

STATE OF SABAH

AGRICULTURAL PRODUCE BOARD ENACTMENT 1981

(Sabah No. 18 of 1981)

ARRANGEMENT OF SECTIONS

PART I
PRELIMINARY

Section

1. Short title and commencement.
2. Interpretation.

PART II

ESTABLISHMENT AND CONSTITUTION OF BOARD

3. Establishment of Boards.
4. Composition of a Board.
5. Resignation and revocation.
6. Disqualification from membership.
7. Vacation of office.
8. Leave of absence.

- 9. Casual vacancies and temporary membership.
- 10. Remuneration of members of Boards.

PART III PROCEDURE OF A BOARD

- 11. Meetings.
- 12. Procedure of meetings.
- 13. Members interested not to vote.
- 14. Power to appoint committee.
- 15. Meeting of a committee.
- 16. Delegation of powers.
- 17. Power of Chairman to delegate.
- 18. Execution of documents, etc..
- 19. Vacancy not to invalidate acts, etc..

PART IV ADMINISTRATION

- 20. Appointment of General Manager, officers and servants.
- 21. Restriction on alterations in establishment.
- 22. General Manager as chief executive officer.
- 23. Officer or servant not to be interested in contracts.

PART V FUNCTIONS OF A BOARD.

- 24. Duties of a Board.
- 25. Power to impose levy.

PART VI
FINANCIAL PROVISIONS

- 26. Fund of a Board.
- 27. Investment of funds.
- 28. Borrowing powers.
- 29. Loans may be secured by mortgage.
- 30. Power to make loans.
- 31. Power to guarantee loans.
- 32. Annual estimates.
- 33. Accounts.
- 34. Audit and statement of accounts.
- 35. Annual report.
- 36. Bank account.
- 37. When tenders to be called.

PART VIA
ENFORCEMENT

- 37A. Interpretation.
- 37B. Authorized officer.
- 37C. Authority card.
- 37D. Power of investigation.
- 37E. Search and seizure with warrant.
- 37F. Search and seizure without warrant.
- 37G. Power to seal premises.
- 37H. Power to enter premises.
- 37I. Access to computerized data.

- 37J. Power to stop, search and seize conveyance.
- 37K. List of things seized.
- 37L. Cost of holding any product, equipment, *etc.*, seized.
- 37M. Forfeiture or release of product, equipment, *etc.*, seized.
- 37N. No cost or damages arising from seizure to be recoverable.
- 37O. Power to require attendance of person acquainted with case.
- 37P. Examination of person acquainted with case.
- 37Q. Admissibility of statements in evidence.
- 37R. Obstructing, *etc.*, authorized officers.
- 37S. Authorized officer may seek assistance to examine product, equipment, *etc.*, relating to offence.
- 37T. Reward for information.
- 37U. Protection of informer.

PART VII GENERAL

- 38. Power of Minister to give directions.
- 38A. Offences committed by body corporate.
- 38B. Compounding of offences.
- 38C. General Penalty.
- 39. Land acquired compulsorily.
- 40. Transfer of property to Board.
- 40A. Board shall be deemed to be a Native.

41. Emergency powers of General Manager.
42. Power of suspension of executive functions.
43. Secrecy and penalty.
44. Protection against legal proceedings.
45. Public servants.
46. Public Authorities Protection Act 1948.
47. Prosecution
48. Sanction for prosecution. *[Deleted by En. 16 of 2024]*
49. Power to make regulations.
50. Repeal and saving.

LIST OF AMENDMENTS

<i>Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
2/1987	47, 48	16-4-1987
16/2024	2, 17, 20, 24, New Part VIA, New section 40A, 41, 47, Deletion of section 48, 49,	26-12-2024
G.N.S. 3/2025	Corrigendum 38A section 38A	

An Enactment to repeal and re-enact the law relating to the establishment of Boards for the promotion of the welfare of agricultural and livestock industries and the marketing of certain products and provide for matters incidental thereto and connected therewith so as to make better provisions respecting the constitution, administration, procedure, functions and finance of the Boards.

ENACTED by the Legislature of the State of Sabah as follows:

PART I
PRELIMINARY

Short title and commencement.

1. (1) This Enactment may be cited as the Agricultural Produce Board Enactment 1981 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint. [c.i.f. 24.08.2022 G.N. 59/2023]

(2) The Minister may appoint different dates for the coming into operation of different parts or provisions of the Enactment.

Interpretation.

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

“Board” means a Board constituted under section 3;

“Chairman” means Chairman of the Board;

“Deputy Chairman” means Deputy Chairman of the Board;

“functions” includes powers and duties;

“General Manager” means the General Manager appointed under section 20 of the Enactment and includes any person for the time being so appointed to perform the duties of the General Manager;

“levy” means a levy imposed under the provisions of section 25 of this Enactment;

“member” means a member of the Board including the Chairman and Deputy Chairman;

“Minister” means the Minister for the time being charged with responsibility for matters relating to agriculture;

“product” means any agricultural or horticultural produce and any produce of any kind of animal husbandry; and

“this Enactment” includes any subsidiary legislation made under this Enactment.

PART II

ESTABLISHMENT AND CONSTITUTION OF BOARD

Establishment of Boards.

3. (1) As from the commencement of this Enactment, the Yang di-Pertua Negeri may, by notice in the *Gazette*, constitute in respect of any product or products a Board to be known by such corporate name as may be specified in such notice, which shall be a body corporate with perpetual succession, capable of suing and being sued in its corporate name and with power to purchase or otherwise acquire, hold, and exchange or alienate or otherwise deal with in any lawful manner whatsoever, any property movable and immovable, and to enter into contracts and generally to do such acts and things as a body corporate may do by law and as are necessary for, or incidental to, the carrying out of its objects and the exercise of its powers as set out in this Enactment.

(2) A Board shall have a common seal which shall bear such device as the Board may approve and such seal may from time to time be broken, changed, altered and made anew by the Board, as the Board may think fit.

