

**PALM OIL REGISTRATION AND LICENSING AUTHORITY (INCORPORATION)
ACT 1976**

ACT 179

Preamble

An Act to establish the Palm Oil Registration and Licensing Authority for the betterment and proper conduct of the palm oil industry and to make provision respecting the Authority and the industry.

[16 May 1977]

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

**PART I
PRELIMINARY**

1. Short title and commencement.

(1) This Act may be cited as the Palm Oil Registration and Licensing Authority (Incorporation) Act 1976.

(2) This Act shall come into operation on such date as the Minister may, by notification in the Gazette, appoint and different dates may be appointed for different parts of Malaysia.

2. Interpretation.

In this Act unless the context otherwise requires -

"analyst" means an analyst appointed under section 32;

"Authority" means the Palm Oil Registration and Licensing Authority established under section 3;

"Chairman" means the Chairman of the Authority and includes any person exercising the functions of chairman and deemed to be the Chairman under section 6;

"chief executive" means the chief executive appointed under subsection (1) of section 7;

[Am. Act A540]

"conveyance" means any vehicle, vessel, ship, aircraft or any other mode of transport whether by air, water or land;

"Fund" means the Palm Oil Registration and Licensing Authority Fund established under section 15;

"officer of customs" has the meaning assigned thereto in the Custom Act 1967;

"oil palm" means the palm of the genus *Elaeis* and includes the species *Elaeis guineensis*, normally referred to as the "African oil palm," and *Elaeis Mananococca* or Corozo

oleifera, normally referred to as the "South American oil palm", and also includes hybrids of the two species;

oil+palm+fruit">"oil palm fruit" means the unprocessed fruit of the oil palm, whether in bunches or in loose form;

[Am. Act A540]

oil+palm+product">"oil palm product" means any product obtained directly from the oil palm and does include palm oil, palm kernel, palm kernel cake, palm fatty acids, oil palm seeds and oil palm seedlings;

[Am. Act A540]

palm+oil">"palm oil" means oil, whether in crude or processed form, originating or extracted from the pericarp of the oil palm fruit; and includes oil, whether in crude or processed form, originating or extracted from the kernel of the oil palm fruit;

[Am. Act A540; A735]

Palm+Oil+Inspector">"Palm Oil Inspector" means a Palm Oil Inspector appointed under section 7.

PART II

ESTABLISHMENT, DUTIES AND POWERS OF THE AUTHORITY

3. Establishment of the Authority.

(1) There shall be established a body corporate named the "Palm Oil Registration and Licensing Authority" which shall have perpetual succession and a common seal and power to acquire and hold movable and immovable property and to dispose thereof or otherwise deal therewith, and which may sue and be sued in its corporate name.

(2) The Schedule shall apply to the Authority.

4. Composition of the Authority.

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

(a) a Chairman;

(b) a representative of the Ministry responsible for the palm oil industry;

(c) a representative of the Ministry responsible for industrial development;

(d) a representative of the Treasury;

(e) a representative of the Malaysian Agricultural Research and Development Institute or of any other body engaged in palm oil research;

(f) a representative of the Federal Land Development Authority; and

(g) four representatives of the palm oil industry.

(2) The Minister may, in addition to the persons mentioned in subsection (1), appoint to be members of the Authority not more than four other persons to represent the East Malaysian and other interests in the palm oil industry.

5. Alternate members.

(1) The Minister may, in respect of each member of the Authority other than the Chairman appoint, on the nomination of the member, one person to be an alternate member to attend in place of the member meetings of the Authority that the member is for any reason unable to attend.

[Am. Act A735]

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

(3) 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.

6. Temporary exercise of functions of chairman.

(1) The Minister may appoint any member of the Authority to exercise the functions of chairman during any period in which the Chairman is for any reason unable to exercise his functions or during any period of vacancy in the office of chairman; and such member shall, during the period in which he is exercising the functions of chairman under this subsection, be deemed to be the Chairman.

