



# **LAWS OF MALAYSIA**

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REPRINT

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**Act 85**

## **RUBBER INDUSTRY SMALLHOLDERS DEVELOPMENT AUTHORITY ACT 1972**

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# RUBBER INDUSTRY SMALLHOLDERS DEVELOPMENT AUTHORITY ACT 1972

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# LAWS OF MALAYSIA

## Act 85

### **RUBBER INDUSTRY SMALLHOLDERS DEVELOPMENT AUTHORITY ACT 1972**

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## LAWS OF MALAYSIA

### Act 85

#### **RUBBER INDUSTRY SMALLHOLDERS DEVELOPMENT AUTHORITY ACT 1972**

An Act to make provision for the establishment and incorporation of the Rubber Industry Smallholders Development Authority and for connected purposes.

[1 January 1973, P.U. (B) 519/1972]

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

#### PART I

##### PRELIMINARY

#### **Short title, commencement and application**

**1.** (1) This Act may be cited as the Rubber Industry Smallholders Development Authority Act 1972 and shall come into force on such date as the Minister may by notification in the *Gazette* appoint.

(2) This Act shall apply throughout Malaysia.

#### **\*Interpretation**

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

“this Act” includes any subsidiary legislation made under this Act;

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\* *NOTE*—1. Section 2 has been amended and substituted for a new of section 2 by Act A1363 which comes into operation on 15 March 2016.

2. The Rubber Industry (Replanting) Fund Ordinance 1952 [*Ord. No. 8 of 1952*] has been repealed by Act A1363— see subsection 19(1) of Act A1363 which comes into operation on 15 March 2016.

“member” means a member of the Authority and includes an alternate member;

“prescribed” means prescribed by regulations made under this Act;

“estate” means any land of a total area of not less than 40 hectares included in a Scheme prescribed under Part VI and in relation to which the owner continues to participate in the Scheme for its duration;

“rubber” means all natural rubber in liquid, solid or blended form derived from rubber plant and includes all elastomers derived from natural rubber;

“rubber industry” includes the planting of rubber plant, the production of rubber and hevea wood, the processing and utilization of rubber, the manufacture of rubber products, and services related to it;

“Director General” means the Director General of the Authority appointed under section 11;

“Fund” means the Rubber Industry Smallholders Development Authority Fund established under section 13;

“Minister” means the Minister charged with the responsibility for the Authority;

“authorized officer” means —

- (a) an officer authorized under section 33;
- (b) any police officer not below the rank of Inspector, including an Inspector on probation; or
- (c) an Officer of customs as defined in section 2 of the Customs Act 1967 [*Act 235*];

“smallholder” means —

- (a) an owner or a lawful occupier of any land of an area of less than 40 hectares, a lawful representative of the owner or a lawful representative of the lawful occupier; or



(b) a person declared in writing to be a smallholder by the Minister under section 26;

“owner of land” means a registered proprietor of a land within the meaning of the National Land Code [Act 56/1965] and includes a personal representative of a deceased owner;

“Chairman” means the Chairman of the Authority appointed under section 4;

“rubber products” means any product obtained directly from rubber plant, or wholly or partly manufactured or derived from such product and includes latex, rubber planting material, rubber wood and all vulcanisates in finished or semi-finished form derived wholly or partly from rubber;

“Authority” means the Rubber Industry Smallholders Development Authority established under section 3;

“cess” means the cess imposed under section 16;

“Scheme” means a scheme prescribed under section 27;

“rubber plant” means the species of plants of the genera *Hevea Brasiliensis* (para rubber), *Manihot Glaziovii* (ceara rubber), *Castilloa Elastica*, *Ficus Elastica* (rambung) or any other genus or species of latex bearing plant and includes—

(a) hybrids or clones of the genus or species;

(b) plants resulting from the crossing of the species, hybrids or clones with any other species, hybrids or clones of plants; and

(c) genetically engineered versions of these species, hybrids or clones.

## PART II

## ESTABLISHMENT OF THE AUTHORITY

**The Authority and its objectives**

**3.** (1) A body to be known as the Rubber Industry Smallholders Development Authority is established.

(2) The Authority shall be a body corporate and shall have perpetual succession and a common seal, and may sue and be sued in its name.

(3) The objectives of the Authority are—

- (a) to promote the replanting and new planting of rubber plants in the smallholder sector;
- (b) to develop and promote the rubber industry among the smallholder sector;
- (c) to regulate the rubber industry in the smallholder sector except research on rubber; and
- (d) to develop national objectives, policies and priorities for the orderly development and administration of the smallholder sector.

(4) The provisions of the First Schedule shall apply to the Authority.

**Functions of the Authority**

**3A.** The functions of the Authority are—

- (a) to implement policies and developmental programmes to ensure the growth and viability of the rubber industry in the smallholder sector;
- (b) to plan, co-ordinate, implement and monitor all the Schemes prepared and approved under the provisions of Part VI;

- (c) to plan, co-ordinate, implement and monitor all research innovations in the smallholder sector;
- (d) to promote, control and monitor measures towards attaining high quality rubber;
- (e) to provide technical, advisory, consultancy and related services to the smallholder sector;
- (f) to provide and supply high-yielding planting materials, agriculture input and other materials or input necessary for carrying out the replanting and new planting in the smallholder sector;
- (g) to promote the efficient marketing and handling of rubber in the smallholder sector of the rubber industry;
- (h) to engage in the trading of rubber in the smallholder sector of the rubber industry;
- (i) to plan and implement any developmental upstream or downstream activities in respect of the rubber industry and activities connected therewith for the smallholders;
- (j) to plan and implement training and educational programmes for the benefit of smallholders;
- (k) to gather, manage and disseminate the necessary statistics or information and maintain records of all matters relating to the smallholder sector;
- (l) to liaise and co-ordinate with the relevant State Governments and other bodies including being members of associations within and outside Malaysia in the interest of the smallholder sector of the rubber industry;
- (m) to co-operate and liaise with other national agencies responsible for research, extension of research and knowledge, provision of agricultural credits, processing and marketing of rubber;
- (n) to plan and implement any other activities which may further uplift the social and economic well-being of the smallholders;

- (o) to ensure that the smallholder sector is modernized to improve the social and economic well-being of the smallholders; and
- (p) to do such other things as it deems fit to enable it to perform its functions effectively or which are incidental to the performance of its functions.

