

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

PU(A) 518/2005

31 December 2005

IN exercise of the powers conferred by paragraph 78(1)(n) of the Malaysian Palm Oil Board Act 1998 [Act 582], the Minister makes the following regulations:

PART I

PRELIMINARY

1. Citation and commencement

(1) These regulations may be cited as the **Malaysian Palm Oil Board (Quality) Regulations 2005**.

(2) These Regulations come into operation on 1 January 2006.

2. Interpretation

(1) In these Regulations, unless the context otherwise requires-

"practice" means the manner, operation, method, procedure, conduct, system of management or other action in relation to the planting, harvesting, selling, purchasing, constructing, manufacturing, processing, handling, safety, storing, surveying, sampling, analysing and marketing which involves oil palm products;

"banned cargo" means the products or goods as prescribed in the First Schedule;

"blended oil palm product" means oil palm products produced from a process of mixing which includes putting together or reconstituting different products;

"contract of sale" means the contract of sale entered into between the seller and purchaser of the oil palm products;

"consign" includes supply, deliver, send or ship;

"quality" means the totality of practices by which the characteristics, features, standard and other properties of a product or service satisfies the stated or implied needs;

"pipes" includes pumps, valves and taps;

"processing" includes manufacturing, milling, crushing, refining, fractionation, splitting, hydrogenation, emulsification, esterification, inter- esterification, transesterification, crystallization, deodorization, packaging, neutralization, filtration, heating, separating, centrifugation, homogenization and texturization.

(2) Where any expression used in these Regulations is not defined, the expression shall, unless the context otherwise requires, have the same meaning assigned to that expression in the Malaysian Palm Oil Board (Licensing) Regulations 2005 [P.U. (A) /2005].

PART II

QUALITY DETERMINATION AND COMPLIANCE

3. Quality determination and compliance

(1) The Board may determine the quality for all activities in the oil palm industry including-

- (a) the production and management of oil palm planting material;
- (b) the agronomical practices in oil palm small holding and estate;
- (c) the grading of oil palm fruit;
- (d) the milling of oil palm fruit;
- (e) the crushing of palm kernel;
- (f) the processing of oil palm products;
- (g) the storing, transferring, handling and transporting of oil palm products;
- (h) the surveying and inspecting of oil palm products;
- (i) the testing, examining and analysing of oil palm products;
- (j) the construction of oil palm fruit mill, building facilities, bulking storage facilities and other facilities in relation to oil palm products; and
- (k) such other activities in relation to oil palm products as the Board may from time to time determine.

(2) The Director-General may issue a determination to comply with the quality as determined in subregulation (1) to such person who in his opinion is in charge or have the control, conduct or responsibility in relation to the activities specified in that subregulation.

(3) A person who fails to comply with the determination by the Board under subregulation (1) and issued under subregulation (2) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(4) The Board shall not be liable for any costs or damages arising as a result of the determinations issued under subregulations (1) and (2) respectively.

PART III

QUALITY DECLARATION

4. Quality declaration for export

(1) No person shall export any oil palm products unless he has made a complete, true and accurate declaration of the export to the Board in Form MPOB Q1 as prescribed in the Second Schedule not less than two days before the date of commencement of loading of the oil palm products.

(2) A person who contravenes subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

5. Quality declaration for consignment by sea within Malaysia

(1) No person shall consign any oil palm products by sea within Malaysia unless he has made a complete, true and accurate declaration of the consignment to the Board in Form MPOB Q2 as prescribed in the Third Schedule not less than two days before the date of commencement of loading of the oil palm products.

(2) A person who contravenes subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

6. Quality declaration for import

(1) No person shall import any oil palm products unless he has made a complete, true and accurate declaration of the import to the Board in Form MPOB Q3 as prescribed in the Fourth Schedule not less than two days before the date of commencement of unloading of the oil palm products.

(2) A person who contravenes subregulation (1) commits an offence and shall on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

7. Mode of calculation for period of submission to the Board

For the purpose of these Regulations, the date of commencement of the loading or unloading, as the case may be, shall be excluded in the calculation of the period in regulations 4, 5 and 6.