(2) Until an appointment is made under subsection (1) or in default of such appointment, the member appointed under paragraph (b) of subsection (1) of section 4 shall exercise the functions and be deemed to be the Chairman.

7. Appointment of officers and servants of the Authority.

(1) The Authority may appoint a chief executive, who may be designated by any name, and such number of other officers or servants, including Palm Oil Inspectors, as it considers necessary for the purposes of this Act.

(2) The appointment of the chief executive shall be with the prior approval of the Minister.

(3) The appointment of Palm Oil Inspectors shall be published in the Gazette.

(4) The name by which the chief executive is designated shall be published in the Gazette.

(5) The Authority shall, before establishing or modifying any scheme of service for its officers or servants, including the terms and conditions of service, the salaries, allowances, and other remuneration payable, and facilities for loans for the purchase of conveyances and houses, obtain the Minister's approval.

8. Duties of chief executive.

(1) The chief executive shall -

- (a) be responsible for putting into execution the policy decisions of the Authority and for the general administration of its affairs;
- (b) exercise supervision and control over all officers or servants employed by the Authority; and
- (c) perform such other duties as the Authority may fromtime to time determine or as the Chairman may fromtime to time direct.

(2) The chief executive shall be present at every meeting of the Authority unless he is excused from doing so by the Chairman.

(3) The chief executive shall have no right to vote at meetings of the Authority.

9. Public servants.

All members, alternate members, officers and servants of the Authority, and all members of committees appointed under paragraph (b) of subsection (3) of section 12, shall be deemed to be public servants within the meaning of the appropriate Penal Code.

10. Offices.

The Authority shall have a principal office in Malaysia at such place as the Authority may determine and may establish such other branch offices as the Authority considers expedient.

11. Functions of the Authority.

The functions of the Authority are-

(a) to regulate, co-ordinate and promote all activities relating to the supply, sale, purchase, distribution, movement, storage, export and import of oil palm product, and the milling of oil palm fruit;

[Am. Act A540]

(b) to promote the efficient marketing and handling of oil palm product;

[Am. Act A540]

(c) to regulate and improve the manner of storing and shipping of oil palm product;

[Am. Act A540]

(d) to promote measures towards attaining a high quality for oil palm product, including the laying down of standards and the establishment of an efficient grading system;

(e) to co-operate with other bodies in co-ordinating and encouraging the setting up of industries producing or using oil palm product;

(f) to gather information on and maintain records of all relevant matters relating to the palm oil industry; and

(g) generally to do everything for the betterment and proper conduct of the palm oil industry.

12. Powers of the Authority.

(1) The Authority shall have power to make such regulations as are reasonably necessary for, or expedient or incidental to, the discharge of its functions under section 11, and in particular, but without prejudice to the generality of the foregoing, such regulations may-

[Am. Act A540]

(a) require the registration and licensing of persons in respect of any or all activities that fall within the scope of the functions of the Authority;

(b) provide for matters relating to registration and licensing, including the manner of applying for registration and licences, the fees payable for licences, the matters to be considered in granting or refusing a licence, and the imposition and variation of conditions and restrictions;

(c) regulate any or all activities that fall within the scope of the functions of the Authority in any manner apart from or in addition to registration and licensing;

(d) provide for the practices to be observed or avoided in the palm oil industry;

(e) provide for the registration of contracts relating to the sale of oil palm product and the details of such contracts;

[Am. Act A540]

(f) specify and define the standards or grades of oil palm product and make provisions for giving effect to such standards and grades, including provisions for or relating to labelling;

(g) prescribe the records to be kept and the returns to be submitted by licensees;

(h) prescribe the fees payable for any act or service done or rendered by the Authority; and

(i) prescribe penalties for the contravention of the provisions thereof of imprisonment not exceeding two years or a fine not exceeding ten thousand ringgit or of both such imprisonment and fine.

