5	Act A1168	03-10-2002
5A	Act A1168	03-10-2002
10	Act A1168	03-10-2002
11	Act A1168	03-10-2002
30	Act A1168	03-10-2002
33	Act A1168	03-10-2002
35	Act A1168	03-10-2002
36	Act A1168	03-10-2002
First Schedule	Act A1168	03-10-2002
