



LAWS OF MALAYSIA

Act 110

FARMERS' ORGANIZATION AUTHORITY ACT, 1973

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LAWS OF MALAYSIA

Act 110

FARMERS' ORGANIZATION AUTHORITY ACT, 1973

An Act to incorporate the Farmers' Organization Authority and to provide for matters connected therewith.

[14th February, 1973.]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

1. This Act may be cited as the Farmers' Organization Authority Act, 1973, and shall be deemed to have come into force on the 14th February, 1973. Short title and commencement.

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

“Authority” means the Farmers' Organization Authority established under section 3;

“Chairman” means the Chairman of the Authority appointed under section 5;

“company” has the same meaning as that assigned to “corporation” under subsection (1) of section 4 of the Companies Act 1965; 79/65.

“corporation” means a corporation established under section 30;

“Council” means the Farmers' Advisory Council established under section 6;

“Deputy Chairman” means the Deputy Chairman of the Authority appointed under section 5;

“Farmers’ Development Area” means any area where concentrated agricultural and economic development shall be promoted and which shall be determined by the Minister in accordance with section 10;

“Farmers’ Organization” means any Farmers’ Organization established under the Farmers’ Organization Act, 1973;

“Fund” means the fund established under section 19.

PART II
THE AUTHORITY

The
Authority.

3. There is hereby established a body corporate by the name Farmers’ Organization Authority 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 may acquire, purchase, take, hold and enjoy movable and immovable property of every description and may convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property or any interest therein vested in the Authority upon such terms as it deems fit.

Functions
of the
Authority.

4. (1) The functions of the Authority shall be—
- (a) to promote, stimulate, facilitate and undertake economic and social development of Farmers’ Organizations;
 - (b) to register, control and supervise Farmers’ Organizations and to provide for matters related thereto;
 - (c) where a declaration by notification has been made under section 10, to plan and undertake such agricultural development within such Farmers’ Development Area; and
 - (d) to control and co-ordinate the performance of the aforesaid activities.
- (2) The Authority shall have power to do all things expedient or reasonably necessary or incidental to the discharge of its functions, and in particular, but without prejudice to the generality of the foregoing—
- (a) to carry on all activities particularly of commercial and industrial enterprises, the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its said function, including the primary production,

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manufacturing, assembling, processing, packing, grading and marketing of agricultural products, research and training;

- (b) to initiate preliminary studies of possible agricultural development and redevelopment and make preliminary plans outlining agricultural development or redevelopment activities and preliminary surveys to determine if the undertaking and carrying out of such agricultural development or redevelopment projects are as a Farmers' Organization enterprise feasible;
- (c) to co-operate with or act as agent or managing agent of or otherwise act in association with or on behalf of the Government of the Federation or of any State, any public authority, any company, any corporation, any body or any person;
- (d) to promote and co-ordinate the carrying on of such activities by Governments, public authorities, any company, corporation, or other body or person;
- (e) to establish or expand, or promote the establishment or expansion of companies, corporation or other bodies to carry on any such activities either under the control or partial control of the Authority or independently;
- (f) to give assistance to any Farmers' Organization, public authority, company, corporation or other body or person appearing to the Authority to have facilities for the carrying on of any such activities, including financial assistance by the taking up of share or loan capital or by loan or otherwise;
- (g) to purchase, underwrite or otherwise acquire any stock and shares in any public or private company, and to dispose of the same whether to Farmers' Organizations or other persons on such terms and conditions as the Authority may determine;
- (h) to request departments, governmental and non-governmental agencies engaged in carrying out or intending to carry out agro-based development for the benefit of farmers to submit report regarding their activities or proposed activities containing such particulars and information as may be specified by the Authority and to co-operate with the Authority in its efforts to develop Farmers' Organizations;

- (i) to appoint agents or establish such other bodies as it may deem fit for the purpose of carrying out its functions;
- (j) to impose fees or any other charges it deems fit for giving effect to any of its powers or functions;
- (k) to receive, in consideration of the services rendered by it, such commission or payments as may be agreed upon;
- (l) to regulate development in the Farmers' Development Area; and
- (m) to do such other things as it deems fit for the effective carrying out of its functions and powers.

(3) Subject to section 8, it shall be the responsibility of the Authority in discharging its functions under this Act to ensure that the functions shall be performed in such manner as shall be in furtherance of the policy of the Government for the time being in force and in particular the policy relating to the restructuring of society.

Membership
of the
Authority.