### **Powers of the Authority**

**3B.** (1) The Authority may, in order to carry out its functions—

- (a) enter into contracts;
- (b) acquire, purchase, take, hold and enjoy movable or immovable property of every description;
- (c) 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;
- (d) undertake and co-ordinate activities relating to the replanting and new planting of rubber plants, production, tapping, processing, storage, transportation and marketing of rubber and services related to it in the smallholder sector of the rubber industry;
- (e) carry out replanting and new planting in the smallholder sector with modern high-yielding planting materials in a comprehensive and systematic manner;
- (f) repay cess for the purpose of replanting rubber plants or planting other crops as may be approved by the Authority;
- (g) provide financial or other assistance to the smallholders and their related activities;
- (h) impose fees or any other charges as it deems fit for the use of any facility, or technical, advisory and consultancy services or any other service provided by the Authority;
- (i) collect and receive any moneys related to its trading activities;

- (j) enter into such negotiations and agreements or arrangements as it deems fit for the discharge of its functions;
- (k) award certificates of proficiency in respect of training and accredited programmes;
- (l) undertake and co-ordinate such activities as it deems necessary for the purpose of protecting and furthering the interests of the smallholder sector;
- (m) carry out all activities, particularly activities which are commercial in nature, the carrying on of which appears to it to be requisite, advantageous or convenient for or in connection with the performance of its functions;
- (n) regulate the smallholder sector of the rubber industry, except research on rubber, including the implementation and enforcement of any regulations made under this Act; and
- (o) take part in such activities as the Minister may determine from time to time relating to the improvement and development of the smallholder sector.

(2) The Authority may, in discharging any of its functions, in appropriate cases, carry out commercial activities for gain or profit through companies which may, from time to time, be established under the Companies Act 1965 [*Act 125*] and such companies shall only be established after approval by the Minister with the concurrence of the Minister of Finance.

(3) The Minister may make regulations prescribing any activity or interest or prescribing terms and conditions of any activity or interest of any member, officer or servant of the Authority in relation to any company established under subsection (2) or to any other company, enterprise or undertaking.

(4) Any omission or neglect to comply with, and any act done or attempted to be done contrary to, the provisions of such regulations is an offence under this Act and the offender shall, on conviction, be liable to a fine not exceeding thirty thousand ringgit or to imprisonment for a term not exceeding one year or to both.

**Membership of the Authority**

**4.** The Authority shall consist of the following members who shall be appointed by the Minister:

- (a) a Chairman;
- (b) a representative of the Ministry of Rural and Regional Development, to be nominated by the Secretary General of the Ministry;
- (c) a representative of the Treasury, to be nominated by the Secretary General of the Ministry of Finance;
- (d) a representative of the Economic Planning Unit, Prime Minister's Department, to be nominated by the Director General of the Economic Planning Unit;
- (e) a representative of the Ministry of Plantation Industries and Commodities, to be nominated by the Secretary General of the Ministry;
- (f) a representative of the Ministry of Agriculture and Agro-Based Industry, to be nominated by the Secretary General of the Ministry;
- (g) the Director General of the Malaysian Rubber Board or his representative;
- (h) the Director General of the Malaysian Agricultural Research and Development Institute or his representative;
- (i) seven representatives of the smallholder sector, one of whom shall be from Sabah and one from Sarawak;
- (j) three persons who, in the Minister's opinion, are able to contribute to the development of the smallholder sector; and
- (k) the Director General.

**Tenure of office**

**4A.** A member of the Authority appointed by the Minister shall, unless he sooner resigns or vacates his office or his appointment is sooner revoked, hold office for a term not exceeding two years and on such terms and conditions as may be specified in his instrument of appointment and is eligible for reappointment.

### **Alternate members**

**4B.** (1) The Minister may appoint a person to be an alternate member in respect of each member appointed under paragraphs 4(b) to 4(j) to attend, in place of that member, meetings of the Authority if that member is for any reason unable to attend.

(2) Alternate members to be appointed in respect of members appointed under paragraphs 4(b) to 4(j) shall be those nominated by the person specified in those paragraphs.

(3) When attending meetings of the Authority, an alternate member shall for all purposes be deemed to be the member of the Authority.

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

### **Temporary exercise of functions of Chairman**

**4c.** (1) Where the Chairman is for any reason unable to perform the functions of the Chairman or during any period of vacancy in the office of the Chairman, the Minister may appoint any member of the Authority other than the Director General to perform the functions of the Chairman.

(2) Until an appointment under subsection (1) is made or in default of such appointment or in the absence of the Chairman appointed by the Minister under subsection (1) from any meeting of the Authority, the member appointed under paragraph 4(b) or his alternate, as the case may be, shall perform the functions of the Chairman.

(3) A member appointed under subsection (1) or a member referred to in subsection (2), as the case may be, shall, during the period in which he is performing the functions of the Chairman under this section be deemed to be the Chairman.

(4) If at any meeting of the Authority neither the Chairman nor the person exercising the functions of the Chairman is present, the members present shall elect one of their members to preside at the meeting.

**Revocation and resignation**

**4D.** (1) The appointment of any member appointed by the Minister may at any time be revoked by the Minister.

(2) A member appointed by the Minister may at any time resign his office by a written notice addressed to the Minister.

**Vacation of office**

**4E.** (1) The office of a member of the Authority appointed by the Minister shall be vacated if—

- (a) he dies;
- (b) there has been proved against him, or he has been convicted on, a charge in respect of—
  - (i) an offence involving fraud, dishonesty or moral turpitude;
  - (ii) an offence under any law relating to corruption; or
  - (iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years;
- (c) he becomes a bankrupt;
- (d) he is of unsound mind or is otherwise incapable of discharging his duties;
- (e) he absents himself from three consecutive meetings of the Authority without leave of the Chairman or, in the case of the Chairman, without leave of the Minister;
- (f) his resignation is accepted by the Minister; or
- (g) his appointment is revoked by the Minister.

(2) Where any member appointed by the Minister ceases to be a member by reason of any of the provisions of this Act, another person shall be appointed in his place in accordance with section 4.



**Delegation of the Authority's functions and powers**

**4F.** (1) The Authority may, subject to such conditions, limitations or restrictions as it deems fit to impose, delegate any of its functions or powers, except the power to borrow money, grant loans, make advances, establish corporations or make regulations, to—

- (a) any member of the Authority;
- (b) any committee established by the Authority; or
- (c) any officer or servant of the Authority,

and any function or power so delegated may be performed or exercised by the member, officer or servant, as the case may be, in the name and on behalf of the Authority.

