

**MALAYSIAN AGRICULTURAL RESEARCH AND DEVELOPMENT INSTITUTE ACT  
1969**

**ACT 11**

**Preamble**

An Act to establish the Malaysian Agricultural Research and Development Institute and for matters connected therewith.

[Throughout Malaysia - 2 May 1969]

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:

**PART I  
PRELIMINARY**

1. Short title.

This Act may be cited as the Malaysian Agricultural Research and Development Institute Act 1969.

2. Interpretation.

In this Act -

"Director General" and "Deputy Director General" means the Director General of the Institute and any of the Deputy Directors General of the Institute appointed under section 4 (1);

"Minister" means the Minister charged with the responsibility for agriculture.

**PART II  
THE INSTITUTE**

3. The Institute and its functions.

There is hereby established the Malaysian Agricultural Research and Development Institute (hereinafter referred to as the "Institute") whose functions shall be -

(a) to conduct scientific, technical, economic and sociological research in Malaysia with respect to the production, utilisation and processing of all crops (except rubber, oil palm and cocoa), livestock and fresh water fisheries;

[Am. by Act 343 as a consequence of the amendments made by Act A1103 - Prior text read - "(a) to conduct scientific, technical, economic and sociological research in Malaysia with respect to the production, utilisation and processing of all crops (except rubber, oil palm and cocoa save as to research on intercropping of cocoa with coconuts and coffee by smallholders), livestock and fresh water fisheries;"]

(b) to serve as a centre for the collection and dissemination of information and advice on scientific, technical and economic matters concerning agricultural industry, including the publication of reports, periodicals and papers relating thereto;

(c) to act as a centre for specialist extension service in the agricultural industry;

- (d) to advise on the training of workers for scientific and technical research and extension;
- (e) to provide grants in aid for the purpose of pure and applied scientific, technical and economic research concerning agricultural industry;
- (f) to maintain liaison with other organizations, both public and private, indigenous and foreign which are engaged in scientific, technical and economic and sociological research concerning the agricultural industry; and
- (g) to conduct commercial research and production for the effective promotion and utilisation of its research findings.

#### 4. Director General and Deputy Directors General of the Institute.

(1) For the purpose of this Act there shall be a Director General of the Institute to be appointed by the Yang di-Pertuan Agong on the nomination of the Minister and such number of Deputy Directors General to be appointed by the Minister.

(2) The Director General and Deputy Directors General shall each be appointed for such period as may be specified in the letter of appointment and shall be eligible for re-appointment.

(3) The Director General and Deputy Directors General shall be appointed on such terms and conditions as may be provided for in their respective letters of appointment.

(4) The Yang di-Pertuan Agong may at any time revoke any appointment made under subsection (1); and any person so appointed may at any time resign from office.

(5) The Director General shall be the Chief Executive officer of the Institute and shall be assisted by the Deputy Directors General in the carrying out of his powers and duties relating to the administrative and technical functions of the Institute; provided however, the Board as hereinafter established may prescribe other powers and duties of the Director General and Deputy Directors General as it thinks fit.

(6) If during any period the Director General for any reason is unable to perform the functions of his office or, if the office of the Director General falls vacant, the Minister shall appoint one Deputy Director General to exercise the powers and perform the duties of the Director General until a new Director General is appointed under subsection (1).

### **PART III**

#### **THE BOARD**

#### 5. The Governing Board.

(1) For the purpose of administering the Institute there is hereby established the Malaysian Agricultural Research and Development Institute Governing Board (in this Act referred as "the Board") which shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its name, and subject to and for the purposes of this Act may enter into contracts and shall have power to acquire and hold property, moveable and immovable, and to dispose thereof or otherwise deal therewith.

(2) The Board shall consist of the following members -

- (a) the Chairman;
- (aa) the Director General;
- (b) a representative of the Ministry of Agriculture;
- (c) a representative of the Ministry of Finance;
- (d) a representative of the Ministry of Primary Industries;
- (e) a representative of the Economic Planning Unit of the Prime Minister's Department;
- (f) a representative from the Ministry responsible for Science, Technology and Environment;
- (g) not more than four members with experience in agricultural research or agricultural development programmes.

(3) The members of the Board shall be appointed for such period as may be specified in their letters of appointment by the Minister and shall, unless he sooner resigns his office or his appointment revoked or his office otherwise becomes vacant, be eligible for reappointment.

(4) If owing to illness or any other cause whatsoever the Chairman is unable to perform his function, the Board shall elect among the members an acting Chairman who shall exercise the powers and perform the duties of the Chairman under this Act.