(3) Until a common seal is provided under subsection (2), a stamp bearing the corporate name of the Board may be used as the common seal of the Board.

Composition of a Board.

4. (1) A Board shall consist of the following members —

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) three *ex-officio* members who shall be persons for the time being holding the offices of the Permanent Secretary of the Ministry of Finance, the Permanent Secretary of the Ministry of Agriculture and Fisheries and the Director of Agriculture;
- (d) not more than nine nor less than six members of whom not less than half shall be persons engaged in the production or marketing of the product or products in respect of which the Board has been constituted; and
- (e) the person for the time being holding the office of the General Manager:

Provided that the General Manager shall not be entitled to vote at the meeting of the Board.

(2) The members as specified in paragraphs (a), (b) and (d) of subsection (1) shall be appointed by the Yang di-Pertua Negeri.

(3) An *ex-officio* member may by instrument in writing addressed to the Chairman appoint another officer in the public service of the State as an alternate member who may attend on his behalf any meeting of a Board which such member is for any reason unable to attend and such alternate member when attending such meeting shall for all purposes be deemed to be a member of the Board.

(4) Subject to the provisions of section 7 of this Enactment, a member, other than an *ex-officio* member and the General Manager, shall hold office for a period of three years from the date of his appointment, and shall be eligible for re-appointment.

Resignation and revocation.

5. (1) A member, other than an *ex-officio* member and the General Manager, may at any time resign his office by giving notice in writing to the Chairman.

(2) The appointment of a member may at any time be revoked by the Yang di-Pertua Negeri if he thinks it expedient to do so.

Disqualification from membership.

6. The following persons shall be disqualified from being appointed as or, if appointed, remaining a member —

- (a) a person who is of unsound mind or otherwise incapable of performing his duties or managing his affairs;
- (b) a person who is prohibited from being a director of a company under the provisions of any written law relating to companies;
- (c) a person who has been convicted of any offence involving fraud, dishonesty or moral turpitude; and
- (d) a bankrupt.

Vacation of office.

7. The officer of a member, other than an *ex-officio* and the General Manager, shall become vacant —

- (a) on his death;
- (b) if he is absent from three consecutive meetings of a Board without the special leave of the Chairman or leave of absence granted under this Enactment and the Board passes a resolution declaring his office vacant;
- (c) if he resigns his office;

- (d) if he becomes disqualified for membership under section 6 of this Enactment;
- (e) if his appointment is revoked by the Yang di-Pertua Negeri.

Leave of absence.

8. The Minister may grant to any member such leave of absence as the Minister may deem fit.

Casual vacancies and temporary membership.

9. (1) If the office of a member, other than an *ex-officio* member and the General Manager, becomes vacant, the Yang di-Pertua Negeri may appoint another suitably qualified person to fill such vacancy for so long only as the member in whose place he is appointed would have held office.

(2) Where any member, other than an *ex-officio* member and the General Manager, is prevented by illness, absence from the State or other like cause from performing his duties as a member the Yang di-Pertua Negeri may appoint any suitably qualified person to act as deputy for such member during such period as he is so prevented from performing his duties.

Remuneration of members of Boards.

10. There shall be paid to the members, or to such of them as the Minister may determine, such salaries, fees and allowances out of the funds of a Board as the Minister may from time to time approve.

PART III
PROCEDURE OF A BOARD

Meetings.

11. (1) A Board shall meet as often as may be necessary or expedient for the transaction of its business and such meetings shall be held at such places and times as the Chairman may determine:

Provided that the Chairman shall not allow more than three months to elapse between such meetings.

(2) Where not less than three members, by notice in writing signed by them and addressed to the Chairman, request that a meeting of a Board be held for any purpose specified in such notice the Chairman shall, within seven days of the receipt by him of such notice, convene a meeting accordingly.

Procedure of meetings.

12. (1) The quorum necessary for the transaction of the business of a Board shall be five.

(2) In the absence of the Chairman from any meeting of a Board, the Deputy Chairman shall preside thereat and, in the absence of both the Chairman and the Deputy Chairman, the members present shall elect one of their number to preside thereat.

(3) Questions arising at any meeting of a Board shall be decided by the votes of the majority of those present and voting thereon and in the case of an equality of votes the Chairman or other person presiding at such meeting shall have a second or casting vote.

(4) Subject to the provisions of this Part a Board shall have power to make standing orders to regulate its own proceedings.

Members interested not to vote.

13. (1) Any member who has or acquires, directly or indirectly by himself, his partner or agent —

- (a) any share or interest in any contract made with or work done for the Board or in any company or with any person or in respect of any undertaking with which the Board proposes to contract; or
- (b) any beneficial interest in land proposed to be acquired, purchased, leased or otherwise dealt with by the Board or which he knows to be affected or to be likely to be affected by any project, scheme or enterprise approved or proposed to be approved by the Board,

shall, before taking part in any proceedings at a meeting of the Board, relating to or affecting directly or indirectly any such contract or land, inform the person presiding at such meeting of the nature and extent of such share or interest, and such information shall be recorded in the minutes of such meeting, and such member shall not vote upon any resolution or question relating thereto, or to matters incidental thereto and if the person presiding at the meeting so requests, such member shall withdraw from the meeting during such deliberation or decision:

Provided that no member shall be deemed to have or acquire any share or interest in a contract with the Board by reason only that he has or acquires a share in any loan issued by the Board or in any security for the same:

Provided further that for the purpose of determining whether there is a quorum a member who attends the meeting shall be treated as being present notwithstanding that, under the provisions of this section, he may not vote or has withdrawn.

(2) Any person who contravenes or fails to comply with the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine of one thousand ringgit and imprisonment for six months.

Power to appoint committee.

14. (1) Subject to the provisions of this Enactment, a Board may, for any general or special purpose, appoint such committees as it thinks desirable.

(2) A committee may do all such things as may be necessary for the effective carrying out of its functions but shall be subject to the general directions of the Board.