(2) A delegation under this section shall not preclude the Authority itself from performing or exercising at any time any of the functions or powers so delegated.

(3) Without prejudice to the generality of subsection (1) and other provisions of this Act, the Authority may delegate to the Director General—

- (a) the power to grant loans and make advances to the officers and servants of the Authority under section 11AB; and
- (b) the authority to sanction expenditure from the Fund or any other moneys vested in or under the control of the Authority up to such limit as the Authority shall specify.

**The Authority may establish committees**

**4G.** (1) The Authority may establish such committees as it considers necessary or expedient to assist it in the performance of its functions under this Act.

(2) The Authority may appoint any person to be a member of any committee established under subsection (1).

(3) A committee established under this section may elect any of its members to be chairman and may regulate its own procedure and, in the exercise of its powers under this subsection, such committee shall be subject to and act in accordance with any direction given to the committee by the Authority.

(4) Meetings of a committee established under this section shall be held at such times and places as the chairman of the committee may, subject to subsection (3), determine.

(5) A committee may invite any person who is not a member of the committee to attend any meeting of the committee for the purpose of advising it on any matter under discussion, but that person is not entitled to vote at the meeting.

(6) Members of a committee or any person invited under subsection (5) to attend any meeting of a committee may be paid such allowances and other expenses as the Authority may determine.

(7) A member of a committee shall hold office for such term as may be specified in his instrument of appointment and is eligible for reappointment.

(8) The appointment of any member of a committee may at any time be revoked by the Authority.

(9) A member of a committee may at any time resign his office by a written notice addressed to the Chairman of the Authority.

5. *(Deleted by Act A1363).*

6. *(Deleted by Act A1363).*

7. *(Deleted by Act A1363).*

8. *(Deleted by Act A1363).*

### **Power of Minister to give directions**

9. (1) The Authority shall be responsible to the Minister.

(2) The Minister may give directions consistent with this Act to the Authority.

(3) The Authority shall give effect to all directions given under this section as soon as possible.

**10.** *(Deleted by Act A1363).*

### PART III

#### DIRECTOR GENERAL, OFFICERS AND SERVANTS OF THE AUTHORITY

#### **Appointment of Director General**

**11.** The Minister shall appoint a Director General of the Authority on such terms and conditions as the Minister may determine.

#### **Powers and duties of Director General**

**11A.** (1) The Authority shall vest in the Director General such powers and shall impose upon him such duties as the Authority may determine.

(2) The Director General shall be the Chief Executive Officer of the Authority.

(3) The Director General shall be responsible for—

(a) the proper administration and management of the affairs of the Authority;

(b) the preparation of—

(i) all programmes, Schemes, projects and activities;

(ii) an estimate of expenditure for the implementation of the programmes, Schemes, projects and activities;  
and

(iii) an estimate of income,

for the approval of the Authority;

- (c) the execution of programmes, Schemes, projects and activities of the Authority; and
- (d) the carrying out of the decisions and directions of the Authority.

(4) The Director General shall have general control of the officers and servants of the Authority.

(5) The Director General shall perform such other duties as the Authority may direct.

(6) In discharging his duties, the Director General shall act under the general authority and direction of the Authority.

(7) If the Director General is temporarily absent from Malaysia or is temporarily incapacitated through illness or for any other reason is unable to perform his duties, or if the office of the Director General is for the time being vacant, the Authority may direct the Deputy Director General to perform his duties during such temporary absence, incapacity or vacancy.

(8) For the purposes of subsection (7)—

- (a) if there is more than one Deputy Director General, the Authority shall nominate a Deputy Director General to perform the duties; and
- (b) if the office of Deputy Director General is vacant, the Authority may direct any other officer of the Authority to perform the duties.

### **Appointment of officers and servants**

**11AA.** (1) Subject to any regulations made under subsection (3), the Authority may—

- (a) with the consent of the Minister, appoint such number of Deputies Director General; and
- (b) appoint such number of other officers and servants as may be necessary for carrying out the purposes of this Act,

on such terms and conditions as the Authority may determine.

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

(3) The Authority may, with the approval of the Minister, make regulations with respect to the terms and conditions of service of its officers and servants.

(4) The appointment of the Director General and Deputies Director General shall be published in the *Gazette*.

**Power to grant loans and make advances to officers and servants**

**11AB.** The Authority may grant loans and make advances to its officers and servants on such terms and conditions as the Authority may determine.

**Delegation of Director General's duties**

**11AC.** (1) The Director General may, in writing, delegate any of his powers or duties under this Act to any officer of the Authority, subject to such terms and conditions as he thinks fit.

(2) A delegation under this section shall not preclude the Director General himself from performing or exercising at any time any of the powers or duties so delegated.

**Statutory Bodies (Discipline and Surcharge) Act 2000**

**11AD.** The Statutory Bodies (Discipline and Surcharge) Act 2000 [Act 605] shall apply to the Authority.

**11B.** (*Deleted by Act A1363*).

**11c.** (*Deleted by Act A1363*).

**11D.** *(Deleted by Act A1363).*

**11E.** *(Deleted by Act A1363).*

**11F.** *(Deleted by Act A1363).*

**11G.** *(Deleted by Act A1363).*

**11H.** *(Deleted by Act A1363).*

**11I.** *(Deleted by Act A1363).*

**11J.** *(Deleted by Act A1363).*

**11K.** *(Deleted by Act A1363).*

**12.** *(Deleted by Act A1363).*

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#### PART IV

#### FINANCE

### **The Fund**

**13.** (1) For the purposes of this Act, a fund to be known as the “Rubber Industry Smallholders Development Authority Fund” is established.

(2) The Fund shall be controlled, maintained and operated by the Authority.

(3) The Fund shall consist of—

- (a) such sums as may be provided for the purposes of this Act by the Federal or any State Government;
- (b) moneys earned by the operation of any project, Scheme or enterprise financed from the Fund;
- (c) moneys earned or arising from any property, investment, mortgage, lease, tenancy, charge or debenture acquired by or vested in the Authority;

- (d) any property, investment, mortgage, lease, tenancy, charge or debenture acquired by or vested in the Authority;
- (e) sums borrowed by the Authority for the purposes of meeting any of its obligations or discharging any of its duties;
- (f) moneys earned from consultancy or advisory services or any other service provided by the Authority;
- (g) moneys collected or paid under section 16;
- (h) moneys collected or paid under section 30;
- (i) moneys collected or paid under section 50;
- (j) moneys collected by the Authority under the regulations made under this Act and specified therein as sums payable into the Fund;
- (k) moneys distributed as dividends from the companies or corporations established under this Act;
- (l) donations and contributions received from within or outside Malaysia and includes moneys received from any government or organization outside Malaysia; and
- (m) 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 functions and powers.