#### 5A. Alternate members.

(1) The Minister may, in respect of each member of the Board appointed under section 5(2) (b), (c), (d), (e) and (f), appoint one person to be an alternate member to attend in place of the member at the meetings of the Board if that member is for any reason unable to attend.

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

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

#### 6. Functions of the Board.

(1) Without prejudice to section 5 (1) the Board shall have, in addition, the following functions -

(a) subject to the direction of the Minister, to determine the policies in the administration of the Institute;

(b) to determine the procedure with respect to appointments, promotions and termination of appointments of employees and servants of the Institute, exclusive of the Director General and Deputy Directors General;

(c) with the concurrence of the Minister, to approve the budgets or estimates of expenditure with respect to the administration and operation of the Institute;

(d) to issue administrative rules relating to the day-to-day administration of the Institute;

(e) to determine and allocate grant-in-aid for research to be conducted by other organisations or agencies; and

(f) to approve the selection of recipient of scholarship and issue award or travel grant to be financed by the Institute.

(2) The Board shall by 31 March of every year present to the Minister and the Minister of Finance an Annual Report covering the activities of the Institute including an income and expenditure account in respect of the preceding year.

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

6A. Power to enter into equity participation or joint venture.

The Board may, with the approval of the Minister and the concurrence of the Minister of Finance, enter into equity participation in or joint venture with any enterprise where such participation or venture appears to it to be requisite, advantageous or convenient for or in connection with the discharge of the functions of the Institute.

7. Appointments of officers and servants of the Institute.

The Board may from time to time appoint employ on such remuneration and upon such terms and conditions as may be prescribed by rules, such officers, servants and consultants as may be necessary in the opinion of the Board for the proper implementation of this Act.

7A. Discipline of officers and servants.

(1) There shall be a Disciplinary Committee of the Board which shall consist of two members to be elected by and from the members of the Board, one of whom shall be elected chairman, and the Director General appointed under section 4 (1).

(2) The disciplinary authority in respect of every officer and servant of the Institute other than the Director General shall be the Disciplinary Committee of the Board established under subsection (1).

(3) The disciplinary authority in respect of the Director General shall be the Disciplinary Committee which shall consist of the Secretary General of the Ministry of Agriculture as chairman and two members to be elected by and from the members of the Board.

[Am. Act A1054 - Prior text read - "(3) The Disciplinary Committee in respect of the Director General shall consist of the Secretary General of the Ministry of Agriculture as chairman and two members to be elected by and from the members of the Board."]

(4) The Director General shall not be a member of the Disciplinary Committee in any proceedings before it in which he is the complainant; his place shall be taken by a member to be elected by and from the members of the Board.

(5) In the exercise of its disciplinary functions, the Disciplinary Committee shall have the power to impose such disciplinary punishment as may be provided for under any regulations that may be made under section 25A.

(6) The Disciplinary Committee may, subject to subsection (7), delegate any of its disciplinary functions, powers or duties to any committee of officers or servants of the Institute, in respect of any particular officer or servant of the Institute or in respect of any class or category of officers or servants of the Institute, and the committee delegated with such functions, powers or duties shall carry out, exercise or discharge them under the direction and control of the Disciplinary Committee which shall have the power to review, rescind or vary any decision or finding of such committee.

(7) No delegation shall be made under subsection (6) so as to enable an officer or servant of the Institute to be a member of a committee which may exercise any disciplinary authority over an officer or servant who is superior to him in rank.

(8) A decision of the Disciplinary Committee established under subsection (1) shall be appealable to the Disciplinary Appeal Board established under section 7B.

[Subs. Act A1054 - Prior text read - "(8) Any officer or servant of the Institute who is dissatisfied with the decision of the Disciplinary Committee or of any committee delegated with functions, powers or duties under subsection (6) may, within fourteen days, appeal in writing against such decision to the Board which may thereupon affirm, reverse or give such directions on the matter as it deems fit and proper."]

(9) A decision of the Disciplinary Committee established under subsection (3) shall be appealable to the Minister.

[Subs. Act A1054 - Prior text read - "(9) The decision of the Board upon such appeal shall be final."]

(10) The Disciplinary Appeal Board or the Minister, as the case may be, may confirm, reverse or vary the decision of the Disciplinary Committee.

[Ins. Act A1054]

(11) A decision of the Disciplinary Appeal Board or the Minister under subsection (10) shall be final and conclusive.

7B. Establishment of Disciplinary Appeal Board.