(2) Regulations made under subsection (1) shall be of no effect unless approved by the Minister.

(3) The Authority shall have power to do all things reasonably necessary for, or expedient or incidental to, the discharge of its functions and in particular, but without prejudice to the generality of the foregoing -

(a) to enter into such negotiations and arrangements as the Authority considers necessary for the promotion of the general interests of the palm oil industry; and

(b) to set up committees, which may consist of or include persons who are not members of the Authority, to advise or assist the Authority on such matters concerning its powers and duties as it considers fit; and the Authority may delegate, subject to such conditions and restrictions as it may

impose, such of its powers and duties (except the power to make regulations or orders) as it considers fit to any of such committees, and any act done or decision made by the committee pursuant to such delegation shall be deemed to be the act or decision of the Authority.

[Am. Act A540]

13. Power to suspend or cancel licence.

(1) The Authority may, if it is satisfied that any condition or restriction imposed on a licence issued under regulations made under section 12 has not been complied with or that the licensee has contravened any provision of this Act, call upon the licensee to show cause why his licence should not be suspended or cancelled.

[Am. Act A735]

(2) A person called upon to show cause under subsection (1) -

(a) shall be supplied by the Authority with the particulars, in writing, forming the basis for the call to show cause; and

(b) may, if he so desires, be present at the hearing by the Authority or be represented thereat by another person authorised by him in writing.

(3) If after the hearing the Authority is of the opinion that the person called upon to show cause has failed to do so, the Authority may, notwithstanding any criminal proceedings that may be brought against him, suspend his licence for such period, not exceeding two years from the date of suspension, as the Authority shall determine at the time of his suspension or cancel his licence.

[Am. Act A735]

(4) A person whose licence has been suspended or cancelled shall, on being so required by the Authority in writing, surrender to it his licence within such period as it may specify.

[Am. Act A735]

(5) Any person who wilfully fails to comply with the requirement of the Authority under subsection (4) commits an offence.

(6) Any person who, during the period of suspension of his licence or after the cancellation of his licence under subsection (3), carries on any activity authorised under such licence commits an offence.

13A. Publication of suspension or cancellation of licence.

The chief executive shall cause to be published in such publication or publications as he may deem fit, the name and address of any licensee whose licence has been suspended or cancelled under subsection (3) of section 13.

14. Appeal.

If any person is aggrieved by any decision of the Authority refusing the issue of or suspending or cancelling a licence, he may, within one month of the date when the decision is communicated to him, appeal to the Minister whose decision shall be final and shall not be questioned in any court.

PART III

FINANCE, REPORT AND MINISTERIAL SUPERVISION

15. The Fund.

(1) The Authority shall establish and administer a fund named the "Palm Oil Registration and Licensing Authority Fund".

(2) There shall be paid into the Fund-

(a) any grant made to the Authority from the Federal Consolidated Fund;

[Am. Act A735]

(b) all moneys collected or paid under subsection (1) of section 16;

(c) all moneys collected under the regulations made under this Act other than fines;

(d) all moneys borrowed by the Authority under section 17;

(e) all moneys earned or arising from any investment under section 18 or from any property, mortgages, charges or debentures acquired by or vested in the Authority; and

(f) all other moneys that may in any manner become payable to or vested in the Authority in respect of any matter incidental to its duties or powers.

[Am. Act A735]

(3) The Fund may be applied for -

(a) defraying such expenditure as the Authority may incur in carrying out its duties and exercising its powers;

[Am. Act A735]

(b) settling any moneys borrowed by the Authority under section 17; and

[Am. Act A735]

(c) subject to the approval of the Minister given after consultation with the Minister of Finance, making contributions to any organisation, whether local or international, for the purpose of promoting the marketing of oil palm products.

[Am. Act A735]

(4) The Authority shall keep or cause to be kept a separate account in respect of moneys paid into the Fund from the Federal Consolidated Fund.

