

LEMBAGA KEMAJUAN IKAN MALAYSIA (AMENDMENT) ACT 1990

ACT A764

PREAMBLE

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

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:

1. Short title and commencement.

(1) This Act may be cited as the Lembaga Kemajuan Ikan Malaysia (Amendment) Act 1990.

(2) This Act shall come into force on such date as the Minister may, by notification in the Gazette, appoint.

2. New section 10C.

The Lembaga Kemajuan Ikan Malaysia Act 1971 Act 49, which in this Act is referred to as "the principal Act", is amended by inserting, immediately after section 10B, the following new section 10C:

10C. Surcharge.

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

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

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

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

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

(e) has failed to make any payment, or is or was responsible for any delay in the payment, of moneys from the Fund to any person to whom such payment is due under any contract, agreement or arrangement entered into between that person and the Lembaga,

the Lembaga shall serve on him a written notice calling on him to show cause why he should not be surcharged, and if a satisfactory explanation is not, within fourteen days from the date of service of the notice as aforesaid, furnished to the Lembaga with regard to the failure to collect, payment which ought not to have been made, payment not duly vouched, deficiency or destruction, or failure to keep proper accounts or records, or failure to make payment, or delay in making payment, the Lembaga may surcharge against the said person a sum not exceeding the amount of any such amount not collected, such payment, deficiency, or loss or the value of the

property destroyed, as the case may be; and with regards to the failure to keep proper accounts or records, or the failure to make payment, or the delay in making payment, the Lembaga may surcharge against the said person such sum as the Lembaga may think fit.

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

(3) The Lembaga may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears that no surcharge should have been made, and the Chairman shall at once cause the Director General to be notified of such withdrawal.

(4) The amount of any surcharge made under subsection (1) and not withdrawn under subsection (3) shall be a debt due to the Lembaga from the person against whom the surcharge is made and may be sued for and recovered in any court at the suit of the Lembaga and may also be recovered by deduction-

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

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

3. New section 23A.

The principal Act is amended by inserting, immediately after section 23, the following new section 23A:

23A. Power to make disciplinary regulations

(1) The Lembaga may, with the approval of the Minister, make such disciplinary regulations as it deems necessary or expedient to provide for the discipline of the officers and servants of the Lembaga.

(2) The disciplinary regulations made by the Lembaga under this section may include provisions for the interdiction with reduction in salary or in other remuneration, or provisions for the suspension without salary or other remuneration, of an officer or servant of the Lembaga during the pendency of disciplinary proceedings.

(3) The disciplinary regulations made under this section shall create such disciplinary offences and provide for such disciplinary punishments as the Lembaga may deem appropriate, and the punishments so provided may extend to dismissal or reduction in rank.

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

4. Amendment of First Schedule.

The principal Act is amended by substituting the First Schedule with the following:

FIRST SCHEDULE

(Section 3)

1. (1) A member of the Lembaga (other than the Chairman) shall be deemed to have vacated his office if he fails to attend three consecutive meetings of the Lembaga without the permission in writing of the Chairman.

(2) There shall be paid to members of the Lembaga or to such of those members as the Minister may determine, after consultation with the Minister of Finance, such salaries remuneration or allowances as the Lembaga may determine.

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

(2) Any committee appointed under subparagraph (1) may appoint one or more sub-committees; any sub-committee so appointed shall include not less than one member of the committee appointing it, and there may be appointed to such subcommittee such other persons as the committee appointing it may think fit.

(3) Any committee or subcommittee so appointed shall conform to any instructions from time to time given to it by the Lembaga, and the Lembaga may at any time discontinue or alter the constitution of any committee or sub- committee so appointed.