10 November 2014
10 November 2014
P.U. (A) 296

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN SURUHANJAYA KOPERASI MALAYSIA (AKAUN DEPOSIT KOPERASI) 2014

MALAYSIA CO-OPERATIVE SOCIETIES COMMISSION (CO-OPERATIVE DEPOSIT ACCOUNT) REGULATIONS 2014

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA SURUHANJAYA KOPERASI MALAYSIA 2007

PERATURAN-PERATURAN SURUHANJAYA KOPERASI MALAYSIA
(AKAUN DEPOSIT KOPERASI) 2014

SUSUNAN PERATURAN

Peraturan

AKTA SURUHANJAYA KOPERASI MALAYSIA 2007

PERATURAN-PERATURAN SURUHANJAYA KOPERASI MALAYSIA
(AKAUN DEPOSIT KOPERASI) 2014

PADA menjalankan kuasa yang diberikan oleh subseksyen 43(2) Akta Suruhanjaya Koperasi Malaysia 2007 [*Akta 665*], Suruhanjaya, dengan kelulusan bertulis Menteri terlebih dahulu, membuat peraturan-peraturan yang berikut:

Nama

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Suruhanjaya Koperasi Malaysia (Akaun Deposit Koperasi) 2014**.

Tafsiran

2. Dalam Peraturan-Peraturan ini—

"Akaun Deposit" ertinya Akaun Deposit Koperasi yang disebut dalam seksyen 43 Akta;

"Jawatankuasa" ertinya Jawatankuasa Akaun Deposit Koperasi yang ditubuhkan di bawah peraturan 10;

"Kumpulan Wang Rizab Statutori" ertinya Kumpulan Wang Rizab yang disebut dalam subseksyen 57(1) Akta Koperasi 1993 [*Akta 502*] yang disenggarakan oleh sesuatu koperasi;

"wang lebihan" ertinya wang yang melebihi amaun yang diperlukan oleh sesuatu koperasi bagi kegunaan segera sebagai modal kerja bagi perniagaannya, yang boleh didepositkan atau dilaburkan di luar koperasi itu tanpa menjejaskan pengendalian perniagaan itu.

Akaun Deposit

3. (1) Akaun Deposit hendaklah terdiri daripada—

(a) wang lebihan;

(b) Kumpulan Wang Rizab Statutori;

(c) pendapatan daripada pelaburan wang di dalam Akaun Deposit yang diperoleh daripada sumber yang disebut dalam perenggan *(a)* dan *(b)*; dan

(d) kumpulan wang yang dijana oleh Suruhanjaya menurut seksyen 35 Akta.

Maksud Akaun Deposit

4. Akaun Deposit hendaklah digunakan bagi maksud—

(a) memberikan pembiayaan Islam atau kemudahan kredit kepada mana-mana koperasi bagi pembangunan aktiviti dan perniagaannya; dan

(b) membayar apa-apa perbelanjaan berkenaan dengan pentadbiran Akaun Deposit.

Kehendak untuk mendeposit ke dalam Akaun Deposit

5. (1) Suatu koperasi hendaklah mendepositkan wang lebihannya ke dalam Akaun Deposit dalam tempoh yang ditentukan oleh Suruhanjaya.

(2) Suatu koperasi hendaklah mendepositkan Kumpulan Wang Rizab Statutori ke dalam Akaun Deposit dalam tempoh enam bulan selepas tahun kewangan koperasi itu berakhir.

(3) Wang lebihan dan Kumpulan Wang Rizab Statutori yang disebut dalam subperaturan (1) dan (2), masing-masing hendaklah didepositkan mengikut apa-apa cara yang ditentukan oleh Suruhanjaya.

Pulangan bagi deposit

6. Suruhanjaya boleh menentukan kadar pulangan deposit yang disimpan dalam Akaun Deposit dari semasa ke semasa.

Pengeluaran deposit

7. (1) Sesuatu koperasi yang telah mendepositkan wang lebihan atau Kumpulan Wang Rizab Statutori ke dalam Akaun Deposit di bawah peraturan 5 boleh memohon kepada Suruhanjaya bagi pengeluaran wang lebihan atau Kumpulan Wang Rizab Statutori itu, dan pulangannya mengikut apa-apa cara yang ditentukan oleh Suruhanjaya.

(2) Suruhanjaya boleh mengenakan apa-apa syarat bagi pengeluaran di bawah subperaturan (1) sebagaimana yang difikirkan patut oleh Suruhanjaya.

(3) Apabila permohonan bagi pengeluaran di bawah subperaturan (1) diterima dan berpuas hati bahawa syarat yang disebut dalam subperaturan (2), jika ada, telah dipenuhi, Suruhanjaya boleh meluluskan pengeluaran itu.

Pembiayaan Islam atau kemudahan kredit

8. (1) Sesuatu koperasi boleh memohon kepada Suruhanjaya bagi apa-apa pembiayaan Islam atau kemudahan kredit daripada Akaun Deposit bagi pembangunan aktiviti dan perniagaannya.

