

**PALM OIL REGISTRATION AND LICENSING AUTHORITY
(INCORPORATION)(AMENDMENT) ACT 1989**

ACT A735

An Act to amend the Palm Oil Registration and Licensing Authority (Incorporation) Act 1989.

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.

This Act may be cited as the Palm Oil Registration and Licensing Authority (Incorporation) (Amendment) Act 1989 and shall come into force on such date as the Minister may, by notification in the Gazette, appoint.

2. Amendment of section 2.

Section 2 of the Palm Oil Registration and Licensing Authority (Incorporation) Act 1976 (Act 179), which in this Act is referred to as "the principal Act", is amended -

(a) by inserting immediately after the definition of "chief executive", the following definition:

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

(b) by substituting for the words "extracted from oil palm fruits or oil palm seeds" in the definition of "palm oil", the words "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"; and

(c) by deleting the definition of "Research Fund".

3. Amendment of section 5.

Section 5 of the principal Act in the English text is amended by substituting for the word "or" in subsection (1), the word "of".

4. Amendment of section 9.

The principal Act is amended by deleting the words "and subsection (6) of section 13" in section 9.

6. New section 13A.

The principal Act is amended by inserting after section 13, the following section 13A:

"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."

7. Amendment of section 14.

Section 14 of the principal Act is amended by inserting after the word "suspending", the words "or cancelling".

8. Amendment of section 15.

Section 15 of the principal Act is amended -

(a) by deleting the words "and the Research Fund" in the marginal note;

(b) by deleting the words ", other than grants to the Research Fund" in paragraph (a) of subsection (2);

(c) by deleting the words ", except moneys collected or paid pursuant to subsection (3) of section 16" in paragraph (f) of subsection (2);

(d) by deleting the word "and" at the end of paragraph (a) of subsection (3); and

(e) by substituting for the full stop at the end of paragraph (b) of subsection (3), the words "; and" and inserting thereafter the following paragraph (c):

"(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."

9. Amendment of section 16.

Section 16 of the principal Act is amended by substituting for the words "Palm Oil and Research Cess" in the marginal note, the words "oil palm product".

10. Amendment of section 23.

Section 23 of the principal Act is amended by substituting for the words "vehicle, book, document or other article", the words "oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article".

11. New section 24A.

The principal Act is amended by inserting after section 24, the following section 24A:

" 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."

12. Amendment of section 25 (1).

Section 25 (1) is amended -

- (a) by inserting after the words "is carrying any", the words "oil palm product, machinery, contrivance, equipment, book, record, document, or any other"; and
- (b) by inserting after the words "seize such conveyance and any", the words "oil palm product, machinery, contrivance, equipment, record,".

13. Amendment of section 26.

The principal **Act** is amended by substituting for section 26, the following:

" 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."

14. New section 27A.

The principal Act is amended by inserting after section 27, the following section 27A:

"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."

15. Amendment of section 28.

Section 28 of the principal Act is amended-

(a) by inserting after the word "thereof", the words ", or of any conveyance, machinery, contrivance, equipment, book, record, document or other article"; and

(b) by inserting after the words "and that the oil palm product", the words ", conveyance, machinery, contrivance, equipment, book, record, document or other article".

16. Amendment of section 29.

Section 29 of the principal Act is amended by substituting for the words "oil palm product", the words "any oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article".

17. Amendment of section 30.

Section 30 of the principal Act is amended -

(a) in subsection (1) -

(i) by substituting for the words "oil palm product seized", the words "any oil palm product, conveyance, machinery, contrivance, equipment, book, record, document or other article seized"; and

(ii) by inserting after the words "sale thereof", the words ", conveyance, machinery, contrivance, equipment, book, record, document or other article";

(b) in subsection (2), by inserting after the word "thereof" wherever it appears, the words ",conveyance, machinery, contrivance, equipment, book, record, document or other article";

(c) in subsection (3) -

(i) by substituting for the word "Chairman" the words "chief executive"; and

(ii) by inserting after the word "thereof", the words ", conveyance, machinery, contrivance, equipment, book, record, document or other article"; and

(d) in subsection (4) -

(i) by inserting after the word "thereof" wherever it appears, the words ", conveyance, machinery, contrivance, equipment, book, record, document or other article"; and

(ii) by inserting after the words "and that the oil palm product", the words ", conveyance, machinery, contrivance, equipment, book, record, document or other article".

18. New section 30A.

The principal Act is amended by inserting after section 30, the following section 30A:

"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."

19. Amendment of section 31.

Section 31 of the principal Act is amended by inserting after the word "thereof", the words ", conveyance, machinery, contrivance, equipment, book, record, document or other article".

20. Amendment of section 33.

Section 33 of the principal Act is amended by substituting for the words ."palm oil" wherever they appear, the words "oil palm product".

21. Amendment of section 34.

Section 34 of the principal Act is amended by inserting after subsection (2), the following subsections (3), (4) and (5):

"(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 counter-signed 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.

(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.

(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."

22. New section 35A.

The principal Act is amended by inserting after section 35 in Part IV, the following section 35A:

"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."

23. New section 35B.

The principal Act is amended by inserting before I section 36 in Part V, the following section 35B:

" 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. ".
24. New section 36A.

The principal Act is amended by inserting after section 36, the following section 36A:

"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;

(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."

25. New section 37A.

The principal Act is amended by inserting after section 37, the following section 37A:

" 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."

26. Amendment of Shedule.

The Schedule to the principal Act in the English text is amended by substituting for the word "commission" in paragraph 1 (6) the word "omission".