(3) A committee shall consist of a Chairman and not more than five other persons.

(4) A committee may consist of persons who are not members of the Board.

(5) Members of a committee may be paid such remuneration or allowance as the Board may, with the approval of the Minister, determine.

Meetings of a committee.

15. (1) In the absence of the Chairman of a committee from any meeting of the committee such other member of the committee as may be elected by the members present shall preside over the meeting.

(2) The quorum for the meeting of a committee shall be three.

(3) Any question to be determined at any meeting of a committee shall be decided by the votes of the majority of those present and voting thereon, and in case of an equality of votes the person presiding shall have a second or casting vote.

(4) A committee may invite to any of its meetings any person who can in its opinion contribute to its deliberations but such a person shall have no right to vote at the meeting.

(5) Subject to this section and the directions of the Board, a committee shall regulate its own procedure.

Delegation of powers.

16. (1) A Board may delegate to any committee, member, officer or servant of the Board, such of its functions, as it may deem necessary or desirable.

(2) Any functions delegated under this section —

(a) may be so delegated subject to such conditions or restrictions as the Board may either generally or specially impose;

(b) shall be exercised by the committee, member, officer or servant concerned in the name and on behalf of the Board.

(3) No delegation made under this section shall preclude a Board itself from exercising or performing at any time any of the functions so delegated.

Power of Chairman to delegate.

17. (1) Subject to the provisions of this Enactment, the Chairman may delegate in writing to any member, officer or servant of a Board the power and authority to carry out on his behalf such duties, powers or functions as he may determine.

(2) The Chairman may at the time of delegating any power or authority under subsection (1) to any member, officer or servant, or at any time thereafter give directions as to the manner in which such delegated power or authority is to be exercised and may at any time revoke, modify or increase such delegation.

Execution of documents, etc..

18. (1) The common seal of a Board shall be in the custody of the Chairman and shall not be used except in the presence of the Chairman or Deputy Chairman and one member and such use shall be authenticated by the signatures of such persons and such authentication shall be sufficient evidence that such seal was duly and properly fixed and that it is the lawful seal of the Board.

(2) All documents, other than those required by law to be under seal, to which a Board is a party may be signed on behalf of the Board by the Chairman or any member or by any officer or servant generally or specially authorised in that behalf by the Board.

Vacancy not to invalidate acts, etc..

19. (1) No act or proceeding of a Board or any committee thereof shall be questioned on account of any vacancy among the members or on account of the appointment of any member having been defective.

(2) Until the contrary is proved, every meeting of a Board or of any committee thereof shall be deemed to have been duly convened and held and all members present thereat shall be deemed to have been duly qualified.

(3) A statement in any document to the effect that any function has been delegated under this Part shall, unless the contrary is proved, be evidence that such delegation has been lawfully made.

PART IV
ADMINISTRATION

Appointment of General Manager, officers and servants.

20. (1) Subject to section 21, a Board shall appoint a General Manager with the approval of the Minister, and such other officers and servants as may be necessary for carrying out its functions and duties under this Enactment.

(2) Whenever the General Manager is prevented by illness, absence from the State, or other like cause from performing his duties as such, or when the office of General Manager is vacant, a Board may appoint one of its officers to perform the duties of General Manager during such period as the General Manager is so prevented from performing his duties or the said office is vacant.

(3) Subject to the approval of the Government, the General Manager and other officers and servants of a Board shall be engaged on such terms and conditions as the Board may think fit.

Restriction on alterations in establishment.

21. A Board shall not, without the approval of the Government, make any addition to its established posts.

General Manager as chief executive officer.

22. (1) The General Manager shall be the chief executive officer responsible to the Board and shall perform such duties and exercise such powers as may be determined or delegated by the Board.

(2) Subject to the directions and control of a Board, all officers and servants of the Board shall be under the administrative control of the General Manager.

Officer or servant not to be interested in contracts.

23. (1) No person shall be eligible for employment as an officer or servant of a Board who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, for or on behalf of the Board.

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

(3) No officer or servant shall be deemed to have or acquired any such share or interest by reason only that —

(a) he is or becomes a member of an incorporated company which owns land situated in Sabah or has a contract with or executes work for the Board; or

(b) he has or acquires a share in any loan, issued by the Board or in any security for the same.

PART V
FUNCTIONS OF A BOARD

Duties of a Board.

24. It shall be the duty of a Board —

- (a) to promote, by such means, or the provision of such services, as the Board may deem desirable better conditions for the producers of any product in respect of which such Board was established, and the increase of the production and the improvement of the quality of any product, through the conservation or proper utilization of natural resources and the more economic production, inspection, grading, preparation or marketing of such product;
- (b) to control, manage and administer the Fund established in respect of the Board and for the purpose to hold the moneys, property and investments of such Fund;
- (c) to formulate objectives, policies and priorities for the development and administration of the industry of any product in respect of which such Board was established;
- (d) to implement policies and developmental programs to ensure the viability and sustainability of the industry of any product in respect of which such Board was established;
- (e) to give assistance to any corporation, body or person for the development of the industry of any product in respect of which such Board was established, including financial aid by way of grants, subsidies, loan or otherwise;
- (f) to cooperate with or act as agent or managing agent of, or otherwise act in association with or on behalf of, the Government or any corporation, body or person on all relevant matters relating to the industry of any product in respect of which such Board was established;

- (g) to liaise and coordinate with other bodies within or outside Malaysia as it deems necessary to further enhance the industry of any product in which such Board was established;
- (h) to provide technical, advisory, consultancy and any other services in relation to the industry of any product in respect of which such Board was established;
- (i) to undertake and coordinate such activities as it deems necessary for the purpose of protecting and furthering the interests of the industry of any product in respect of which such Board was established;
- (j) to appoint agents, experts or other person to do any act required to be done in the execution of its functions or for the better carrying out of the provisions of this Enactment;
- (k) to gather information and maintain records of all relevant matters relating to the industry of any product in respect of which the Board is established;
- (l) to issue licenses, certificates, permits and approvals as may be required under this Enactment; and
- (m) to carry out all activities which appears to the Board to be requisite, advantageous or convenient for or in connection with the performance of its functions under this Enactment.