8. Quality declaration for local trade

(1) No person shall sell or consign any oil palm products within Malaysia unless the oil palm products are accompanied with a delivery order, invoice or any document containing all of the following particulars declared and signed by him:

(a) name of seller;

(b) name of consignor;

(c) quantity or net weight;

(d) contractual quality specification;

(e) contract or invoice number or both;

(f) name of consignee; and

(g) name of purchaser.

(2) A person who fails to comply with the requirement under subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

9. Sampling

(1) Where a declaration is made by a person under these Regulations, he shall, if required by an authorized officer, provide-

(a) samples of the oil palm product relating to such declaration; and

(b) every assistance reasonable and necessary to the authorized officer.

(2) A person making the declaration referred to in subregulation (1) who is required by the authorized officer to provide a sample shall provide a sample not exceeding ten per centum in volume or weight of the oil palm product or of each different type or description of the oil palm product or, if the oil palm product is packed in different packages, of the contents of each package for the purposes of examining and testing; and it shall be presumed that the rest of the type, description or package of the oil palm product conforms in condition, type, method of processing, quality, standard, grade or otherwise to the sample of the oil palm product examined or tested.

(3) Where any oil palm product is suspected to be contaminated or blended, the authorized officer may take samples in any manner as he deems fit.

(4) A person who fails to comply with subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or imprisonment for a term not exceeding two years or to both.

PART IV

CONTAMINATION

10. Contamination

(1) No person shall contaminate or cause or permit the contamination of oil palm product with any material or substance or matter-

(a) which is detrimental to the quality of the oil palm product;

(b) which may cause the oil palm product to be harmful or poisonous or otherwise injurious to health;

(c) which deviate the oil palm product from its intended or general use; or

(d) which is a pesticide, a poison or any chemical, whether organic or otherwise as determined by the Board and such determination may specify the tolerance limits.

(2) A person who contravenes subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(3) A person who have in control or possession, any contaminated oil palm product is presumed to have contaminated the oil palm product in his control or possession.

PART V

PROHIBITIONS

11. Prohibitions on the type and quality of oil palm product for sale, etc.

(1) The Board may determine, whether to prohibit or otherwise, the type and quality of oil palm product that may be sold, exported, imported, consigned or otherwise dealt with.

(2) A person who fails to comply with any determination to prohibit made under subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

12. Conditional prohibition on the selling, exporting or consigning of blended oil palm product

(1) No person shall sell, export or consign blended oil palm product in bulk or packages exceeding twenty-five kilogrammes in weight.

(2) A person who contravenes subregulation (1) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(3) Subregulation (1) shall not apply to any sale, export or consignment of the blended oil palm product exceeding twenty-five kilogrammes where-

(a) such weight of the blended oil palm product is specifically requested in writing by the purchaser;

(b) such request is specified in the contract of sale relating to the blended oil palm product; and

(c) all document of sales, delivery order, shipping documents, bill of lading and customs declaration shall indicate the percentage, ratio, weight or volume of ingredients and compositions of the blend.

13. Prohibition on sale, export or consignment of oil palm product which does not conform to the contract of sale or determination of the Board

(1) No person shall sell, export or consign any oil palm product which does not conform to the type and quality-

(a) specified in the contract of sale relating to such oil palm product; or

(b) in the case where the Board has determined the type and quality of the oil palm product for such sale, export or consignment, only that type and quality of such oil palm product.

(2) A person who fails to comply with the specification in the contract of sale under paragraph (1)(a) or the determination of the Board under paragraph (b) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(3) For the purpose of subregulation (1), where any sale, export or consignment of any oil palm product are made in batches or parcels or in a series of consignment which together forms a contractual commitment, each batch or parcel or series of consignment shall conform to the type and quality specified in the contract of sale or in the case of where the Board has make a determination to the type and quality only to that type and quality.

14. Prohibition on selling, etc., of oil palm product in certain storage container or pipe

(1) No person shall sell, export, consign, import, store or move any oil palm product in any storage container or pipe which has been used to store or move banned cargo unless otherwise determined by the Director-General.

(2) Subject to the determination of the Director-General in subregulation (1), an authorized officer may, if he has reasonable cause to believe that a storage container or pipe has been used to store or move banned cargo, issue determination to prohibit the use of such storage container or pipe to store or move any oil palm product.