(1) There shall be a Disciplinary Appeal Board of the Board which shall consist of the following members:

(a) the Chairman of the Board, who shall be the chairman of the Disciplinary Appeal Board and shall have a casting vote; and

(b) three members of the Board, not being members of the Disciplinary Committee whose decision is the subject matter of the appeal, to be appointed by the chairman of the Disciplinary Appeal Board with the approval of the Board for the purpose of the appeal.

(2) When the Disciplinary Appeal Board considers an appeal made under section 7A, a member of the Disciplinary Committee against whose decision the appeal is made who is also a member of the Board shall not be present or in any way participate in any proceedings relating to the appeal.

7C. Termination in the public interest.

(1) Where the Board finds or where representations are made to the Board that it is desirable that the service of an officer or a servant be terminated in the public interest, the Board may call for a full report from the superior officer of the officer or servant against whom the representations are made which shall contain particulars relating to the work and conduct of the officer or servant.

(2) If, after considering the report received under subsection (1), the Board is satisfied that, having regard to the conditions of service, the usefulness of the officer or servant, the work and conduct of the officer or servant and all the other circumstances of the case, it is desirable in the public interest so to do, the Board may terminate the service of the officer or servant with effect from such date as the Board shall specify.

(3) It shall be lawful for the appropriate Disciplinary Committee to recommend to the Board that the service of an officer or a servant be terminated in the public interest notwithstanding that disciplinary proceedings have not been carried out under this Act and the Board may so terminate the service of the officer or servant.

(4) Notwithstanding anything in this Act and any other law to the contrary, in terminating the service of an officer or servant in the public interest under this section, the officer or servant may not be given any opportunity of being heard and an officer or a servant whose service has been terminated in the public interest under this section shall not be regarded as having been dismissed, regardless of whether such termination of service of the officer or servant involved an element of punishment or was connected with conduct in relation to his office which the Board regards as unsatisfactory or blameworthy.

**PART IV**  
**THE SCIENTIFIC COUNCIL**

8. The Scientific Council.

(1) For the purpose of ensuring maximum quality and effectiveness of the technical programmes of the Institute there is hereby established the Malaysian Agricultural Research and Development Institute Scientific Council (hereinafter referred to as the "Scientific Council").

(2) The Scientific Council shall consist of the following members appointed by the Minister -

- (a) the Director General of the Institute as Chairman;
- (b) three representatives of the Ministry of Agriculture;
- (c)(Repealed).
- (d) a representative of the University of Malaya;
- (e) a representative of the University Kebangsaan, Malaysia;

- (f) a representative of the University Sains, Malaysia;
- (g) a representative of the University Pertanian, Malaysia;
- (h) a representative of the Rubber Research Institute of Malaysia;
- (i) not more than three persons from the agricultural industry; and
- (j) a Deputy Director General.

(3) If owing to illness or any other cause whatsoever the chairman is unable to perform his function, the Council shall elect among the members an acting chairman who shall exercise the powers and perform the duties of the chairman under this Act.

(4) The members of the Scientific Council referred to in subsection (2) (i) shall be appointed from among agriculturists having the capacity, in the opinion of the Minister, to contribute to the due and proper functioning of the Scientific Council.

(5) Every member of the Scientific Council shall, unless he sooner resigns from his office or his appointment revoked or his office otherwise becomes vacant, hold office for such period as may be specified in his letter of appointment and shall be eligible for reappointment.

#### 9. Functions of the Scientific Council.

Without prejudice to section 8 (1), the Scientific Council shall have, in addition, the following functions -

- (a) to advise on the formulation of and review the research programmes of the Institute;
- (b) to advise on priorities for the research and development programmes of the Institute to ensure maximum quality and effectiveness;
- (c) to maintain liaison with external organisations, both in the public and private sectors, and to maintain contact with agricultural research needs;
- (d) to furnish guidance in the development or research facilities including the selection of locations and laboratory facilities and supervision of major items of specialised equipment;
- (e) to advise on the procedures for the evaluation of capability and performance of the professional staff appointed under this Act, including promotions on professional merit;
- (f) to advise on the library documentation services and publications of the Institute.

#### 10. Meetings of the Scientific Council.

The Scientific Council shall meet at least four times each year and shall, in addition, meet as and when convened by the Chairman of the Scientific Council or the Executive Secretary.

#### 11. Decision of the Scientific Council.

A decision of the Scientific Council shall be decided by the majority of votes of the members present and voting.

12. Minutes.

Records of the proceedings of all meetings of the Scientific Council shall be kept by the Institute and copies thereof shall be submitted to the Board.

13. Procedure of Scientific Council.

Subject to the provisions of this Act and any rules made thereunder, the Scientific Council may determine its own procedure.