Power to impose levy.

25. (1) The Yang di-Pertua Negeri, on the recommendation of a Board, may from time to time, by order published in the Gazette impose a levy upon any product in respect of which such Board was established.

- (2) An order made under this section may —

- (a) prescribe what person or persons shall be responsible for the payment of the levy;
- (b) prescribe the rate or amount of the levy or the method by which it shall be determined, and the manner in, the time at, and the period for which it shall be paid or collected:

Provided that no levy shall exceed five per centum of the price of the product, which price shall be as ascertained in such manner as may be prescribed in the order concerned;

- (c) prescribe in what circumstances or in respect of what transactions the levy shall be payable;
- (d) prescribe that the levy shall be imposed on all grades, standards, or qualities of the product concerned or only on specified grades, standards or qualities thereof, and prescribe a different rate or amount of levy on different grades, standards or qualities thereof;
- (e) provide for exemption from the levy for specified persons or classes of persons or classes of persons or persons in specified areas;
- (f) prescribe the conditions, if any, upon which a rebate or reduction of the levy may be allowed.

(3) A levy imposed upon a product under this section shall be recoverable, at the suit of the Board established in respect of such product, as a civil debt.

PART VI
FINANCIAL PROVISIONS

Fund of a Board.

26. (1) In respect of every Board, there shall be established a Fund which shall consist of —

- (a) such sums as may from time to time be provided by the Legislative Assembly out of the general revenues of the State of Sabah or donated by the Government of Sabah, or the Government of Malaysia or of any other State thereof or by any other institution or person for the purposes of the Board;
- (b) all moneys collected from any levies imposed upon any product in respect of which the Board concerned was established;
- (c) such sums as may from time to time be raised by the Board by loan;
- (d) all rents and proceeds of sale profits and income and other funds derived by the Board directly or indirectly from the property belonging to the Board;
- (e) any fees charged for services rendered by or on behalf of such Board and such other receipts, if any as the Minister of Finance may direct to be part of such Fund;
- (f) all such other sums as may from time to time be paid to the Board.

(2) The Fund may be applied in defraying the following charges —

- (a) the expenses and allowances of the members;
- (b) the salaries, fees or remuneration of the officers, agents and servants and technical or other advisers of the Board;

- (c) all costs, charges and expenses of and incidental to the exercise of the powers of the Board under this Enactment;
- (d) interest on any loan raised by the Board;
- (e) sums required for the repayment of moneys borrowed;
- (f) such sums as it may be deemed appropriate to set aside in respect of depreciation on the property of the Board;
- (g) any architect, management and agency fees;
- (h) grant or loan authorised by the Board to the State or towards any particular development project carried out by the State;
- (i) any other expenditure authorised by the Board.

Investment of funds.

27. A Board may, from time to time, invest any of its funds, not immediately required to be expended in the meeting of the obligations or in the discharge of the functions of the Board, in securities authorized for the investment of trust funds by any written law for the time being in force, may place the same on deposit in any bank or banks licensed under the provisions of the Banking and Financial Institutions Act 1989*[Act 372], or, in any undertaking as may be approved by the Minister of Finance.

Borrowing powers.

28. (1) A Board may, from time to time, with the approval of the Minister of Finance, borrow money by the issue of debenture stock or otherwise as the Minister of Finance may direct for the purposes of this Enactment.

*Banking and Financial Institutions Act 1989' substituted for 'Banking Act 1973' by virtue of Act 372.

(2) A Board may, from time to time, for the purpose of this Enactment, raise loans from the Government, or with the consent of the Minister of Finance, borrow by way of a temporary loan or overdraft from a bank licensed under the provisions of the Banking and Financial Institutions Act 1989* [Act 372], or otherwise.

Loans may be secured by mortgage.

29. A Board may secure the repayment of any sum borrowed, by the mortgage or charge, legal or equitable, of any property vested in the Board, or of any revenue receivable by the Board under this Enactment or any other written law.

Power to make loans.

30. (1) Subject to such conditions as the Minister may deem fit to impose in particular cases, a Board may, out of the Fund make loans in accordance with the provisions of this Enactment in that behalf in the execution of its duties or in the discharge of its functions under section 24.

(2) In making loans under the provisions of subsection (1) a Board may charge such rate of interest as it may deem fit in any particular case.

(3) Every loan shall be repaid to the Board in accordance with the terms and conditions under which such loan was made and the moneys so paid shall thereupon be taken into the accounts of the Board.

*Banking and Financial Institutions Act 1989' substituted for 'Banking Act 1973' by virtue of Act 372.

(4) Every mortgage to secure loan and every instrument or charge under the provisions of this Enactment shall be approved by the Board, and all costs, charges and expenses incurred in connection therewith shall be paid by the person to whom the loan is made.

Power to guarantee loans.

31. A Board may, with the written approval of the Yang di-Pertua Negeri, guarantee any loans made by any bank or financial institution to any applicant approved by the Board for any purpose for which the Board might itself have granted such loan.

Annual estimates.

32. (1) A Board shall before the commencement of each financial year cause to be prepared and shall adopt annual estimates of income and expenditure of the Board for the ensuing year.

(2) Supplementary estimates may be adopted by the Board at any of its meetings.

(3) A copy of all annual estimates and supplementary estimates shall, upon their adoption by the Board, be sent forthwith to the Minister for his approval.

(4) No expenditure shall be incurred by a Board which has not been included in the annual estimates or supplementary estimates adopted by the Board and approved by the Minister.

Accounts.

33. (1) A Board shall cause —

(a) proper accounts and other records in relation thereto to be kept; and

(b) an annual statement of accounts to be prepared.

(2) The annual statement of accounts of a Board shall present a true and fair view of the financial position of the Board for the year to which it relates.

