



# **LAWS OF MALAYSIA**

**Act A552**

**FARMERS' ORGANIZATION (AMENDMENT)  
ACT 1983**

## LAWS OF MALAYSIA

Act A552

FARMERS' ORGANIZATION (AMENDMENT)  
ACT 1983

An Act to amend the Farmers' Organization Act 1973.

[ ]

BE IT ENACTED by the Duli Yang Maha Mulia 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:

1. This Act may be cited as the Farmers' Organization (Amendment) Act 1983 and shall come into force on such date as the Minister may by notification in the *Gazette* appoint. Short title and commencement.

2. Section 2 of the Farmers' Organization Act 1973, which in this Act is referred to as "the principal Act", is amended— Amendment of section 2. Act 109.

(a) by deleting the definition of "Farmers' Association"; and

(b) by inserting immediately after the word "farmers" in the definition of "Farmers' Organization" the words "formed under section 3 at Area, State or National level and".

3. Section 3 of the principal Act is amended by substituting the following therefor: Amendment of section 3.

"Forma-  
tion.

3. (1) An Area Farmers' Organization may be formed in accordance with the provisions of this Act or any regulations made thereunder for any area in any State by not less than fifty persons who fulfil the requirements stated in subsection (1) of section 9 and who have before such formation assembled at a meeting for the purpose of forming a Farmers' Organization.

(2) Any two or more Area Farmers' Organizations registered in accordance with this Act may with the approval of the Registrar and in accordance with any regulations made thereunder confederate into one State Farmers' Organization.

(3) Any two or more State Farmers' Organizations registered in accordance with this Act may with the approval of the Registrar and in accordance with any regulations made thereunder confederate into a National Farmers' Organization."

Amendment of section 6. 4. Section 6 of the principal Act is amended—

(a) by renumbering it as subsection (1) of section 6; and

(b) by adding immediately after subsection (1) the following new subsection (2):

"(2) Notwithstanding the powers of a Farmers' Organization conferred by subsection (1) the Registrar, with the concurrence of the Minister, may in writing limit, impose conditions on or regulate the powers of a Farmers' Organization to ensure efficiency in, and to avoid duplication of, functions of such Farmers' Organization."

Amendment of section 9. 5. Section 9 of the principal Act is amended by deleting the words "or a Farmers Association" in subsection (2).

New sections 15A and 15B. 6. The principal Act is amended by inserting immediately after section 15 the following new sections 15A and 15B:

"Power to borrow moneys, etc. 15A. (1) Subject to section 6, and to such limits as the Registrar may from time to time impose, a Farmers' Organization may borrow moneys or incur other financial commitments or obligations for the purpose of carrying out its objects and performing its functions.

(2) At each annual general meeting, every Farmers' Organization shall determine, subject to the limits imposed by the Registrar pursuant to subsection (1), the maximum limit of indebtedness which it may incur at any time

FARMERS' ORGANIZATION (AMENDMENT) 5

in the coming financial year on account of moneys borrowed or to be borrowed and of other financial commitments and obligations entered into or to be entered into both before and during that financial year.

Investment of funds.

15B. Subject to section 6, a Farmers' Organization may invest or deposit its funds—

- (a) in any bank approved by the Registrar from time to time;
- (b) in any of the securities of the Federal Government or of the Government of any State;
- (c) in securities issued in the Federation with the approval of the Treasury by any public authority established under Federal or State law;
- (d) with the approval of the Registrar, in the share capital or securities of any registered body or company;
- (e) with the approval of the Registrar, in the purchase of lands or buildings or in the construction of buildings; or
- (f) in any other mode approved by the Registrar.”.

7. Section 17 of the principal Act is amended by deleting the words “in the States of Malaya or a Court of a Magistrate of the First Class in the State of Sabah or Sarawak” in subsection (5). Amendment of section 17.

8. The principal Act is amended by inserting immediately after Part IV the following new Part IVA: New Part IVA.

PART IVA

CONFEDERATION OF AREA AND STATE FARMERS' ORGANIZATIONS

Procedure of confederation of Area Farmers' Organization.

18A. (1) Any Area Farmers' Organization may give notice in accordance with the rules of such organization of its intention to hold a special general meeting of such organization at which a special resolution for the confederation with the other Area Farmers' Organizations will be proposed.

(2) At such meeting of each Area Farmers' Organization, a special resolution shall be proposed for the confederation and that an application shall be made to the Registrar for the purpose.

Registration  
of State  
Farmers'  
Organiza-  
tion.