(5) - (7) (Repealed by Act 218).

16. Cess on oil palm product.

(1) The Authority may, with the approval of the Minister given after consultation with the Minister of Finance, make orders for the imposition, variation or cancellation of a cess on oil palm product and the orders may specify the nature, amount and rate of cess and the manner of collection of the cess.

[Am. Act A540]

(2) Orders made under this section may prescribe different amounts and rates of cess for different categories, standards or grades of oil palm product.

[Am. Act A540]

(3) (Repealed by Act 218).

17. Power to borrow.

The Authority may, upon such terms and conditions as may be approved by the Minister of Finance, borrow moneys for the purpose of carrying out its functions.

18. Power to invest.

The Authority may, from time to time, after consultation with the Minister and with the approval of the Minister of Finance, invest the Fund or any part thereof, not being immediately required for meeting the Authority's obligations or carrying out its functions -

(a) in any investment or securities authorised for the investment of trust funds by any written law for the time being in force; or

(b) in such other investment or securities as the Authority thinks fit.

19. Annual estimate.

The chief executive shall, not later than one month before the commencement of each financial year, lay before the Authority an estimate of the revenue and expenditure, including capital expenditure, of the Authority for the ensuing financial year in such detail and form as the Authority may determine.

20. Accounts and audit.

(1) The Authority shall keep or cause to be kept proper accounts and other records in respect of its operations and shall prepare or cause to be prepared statements of account in respect of each financial year.

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

(3) After the end of each financial year, as soon as the accounts of the Authority have been audited, the Authority shall cause a copy of the statements of account to be transmitted to the Minister together with a copy of the observations made by the auditor on any statement of account or on the accounts of the Authority.

(4) The Minister shall cause a copy of the statements of account and a copy of the observations transmitted to him under subsection (3) to be laid on the table of each House of Parliament.

21. Annual report.

(1) The Authority shall, not later than 30 June of each year, cause to be transmitted to the Minister a report dealing with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may require.

(2) The Minister shall cause a copy of every report transmitted to him under subsection (1) to be laid on the table of each House of Parliament.

PART IV
ENFORCEMENT

22. Power of arrest.

A Palm Oil Inspector or officer of customs may arrest without warrant any person found committing or attempting to commit or abetting the commission, or whom he reasonably suspects of being engaged in committing or attempting to commit or abetting the commission, of an offence against this Act if the person refuses or fails to furnish his name and address or if there are reasonable grounds for believing that he has furnished a false name or address or that he is likely to abscond.

23. Search by warrant.

Whenever it appears to any Magistrate, on sworn information in writing, that there is reasonable cause to believe that in any premises there is or there has been any contravention of this Act, the Magistrate may issue a warrant authorizing any Palm Oil Inspector or officer of customs named therein, by day or by night and with or without assistance, to enter the premises, if need be by force, and there to search for and seize any oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article that is reasonably believed to furnish evidence of the contravention of this Act.

24. Search without warrant.

Whenever it appears to any Palm Oil Inspector or officer of customs that there is reasonable cause to believe that in any premises there is or there has been any contravention of this Act and that, by reason of delay in obtaining a search warrant under section 23, evidence of the contravention might disappear or be tampered with, such officer may exercise in, upon, and in respect of the premises all the powers mentioned in that section in as full and ample a manner as if he were authorized to do so by a warrant issued under that section.

24A. Power to seal oil palm product, etc.

(1) Where in the exercise of the powers under section 23 or section 24, it appears to a Palm Oil Inspector or officer of customs that by reason of its size, nature or amount, it is not practical to remove any oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article which is used in the commission of an offence under this Act, the Palm Oil Inspector or officer of customs may, with the consent of the chief executive or any officer authorised by the chief executive for that purpose, by any means seal such oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article in the premises in which it is found or seal such premises.

(2) Any person who, without lawful authority, breaks, tampers with or damages any seal imposed under subsection (1) or removes such oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article or attempts to do so commits an offence.