5. (1) The Authority shall consist of the following members who shall be appointed by the Minister—

- (a) a Chairman;
- (b) a Deputy Chairman;
- (c) the Director General; and
- (d) six other members not more than four of whom shall be from the public service.

(2) The provisions of the First Schedule to this Act shall apply to the members of the Authority.

Establish-
ment of the
Council.

6. (1) There is hereby established a body by the name "Farmers' Advisory Council" whose function shall be—

- (a) generally to advise the Minister on matters pertaining to the development of Farmers' Organizations; and
- (b) to advise the Minister on any matter referred to it by the Minister.

(2) The Council shall consist of the following members—

- (a) the Chairman of the Authority who shall be the Chairman of the Council;
- (b) the Deputy Chairman of the Authority who shall be the Deputy Chairman of the Council;

- (c) the Director General of the Authority who shall be the Secretary to the Council;
- (d) the Director General of Agriculture;
- (e) the Director General of Co-operative Development;
- (f) a representative of the Ministry of Agriculture and Fisheries;
- (g) a representative of the Ministry of National and Rural Development;
- (h) a representative of the Ministry of Primary Industries;
- (i) a representative of the Treasury;
- (j) a representative of the Ministry of Trade and Industry;
- (k) a representative of the Prime Minister's Department;
- (l) a representative from each of the States in Malaysia; and
- (m) not more than six other members appointed by the Minister.

(3) The provisions of paragraphs 1, 2, 3, 4 (3), 4 (4), 4 (5), 7, 8 and 9 of the First Schedule shall with such modifications as are necessary apply to the Council.

(4) The Council shall meet at least twice during every calendar year.

(5) The Chairman, Deputy Chairman or member presiding at such meeting and ten other members shall form a quorum at any meeting of the Council.

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

Public
Authorities
Protection.
F.M. 19/48.

8. All members, officers and servants of the Authority, while discharging their duties as such members, officers or servants shall be deemed to be public servants within the meaning of the Penal Code.

Public
servants.
F.M.S.
Cap. 45.

9. (1) The Authority shall be responsible to the Minister, and the Minister may, from time to time, give directions not inconsistent with the provisions of this Act and the Authority shall, as soon as possible, give effect to all such directions.

Minister
to give
Power of
directions.

(2) Without prejudice to the generality of subsection (1), and subject to consultation with the Authority, the power of the Minister to give directions shall extend to the giving to it of directions—

(a) as to the disposal of capital assets; and

(b) as to the application of proceeds of such disposals, notwithstanding that the directions may be of a specific character:

Provided that no such direction shall, so long as any sum borrowed by the Authority in accordance with the provisions of this Act remains outstanding, be given except with the concurrence of the Minister of Finance.

Farmers' Development Area.

10. (1) For the purposes of this Act, the Minister may, after consultation with the State Government and such other public authority which in the opinion of the Minister will be affected by the declaration, declare by notification in the *Gazette* the area or areas within which the Authority may perform its functions under this Act and such area or areas shall be known as the Farmers' Development Area.

(2) Notwithstanding any other written law, it shall be the responsibility of the Authority to exercise the functions provided by this Act in the Farmers' Development Area.

Additional functions of the Authority.

11. In addition to the duties imposed upon and powers vested in the Authority by this Act, the Authority may undertake such other functions, exercise such other powers and administer and expend such other moneys for such purposes as the Government of the Federation or of any State, may assign or give to it and in so doing the Authority shall be deemed to be fulfilling the purposes of this Act and the provisions of this Act shall apply to the Authority in respect of such functions and the administration and expending of such moneys:

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

Returns, reports, accounts and information.

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

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

(3) The Minister shall cause a copy of every such report to be laid on the table of the Dewan Rakyat.

PART III

DIVISIONS, OFFICERS AND SERVANTS

13. (1) The Chairman shall be responsible for the issue of policy guidance or of elucidation of decisions of the Authority.

Chairman
to be
principal
managing
officer.

(2) The Chairman shall perform such other or further duties as the Minister may from time to time determine.

(3) If the Chairman is temporarily absent from Malaysia or temporarily incapacitated through illness or for any other sufficient reason from the performance of his duties, the Deputy Chairman shall perform his duties during such temporary absence or incapacity.

14. (1) The Authority may, with the approval of the Minister, employ and appoint a Director General to be the Chief Executive Officer on such terms and conditions and for such period as the Authority may determine.

Director
General
to be the
Chief
Executive
Officer.