### **Expenditure to be charged on Fund**

**14.** The Fund shall be expended for the following purposes:

- (a) paying any expenditure lawfully incurred by the Authority, including—
  - (i) the remuneration of the officers and servants of the Authority, including the granting of loans, superannuation allowances, pensions and gratuities;

- (ii) insurance coverage for the officers and servants of the Authority;
  - (iii) costs incurred in providing for the welfare of the officers and servants of the Authority; and
  - (iv) legal fees and costs and any other fees and costs;
- (b) paying any expenditure lawfully incurred by companies or corporations established under this Act to carry out or have the charge, conduct and management of a Scheme;
  - (c) repaying cess for the purpose of replanting rubber plant or other crops as may be approved by the Authority;
  - (d) granting loans or providing grants to smallholders for the purpose of improving their holdings;
  - (e) paying travelling and other allowances to members, officers and servants of the Authority;
  - (f) granting loans to the officers and servants of the Authority for the purchase or building of dwelling houses, the purchase of conveyances, computers or other items as may be approved by the Authority, on such terms and conditions as may be determined by the Authority;
  - (g) training of the officers and servants of the Authority, and smallholders or families of smallholders;
  - (h) contributing to a sports and recreational fund for the officers and servants of the Authority;
  - (i) granting loans or scholarships for higher studies for serving officers and servants as well as prospective officers and servants of the Authority;
  - (j) granting loans or scholarships for studies of the children of the officers and servants of the Authority and of smallholders;
  - (k) contributing to bodies, organizations or associations set up for the benefit of smallholders;



- (l) contributing to bodies or organizations of which the Authority is a member;
- (m) providing loans or grants to institutions of higher learning within or outside Malaysia for the purpose of human resource development in the rubber industry;
- (n) granting loans or providing capital for companies or corporations established under this Act;
- (o) repaying any moneys borrowed under this Act and the interest due on such moneys;
- (p) purchasing or hiring equipment, machinery and any other materials, acquiring land and erecting buildings, and carrying out any other works and undertakings in the performance of its functions or the exercise of its powers under this Act;
- (q) subject to the approval of the Minister, making contributions to any organization, whether within or outside Malaysia, for the purpose of promoting the replanting of rubber plant;
- (r) paying any other expenses, costs or expenditure properly incurred or accepted by the Authority in the performance of its functions or the exercise of its powers under this Act; and
- (s) generally, paying any expenses for carrying into effect the provisions of this Act.

### **Conservation of Fund**

**15.** It shall be the duty of the Authority to conserve the Fund by so performing its functions and exercising its powers under this Act as to secure that the total revenues of the Authority are sufficient to meet all sums properly chargeable to its revenue account including depreciation and interest on capital taking one year with another.

**Cess on rubber**

**16.** (1) The Minister may, after consultation with the Minister of Finance, make orders for the imposition of a cess on rubber produced in or exported from Malaysia, for replanting purposes, and the orders may specify the nature, amount and rate of the cess, person or class of persons on whom the cess is imposed and the manner of collection of the cess.

(2) Except in so far as may otherwise be provided in any order made under subsection (1), the cess imposed by such order shall, for the purposes of collection and enforcement of collection, be deemed to be a customs duty under the Customs Act 1967.

(3) An order made under this section may prescribe different amounts, rates and manner of collection for different types or grades of rubber in relation to different persons or different classes of persons.

(4) A person who fails or refuses to pay any cess imposed under this section commits an offence and shall, on conviction, be liable to a fine not exceeding ten times the amount of cess due or to imprisonment for a term not exceeding three years or to both.

(5) The amount of any cess imposed under this section shall be a debt due to the Authority from the person on whom the cess is imposed and may be sued for and recovered in any court at the suit of the Authority.

(6) The institution of proceedings under this section shall not relieve any person from liability for the payment of any cess for which he is or may be liable or from liability to make any return which he is required by this Act to make.

(7) Without prejudice to subsection (5), the court before which a person is convicted for an offence under subsection (4) may order the person to pay to the Authority the total amount of cess certified by the finance officer of the Authority to be due from the person at the date of the conviction.

(8) Cess payable under subsection (7) shall, for the purpose of collection, be deemed to be a fine and shall be recovered in accordance with section 283 of the Criminal Procedure Code [*Act 593*].

(9) The Minister may vary or revoke an order made under this section.

### **Expenditure and preparation of estimates**

**17.** (1) The expenditure 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.

(2) Before 1 June of each year, the Authority shall submit to the Minister an estimate of the expenditure for the following year in such form and containing such particulars as the Minister may direct.

(3) The Minister shall, before 1 December of that year, notify the Authority of the amount authorized for expenditure generally or of the amounts authorized for each description of expenditure.

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

### **Returns, reports, accounts and information**

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

(2) Without prejudice to the generality 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 any other public authority, a report dealing with the activities of the Authority during the preceding financial year and the report shall be in such form and shall contain such information relating to the proceedings and policy of the Authority as the Minister may specify.

### **Statutory Bodies (Accounts and Annual Reports) Act 1980**

**19.** The Statutory Bodies (Accounts and Annual Reports) Act 1980 [Act 240] shall apply to the Authority, companies and corporations established under this Act.

## PART V

## OTHER POWERS AND FUNCTIONS OF THE AUTHORITY

**Power to borrow**

**20.** The Authority may, with the approval of the Minister and the Minister of Finance, 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 and the Minister of Finance may approve, any sums required by the Authority for meeting any of its obligations or discharging any of its duties.

**Investment**

**21.** (1) The moneys 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 and the Minister of Finance may approve.

(2) Without prejudice to the generality of subsection (1), the Authority may, with the approval of the Minister, acquire and develop land and property for or in connection with the exercise of its powers and for this purpose may enter into such negotiations, arrangements or agreements as may be necessary for generating income required for the operation of the Authority.

**Power to employ agents, etc.**

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

**Power to grant loans**

**23.** The Authority may, with the approval of the Minister and the Minister of Finance, grant loans 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 and the Minister of Finance, may approve.