25. Power to stop and search conveyances.

(1) If any Palm Oil Inspector or officer of customs has reasonable suspicion that any conveyance is carrying any oil palm product, machinery, contrivance, equipment, book, record, document, or any other article in respect of which there is or has been any contravention of this Act, he may stop and examine the conveyance and may, if on examination he has reasonable cause to believe that such conveyance is or has been used for the contravention of this Act, seize such conveyance and any oil palm product, machinery, contrivance, equipment, record, book, document or other article found therein that is reasonably believed to furnish evidence of the contravention.

[Am. Act A540; A735]

(2) The person in control or in charge of the conveyance shall, if required to do so by the Palm Oil Inspector or officer of customs -

(a) stop the conveyance and allow the Palm Oil Inspector or officer of customs to examine it; and

(b) open all parts of the conveyance for examination and take all measures necessary to enable or facilitate the carrying out of such examination as the Palm Oil Inspector or officer of customs considers necessary to make.

26. The seizing officer shall prepare a list of the things seized.

(1) Except as provided in subsection (2), where any oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article is seized under this Part, the seizing officer shall prepare a list of the things seized and forthwith deliver a copy signed by him to the occupier of the premises which have been searched under section 23 or 24, or to his agent or servant at those premises and where a conveyance is seized, the person in physical control of the conveyance.

(2) If the premises are unoccupied, the seizing officer shall whenever possible post a list of the things seized on the premises.

27. Action after seizure of palm oil.

(1) A seizing officer shall take all measures to ensure that, until an order is made for the disposal of the oil palm product consequent upon a prosecution or claim in respect thereof, the oil palm product does not deteriorate in quality or value but if it is not possible to take those measures owing to the lack or absence of adequate or proper facilities or otherwise, the seizing officer may, subject to subsection (2), sell the oil palm product, or cause or arrange for it to be sold, in such manner as will secure the highest possible price for it in the circumstances.

[Am. Act A540]

(2) The seizing officer shall not sell, or cause or arrange to be sold, any oil palm product under subsection (1) if he has reason to suspect that the oil palm product is of a quality, standard or grade lower than that prescribed or permitted by this Act but shall forthwith cause the oil palm product to be tested by an analyst.

[Am. Act A540]

(3) If an analyst certifies, or if the result of the test as certified by the analyst proves, that the oil palm product tested by him under subsection (2) is of a quality, standard or grade lower than that prescribed or permitted by this Act, the seizing officer shall keep it in custody or, if no prosecution is instituted in respect of the oil palm product, cause it to be destroyed.

(4) If an analyst certifies, or if the result of the test as certified by the analyst proves, that the oil palm product tested by him under subsection (2) is of a quality, standard or grade that conforms to or is higher than that prescribed or permitted by this Act, subsection (1) shall apply to the oil palm product.

(5) Until the result of a test under subsection (2) is obtained, the seizing officer shall take all reasonable measures possible and available in the circumstances to ensure that the oil palm product does not deteriorate in quality or value.

(6) A seizing officer who keeps oil palm product in custody under subsection (3) is only required to ensure that the oil palm product is safe from loss and physical damage but is not required to take measures to preserve its quality, standard or grade.

[Am. Act A540]

(7) The proceeds of sale of oil palm product under subsection (1) shall be held to abide the result of any prosecution or claim in respect thereof.

27A. Temporary return of conveyance, etc.

(1) Where any conveyance, machinery, contrivance or equipment is seized under this Act, the court may temporarily return the conveyance, machinery, contrivance or equipment to the owner thereof or the person from whose possession, custody or control it was seized, subject to such terms and conditions as the court may impose and, subject, in any case to sufficient security being furnished to the satisfaction of the court that the conveyance, machinery, contrivance or equipment shall be surrendered to the court on demand and that the said terms and conditions, if any, shall be complied with.

