

**LEMBAGA KEMAJUAN IKAN MALAYSIA (AMENDMENT) ACT 1999**

**AMENDING ACT A1051**

**Date of Royal Assent 30 June 1999**

**Date of publication in the Gazette: 8 July 1999**

**Date of coming into force: 1 September 1999 [PU(B) 311/1999]**

**PREAMBLE**

An Act to amend the Lembaga Kemajuan Ikan Malaysia Act 1971.

**ENACTED** by the Parliament of Malaysia as follows:

1. Short title and commencement

(1) This Act may be cited as the Lembaga Kemajuan Ikan Malaysia (Amendment) Act 1999.

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

2. Amendment of section 23A.

The Lembaga Kemajuan Ikan Malaysia Act 1971 [Act 49], which in this Act is referred to as the "principal Act", is amended in section 23A-

(a) by substituting for subsection (4) the following subsection:

"(4) The disciplinary regulations made under this section shall, in prescribing the procedure for disciplinary proceedings, provide for an opportunity for the person against whom disciplinary proceedings are taken to make representations against the disciplinary charge laid against him before a decision is arrived at by the Disciplinary Committee except in the following cases:

(a) where an officer or servant of the Lembaga is dismissed or reduced in rank on the ground of conduct in respect of which a criminal charge has been proved against him;

(b) where the Lembaga, on the recommendations of the Minister charged with the responsibility for home affairs, is satisfied that in the interest of the security of Malaysia or any part thereof it is not expedient to carry out the requirements of this subsection; or

(c) where there has been made against an officer or a servant of the Lembaga any order of detention, supervision, restricted residence, banishment or deportation, or where there has been imposed on an officer or a servant of the Lembaga any form of restriction or supervision by bond or otherwise. under any law relating to the security of Malaysia or any part thereof, prevention of crime, preventive detention, restricted residence, banishment, immigration, or protection of women and girls."; and

(b) by inserting after subsection (4) the following subsections:

"(5) The disciplinary regulations made under this section shall provide for procedure for the hearing of an appeal against the decision of the Disciplinary Committee.

(6) For the purpose of this section, "officer" includes the Director General."

### 3. New section 23B

3. The principal Act is amended by inserting after section 23A the following section:

#### 23B. Termination in the public interest.

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

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

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

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

### 4. Amendment of First Schedule

The First Schedule to the principal Act is amended-

(a) in paragraph 3-

(i) in subparagraph (3), by substituting for the words "Disciplinary Committee in respect of the Director General" the words "disciplinary authority in respect of the Director General shall be the Disciplinary Committee which";

(ii) by substituting for subparagraphs (8) and (9) the following subparagraphs:

"(8) A decision of the Disciplinary Committee established under subparagraph (1) shall be appealable to the Disciplinary Appeal Board established under paragraph 3A.

(9) A decision of the Disciplinary Committee established under subparagraph (3) shall be appealable to the Minister."; and

(iii) by inserting after subparagraph (9) the following subparagraphs:

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

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

(b) by inserting after paragraph 3 the following paragraph:

"3A. (1) There shall be a Disciplinary Appeal Board of the Lembaga which shall consist of the following members:

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

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

(2) When the Disciplinary Appeal Board considers an appeal made under paragraph 3, a member of the Disciplinary Committee against whose decision the appeal is made who is also a member of the Lembaga shall not be present or in any way participate in any proceedings relating to the appeal."