(2) The Director General shall be responsible for the preparation of programmes, schemes or projects for the consideration of the Authority and for the execution of such programmes, schemes or projects and the direction of the Chairman.

(3) Subject to the directions of the Chairman, the Director General shall have administrative control of the officers and servants of the Authority.

(4) The Director General shall perform such other or further duties as the Authority or the Minister may from time to time determine or as the Chairman may from time to time direct.

Appoint-
ment of
other
officers and
servants.

15. (1) Subject to any regulations made under section 18, the Authority may appoint on such terms and conditions as the Authority may think desirable any person as Executive Officer and other officers and servants as may be necessary for carrying out the purposes of this Act.

(2) No person shall be eligible for employment as an Executive Officer or officer or servant of the Authority who has, directly or indirectly, by himself or his partner, any share or interest in any contract or proposed contract with, for or on behalf of the Authority.

(3) Any Executive Officer or officer or servant of the Authority who has or acquires any such share or interest shall be liable in the discretion of the Authority to summary dismissal without notice.

Divisions
may be
set up.

16. (1) The Authority may set up such Divisions as it may think desirable, and each Division shall be under the control and charge of an Executive Officer.

(2) It shall be the responsibility of the Executive Officer of an appropriate Division to implement and execute the decision of the Authority on matters pertaining to his Division, to submit policy recommendations for consideration by the Authority, to participate without the right to vote, in any meeting of the Authority and the Council whenever matters pertaining to his Division are being considered in that meeting and also to exercise all the powers that may be delegated to him by the Authority.

Power to
dismiss
officers and
servants and
dispose of
questions
as to their
pay, etc.

17. (1) Subject to any regulations made under section 18, the Director General shall dispose of all questions relating to the service, pay, privileges and allowances of officers and servants of the Authority.

(2) Subject to any regulations made under section 18, the power of promoting, suspending, dismissing, fining, reducing in rank or granting leave to the officers and servants of the Authority shall be exercised by the Director General:

Provided that in the case of officers and servants whose monthly salary exceeds five hundred dollars, such powers, with the exception of power of suspension or granting leaving, shall not be exercised without the previous approval of the Authority.

(3) The power of dispensing with the services of any officer or servant of the Authority for any reason other than the misconduct of such officer or servant or of permitting any such officer or servant to retire on a gratuity or compassionate allowance shall be exercised by the Authority alone.

(4) Any officer or servant aggrieved by the decision of the Director General in the exercise of his powers under this section may appeal to the Authority.

18. (1) The Authority may, from time to time, with the approval of the Minister, make regulations governing the conditions of service of its officers and servants.

Regulations governing conditions of service of officers and servants.

(2) Unless otherwise provided, a reference in this Act to an officer of the Authority shall include reference to the Director General and an Executive Officer.

(3) Without prejudice to the generality of the foregoing provisions, such regulations may provide for matters specified in the Second Schedule.

PART IV

FINANCE

19. (1) For the purposes of this Act there is hereby established a fund to be administered and controlled by the Authority.

Establishment of the Fund.

(2) The Fund shall consist of—

- (a) such sums as may be provided from time to time for those purposes by Parliament or the Legislative Assembly of any State;
- (b) such sums as may be allocated from time to time to the Authority from loan funds;
- (c) moneys earned by the operation of any project, scheme or enterprise financed from the Fund;
- (d) moneys earned or arising from any property, investments, mortgages, charges or debentures acquired by or vested in the Authority;
- (e) any property, investments, mortgages, charges or debentures acquired by or vested in the Authority;

- (f) sums borrowed by the Authority for the purpose of meeting any of its obligations or discharging any of its duties; and
- (g) all other sums or property which may in any manner become payable to or vested in the Authority in respect of any matter incidental to its powers and duties.

(3) In this section the expression "loan funds" means such sums as may be made available from time to time to the Government of the Federation or of any State, by way of loan.

Balancing
of revenue
account.

20. It shall be the duty of the Authority to conserve the Fund by so exercising and performing its powers, functions and duties under this Act as to secure that the total revenues of the Authority are, subject to any directions given by the Minister under section 9, sufficient to meet all sums properly chargeable to its revenue account, including, without prejudice to the generality of that expression provisions in respect of its obligations under sections 19 and 21 and depreciation and interest on capital, taking one year with another.

Reserve
Fund.

21. The Authority shall establish and manage a reserve fund within the Fund.

Expenses to
be charged
on the Fund.