(3) The financial year of the Board shall be the period commencing on the 1st day of January and ending on the 31st day of December in each year.

Audit and statement of accounts.

34. (1) The accounts of a Board shall be audited by the Auditor-General.

(2) The Board shall not later than the 31st day of July of each year submit the accounts of the Board for the preceding financial year to the Auditor-General for the purpose of audit.

(3) The Board shall, when required by the Auditor-General, produce and lay before him all books and accounts of the Fund concerned, together with all vouchers in support thereof, and relating thereto, and the Auditor-General shall be entitled to require from the Board, or any member, officer, servant, or agent of the Board such information and explanation as he may deem necessary for the performance of his duties as an auditor.

(4) After the end of each financial year, as soon as the accounts of the Board have been audited, the Board shall cause a copy of the statement of accounts, together with a copy of any report made by the Auditor-General on that statement or on the accounts of the Board, to be sent to the Minister who shall lay the same before the Legislative Assembly and cause a copy thereof to be published in the *Gazette*.

Annual report.

35. A Board shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister a report dealing generally with the activities of the Board during such year, and the Minister shall cause a copy of such report to be laid before the Legislative Assembly.

Bank account.

36. (1) All moneys paid to a Board shall be paid into an account in such bank or banks licensed under the provisions of the Banking and Financial Institutions Act 1989 [Act 372] as may be approved by the Board.

(2) All orders against the said account shall be signed by the General Manager and countersigned by another officer of the Board authorised in writing in that behalf by the Board.

When tenders to be called.

37. Tenders for the execution of any work or duty, or for the supply of any materials or for other things necessary for the purposes of any Board whereby the expenditure of the Board is involved, shall be called in such cases and in such manner as the Government may generally or in any particular case direct.

PART VIA
ENFORCEMENT

Interpretation

37A. In this Part, unless the context otherwise requires –

“conveyance” includes any vessel, train, vehicle, aircraft or any other means of transport by which persons or goods can be carried; and

“premises” means house, building, factory, land, tenement, easement of any tenure, Whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority, and includes any container.

Authorized officer

37B. (1) The Minister may, in writing, authorize any public officer or officers of the Board to exercise the powers of enforcement under this Enactment.

(2) Any such officer shall be deemed to be a public servant within the meaning of the Penal Code [Act 574].

Authority card

37C. (1) There shall be issued to each authorized officer an authority card to be signed by the Minister.

(2) Whenever an authorized officer exercises any of the powers under this Enactment, he shall, on demand, produce to the person against whom the power is being exercised, the authority card issued to him under subsection (1).

Power of investigation

37D. (1) The authorized officer shall have the power to investigate the commission of any offence under this Enactment.

(2) The authorized officer may, in relation to an investigation in respect of any offence committed under this Enactment, exercise all or any of the powers in relation to police investigation in any seizable offence, except the power to arrest without warrant, given under the criminal Procedure Code [Act 593].

Search and seizure with warrant

37E. (1) If it appears to a Magistrate, upon written information on oath from the authorized officer and after such inquiry as he considers necessary, that there is reasonable cause to believe that –

- (a) any premises, product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document,

computerized data or other thing have been used or are about to be used for; or

- (b) there is in any premises, evidence necessary to the conduct of an investigation into,

the commission of an offence under this Enactment, the Magistrate may issue a warrant authorizing any authorized officer named in the warrant, to enter the premises at any reasonable time by day or night, and with or without assistance, and if need be by force.

(2) Without affecting the generality of subsection (1), the warrant issued by the Magistrate may authorize the authorized officer to –

- (a) search and seize any product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing;
- (b) inspect, make copies of, or extracts from, any book, record, document, computerized data or other thing;
- (c) take possession of, and remove from the premises, any product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing so seized and detain it for such period as may be necessary; or
- (d) search any person who is in, or on, such premises and for the purpose of the search, detain the person and remove him to such place as may be necessary to facilitate the search, and seize and detain any product, article, book, record or document found on the person.

(3) An authorized officer may, in the exercise of his powers under this section, if it is necessary so to do -

- (a) break open any outer or inner door of the premises or any fence, enclosure, gate or other obstruction to the premises, in order to effect entry into such premises;
 - (b) remove by force any obstruction to entry, search, seizure or removal as he is empowered to effect under this section; and
 - (c) detain any person found in the premises until the search is completed.
- (4) No person shall be searched except by another person of the same gender, and such search shall be conducted with strict regard to decency.

Search and seizure without warrant

37F. If it appears to an authorized officer, upon information received, that there is reasonable cause to believe that by reason of delay in obtaining a search warrant under section 37E the investigation would be adversely affected or the evidence of the commission of an offence is likely to be tampered with, removed, damaged or destroyed, the authorized officer may enter the premises and exercise in, upon and in respect of the premises all the powers referred to in section 37E in as full and ample a manner as if he was authorized to do so by a warrant issued under that section.

Power to seal premises

37G. (1) If, by reason of its nature, size or amount, it is not practicable to remove any product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing seized under this Enactment, the authorized officer shall seal the premise in which such product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing is found.

(2) Any person who, without lawful authority, breaks, tampers with or damages the seal referred to in subsection (1) or removes the product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing

seized under seal or attempts to do so, commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Power to enter premises

37H. Notwithstanding sections 37E and 37F, an authorized officer may, for the purposes of carrying out any of his functions under this Enactment, at any reasonable time enter any premises for the purpose of –

- (a) inspecting any product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing as he considers necessary; or
- (b) verifying the accuracy of records or statements or any information given to an authorized officer or to the Board.

Access to computerized data

37I. (1) An authorized officer conducting a search under this Enactment shall be given Access to computerized data whether stored in a computer or otherwise.

(2) For the purpose of this section, an authorized officer shall be provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable the comprehension of computerized data.