(3) A person who contravenes subregulation (1) or fails to comply with the determination issued under subregulation (2) commits an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

PART VI

GENERAL

FIRST SCHEDULE (Subregulation 2(1))

BANNED CARGO

BANNED IMMEDIATE PREVIOUS CARGOES LIST

leaded products shall not be carried or banned as three previous cargoes.

ethylene dichloride¹ shall not be carried or banned as any one of the last cargoes in organically coated tanks; and as the last cargo in stainless steel or inorganically coated tanks.

styrene monomer² shall not be carried or banned as any one of the last two cargoes in organically coated tanks; and as the last cargo in stainless steel or inorganically coated tanks.

SECOND SCHEDULE

(Subregulation 4(1))

FORM MPOB Q1

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

DECLARATION OF OIL PALM PRODUCT FOR EXPORT

PARTICULARS OF EXPORTER

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:

Company stamp:

THIRD SCHEDULE

(Subregulation 5(1))

FORM MPOB Q2

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

**DECLARATION OF OIL PALM PRODUCT FOR CONSIGNMENT BY SEA WITHIN
MALAYSIA**

PARTICULARS OF CONSIGNOR:

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:

Company stamp:

FOURTH SCHEDULE

(Subregulation 6(1))

FORM MPOB Q3

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

DECLARATION OF OIL PALM PRODUCT FOR IMPORT

PARTICULARS OF IMPORTER:

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:

Company stamp:

15. Forms

The forms as prescribed in the Second Schedule, Third Schedule and Fourth Schedule shall be used for the purpose indicated by their contents.

BANNED IMMEDIATE PREVIOUS CARGOES LIST

leaded products shall not be carried or banned as three previous cargoes.

ethylene dichloride¹ shall not be carried or banned as any one of the last cargoes in organically coated tanks; and as the last cargo in stainless steel or inorganically coated tanks.

styrene monomer² shall not be carried or banned as any one of the last two cargoes in organically coated tanks; and as the last cargo in stainless steel or inorganically coated tanks.

SECOND SCHEDULE

(Subregulation 4(1))

FORM MPOB Q1

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

DECLARATION OF OIL PALM PRODUCT FOR EXPORT

PARTICULARS OF EXPORTER

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:
Company stamp:

THIRD SCHEDULE

(Subregulation 5(1))

FORM MPOB Q2

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

**DECLARATION OF OIL PALM PRODUCT FOR CONSIGNMENT BY SEA WITHIN
MALAYSIA**

PARTICULARS OF CONSIGNOR:

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:

Company stamp:

FOURTH SCHEDULE

(Subregulation 6(1))

FORM MPOB Q3

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

DECLARATION OF OIL PALM PRODUCT FOR IMPORT

PARTICULARS OF IMPORTER:

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:

Company stamp:

16. Presumption as to export

For the purpose of export, oil palm products shall be presumed to be taken or caused to be taken out of Malaysia if the oil palm products have been loaded on to a conveyance.

BANNED IMMEDIATE PREVIOUS CARGOES LIST

leaded products shall not be carried or banned as three previous cargoes.

ethylene dichloride¹ shall not be carried or banned as any one of the last cargoes in organically coated tanks; and as the last cargo in stainless steel or inorganically coated tanks.

styrene monomer² shall not be carried or banned as any one of the last two cargoes in organically coated tanks; and as the last cargo in stainless steel or inorganically coated tanks.

SECOND SCHEDULE

(Subregulation 4(1))

FORM MPOB Q1

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

DECLARATION OF OIL PALM PRODUCT FOR EXPORT

PARTICULARS OF EXPORTER

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:

Company stamp:

THIRD SCHEDULE

(Subregulation 5(1))

FORM MPOB Q2

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

**DECLARATION OF OIL PALM PRODUCT FOR CONSIGNMENT BY SEA WITHIN
MALAYSIA**

PARTICULARS OF CONSIGNOR:

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:

Company stamp:

FOURTH SCHEDULE

(Subregulation 6(1))

FORM MPOB Q3

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

DECLARATION OF OIL PALM PRODUCT FOR IMPORT

PARTICULARS OF IMPORTER:

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:
Company stamp:

17. Service of notice, licence, etc.

(1) Where any notice, licence, form, correspondence, communication, enforcement circulars of MPOB or other document is sent by the Minister, Board or Director-General or any authorized officer to the last-known address of any person or a licensee, as the case may be, the notice, licence, form, correspondence, communication, enforcement circular of MPOB or other document shall be deemed to have been received by such person or licensee, as the case may be,-

(a) by hand, at the time the notice, licence, *etc.*, is acknowledged by the person or licensee, as the case may be;

(b) by registered post, five days after the date of posting;

(c) by facsimile, at the time the facsimile is transmitted; or

(d) by electronic mail, at the time the electronic mail is transmitted, and the person or licensee, as the case may be, shall be deemed to have knowledge of the notice, licence, form, correspondence, communication, enforcement circulars of MPOB or other document.

(2) Where a person has informed the Board of his address, he shall notify the Board of any changes in his address within two weeks of such change.

(3) Where the person does not notify the Board of the changes in his address, his last-known address shall bind the Board unless the Board receives actual notice of the change in the address.

BANNED IMMEDIATE PREVIOUS CARGOES LIST

leaded products shall not be carried or banned as three previous cargoes.

ethylene dichloride¹ shall not be carried or banned as any one of the last cargoes in organically coated tanks; and as the last cargo in stainless steel or inorganically coated tanks.

styrene monomer² shall not be carried or banned as any one of the last two cargoes in organically coated tanks; and as the last cargo in stainless steel or inorganically coated tanks.

SECOND SCHEDULE

(Subregulation 4(1))

FORM MPOB Q1

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

DECLARATION OF OIL PALM PRODUCT FOR EXPORT

PARTICULARS OF EXPORTER

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:

Company stamp:

THIRD SCHEDULE

(Subregulation 5(1))

FORM MPOB Q2

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

**DECLARATION OF OIL PALM PRODUCT FOR CONSIGNMENT BY SEA WITHIN
MALAYSIA**

PARTICULARS OF CONSIGNOR:

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:

Company stamp:

FOURTH SCHEDULE

(Subregulation 6(1))

FORM MPOB Q3

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

DECLARATION OF OIL PALM PRODUCT FOR IMPORT

PARTICULARS OF IMPORTER:

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:

Company stamp:

18. Methods of issuing determination

Any determination by the Board, Director-General or any authorized officer, as the case may be, may be issued through enforcement circular of MPOB or other method as it deems appropriate.

BANNED IMMEDIATE PREVIOUS CARGOES LIST

leaded products shall not be carried or banned as three previous cargoes.

ethylene dichloride¹ shall not be carried or banned as any one of the last cargoes in organically coated tanks; and as the last cargo in stainless steel or inorganically coated tanks.

styrene monomer² shall not be carried or banned as any one of the last two cargoes in organically coated tanks; and as the last cargo in stainless steel or inorganically coated tanks.

SECOND SCHEDULE

(Subregulation 4(1))

FORM MPOB Q1

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

DECLARATION OF OIL PALM PRODUCT FOR EXPORT

PARTICULARS OF EXPORTER

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:
Designation:
Date:
Board Licence No.:
Company stamp:

THIRD SCHEDULE

(Subregulation 5(1))

FORM MPOB Q2

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

**DECLARATION OF OIL PALM PRODUCT FOR CONSIGNMENT BY SEA WITHIN
MALAYSIA**

PARTICULARS OF CONSIGNOR:

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:
Designation:
Date:
Board Licence No.:
Company stamp:

FOURTH SCHEDULE

(Subregulation 6(1))

FORM MPOB Q3

MALAYSIAN PALM OIL BOARD ACT 1998

MALAYSIAN PALM OIL BOARD (QUALITY) REGULATIONS 2005

DECLARATION OF OIL PALM PRODUCT FOR IMPORT

PARTICULARS OF IMPORTER:

* Delete where inapplicable

DECLARATION:

I declare that the above declaration is true, accurate and complete.

Signature:

Name:

Designation:

Date:

Board Licence No.:

Company stamp:

19. Revocation

The Palm Oil Industry (Quality Control) Regulations 1983 [*P.U. (A) 117/1983*] is revoked.