### **Power to establish corporations**

**24.** (1) The Authority may, with the approval of the Minister and the Minister of Finance, by order published in the *Gazette*, establish corporations, by such names as the Authority thinks fit, to carry out and have the charge, conduct and management of any programme, Scheme, project or activity which has been planned or undertaken by the Authority in the performance of its functions, the exercise of its powers or the discharge of its duties.

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

## **PART VI**

### **SCHEME**

### **Interpretation**

**25.** In this Part, “judicial review” includes proceedings instituted by way of—

- (a) an application for any of the prerogative orders of *mandamus*, prohibition and *certiorari*;
- (b) an application for a declaration or an injunction;
- (c) any writ of *habeas corpus*;
- (d) any other suit or action relating to or arising out of any act done or any decision made in pursuance of any power conferred upon the Minister under this Part.

### **Power of Minister to declare a smallholder or an estate owner**

**26.** (1) For the purpose of this Act, the Minister may, subject to the conditions prescribed, in writing, declare—

- (a) a person or class of persons to be a smallholder; or
- (b) a person or class of persons to be an estate owner.

(2) The Minister may, in a declaration made under subsection (1), impose any condition, limitation or restriction.

(3) A declaration made under subsection (1) may at any time be amended or revoked by the Minister.

### **Scheme for a smallholder or an estate**

**27.** (1) The Authority may, with the approval of the Minister, prescribe a Scheme for the benefit of a smallholder or an estate.

(2) A Scheme prescribed under subsection (1) may include provisions for the assistance, promotion or encouragement of the replanting, new planting of rubber plant or, where in the opinion of the Authority it is desirable in the interest of the rubber industry that such provision should be made, of the planting of other crops to be specified in the Scheme.

### **Power of Minister to direct cessation of assistance or recovery of value of assistance**

**28.** The Minister may, in accordance with section 29 or 30, as the case may be, direct the Authority to cease giving any assistance, or recover any sum of money representing the value or part of the value of any assistance given, under the provisions of this Act, being assistance receivable or received, as the case may be, under any Scheme.

### **Direction to cease giving assistance**

**29.** (1) If the Minister is satisfied that the due and efficient functioning of a Scheme was at any time or is being adversely affected by the participation of any person in the Scheme, the Minister may direct the Authority to cease giving any assistance that may be receivable or received by that person under the Scheme without assigning any reason for the cessation and the Authority shall then cease to give such assistance.

(2) The provisions of subsection (1) shall apply to a Scheme notwithstanding that the Scheme has expired.

(3) There shall be no judicial review in any court of any direction made by the Minister under this section.

### **Direction to recover payment**

**30.** (1) Where a direction to cease giving any assistance is made under section 29, the Minister may direct the Authority to recover from the person specified in the direction an amount of money also to be specified in the direction and representing the value or part of the value of the assistance that has been given under the Scheme, and the Authority shall then immediately take all such measures as may be necessary to recover the said amount.

(2) The provisions of subsection (1) shall apply to a Scheme notwithstanding that the Scheme has expired.

(3) The person to be specified by the Minister in his direction under subsection (1) may be—

(a) the participant in the Scheme;

(b) the participant's agent; or

(c) the person who received the assistance on behalf of the participant.

(4) The amount of money specified in the direction shall be a debt due to the Authority from the person specified in the direction and the Authority shall be entitled to institute any action or proceedings that may be necessary to recover such amount of money.

(5) There shall be no judicial review in any court of any direction made by the Minister under this section.

### **Minister may amend direction**

**31.** (1) The Minister may, at any time, amend or revoke any direction made under section 29 or 30.

(2) Where the Minister revokes a direction under section 29 or 30, it shall be without prejudice to the power of the Minister to issue any other direction in respect of the same matter.

### **Applicability of sections 29 to 31 to company or corporation**

**32.** Where a company established under subsection 3B(2) or a corporation established under subsection 24(1) is responsible for the management of a Scheme, sections 29 to 31 shall be applicable to the company or corporation as if the company or corporation were the Authority.

## **PART VII**

### **POWERS RELATING TO ENFORCEMENT**

#### **Authorization of officers**

**33.** The Director General may in writing authorize—

- (a) any officer of the Authority; or
- (b) with the concurrence of the Director General of the Malaysian Rubber Board, any officer authorized under section 46 of the Malaysian Rubber Board (Incorporation) Act 1996 [*Act 551*],

to exercise the powers of enforcement under this Act.

#### **Power of investigation**

**34.** An authorized officer shall have all the powers necessary to carry out an investigation under this Act.

#### **Authority card**

**35.** (1) There shall be issued to each officer authorized under section 33 an authority card to be signed by the Director General.

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



**Search and seizure with warrant**

**36.** (1) If it appears to a Magistrate, upon written information on oath and after such inquiry as the Magistrate considers necessary, that there is reasonable cause to believe that—

- (a) any premises has been used or is 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 Act, the Magistrate may issue a warrant authorizing any authorized officer named therein, at any reasonable time by day or by night and with or without assistance, to enter the premises and if need be by force.

(2) A warrant issued under subsection (1) may authorize the authorized officer to—

- (a) search the premises for, and to seize or remove from the premises any rubber, book, record, document or other article that is reasonably believed will furnish evidence of the commission of such offence;
- (b) take samples of any rubber found in the premises for the purpose of ascertaining, by testing or otherwise, whether the offence has been committed; and
- (c) make copies of or take extracts from any book, record, document or other article found in the premises.

(3) An authorized officer entering any premises under this section may take with him such other persons and equipment as may appear to him to be necessary.

(4) 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 the 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 has been completed.

(5) Where, by reason of its nature, size or amount, it is not practicable to remove any rubber, book, record, document or other article seized under this section, the authorized officer shall, by any means, seal such rubber, book, record, document or other article in the premises or container in which it is found.

(6) A person who, without lawful authority breaks, tampers with or damages the seal referred to in subsection (5) or removes the rubber, book, record, document or other article under seal or attempts to do so 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 one year or to both.

### **Power to enter premises**

**37.** Notwithstanding section 36, an authorized officer may at any time enter any premises for the purpose of—

- (a) inspecting any rubber, book, record, document or other article as he considers necessary;
- (b) verifying the accuracy of records or statements or any information given to an authorized officer or to the Authority; or
- (c) collecting samples of any rubber.

### **Seizure of things, etc.**

**38.** Without prejudice to subsection 36(2), any rubber, book, record, document or other article that an authorized officer reasonably suspects has been used or will be used in the commission of any offence under this Act may be seized and detained by the authorized officer.