**PART V**  
**THE FUND AND ACCOUNTS**

14. The Fund.

For the purposes of this Act there shall be established the Malaysian Agricultural Research and Development Fund (hereinafter referred to as the "Fund") to be administered by the Board in accordance with the provisions of this Act -

(a) into which shall be paid any special cesses which may be imposed or collected in accordance with section 20;

(b) into which shall be paid any grants made to the Institute by the Federal or any State Government;

(c) into which shall be paid any monies from any sources, contributions, endowments, gifts or bequests as may be made to or in favour of the Institute;

(d) from which shall be defrayed all expenditure relating to the administration of the Institute, the Board and the Scientific Council and such other expenditure as may be paid in accordance with the provisions of this Act.

15. Accounts.

(1) The Board shall cause true and proper account of the Fund to be kept and shall, as soon as possible after the 31 December of each year, and not later than 30 June, issue a report of the Fund together with a balance sheet and an account of income and expenditure during the preceding year, calculated from the 1 January or from the date of the inception of the Fund to the 31 December, and a list of the investments (if any) of the Fund showing their cost prices and value at such last mentioned date.

(2) The annual balance sheet, income and expenditure and list of investments (if any) of the Fund shall, prior to the issue thereof, be audited by such auditor or auditors as the Board may with the concurrence of the Minister of Finance appoint.

16. Annual Report.

The Board shall within three months from the close of its financial year -



(a) transmit to the Minister and the Minister of Finance each a copy of the annual accounts certified by the auditor and such accounts shall then be published in the Gazette;

(b) transmit to the Minister and the Minister of Finance a report each by the Board on the activities of the Institute throughout the year and such report shall be published by the Board.

#### 17. Annual Accounts and Annual Report.

The Annual Accounts and Annual Report aforesaid shall, as soon as may be, laid before both Houses of Parliament.

#### 17A. Surcharge.

(1) If it appears to the Board that any person who is or was in the employment of the Institute -

(a) has failed to collect any monies owing to the Institute for the collection of which he is responsible;

(b) is or was responsible for any payment from the Fund of monies which ought not to have been made or for any payment of monies which is not duly vouched;

(c) is or was responsible, directly or indirectly, for any deficiency in, or for the destruction of, any monies, stamps, securities, stores or other property of the Institute;

(d) being or having been an accounting officer, fails or has failed to keep proper accounts or records;

(e) has failed to make any payment, or is or was responsible for any delay in the payment, or monies 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 Institute,

the Board 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 Board with regard to the failure to collect payment which ought not to have been made, payment not duly vouched, deficiency or destruction, or failure to keep proper accounts or records, or failure to make payment, or delay in making payment, the Board 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 Board may surcharge against the said person such sum as the Board may think fit.

(2) The Chairman shall cause the Director General to be notified of any surcharge made under subsection (1) and the Director General shall thereupon notify the person surcharged.

(3) The Board 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 Chairman shall at once cause the Director General 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 Institute from the person against whom the surcharge is made and

may be sued for and recovered in any court at the suit of the Institute and may also be recovered by deduction -

(a) from the salary of the person surcharged if the Board so directs; or

(b) from the pension of the person surcharged if the Board so directs, by equal monthly instalments not exceeding one-fourth of the total monthly salary or pension, as the case may be, of the person.

## **PART VI** **SUPPLEMENTAL**

### **18. Powers of Board to borrow.**

The Board may, subject to the approval of the Minister of Finance, from time to time borrow or secure the payment of any money required by it for the proper carrying out of its functions under this Act.

### **19. Investments.**

The assets of the Institute may be invested by the Board in investments for the time being authorised by law for the investment of trust fund:

Provided that the Board shall not make any investment in securities issued or registered or other properties situated outside Malaysia except with the approval of the Minister of Finance.

### **20. Cesses.**

Notwithstanding any written law relating to the imports and exports of agricultural products, the Minister of Finance may, for the purposes of this Act, and after consultation with the Minister impose special cesses on such agricultural products as he may think fit for the purposes of agricultural research.

### **21. (Repealed).**

#### **21A. Remuneration or allowance.**

There may be paid to members of the Board, the Scientific Council, the committees or any other person (not being an officer or servant of the Board 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.

### **22. Protection against liability of members of Board and Scientific Council.**

No member of the Board or of the Scientific Council shall incur any personal liability for any loss or damage caused by any act or omission in the management or conduct of the affairs of the Institute, the Board or the Scientific Council, unless such loss or damage is occasioned by an intentionally wrongful act or omission on his part.