(2) Any person who -

(a) fails to surrender on demand to the court the conveyance, machinery, contrivance or equipment temporarily returned to him under subsection (1); or

(b) fails to comply with or contravenes any of the terms or conditions imposed under subsection (1),

commits an offence.

28. Court to order release or forfeiture.

The court before which a prosecution with regard to oil palm product seized under this Part is held shall make an order of forfeiture or release of the oil palm product or the proceeds of sale thereof, or of any conveyance, machinery, contrivance, equipment, book, record, document or other article but shall order forfeiture if it is proved to its satisfaction that an offence against any provision of this Act has been committed and that the oil palm product, conveyance, machinery,

contrivance, equipment, book, record, document or other article was the subject matter of the offence, notwithstanding that no person may have been convicted of the offence.

29. Time bar to prosecution.

No prosecution in respect of any oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this Part shall be instituted more than six calendar months after the date of seizure thereof.

30. Claims for seized palm oil or proceeds of sale thereof.

(1) If no prosecution is instituted in respect of any oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this Part within the period prescribed in section 29, the oil palm product or proceeds of sale thereof, conveyance, machinery, contrivance, equipment, book, record, document or other article shall be taken and deemed to be forfeited at the expiration of one calendar month from the date of expiration of the prescribed period unless a claim thereto is made within that month under and in accordance with this section.

[Am. Act A540; A735]

(2) Any person asserting that he is the owner of the oil palm product or the proceeds of sale thereof, conveyance, machinery, contrivance, equipment, book, record, document or other article and that it is not liable to forfeiture may personally or by his agent authorised in writing give written notice to the seizing officer that he claims the oil palm product or the proceeds of sale thereof, conveyance, machinery, contrivance, equipment, book, record, document or other article.

[Am. Act A735]

(3) On receipt of a notice under subsection (2) the seizing officer shall refer the claim to the chief executive who may direct that the oil palm product or the proceeds of sale thereof, conveyance, machinery, contrivance, equipment, book, record, document or other article be released or may direct the seizing officer, by information in writing, to refer the matter to a Magistrate.

[Am. Act A735]

(4) The Magistrate shall issue a summons requiring the Authority and the person asserting that he is the owner of the oil palm product or the proceeds of sale thereof, conveyance, machinery, contrivance, equipment, book, record, document or other article and the person from whom the oil palm product was seized to appear before him, and upon their appearance or default to appear, due service or the summons being proved, the Magistrate shall proceed to the examination of the matter and on proof that an offence against this Act has been committed and that the oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article was the subject matter, or was used in the commission of the offence, shall order the oil palm product or the proceeds of sale thereof, conveyance, machinery, contrivance, equipment, book, record, document or other article to be forfeited or, in the absence of such proof, shall order its release.

[Am. Act A735]

(5) In a claim under this section the person making the claim shall be the claimant and the Authority shall be the respondent and the Authority may be represented by an officer or servant thereof authorized in writing by the Chairman to so represent the Authority.

30A. Release of seized oil palm product, etc.

Notwithstanding section 30 the chief executive may, where he deems it fit, at any time direct that any oil palm product or proceeds of sale thereof, or any conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this Part be released to the person from whose possession, custody or control it was seized.

31. Property in forfeited palm oil or proceeds of sale thereof.

Any oil palm product or proceeds of sale thereof, conveyance, machinery, contrivance, equipment, book, record, document or other article forfeited, or taken and deemed to be forfeited, under this Part shall be the property of the Authority.

32. Appointment and certificates and reports of analysts.

(1) For the purposes of this Act the Minister may appoint analysts to examine and test oil palm product and to certify its condition, type, method of processing, quality, standard and grade.

[Am. Act A540]

(2) In any prosecution for an offence against this Act a certificate of analysis of oil palm product or a report on the condition, type, method of processing, quality, standard or grade thereof, purporting to be signed by an analyst shall, on production thereof by the prosecutor or defendant, be sufficient evidence of the facts stated therein unless the prosecutor or defendant requires that the analyst be called as a witness, in which case he shall give notice thereof to the other side not less than three clear days before the date of hearing.