### **List of things seized**

**39.** (1) Where any seizure is made under this Act, the authorized officer making the seizure shall prepare a list of every rubber, book, record, document or other article seized and of the place where the rubber, book, record, document or other article is found and shall sign the list.

(2) The list prepared in accordance with subsection (1) shall be delivered immediately to the occupant of the place or premises where the rubber, book, record, document or other article seized is found.

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

(4) Where any rubber, book, record, document or other article is seized otherwise than in or from any place or premises, the authorized officer making the seizure shall give a notice in writing of the seizure and the grounds of the seizure to the owner of the rubber, book, record, document or other article seized by delivering a copy of such notice to the owner in person or by post at his place of business or residence.

(5) A notice under subsection (4) need not be given if the seizure is made in the presence or with the knowledge of the owner.

### **Sale and disposal of rubber seized**

**40.** The Director General may at any time direct that any rubber seized under this Act be sold and the proceeds of the sale be held while waiting for the result of any prosecution under this Act where—

- (a) the rubber is of a perishable nature or easily deteriorates in quality;
- (b) the rubber is subject to speedy and natural decay;
- (c) the custody of the rubber involves unreasonable expense or inconvenience;

- (d) the rubber is believed to cause an obstruction or to be a hazard to the public; or
- (e) there is a lack or absence of adequate or proper facilities for the storage of the rubber.

### **Forfeiture of rubber, *etc.*, seized**

**41.** (1) Any rubber or the proceeds of sale of the rubber, or any book, record, document or other article seized under this Act shall be liable to forfeiture.

(2) An order for the forfeiture of the rubber or the proceeds of sale of the rubber, or the book, record, document or other article shall be made if it is proved to the satisfaction of the court that an offence under this Act has been committed and that the rubber or the proceeds of sale of the rubber, or the book, record, document or other article was the subject matter of or was used in the commission of the offence, even though no person has been convicted of such offence.

(3) If there is no prosecution with regard to any rubber or the proceeds of sale of the rubber, or any book, record, document or other article seized under this Act, such rubber or the proceeds of sale of the rubber, or such book, record, document or other article shall be taken and deemed to be forfeited at the expiration of a period of one calendar month from the date of service of a notice to the last-known address of the person from whom the rubber or the proceeds of sale of the rubber, or such book, record, document or other article was seized indicating that there is no prosecution in respect of such rubber or the proceeds of sale of the rubber, or such book, record, document or other article, unless before the expiration of that period a claim to it is made in the manner set out in subsections (4), (5), (6) and (7).

(4) Any person asserting that he is the owner of such rubber or such proceeds of sale of the rubber, or of such book, record, document or other article referred to in subsection (3) and that such rubber or the proceeds of sale of the rubber, or such book, record, document or other article 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 rubber or the proceeds of sale of the rubber, or such book, record, document or other article is held that he claims the rubber or the proceeds of sale of the rubber, or the book, record, document or other article.

(5) On receipt of the notice referred to in subsection (4), the authorized officer shall refer the claim to a Magistrate of the First Class for his decision.

(6) The Magistrate to whom a matter is referred under subsection (5) shall issue a summons requiring the person asserting that he is the owner of the rubber or the proceeds of sale of the rubber, or of the book, record, document or other article and the person from whom it was seized to appear before the Magistrate, 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.

(7) If it is proved that an offence under this Act has been committed and that such rubber or the proceeds of sale of the rubber, or such book, record, document or other article referred to in subsection (6) was the subject matter of or was used in the commission of such offence, the Magistrate shall order the rubber or the proceeds of sale of the rubber, or such book, record, document or other article to be forfeited, and shall, in the absence of such proof, order its release.

(8) Any rubber or the proceeds of sale of the rubber, or any book, record, document or other article forfeited or deemed to be forfeited shall be delivered to the authorized officer and shall be disposed of in accordance with the directions of the Magistrate.

(9) The Authority shall not be liable to any person for any deterioration, no matter how arising, in the quality of any rubber seized under this Act.

### **Property in rubber, *etc.*, forfeited**

**42.** Any rubber or the proceeds of sale of the rubber, or any book, record, document or other article forfeited or deemed to be forfeited under this Act shall be the property of the Authority.

### **Release of rubber, *etc.*, seized**

**43.** Notwithstanding section 41, the Director General or any officer authorized by the Director General may, where he thinks fit, at any time direct that any rubber or the proceeds of sale of

the rubber, or any book, record, document or other article seized under this Act be released to the person from whose possession, custody or control it was seized.

### **Cost of holding rubber, *etc.*, seized**

**44.** Where any rubber, book, record, document or other article seized under this Act is held in the custody of the Authority or the Government pending completion of any proceedings in respect of an offence under this Act, 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 Authority or the Government, as the case may be, by such person and shall be recoverable accordingly.

### **No costs or damages arising from seizure to be recoverable**

**45.** No person shall, in any proceedings before any court in respect of the seizure of any rubber or the proceeds of sale of the rubber, or any book, record, document or other article seized in the exercise or the purported exercise of any power conferred under this Act, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.

### **Power of the Authority to require information**

**46.** The Authority may require any person to submit any declaration, return, certificate or other document or all other information relating to rubber estates and smallholdings, and production, storage, sale and export of rubber which, in the opinion of the Authority is necessary for the discharge of the duties of the Authority under this Act.

### **Additional powers**

**47.** (1) An authorized officer shall, for the purposes of the execution of this Act, have power to do all or any of the following acts:

- (a) to require the production of records, accounts, computerized data and documents from any person in relation to any case or offence under this Act and to inspect, examine, download and make copies of them;

- (b) to require the production of any identification document from any person in relation to any case or offence under this Act; or
- (c) to make such inquiry as may be necessary to ascertain whether the provisions of this Act have been complied with.

(2) A person who fails to comply with a request made under subsection (1) 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 one year or to both.

## PART VIII

### GENERAL

#### **Duty to maintain secrecy**

**48.** (1) Except for the purposes of this Act, no person who has access to any record, book, register, correspondence, information, document or other material obtained under this Act shall disclose such record, book, register, correspondence, information, document or other material to any other person.

(2) A person who contravenes subsection (1) 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 one year or to both.

#### **Offence committed by body corporate**

**49.** (1) Where a body corporate commits an offence under this Act, any person who at the time of the commission of the offence was a director, 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) where 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 took all reasonable precautions and had exercised due diligence to prevent the commission of the offence.