### **23. Research to be public benefit.**

Notwithstanding the financial source as a result of which any research is carried out or any programme is undertaken in accordance with the provisions of this Act, the results of such research or programme shall be in the public domain.

#### 24. Directions of Minister.

The Minister may from time to time issue general directions to the Board not inconsistent with the provisions of this Act; and the Board shall give effect to such directions.

#### 25. Rules.

The Board may, with the approval of the Minister, and in respect of paragraphs (a) and (b) subject to the concurrence of the Minister of Finance make rules for all or any of the following matters -

- (a) the determination of salary scales and terms and conditions of employment of the officers and servants of the Institute, including the provisions of loans to such officers and servants;
- (b) the establishment and management of a contributory provident fund for the officers and servants of the Institute or for payment of pensions, allowances or gratuities to the said officers and servants on retirement or otherwise ceasing to hold office;
- (c) the principles and procedures with respect to appointment, promotions and termination of appointments in the Institute, exclusive of the Director General and Deputy Directors General;
- (d) the principles and procedures for the evaluation of capability and performance of the professional staff of the Institute; and
- (e) any other matter which may be prescribed under this Act.

#### 25A. Power to make disciplinary regulations.

- (1) The Board may, with the approval of the Minister, make such disciplinary regulations as it deems, necessary or expedient to provide for the discipline of the officers and servants of the Institute.
- (2) The disciplinary regulations made by the Board under this section may include provisions for the interdiction with reduction in salary or in other remuneration, or provisions for the suspension without salary or other remuneration, of an officer or servant of the Institute during the pendency of disciplinary proceedings.
- (3) The disciplinary regulations made under this section shall create such disciplinary offences and provide for such disciplinary punishments as the Board may deem appropriate, and the punishments so provided may extend to dismissal or reduction in rank.
- (4) The disciplinary regulations made under this section shall, in prescribing the procedure for disciplinary proceedings, provide for an opportunity for the person against whom disciplinary proceedings are taken to make representations against the disciplinary charge laid against him before a decision is arrived at by the Disciplinary Committee except in the following cases:

- (a) where an officer or a servant of the Institute is dismissed or reduced in rank on the ground of conduct in respect of which a criminal charge has been proved against him;
- (b) where the Board, on the recommendations of the Minister charged with the responsibility for home affairs, is satisfied that in the interest of the security of Malaysia or any part thereof it is not expedient to carry out the requirements of this subsection; or
- (c) where there has been made against an officer or a servant of the Institute any order of detention, supervision, restricted residence, banishment or deportation, or where there has been imposed on an officer or a servant of the Institute any form of restriction or supervision by bond or otherwise, under any law relating to the security of Malaysia or any part thereof, prevention of crime, preventive detention, restricted residence, banishment, immigration, or protection of women and girls.

[Subs. Act A1054 - Prior text read - "(4) The disciplinary regulations made under this section shall, in prescribing the procedure for disciplinary proceedings, provide for an opportunity for representations to be made by the person against whom disciplinary proceedings are taken before a decision is arrived at by the disciplinary authority on the disciplinary charge laid against such person."]

#### **1. Meetings of the Board.**

The Board shall meet at least four times each year and shall, in addition, meet as and when convened by the Chairman.

#### **2. Quorum.**

Four members present shall be a quorum at any meeting of the Board.

#### **3. Minutes of the Board.**

Minutes shall be kept of all proceedings of the Board and copies thereof shall be submitted to the Minister.

#### **4. Seal of the Board.**

The seal of the Board shall be authenticated by the Chairman, or other member acting as Chairman, and one other member of the Board, and any document purporting to be sealed with the said seal, authenticated as aforesaid, shall until the contrary is shown, be deemed to have been validly executed.

#### **5. Procedures of the Board.**

Subject to this Act the Board shall determine its own procedure.

#### **6. Appointment of Committees.**

(1) The Board may appoint committees for any purpose arising out of or connected with any of its powers, duties and functions under this Act; any committee so appointed shall include not less than one member of the Board, and there may be appointed to such committee such other persons as the Board may think fit.

(2) Any committee so appointed shall conform to any instructions from time to time given to it by the Board, and the Board may at any time discontinue or alter the constitution of any committee so appointed.

(3) The Board or the committee, respectively, may invite any person who, in its opinion, is possessed of special knowledge of advantage to it, to attend any meeting of the Board or the committee and the person so invited shall not be entitled to vote at any such meeting.

#### **7. Powers to request.**

The Board may require any person to submit any information which, in the opinion of the Board is necessary for the discharge of its functions under this Act.