(3) A copy of the certificate or report referred to in subsection (2) shall be sent to the defendant or the prosecutor at least seven clear days before the date of hearing, and if it is not so sent the court may adjourn the hearing on such terms as it thinks proper.

(4) Subsection (2) shall apply to a claim under section 30 as if for the words "prosecutor" and "defendant" there were substituted respectively the words "claimant" and "respondent".

33. Proportional examination or testing of seized palm oil.

Where it is necessary to examine or test oil palm product seized under this Part, it shall be sufficient to examine or test only a sample not exceeding ten per centum in volume or weight of the oil palm product or of each different type or description thereof or, if the oil palm product is packed in different packages, of the contents of each package; and the court shall presume that the rest of the type, description or package of oil palm product conforms, in condition, type, method of processing, quality, standard, grade or otherwise to the sample thereof examined or tested.

34. Power of investigation.

(1) A Palm Oil Inspector or officer of customs shall have the power to investigate the commission of any offence against this Act.

(2) Every person required by a Palm Oil Inspector or officer of customs to give information or produce any book, document or matter relating to the commission of the offence and which it is in the person's power to give shall give the information or produce the book, document or matter.

(3) A Palm Oil Inspector or officer of customs acting under subsection (2) may make or cause to be made copies of or extracts from any such books or documents and such copies or extracts certified as the copies or extracts of the original by the Palm Oil Inspector or officer of customs shall be countersigned by the person referred to under subsection (2) and, unless the contrary is proven, shall be deemed to be true and correct copies and extracts of the original and shall be admissible in evidence.

[Am. Act A735]

(4) Any Palm Oil Inspector or officer of customs may examine orally any person supposed to be acquainted with the facts and circumstances of the case and shall reduce into writing any statement made by the person so examined and such person shall, to the best of his ability, answer all questions relating to such case put to him by such Inspector or officer:

Provided that such person may refuse to answer any question the answer to which would have tendency to expose him to a criminal charge or penalty or forfeiture.

[Am. Act A735]

(5) A person making a statement under subsection (4) shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to questions.

[Am. Act A735]

35. Conduct of prosecution.

Without prejudice to any other written law relating to criminal procedure, any prosecution in respect of an offence against this Act may be conducted by a Palm Oil Inspector or by any other officer or servant of the Authority authorized in writing by the Chairman to conduct the prosecution.

35A. Miscellaneous offence.

Any person who fraudulently alters any licence, book, record or other document issued or required to be kept under this Act commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five thousand ringgit or both.

PART V GENERAL

35B. Palm Oil Inspector to declare office and authority when exercising powers.

When a Palm Oil Inspector exercises the powers conferred on him under this Act, he shall declare his office and authority and produce for inspection his identification card describing his office.

36. Furnishing of information to Authority.

The Authority may require any person connected with or involved in any aspect of the palm oil industry to submit to it any document or information which, in its opinion, is necessary for the discharge of its functions; and any person so required who wilfully and without lawful or reasonable excuse fails or refuses to submit the required document or information to the Authority or who, in submitting any required information, knowingly or recklessly makes any

statement that is false in any material particular or who, with intent to deceive submits a document that is false in any material particular, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or a fine not exceeding five thousand ringgit or to both.

36A. Offence for assaulting or obstructing Palm Oil Inspector or officer of customs, or rescuing oil palm product, etc. seized.

Any person who -

(a) assaults or obstructs any Palm Oil Inspector or officer of customs in the exercise of his powers and duties under this Act;

[Am. Act A735]

(b) rescues or endeavours to rescue any oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article which has been seized; or

(c) before or after any seizure causes the disappearance of, or damages or destroys any oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article in order to prevent the seizure thereof or the securing of the same,

commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding five thousand ringgit or both.

