

**MALAYSIAN AGRICULTURAL RESEARCH AND DEVELOPMENT INSTITUTE
(AMENDMENT) ACT 2002**

ACT A1160

PREAMBLE

An Act to amend the Malaysian Agricultural Research and Development Institute Act 1969.

ENACTED by the Parliament of Malaysia as follows:

1. Short title and commencement.

(1) This Act may be cited as the Malaysian Agricultural Research and Development Institute (Amendment) Act 2002.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the Gazette.

2. General amendment.

The Malaysian Agricultural Research and Development Institute Act 1969 [Act 11], which is referred to in this Act as the "principal Act", is amended by substituting for the words "agricultural industry" wherever appearing in the Act the words "agricultural industry, agro-based industry and food industry".

3. Amendment of section 2.

Section 2 of the principal Act is amended—

(a) by substituting for the full stop at the end of the definition of "Minister" a semicolon; and

(b) by inserting after the definition of "Minister" the following definition: ‘ "mixed farming" means a system of farming involving all crops (except cocoa), livestock and fisheries in an integrated manner.’.

4. Amendment of section 3.

Section 3 of the principal Act is amended—

(a) by inserting after the words "Malaysian Agricultural Research and Development Institute" the words "or MARDI";

(b) by substituting for paragraph (a) the following paragraph:

" (a) to conduct scientific, technical, economic and sociological research with respect to—

(i) the production, utilization and processing of all crops (except rubber, oil palm and cocoa), livestock and food; and

(ii) mixed farming;"

(c) in paragraph (b), by substituting for the words "including the publication of reports, periodicals and papers relating thereto" the words "through whatever methods including the publication of reports, periodicals and papers relating thereto, and organizing of exhibitions, conferences, lectures and seminars";

(d) by substituting for paragraph (c) the following paragraph:

" (c) to act as a centre which provides specialist services in the agricultural industry, agro-based industry and food industry, such as consultation services, analytical laboratory services, quality assurance and contract research and development services;"

(e) by substituting for paragraph (d) the following paragraph:

" (d) to provide training in whatever manner for the development of the agricultural industry, agro-based industry and food industry;"

(f) in paragraph (e), by inserting after the word "research" the words "and development";

(g) in paragraph (f), by deleting the word "and" after the semicolon at the end of the paragraph;

(h) in paragraph (g)—

(i) by deleting the words "for the effective promotion and utilization of its research findings"; and

(ii) by substituting for the full stop at the end of the paragraph a semicolon; and

(i) by inserting after paragraph (g) the following paragraphs:

" (h) to develop, promote and exploit research findings; and

(i) to provide extension services to the agricultural industry, agro-based industry and food industry."

5. Amendment of section 4.

Section 4 of the principal Act is amended—

(a) by substituting for subsection (1) the following subsection:

"(1) For purposes of this Act there shall be a Director General of the Institute and such number of Deputy Directors General as may be necessary, to be appointed by the Minister."; and

(b) in subsection (4), by substituting for the words "Yang di-Pertuan Agong" the word "Minister".

6. Amendment of section 5.

Section 5 of the principal Act is amended—

(a) in subsection (1), by substituting for the words "property, moveable and immoveable," the words "property of every description, moveable, immoveable and intangible,"; and

(b) in paragraph (2) (g)—

(i) by substituting for the word "four" the word "five"; and

(ii) by substituting for the words "or agricultural development programmes" the words ", agricultural development, agricultural industry, agro-based industry and food industry".

. Amendment of section 6.

Section 6 of the principal Act is amended by deleting subsection (2).

8. New section 6B.

The principal Act is amended by inserting after section 6 A the following section:

" **6B . Additional powers of the Board.**

(1) The Board may, with the approval of the Minister and the concurrence of the Minister of Finance—

(a) carry on any activity which is commercial in nature and where it appears to be necessary, advantageous or convenient for or in connection with the discharge of the functions of the Institute; or

(b) promote the incorporation of companies under Companies Act 1965 [Act 125] for the purposes of carrying out or engaging in any activity which has been planned or undertaken by the Board in connection with the discharge of the functions of the Institute.