Power to stop, search and seize conveyance

37J. (1) Where an authorized officer has reasonable cause to suspect that any conveyance is carrying any product, equipment, device, appliance, material, receptacle, package, book, record, document, computerized data or other thing in respect of which an offence under this Enactment, is being or has been committed, the authorized officer may stop and search the conveyance and may, if on examination he has reasonable cause to believe that such conveyance is or has been used for the commission of such offence, seize the conveyance and any product, equipment, device, appliance, material, receptacle, package, book, record,

document, computerized data or other thing found in the conveyance that is reasonably believed to furnish evidence of the commission of such offence.

(2) The person in control or in charge of the conveyance shall, if required to do so by the authorized officer –

- (a) stop the conveyance and allow the authorized officer to search the conveyance; and
- (b) open all parts of the conveyance for search and take all measures necessary to enable or facilitate the carrying out of the search as the authorized officer considers necessary.

(3) Any person who contravenes subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

List of things seized

37K. (1) Where any seizure is made under this Enactment, the authorized officer making the seizure shall prepare a list of the product, equipment, device, appliance, material, receptacle, package, conveyance, book record, document, computerized data or other thing seized and shall sign the list.

(2) The list prepared in accordance with subsection (1) shall be delivered to the occupier of the premises where the product, equipment, device, appliance, material, receptacle, package conveyance, book, record, document, computerized data or other thing seized is found.

(3) Where the seizure is made in or from any premises which is unoccupied, the authorized officer shall whenever possible post a list of the things seized conspicuously at the premises.

Cost of holding any product, equipment, etc., seized

37L. If any product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing seized under this enactment is held in the custody of the Board pending completion of any proceedings in respect of an offence under this Enactment, the cost of holding it in custody shall, in the event of any person being convicted of such offence, be a debt due to the Board by such person and shall be recoverable accordingly.

Forfeiture or release of product, equipment, etc., seized

37M. (1) Any product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing seized in exercise of any power conferred by this Enactment shall be liable to forfeiture.

(2) An order for the forfeiture of any product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing shall be made if it is proved to the satisfaction of the court that an offence under this Enactment has been committed and that the product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing was the subject matter of or was used in the commission of the offence, even though no person may have been convicted of such offence.

(3) If there is no prosecution with regard to any product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other seized under this Enactment, such product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing shall be taken and deemed to be forfeited at the expiration period of one calendar month from the date of service of a notice to the last known address of the person from whom the product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing was seized indicating that there is no prosecution in respect of such product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing unless before the expiration of that period a claim thereto is made in the manner set out in subsections (6), (7), (8) and (9).

(4) If no claim is made under subsection (6) within one calendar month from the date service of the notice referred to in subsection (3), the product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing seized under this Enactment shall be taken and deemed to be forfeited at the expiration of that period.

(5) Where anything seized in exercise of the powers conferred under this Enactment is of a perishable nature or is subject to speedy and natural decay, the Board may direct such thing to be sold or destroyed at any time, and the proceeds of the sale held by the authorized officer to abide by the result of any prosecution under this Enactment.

(6) Any person asserting that he is the owner of a product, equipment, device, appliance, material, receptacle, package conveyance, book, record, document, computerized data or other thing referred to in subsection (3) and that it is not liable to forfeiture may personally or by his agent authorized in writing, give written notice to the authorized officer in whose possession such product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing is held that he claims the product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing.

(7) On receipt of the notice referred to in subsection (6), the authorized officer shall refer the claim to a Magistrate.

(8) The Magistrate to whom a matter is referred to in subsection (7), shall issue a summons requiring –

- (a) the person asserting that he is the owner of the product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing; or
- (b) the person from whom the product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing was seized,

to appear before him, and when they appear or they fail to appear, due service of the summons having been proved, the Magistrate shall proceed to the examination of the matter.

(9) If it is proved that an offence under this Enactment has been committed and that the product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing was the subject matter of or was used in the commission of such offence, the Magistrate shall order the product equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing to be forfeited, and shall, in the absence of such proof, order its release.

(10) Any product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing forfeited or deemed to be forfeited shall be delivered to the Board and shall be disposed of in such manner as the Board thinks fit.

No cost or damages arising from seizure to be recoverable

37N. No person shall, in any proceedings before any court in respect of any product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing seized in the exercise or the purported exercise of any power conferred under this Enactment, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.

Power to require attendance of person acquainted with case

37O. (1) An authorized officer making an investigation under this Enactment may, by order in writing, require the attendance before himself of any person who appears to him to be acquainted with the facts and circumstances of the case, and such person shall attend as so required.

(2) If the person refuses or fails to attend as so required, the authorized officer may report such refusal or failure to a court who shall issue a summons to secure the attendance of such person as may be required by the order made under subsection (1).

Examination of person acquainted with case

37P. (1) An authorized officer making an investigation under this Enactment may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to the case put to him by the authorized officer, but he may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to the questions.

(4) The authorized officer examining a person under subsection (1) shall first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by any person under this section shall, whenever possible, be reduced into writing and signed by the person making it or affixed with his thumbprint, as the case may be, after the statement has been read to him in the language in which he made it and after he has been given an opportunity to make any correction he may wish.

Admissibility of statements in evidence

37Q. (1) Except as provided in this section, no statement made by any person to an authorized officer in the course of an investigation under this Enactment shall be used in evidence.

(2) When any witness is called for the prosecution or for the defence, other than the accused, the court shall, on the request of the accused or the prosecutor, refer to any statement made by the witness to the authorized officer in the course of the investigation under this Enactment and may then, if the court thinks fit in the interest of justice, direct the accused to be furnished with a copy of it and the statement may be used to impeach the credit of the witness in the manner provided by the Evidence Act 1950 [Act 56].

(3) Where the accused had made a statement during the course of an investigation, such statement may be admitted in evidence in support of his defence during the course of the trial.

(4) Nothing in this section shall be deemed to apply to any statement made in the course of an identification parade or falling within section 27 or paragraphs 32(1)(a), (i) and (j) of the Evidence Act 1950.