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

- (a) paying all expenses incurred under section 27;
- (b) granting loans under section 29;
- (c) paying any expenses lawfully incurred by the Authority, including survey, legal and other fees and costs, and the remuneration of officers and servants appointed and employed by the Authority, including superannuation allowances, pensions or gratuities;
- (d) paying any other expenses, cost or expenditure properly incurred or accepted by the Authority in the execution of its duty or in the discharge of its functions under section 4;
- (e) purchasing or hiring plant, equipment, machinery, stores and any other materials and acquiring land and erecting buildings and carrying out any other works and undertakings in the execution of its duty or in the discharge of its functions under section 4;

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- (f) repaying any moneys borrowed under this Act and the interest due thereon; and
- (g) generally, paying any expenses for carrying into effect the provisions of this Act.

23. (1) The expenses of the Authority up to such amount as may be authorized by the Minister for any one year shall be defrayed out of the Fund.

Expenditure
and
preparation
of Estimates.

(2) Before the beginning of September of each year the Authority shall submit to the Minister an estimate of the expenses (including those for development projects) for the following year in such form and containing such particulars as the Minister may direct; and the Minister shall before the beginning of that following year notify the Authority of the amounts authorized for expenses generally or of the amounts authorized for each description of expenditure.

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

(4) The Minister may direct the Authority to submit a copy of the estimate or supplementary estimate, as the case may be, to the Government of any State or to any other person as may be specified in the direction.

24. (1) The Authority shall keep proper accounts and other records in respect of its operation and shall prepare statement of accounts in respect of each financial year.

Accounts
and audit.

(2) The accounts of the Authority shall be audited annually by the Auditor General or other auditor appointed by the Authority with the approval of the Minister.

(3) After the end of such financial year, and as soon as the accounts of the Authority have been audited, the Authority shall cause a copy of the statement of accounts to be transmitted to the Minister or, on being directed so to do by the Minister, to the Government of any State or any other person, together with a copy of any observations made by the Auditor General or other auditor appointed under subsection (2) on any statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and observations to be laid on the table of the Dewan Rakyat.

PART V

OTHER POWERS OF THE AUTHORITY

Delegation
of powers of
Authority.

25. (1) The Authority may, subject to such conditions, limitations or restrictions as it thinks fit, delegate to the Chairman, Deputy Chairman, Director General or any other person the power and authority to carry out on its behalf such powers, duties or functions by this Act vested in or imposed on the Authority as the Authority may determine, except the power to borrow money, raise loans and make regulations; and any power or functions so delegated may be exercised or performed by the Chairman, Deputy Chairman, Director General or such other person, as the case may be, in the name and on behalf of the Authority.

(2) Without prejudice to the generality of subsection (1), the Authority may delegate to the Chairman, Deputy Chairman, Director General, any of its other members or any person authority to sanction expenditure from the Fund or any other money under the control of the Authority up to such limit as the Authority shall in such case specify.

Power to
borrow.

26. (1) The Authority may from time to time borrow, at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise, as the Minister with the concurrence of the Minister of Finance may approve, any sums required by the Authority for meeting any of its obligations or discharging any of its duties.

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

- (a) the provisions of working capital;
- (b) the fulfilling of the duties of the Authority under this Act;
- (c) the fulfilling of such additional functions as may be undertaken by the Authority under this Act;
- (d) the redemption of any shares or stock which it is required or entitled to redeem; and

(e) any other expenditure properly chargeable to capital account.

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

Investment.

28. The Authority may employ and pay agents and technical advisers including advocates and solicitors, bankers, stock brokers, surveyors or valuers or other persons, to transact any business or to do any act required to be transacted or done in the execution of its duties or for the better carrying into effect the purposes of this Act.

Power to employ agents.

29. (1) In the execution of its duty or in the discharge of its functions, the Authority may make loans, and such loans may be granted subject to such terms and conditions as the Authority may deem fit to impose in particular cases.

Power to make loans.

(2) The provisions of the Third Schedule shall apply to the loans granted by the Authority under this section.

30. (1) The Authority may from time to time by Order published in the *Gazette* establish a corporation by such name as the Authority may think fit to carry out and have the charge, conduct and management of any project, scheme or enterprise which has been planned or undertaken by the Authority in execution of its duties or discharge of its function.

Powers to establish corporation.

(2) The provisions of the Fourth Schedule shall apply to the corporation established by the Authority under subsection (1).