18B. If any application under section 18A has been made in respect of each Area Farmers' Organization and the Registrar is satisfied—

- (a) that the special resolution in favour of the proposed confederation has been duly passed by each Area Farmers' Organization corresponding in all material particulars with the resolution or resolutions passed by the other Area Farmers' Organizations;
- (b) that the scheme of confederation contained in such resolution in the case of each Area Farmers' Organization corresponds in all material particulars to the resolution or resolutions of the other Area Farmers' Organizations; and
- (c) that the provisions of the constitution or rules of the proposed State Farmers' Organization is in accordance with the regulations made under this Act,

he shall register or cause to be registered the State Farmers' Organization according to the rules made under this Act.

Procedure  
for con-  
federation  
of State  
Farmers'  
Organiza-  
tions.

18C. In respect of the procedure for confederation of any two or more State Farmers' Organizations, the provisions of section 18A and 18B shall apply provided that for the words "Area Farmers' Organization" and "State Farmers' Organization" wherever they occur there shall be substituted the words "State Farmers' Organization" and "National Farmers' Organization" respectively."

FARMERS' ORGANIZATION (AMENDMENT) 7

9. The principal Act is amended by inserting immediately after section 24 the following new section 24A: New  
Section 24A.

“Right of access to records, etc. 24A. (1) The Registrar or every authorised person shall have a right of access at all times to the accounting and other records, including registers, of every Farmers' Organization and shall have power—

- (a) to summon at the time of his audit any officer or past officer, agent, servant or member of the Farmers' Organization or member-unit who he has reason to believe can give material information in regard to any transaction of the Farmers' Organization or member-unit or the management of its affairs;
- (b) to require the production at such place and within such period as may be specified by him of any book or document relating to the affairs of, or any cash or securities belonging to, the registered Farmers' Organization or member-unit by the officer or past officer, agent, servant or member in possession of such book, document, cash or securities.

(2) Where in the course of the winding-up to a Farmers' Organization or member-unit of such Farmers' Organization or consequent upon an audit under section 24 or an inquiry or inspection under section 19 it appears that any person who has taken part in the organization or management of such Farmers' Organization or member-unit or any past or present officer, agent, servant or member of the Farmers' Organization or member-unit has misapplied or retained or become liable or accountable for any money or property of such Farmers' Organization or member-unit or has been guilty of misfeasance or breach of trust in relation to the Farmers' Organization or member-unit or on the application of the liquidator or of any creditor or contributory, the Registrar or other authorised person shall have the power to examine into the conduct of such person and make an order requiring him

to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of such Farmers' Organization or member-unit by way of compensation in regard to the misapplication, retention, dishonesty or breach of trust as the Registrar thinks just and such order shall be enforced in the same manner as if the order has been a judgment of a Court."

Amendment of section 25. **10.** Section 25 of the principal Act is amended by deleting the words "Farmers' Association" in paragraphs (b) and (c).

New section 28A. **11.** The principal Act is amended by inserting immediately after section 28 the following new section 28A:

"Annual general meeting. 28A. (1) The annual general meeting of every Farmers' Organization shall be held within three months after the close of each Farmers' Organization's financial year.

(2) Notwithstanding subsection (1), the Farmers' Organization may apply to the Registrar for extension of time to hold the annual general meeting."

Amendment of section 32. **12.** Section 32 of the principal Act is amended—  
(a) by deleting the words "Farmers' Association and" and "respectively" in the marginal note thereto;  
(b) by deleting subsection (1); and  
(c) by renumbering subsection (2) as section 32.

Amendment of section 33. **13.** Section 33 of the principal Act is amended by deleting the words "or Farmers' Association" appearing twice therein.

Amendment of section 34. **14.** Section 34 of the principal Act is amended—  
(a) by deleting the words "or the Farmers' Association Act, 1967" in paragraph (a); and  
(b) by deleting the words "and Farmers' Associations" appearing twice, and "or the Farmers' Association Act, 1967", in paragraph (b).

15. Subsection (2) of section 35 of the principal Act is amended by deleting the words "Farmers' Association or" in, and the words "Farmers' Association or" in subparagraphs (i), (ii) and (iii) and the words "Farmers' Associations or" in subparagraph (iv) of, paragraph (c). Amendment  
of section 35.

16. The principal Act is amended by adding immediately after section 35 the following new section 36: New  
section 36.

"Repeal. 36. (1) The Farmers' Association Act 1967 is repealed.

(2) Upon the coming into force of this section—

(a) all Farmers' Associations shall be deemed to be formed and registered under this Act;

(b) any reference to "Farmers' Association" in any written law shall be deemed to be a reference to "Farmers' Organization"; and

(c) the change of name of "Farmers' Association" to "Farmers' Organization" shall not affect any rights or obligations of the Farmers' Association or render defective any legal proceedings by or against it, and any legal proceedings that could have been continued or commenced by or against it prior to the commencement of this section may be continued or commenced under its new name."