(2) Where any person would be liable under this Act to any punishment or penalty for any act, omission, neglect or default, he shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any employee or agent of his, or of the employee of such agent, if such act, omission, neglect or default was committed by—

- (a) his employee in the course of his employment;
- (b) the agent when acting on his behalf; or
- (c) the employee of such agent in the course of his employment by such agent or otherwise on behalf of the agent.

### **Compounding of offences**

**50.** (1) The Director General may, with the consent of the Public Prosecutor, offer to compound any offence committed by any person under this Act and prescribed to be a compoundable offence by regulations made under this Act by making a written offer to such person to compound the offence upon payment to the Authority of such amount of money not exceeding fifty per centum of the amount of the maximum fine for that offence, within such time as may be 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 under subsection (1) is not paid within the time specified in the offer or within such extended period as the Director General 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 after that be instituted in respect of such offence against the person to whom the offer to compound was made and any rubber or the proceeds of sale of the rubber, or any book, record, document or other article seized in connection with the offence may be released or forfeited by the Director General, subject to such terms and conditions as the Director General thinks fit to impose in accordance with the conditions of the compound.

(5) Notwithstanding the payment of a compound under subsection (1) for an offence under section 16, no person shall be relieved from liability for the payment of any cess for which he is or may be liable under this Act.

### **Institution of prosecution**

**51.** No prosecution for or in relation to an offence under this Act shall be instituted except by or with the written consent of the Public Prosecutor.

### **Protection against suit and legal proceedings**

**52.** No action, suit, prosecution or other proceedings shall lie or be brought, instituted or maintained in any court against—

- (a) the Minister;
- (b) the Authority;
- (c) any member of the Authority, any member of a committee, or any officer, servant or agent of the Authority; or
- (d) any other person lawfully acting on behalf of the Authority,

in respect of any act, neglect or default done or committed by him or it in good faith or any omission done by him or it in good faith in such capacity.

### **Public Authorities Protection Act 1948**

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

### **Public servant**

**54.** Every member of the Authority or any committee, or any officer, servant or agent of the Authority, while discharging his duty under this Act as such member, officer, servant or agent shall be deemed to be a public servant within the meaning of the Penal Code [*Act 574*].

### **Power to exempt**

**55.** (1) The Minister may, by order published in the *Gazette* and subject to such terms and conditions as he thinks fit to impose, exempt any person or class of persons or any rubber or class of rubber or any activity relating to the smallholder sector from all or any of the provisions of this Act.

(2) The Minister may, at any time by order published in the *Gazette*, revoke any order made under subsection (1) if he is satisfied that such exemption should no longer be granted.

### **Amendment of Schedules**

**56.** The Minister may, after consultation with the Authority, amend the First Schedule and Second Schedule by order published in the *Gazette*.

## **Regulations**

**57.** (1) The Minister may make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations may be made for the following purposes:

- (a) to prescribe the procedures to be followed for the purposes of carrying out, or the procedures necessary for giving full effect, to the provisions of Part VI;
- (b) to prescribe the procedures to be followed for the administration of the Fund;
- (c) to prescribe the offences which may be compounded;
- (d) to prescribe the records and documents to be kept and returns to be submitted;
- (e) to prescribe the fees and charges payable under this Act and the manner for collecting and disbursing such fees;
- (f) to provide for the regulation of all or any of the activities of the Authority and generally the performance of the functions, the exercise of the powers and the discharge of the duties of the Authority under this Act;
- (g) to provide for such other matters as are contemplated by, or necessary for giving full effect to, the provisions of this Act and for their due administration.

(3) Regulations made under subsection (1) may prescribe any act in contravention of the regulations to be an offence and may prescribe penalties of a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding one year or both for such offence.

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## FIRST SCHEDULE

## [Subsection 3(4)]

**Meetings**

**1.** (1) The Authority shall meet at least once in every three months at such time and place as may be appointed by the Chairman.

(2) At least fourteen days' notice in writing shall be given to the members.

(3) The Chairman shall preside at a meeting of the Authority.

(4) The quorum of the Authority shall be seven.

(5) Every member of the Authority present shall be entitled to one vote.

(6) If on a question to be determined by the Authority there is an equality of votes, the Chairman shall have a casting vote.

**Allowance**

**2.** Members of the Authority shall be paid such allowances as the Minister may determine.

**The Authority may invite others to meetings**

**3.** (1) The Authority may invite any other person to attend a meeting or deliberation of the Authority for the purposes of advising the Authority on any matter under discussion but that person shall not be entitled to vote at the meeting or deliberation.

(2) A person invited under subparagraph (1) may be paid such fee as the Authority may determine.

**Common seal**

**4.** (1) The Authority shall have a common seal which shall bear such device as the Authority shall approve and such seal may be broken, changed, altered or made anew as the Authority deems fit.

(2) A stamp bearing the words "Rubber Industry Smallholders Development Authority" or "Pihak Berkuasa Kemajuan Pekebun Kecil Perusahaan Getah" shall be used and be deemed to be the common seal of the Authority.

(3) The common seal shall be kept in the custody of the Director General or such other person as may be authorized by the Authority, and shall be authenticated by the Director General or such authorized person or by any officer authorized by either of them in writing; and all deeds, documents and other instruments purporting to be sealed with that seal, authenticated as specified in this subparagraph, shall, until the contrary is proved, be deemed to have been validly executed.

(4) Notwithstanding subparagraph (3), any document or instrument which, if executed by a person who is not a body corporate, would not be required to be under seal may in like manner be executed by the Authority; and any such document or instrument may be executed on behalf of the Authority by any officer or servant of the Authority generally or specially authorized by the Authority in that behalf.

(5) The common seal of the Authority shall be officially and judicially noticed.

#### **Disclosure of interest**

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

#### **Minutes**

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

(2) Minutes made of meetings of the Authority shall, if duly signed, be admissible in evidence in all legal proceedings without further proof.

(3) Every meeting of the Authority in respect of proceedings of which minutes have been made in accordance with subparagraphs (1) and (2) shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

#### **Validity of acts and proceedings**

7. No act done or proceeding taken under this Act shall be questioned on the ground of—

- (a) a vacancy in the membership of, or a defect in the constitution of, the Authority;
- (b) the contravention by any member of the Authority of the provisions of paragraph 5; or
- (c) an omission, a defect or an irregularity not affecting the merit of the case.