31. (1) When any immovable property, not being State land, is needed to be acquired by the Authority for the purposes of this Act, such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose for the time being in force in the State, and any declaration required by any such written law that such land is so needed may be made notwithstanding that compensation is to be paid by the Authority; and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose in accordance with such written law.

Compulsory acquisition of land.

(2) The expenses and compensation in respect of any immovable property acquired under this section shall be paid by the Authority.

(3) When any immovable property has been acquired under this section, the Authority shall extract the necessary documents of title in respect of such property and shall pay any rent to which such property may be subject.

PART VI
GENERAL

Exemption
granted to
the
Authority.
*F.M.
59 of 1949.*

32. The Authority shall be exempt from the payment of stamp duty under the Stamp Ordinance, 1949.

Obligation
of secrecy.

33. (1) Except for the purpose of this Act or of any criminal proceedings under this Act, no member, officer or servant of the Authority shall disclose any information which has been obtained by him in the course of his duties and which is not published in pursuance of this Act.

(2) Any person contravening the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand dollars or to both.

Civil
proceedings.

34. Notwithstanding the provisions of any written law, in any civil proceedings by or against the Authority—

(a) any person holding the appointment of a Federal Counsel and authorized by the Attorney General for the purpose; or

(b) any officer of the Authority authorized in that behalf by special or general directions of the Authority,

may, on behalf of the Authority, as the case may be, institute, appear in and conduct such proceedings and may make and do all appearances, acts and applications in respect of such proceedings.

Offences in
respect of
loans and
burden of
proof.

35. (1) Any person who—

(a) obtains any loan from the Authority under the provisions of this Act by means of false representation;

- (b) wilfully applies any loan made to him by the Authority under the provisions of this Act to any purpose other than the purpose for which the loan was made;
- (c) having obtained a loan from the Authority under the provisions of this Act, wilfully destroys any security given in relation to any such loan,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand dollars or to both.

(2) Any person who contravenes the provisions of paragraph 6 (1) (b) or paragraph 6 (2) of the Third Schedule shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand dollars.

(3) In any criminal proceeding in respect of an offence under subsection (1) (b), the onus of proving that he acted in good faith and without knowledge that he was not entitled so to apply the loan or any part thereof shall lie upon the person charged.

36. No prosecution for offences arising out of the provisions of this Act or in connection with any loan made thereunder shall be instituted except with the consent in writing of the Public Prosecutor.

Public
Prosecutor's
consent.

37. (1) The Authority may, with the approval of the Minister, make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Act.

Power to
make
regulations.

(2) Without prejudice to subsection (1), regulations under that subsection may be made for—

- (a) prescribing the manner in which documents, cheques and instruments of any description shall be signed or executed on behalf of the Authority;
- (b) prescribing for the responsibilities and control of officers and servants of the Authority;
- (c) imposing fees in such cases as may be determined by the Authority;
- (d) providing for such matters in connection with shares, stock, bonds, debentures or debenture stock issued under this Act as may appear necessary or expedient to the Authority, and, in particular, for

regulating the method of issue, transfer, redemption or other dealing with such shares, stock, bonds, debentures or debenture stock;

- (e) prescribing the manner in which and the terms and conditions on which loans may be granted by the Authority under section 29; and
- (f) providing generally for the exercise of its powers and duties under the provisions of this Act.

(3) Such regulations—

- (a) may prescribe that any act or omission in contravention of the provisions of any regulation shall be an offence; and
- (b) may provide for the imposition of penalties for such offences, which penalties shall not exceed one thousand dollars.

Things done in anticipation of this Act.

38. All things done by any person or authority on behalf of the Authority in the preparation of and towards the proper implementation of any of the provisions of this Act and any expenditure incurred in relation thereto, in anticipation of the promulgation of this Act, shall be deemed to have been authorized by this Act; and all rights and obligations acquired or imposed on behalf of the Authority from anything so done or any expenditure so incurred shall upon the coming into force of this Act be deemed to be the rights and obligations of the Authority.

FIRST SCHEDULE

(Section 5 (2))

Terms and conditions of appointment, revocation and resignation.

1. (1) A member of the Authority shall hold office for such term and subject to such conditions as the Minister may specify in the instrument appointing him.

(2) The appointment of any member may at any time be revoked by the Minister without assigning any reason therefor.

(3) A member may at any time resign his office by letter addressed to the Minister.

(4) A member shall devote such time to the business of the Authority as may be necessary to the discharge of his duties.

Office deemed vacated.

2. (1) The office of a member of the Authority shall be vacated:
(a) if he dies;