37. General provisions relating to penalties.

(1) A person guilty of an offence against this Act for which no penalty is provided is liable on conviction to a fine not exceeding five thousand ringgit or, if the person has been previously convicted of the like offence, to a fine not exceeding ten thousand ringgit.

(2) Where an offence against this Act is continued after a person has been convicted thereof, that person is liable on conviction to a fine not exceeding one-fifth of the maximum fine to which that person was liable on the earlier conviction for each day during which the offence continues.

37A. Exemption from liabilities.

Neither the chief executive, any officer of the Authority nor any officer of customs shall be liable for any loss, injury or damage caused to any person or property consequent upon the exercise of his powers and duties under this Act, unless the loss, injury or damage was occasioned intentionally or through recklessness or gross negligence.

38. Offences committed by corporate bodies.

Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, secretary or other similar officer of the body corporate or any person who was purporting to act in such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

39. Secrecy.

Except for the purposes of this Act or of any criminal proceedings under this Act, no member, officer or servant of the Authority shall disclose any information that has been obtained by him in the course of his duties under this Act.

40. Power of Minister to issue directions.

The Authority shall be responsible to the Minister who may, from time to time, issue to the Authority directions on any aspect of the functions of the Authority, and every such direction shall be binding on the Authority.

41. Power of Minister to make regulations.

The Minister shall have power to make regulations for the better carrying out of the provisions of this Act and such regulations may prescribe the compounding and the method thereof of any offence committed under this Act.

42. Validation of acts done in anticipation of Act.

(1) All acts and things done by any person in preparation for or in anticipation of this Act and any expenditure incurred in relation thereto shall be deemed to have been authorized under this Act, provided the acts and things done are not inconsistent with the general intention and purposes of this Act; and all rights and obligations acquired or incurred as a result of the doing of those acts or things including any expenditure incurred in relation thereto shall be deemed the rights and obligations of the Authority.

(2) For the avoidance of doubt it is declared that subsection (1) does not authorize the appointment of members, officers or servants of the Authority except in so far as to authorize the temporary appointment of such persons until proper appointments are made under this Act.

SCHEDULE

(Section 3)

1.(1) A member of the Authority who -

(a) at three consecutive meetings of the Authority, without reasonable cause or the permission in writing of the Chairman, has neither been present nor represented by the alternate member, if any, appointed in respect of that member;

(b) has been found or declared to be of unsound mind;

(c) has become bankrupt or made an arrangement with his creditors; or

(d) has been convicted of any offence involving fraud, dishonesty, or moral turpitude, or any offence under this Act or any regulations made thereunder;

shall cease to hold office.

(2) The provisions of subparagraph (1), other than item (a), shall apply mutatis mutandis to an alternate member.

(3) The terms and conditions of the appointment of the Chairman, and his remuneration, shall be determined by the Minister.

(4) There shall be paid such allowances to such members or alternate members of the Authority for attending meetings of the Authority as the Minister may determine.

(5) The appointment of every member and alternate member of the Authority shall be published in the Gazette.

(6) No member of the Authority shall incur personal liability for any loss or damage caused by any act or omission in administering the affairs of the Authority unless the loss or damage was occasioned intentionally or through recklessness or gross negligence.

2.(1) The Minister shall summon the first meeting of the Authority.

(2) The Authority shall meet with such frequency that there is no lapse of more than three months between meetings.

(3) The quorum of the Authority shall be six.

(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 number to preside at the meeting.

(5) If on any question to be determined by the Authority there is an equal division of votes, the Chairman or member presiding shall have a casting vote in addition to his deliberative vote.

(6) Subject to this paragraph, the Authority may determine its own procedure.

(7) The seal of the Authority shall be authenticated by the Chairman and one member of the Authority and any document that purports to be sealed with the seal of the Authority and is so authenticated shall, until the contrary is shown, be deemed to have been validly sealed.