(5) When any person is charged with any offence in relation to -

- (a) the making; or
- (b) the contents,

of any statement made by him to the authorized officer in the course of an investigation made under this Enactment, that statement may be used as evidence in the prosecution's case.

Obstructing, etc., authorized officers

37R. Any person who –

- (a) refuses any authorized officer access to any premises which the authorized officer is entitled to have under this Enactment or in the execution of any duty imposed or function conferred by this Enactment;
- (b) refuses to give any authorized officer any information relating to an offence or suspected offence under this Enactment or any other information which may reasonably be required of him and which he has in his knowledge or power to give;
- (c) knowingly give false information;
- (d) in any way assaults, hinders or obstructs the authorized officer in the performance of his duties under this Enactment; or
- (e) fails to give reasonable facilities or assistance to any authorized officer in the performance of his duties under this Enactment,

commits an offence and shall, on conviction, be liable to a fine not exceeding thirty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Authorized officer may seek assistance to examine product, equipment, etc., relating to Offence

37S. An authorized officer may seek the assistance from any person who has the necessary qualifications to examine the product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing seized or retained for the purposes of an investigation under this Enactment.

Reward for information

37T. The Board may order such rewards as he thinks fit to be paid to any person for services rendered in connection with the detection of any offence made under this Enactment.

Protection of informer

37U. (1) Except as provided in subsections (2) and (3), no witness in any civil or criminal proceedings shall be obliged or permitted to disclose the name, address or any information of an informer, or the substance of the information received from him, or state any matter which might lead to the discovery of the informer.

(2) If any books, records, accounts, documents or computerized data which are produced in evidence or liable to inspection in any civil or criminal proceedings contain any entry in which any informer is named or described or which might lead to his discovery, the court shall cause all the passages to be concealed from view or to be obliterated so far only as may be necessary to protect the informer from discovery.

(3) If in the trial for any offence under this Enactment, the court, after full enquiry into the case believes that the informer wilfully made in his complaint a material statement which he knew to be false or did not believe to be true, or if in any other proceedings the court is of the opinion that justice cannot be fully done between the parties in those proceedings without the discovery of the informer, it shall be lawful for the court to require the production of the original complaint, if in writing, and permit enquiry and require full disclosure, concerning the informer.

PART VII
GENERAL

Power of Minister to give directions.

38. (1) The Minister may give to a Board directions of a general character, not inconsistent with the provisions of this Enactment, as to the exercise and performance by the Board of its functions and the Board shall give effect to any direction so given.

(2) A Board shall furnish the Minister with such information with respect to its property and activities as he may from time to time require.

Offences committed by body corporate

38A. (1) Where a body corporate commits an offence under this Enactment, any person who at the time of the commission of the offence was a director, chief executive officer, chief operating officer, manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in such management –

- (a) May be charged severally or jointly in the same proceedings with the body corporate; and
- (b) If the body corporate is found guilty of the offence, shall be deemed to be guilty of that offence unless having regard to the nature of his functions in that capacity and to all circumstances, he proves –
 - (i) that the offence was committed without his knowledge, consent or connivance; and
 - (ii) that he had taken all reasonable precautions and exercised due diligence to prevent the commission of the offence.

(2) Where any person would be liable to any punishment or penalty under this Enactment for any act, omission, neglect or default committed –

- (a) by that person's employee in the course of his employment;
- (b) by that person's agent when acting on behalf of that person; or
- (c) by the employee of that person's agent when acting in the course of his employment with that person's agent or otherwise on behalf of that person's agent acting on behalf of that person,

that person shall be liable to the same punishment or penalty for every such act, omission, neglect or default of that person's employee or agent, or of the employee of that person's agent.

Compounding of offences

38B. (1) The Board may compound any offence committed by any person under this Enactment which prescribed to be a compoundable offence by making a written offer to such person to compound the offence on payment to the Board of an amount not exceeding fifty per cent of the amount of the maximum fine for that offence within the time specified in the offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted.

(3) If the amount specified in the offer made under subsection (1) is not paid within the time specified in the offer or within such extended period as the Board may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall be instituted in respect of the offence against the person to whom the offer to compound was made, and any product, equipment, device, appliance, material, receptacle, package, conveyance, book, record, document, computerized data or other thing seized in connection with the offence may be released or forfeited by the authorized officer, subject to such terms and conditions as he thinks fit.

(5) All sums of moneys received by the Board under this section shall be paid into and form part of the State Consolidated Fund.

General penalty

38C. (1) Any person who commits an offence under this Enactment for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding thirty thousand ringgit or to imprisonment for a term not exceeding two years or to both, and in the case of a continuing offence, to a further fine not exceeding one thousand ringgit for every day or part of a day during which the offence continues after conviction.

(2) Any body corporate which commits an offence under this Enactment for which no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit, and in the case of a continuing offence, to a further fine not exceeding five thousand ringgit for every day or part of a day during which the offence continues after conviction.

Land acquired compulsorily.

39. (1) Where any immovable property, not being State land, is needed for the purposes of a Board and cannot be acquired by agreement, the Board may request and the Yang di-Pertua Negeri may, if he thinks fit, direct the acquisition of such property, and in such case, such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose and any declaration required under any such law that such land is so needed may be made notwithstanding that compensation is to be paid out of funds of the Board, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with such written law.

(2) When any land is acquired compulsorily by the Government at the request and for the purpose of a Board under the provisions of any written law for the time being in force relating to such acquisition —

- (a) the Board shall indemnify the Government against all costs, charges and expenses incurred by the Government in relation to such acquisition;
- (b) the Board shall not, without the written consent of the Minister, sell, exchange or otherwise dispose of such land or any interest therein.

Transfer of property to Board.

40. (1) The Yang di-Pertua Negeri may at any time by order vest any State land or movable property of the Government in a Board where it appears desirable to do so to enable the Board to carry out its duties and responsibilities.