(2) The Memorandum of Association of a company incorporated under paragraph (1) (b) shall be as approved by the Board prior to the incorporation of such company.

(3) Notwithstanding subsection (1), the Board shall not without the approval of the Minister and the concurrence of the Minister of Finance—

(a) invest in the shares of any company; or

(b) dispose of all or any part of its equity or assets invested in any of its subsidiary companies."

9. Amendment of section 8.

Section 8 of the principal Act is amended—

(a) in subsection (2), by substituting for paragraphs (a) to (j) the following paragraphs:

" (a) the Director General of the Institute as Chairman; (b) a Deputy Director General;

(c) three representatives from the Ministry of Agriculture;

(d) a representative from the Ministry of Primary Industries;

(e) not more than six persons from the agricultural industry, agro-based industry and food industry, who in the opinion of the Minister, are able to contribute to the due and proper functioning of the Scientific Council;

(f) two persons from such public higher educational institutions in Malaysia as may be determined by the Minister; and

(g) a representative from the finance or investment sector."; and

(b) by deleting subsection (4).

10. Amendment of section 14.

Section 14 of the principal Act is amended—

(a) in paragraph (d), by substituting for the full stop at the end of the paragraph a semicolon; and

(b) by inserting after paragraph (d) the following paragraph:

" (e) from which shall be defrayed any expenditure incurred in providing for the welfare of the officers and servants of the Institute with the approval of the Minister."

11. Amendment of section 15.

The principal Act is amended by substituting for section 15 the following section:

" 15. Statutory Bodies (Accounts and Annual Reports) Act 1980.

The Statutory Bodies (Accounts and Annual Reports) Act 1980 [Act 240] shall apply to the Board."

12. Deletion of sections 16 and 17.

The principal Act is amended by deleting sections 16 and 17.

13. Amendment of section 18.

Section 18 of the principal Act is amended by substituting for the words "subject to the approval of the Minister of Finance" the words "with the approval of the Minister and the concurrence of the Minister of Finance".

14. Amendment of section 23.

The principal Act is amended by substituting for section 23 the following section:

" 23. Property in research findings.

(1) The property in every research finding or every programme undertaken by the Institute that is funded entirely by grants made to the Institute by the Federal Government or any State Government shall vest in the Board.

(2) The property in every research finding or every programme undertaken by the Institute that is funded by a private enterprise or organization shall vest in the Board and such private enterprise or organization jointly, subject to the terms of any agreement between the Board and the private enterprise or organization."

15. New sections 23 A and 23 B.

The principal Act is amended by inserting after section 23 the following sections:

" 23A . Access to research findings and facilities.

(1) The Board may, subject to such conditions, restrictions and limitations as it may determine, allow any person access to the research findings and facilities of the Institute.

(2) For the purposes of this section, "facilities" includes equipment, laboratory, experimental plot, data base and germplasm collection.

23B . Power to charge fees.

The Board may impose fees, royalties or any other charges as it thinks fit for any research, investigation, test, training, advice or other services provided by the Institute, or for the use of any of its property and facilities."

16. Amendment of Schedule.

The Schedule to the principal Act is amended by substituting for paragraph 4 the following paragraph:

"4. The seal of the Board shall be kept in the custody of the Director General or such other person as may be authorized by the Board, and shall be authenticated by the Director General or such authorized person and an officer authorized by either of them in writing; and all deeds, documents and other instruments purporting to be sealed with such seal, authenticated as specified in this paragraph, shall, until the contrary is proved, be deemed to have been validly executed."

17. Validation.

Every act or thing done by the Board before the commencement of this Act that would have been lawful if it had been done by the Board under the principal Act as amended by this Act is validated and declared to have been lawfully done.