**Procedure**

8. Subject to this Act, the Authority shall determine its own procedure.

**Member of the Authority to devote time to business of the Authority**

9. Every member of the Authority shall devote such time to the business of the Authority as may be necessary to discharge his duties effectively.

**Appointment to be published**

10. The appointment of every member and alternate member of the Authority shall be published in the *Gazette*.

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**SECOND SCHEDULE**

[Subsection 24(2)]

**Power of the Authority to make regulations in respect of corporation**

1. The Authority shall, on or before the date on which any corporation is established under section 24, make regulations in respect of such corporation defining—

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

**Limitation on power to establish corporation**

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

**Effect of regulations**

3. Subject to the provisions of this Act and of any regulations made under section 57, any regulations made under paragraph 1 shall be binding on the corporation in respect of which they were made and shall have effect for all purposes as if they had been enacted in this Act.

#### **Amendment of regulations**

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

#### **Register of corporations**

5. The Authority shall keep a register in the prescribed form of all corporations established by it under section 24 and such register, together with copies of all regulations made under paragraphs 1 and 4, shall be open to public inspection at such place or places and at such time as it may prescribe.

#### **Winding-up**

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

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

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

#### **Corporations to be bodies corporate**

7. Every corporation established under section 24 shall be a body corporate by such name as the Authority shall give to it and shall have perpetual succession and a common seal and may sue and be sued in such name and, for the purpose of carrying into effect the project, Scheme or enterprise for which it has been established, may enter into contracts, and may hold and deal in or with any immovable or movable property and may do all other matters and things incidental or appertaining to a body corporate consistent with the provisions of this Act and subject to such restrictions or limitations as may be prescribed by the Authority in each case.

#### **Common seal**

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

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

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

(4) Notwithstanding subparagraph (3), any document or instrument which, if executed by a person who is not a body corporate would not be required to be under seal may in like manner be executed by the corporation; and any such document or instrument may be executed on behalf of the corporation by any officer or servant of the corporation generally or specially authorized by the corporation in that behalf.

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

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# LAWS OF MALAYSIA

## Act 85

### RUBBER INDUSTRY SMALLHOLDERS DEVELOPMENT AUTHORITY ACT 1972

#### LIST OF AMENDMENTS

Amending law	Short Title	In force from
Act A292	Rubber Statutory Bodies Act 1975	01-01-1973
Act A349	Rubber Statutory Bodies Act 1976	01-01-1973 except for paragraphs 1, 2 and 3 of amendments to ss.4(1): 01-06-1976
Act A448	Rubber Industry Smallholders Development Authority (Amendment) Act 1979	16-02-1979 except paragraph 2(1)(a): 28-07-1978
Act A965	Rubber Industry Smallholders Development Authority (Amendment) Act 1996	27-09-1996
P.U. (A) 206/ 2004	Ministers of The Federal Government (No. 2) Order 2004	27-03-2004
Act A1363	Rubber Industry Smallholders Development Authority (Amendment) Act 2010	15-03-2016 except paragraph 4(b); 01-11-1990

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## LAWS OF MALAYSIA

### Act 85

### RUBBER INDUSTRY SMALLHOLDERS DEVELOPMENT AUTHORITY ACT 1972

#### LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
PART I	Act A1363	15-03-2016
2	Act A448	28-07-1978
	Act A965	27-09-1996
	Act A1363	15-03-2016
PART II	Act A1363	15-03-2016
3	Act A1363	15-03-2016
3A	Act A1363	15-03-2016
3B	Act A1363	15-03-2016
4	Act A292	01-01-1973
	Act A349	01-06-1976
	Act A448	16-02-1979
	Act A1363	15-03-2016
		(except paragraph 4(b), 01-11-1990
4A-4G	Act A1363	15-03-2016
5	Act A1363	15-03-2016
6	Act A349	01-01-1973
	Act A1363	15-03-2016
7	Act A1363	15-03-2016
8	Act A1363	15-03-2016
9	Act A1363	15-03-2016
10	Act A1363	15-03-2016
PART III	Act A1363	15-03-2016
11	Act A448	16-02-1979
	Act A1363	15-03-2016

Section	Amending authority	In force from
11A	Act A1363	15-03-2016
11AA-11AD	Act A1363	15-03-2016
11B-11K	Act A965 Act A1363	27-09-1996 15-03-2016
12	Act A1363	15-03-2016
PART IV	Act A1363	15-03-2016
13	Act A1363	15-03-2016
14	Act A1363	15-03-2016
15	Act A1363	15-03-2016
16	Act A1363	15-03-2016
17	Act A1363	15-03-2016
18	Act A1363	15-03-2016
19	Act A1363	15-03-2016
PART V	Act A1363	15-03-2016
20	Act A1363	15-03-2016
21	Act A1363	15-03-2016
22	Act A1363	15-03-2016
23	Act A1363	15-03-2016
24	Act A1363	15-03-2016
PART VI	Act A1363	15-03-2016
25	Act A1363	15-03-2016
26	Act A1363	15-03-2016
27	Act A1363	15-03-2016
28	Act A1363	15-03-2016
29	Act A1363	15-03-2016
30	Act A1363	15-03-2016
31	Act A1363	15-03-2016
32	Act A1363	15-03-2016
PART VII	Act A1363	15-03-2016
33	Act A1363	15-03-2016
34	Act A1363	15-03-2016
35	Act A1363	15-03-2016
36	Act A1363	15-03-2016

Section	Amending authority	In force from
37	Act A1363	15-03-2016
38	Act A1363	15-03-2016
39	Act A1363	15-03-2016
40	Act A1363	15-03-2016
41	Act A1363	15-03-2016
42	Act A1363	15-03-2016
43	Act A1363	15-03-2016
44	Act A1363	15-03-2016
45	Act A1363	15-03-2016
46	Act A1363	15-03-2016
47	Act A1363	15-03-2016
PART VIII	Act A1363	15-03-2016
48	Act A1363	15-03-2016
49	Act A1363	15-03-2016
50	Act A1363	15-03-2016
51	Act A1363	15-03-2016
52	Act A1363	15-03-2016
53	Act A1363	15-03-2016
54	Act A1363	15-03-2016
55	Act A1363	15-03-2016
56	Act A1363	15-03-2016
57	Act A1363	15-03-2016
FIRST SCHEDULE	Act A1363	15-03-2016
SECOND SCHEDULE	Act A1363	15-03-2016

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