(2) Property vested in a Board under this section may be so vested absolutely or subject to such terms and conditions as the Yang di-Pertua Negeri may think fit to impose.

(3) Where any land is vested in a Board under this section a delivery of a copy of the order concerned shall, notwithstanding any provision of any State law to the contrary, be sufficient authority to any public officer charged with the responsibility for registering dealings with land or the issue of title thereto, and any such officer shall thereupon, without payment of fee, take all necessary steps to perfect the title of the Board to such land.

Board shall be deemed to be a Native

40A. For the purpose of any written law relating to the rights of Natives, the Board shall be deemed to be a Native.

Emergency powers of General Manager.

41. In any case of emergency, the General Manager may direct the execution of any work or the doing of any act which a Board is empowered to execute and do and which he is not by the provisions of this Enactment expressly empowered to execute or do and the immediate execution or doing of which is in his opinion necessary, and he may direct that the expense of executing the work or doing the act shall be paid from the funds of the Board:

Provided that —

- (a) the General Manager shall not take any step under this section in contravention of any resolution of the Board duly passed at a meeting; and
- (b) he shall report anything done under this section to the next following meeting of the Board.

Power of suspension of executive functions.

42. Notwithstanding any other provisions of this Enactment, the Yang di-Pertua Negeri may by order suspend all or any of the executive functions of the Board or of any member or of any officer or servant thereof and assign the same to any person or persons for such period as he may deem fit.

Secrecy and penalty.

43. (1) Except for the purposes of this Enactment or of any criminal proceedings under this Enactment, no member, or officer or servant of the Board shall disclose any information with respect to any individual business, which has been obtained by him in the course of his duties and which is not published in pursuance of this Enactment.

(2) Any person knowingly contravening the provision of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year.

Protection against legal proceedings.

44. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of a Board or against the officer or servant appointed by a Board in respect of any act done or statement made *bona fide* in pursuance or execution or intended execution of this Enactment.

(2) Where a person is exempted from liability by reason only of the provision of this section the Board is liable to the extent that it would be if such person were a servant or agent of the Board.

Public servants.

45. All members, officers and servants of a Board shall be deemed to be public servants within the meaning of the Penal Code [Act 574].

Public Authorities Protection Act 1948.

46. The Public Authorities Protection Act 1948 [Act 198] shall apply to any action, suit, prosecution or proceeding against a Board or against any member, officer, servant or agent of a Board in respect of any act, neglect, or default done or committed by a Board or such person in such capacity.

Prosecution

47. No prosecution shall be instituted for an offence under this Enactment except by or with the consent in writing of the Public Prosecutor.

48. [Deleted by En. 16 of 2024]

Power to make regulations.

49. (1) The Yang di-Pertua Negeri may make regulations —
- (a) providing for the submission of returns by producers or other persons in respect of any product in such forms as may be prescribed and the furnishing of information or explanation in respect of such returns;
 - (b) providing for the implementation of all or any of the functions of the Board under section 24 and generally the performance of the functions of the Board under this Enactment;
 - (c) prescribing the fees which may be charged by a Board for any services rendered by it for the purposes of this Enactment or in respect of the inspection or grading of any product;
 - (ca) providing for the inspection and grading of products and for the authorization of any person to enter any premises for the purpose of inspection and grading;
 - (cb) providing for the manner of service and the form of notices;
 - (cc) prescribing the offences which may be compounded and the forms to be used and the method and procedure for compounding offences;
 - (cd) prescribing the procedures to be followed for the administration of the Fund;
 - (ce) providing for matters relating to licensing under the Enactment; and
 - (d) prescribing all other matters as are necessary or expedient for carrying out the purposes of this Enactment.
- (2) Any regulations made under subsection (1) may prescribe an act or omission in contravention of the regulations to be an offence and may prescribe penalties —

- (a) where such person is an individual, to a fine not exceeding thirty thousand ringgit or to imprisonment for a term not exceeding two years or to both; or
- (b) where such person is a body corporate, to a fine not exceeding fifty thousand ringgit.

Repeal and saving.

50. (1) The Agriculture Produce Boards Ordinance 1963 [*Ord. No. 23 of 1963.*] is hereby repealed.

- (2) Notwithstanding the repeal of the Ordinance specified in subsection (1) —
 - (a) any Board constituted under the repealed Ordinance shall continue to exist as if the same had been constituted under this Enactment;
 - (b) any right, privileges, obligation or liability acquired, accrued, or incurred under the repealed Ordinance shall continue to be valid as if the same had been acquired, accrued or incurred under this Enactment;
 - (c) any property of whatever nature possessed by or vested in any Board constituted under the repealed Ordinance shall continue to be possessed by or vested in the similar Board constituted under this Enactment;
 - (d) any deed, bond, agreement, instrument and working arrangement subsisting immediately before the commencement of this Enactment shall continue to be in force and effect against or in favour of the similar Board constituted under this Enactment;
 - (e) any appointment made under the repealed Ordinance or any subsidiary legislation made thereunder shall continue to be in force and have effect as if the same had been made under this Enactment;

- (f) any subsidiary legislation made under the repealed Ordinance shall insofar as such subsidiary legislation is not inconsistent with the provisions of this Enactment continue to be in force and have effect as if the same had been made under this Enactment and may be repealed, extended, varied or amended accordingly;
- (g) any person's liability to be prosecuted or punished for offences committed under the repealed Ordinance or any proceedings brought in respect of such offence before the commencement of this Enactment shall not be affected;
- (h) any proceedings, whether civil or criminal, or cause of action pending or existing immediately before the commencement of this Enactment by or against any Board constituted under the repealed Ordinance may be continued or instituted by or against the similar Board constituted under this Enactment; and
- (i) any person who, immediately before the commencement of this Enactment, was employed as an officer or servant of a Board constituted under the repealed Ordinance shall continue to be employed by the similar Board constituted under this Enactment as an officer or servant, as the case may be, upon the same terms and conditions of service.