(2) Tatacara permohonan dan fi pemprosesan bagi pembiayaan Islam atau kemudahan kredit, dan amaun, kadar caj perkhidmatan, kaedah dan tempoh bayaran balik pembiayaan Islam atau kemudahan kredit itu hendaklah sebagaimana yang ditentukan oleh Suruhanjaya.

Pembayaran daripada Akaun Deposit

9. Semua pembayaran yang dibuat daripada Akaun Deposit hendaklah diperakui mengikut apa-apa cara yang ditentukan oleh Suruhanjaya.

Jawatankuasa Akaun Deposit Koperasi

10. (1) Suatu jawatankuasa yang dikenali sebagai "Jawatankuasa Akaun Deposit Koperasi" ditubuhkan bagi membantu Suruhanjaya dalam pentadbiran dan pengurusan Akaun Deposit.

(2) Jawatankuasa hendaklah terdiri daripada orang yang berikut:

(a) Pengerusi Eksekutif Suruhanjaya sebagai Pengerusi;

(b) Timbalan Pengerusi Eksekutif Suruhanjaya sebagai Timbalan Pengerusi;

(c) lima orang pegawai Suruhanjaya sebagaimana yang dilantik oleh Pengerusi; dan

(d) seorang wakil daripada Kementerian yang dipertanggungkan dengan tanggungjawab bagi pembangunan koperasi.

Fungsi Jawatankuasa

11. Jawatankuasa hendaklah mempunyai fungsi yang berikut:

(a) untuk mencadangkan strategi dan garis panduan berhubung dengan pematuhan pengurusan dan pentadbiran Akaun Deposit kepada Suruhanjaya;

(b) untuk mencadangkan mekanisme bagi pengurusan dan pentadbiran Akaun Deposit kepada Suruhanjaya, terutamanya aset dan liabiliti Akaun Deposit itu, bagi memastikan Akaun Deposit itu sentiasa ada dan mencukupi;

(c) untuk memantau penggunaan Akaun Deposit; dan

(d) untuk memantau pendepositan wang lebihan dan Kumpulan Wang Rizab Statutori ke dalam Akaun Deposit oleh koperasi.

Mesyuarat Jawatankuasa

12. (1) Pengerusi hendaklah memanggil mesyuarat Jawatankuasa sekurang-kurangnya sekali tiap-tiap tiga bulan dalam setahun.

(2) Pengerusi, atau semasa ketiadaannya Timbalan Pengerusi, hendaklah mempengerusikan mesyuarat Jawatankuasa.

(3) Pengerusi, atau semasa ketiadaannya Timbalan Pengerusi, dan tiga orang anggota Jawatankuasa yang lain hendaklah membentuk kuorum bagi mesyuarat Jawatankuasa.

(4) Tiap-tiap anggota Jawatankuasa yang menghadiri mesyuarat Jawatankuasa hendaklah berhak kepada satu undi.

(5) Semua keputusan dalam mesyuarat Jawatankuasa hendaklah dibuat melalui undi majoriti mudah semua anggota Jawatankuasa yang menghadiri mesyuarat itu dan mengundi, dan dalam hal bilangan undi yang sama banyak, Pengerusi hendaklah mempunyai undi pemutus sebagai tambahan kepada undi biasanya.

Diluluskan 30 September 2014
[SKM.IP.(AM):7661 SJ.11; PN(PU2)673/II]

DATO' SRI HASAN BIN MALEK
Menteri Perdagangan Dalam Negeri,
Koperasi dan Kepenggunaan

Dibuat 6 Oktober 2014
[SKM.IP.(AM):7661 SJ.11; PN(PU2)673/II]

DATUK NIK ALI BIN MAT YUNUS
Pengerusi Eksekutif
Suruhanjaya Koperasi Malaysia

MALAYSIA CO-OPERATIVE SOCIETIES COMMISSION ACT 2007

MALAYSIA CO-OPERATIVE SOCIETIES COMMISSION (CO-OPERATIVE DEPOSIT ACCOUNT) REGULATIONS 2014

ARRANGEMENT OF REGULATIONS

Regulation

MALAYSIA CO-OPERATIVE SOCIETIES COMMISSION ACT 2007

MALAYSIA CO-OPERATIVE SOCIETIES COMMISSION
(CO-OPERATIVE DEPOSIT ACCOUNT) REGULATIONS 2014

IN exercise of the powers conferred by subsection 43(2) of the Malaysia Co-operative Societies Commission Act 2007 [*Act 665*], the Commission, with prior written approval of the Minister, makes the following regulations:

Citation

1. (1) These regulations may be cited as the **Malaysia Co-operative Societies Commission (Co-operative Deposit Account) Regulations 2014**.

Interpretation

2. In these Regulations—

"Deposit Account" means the Co-operative Deposit Account referred to in section 43 of the Act;

"Committee" means the Co-operative Deposit Account Committee established under regulation 10;

"Statutory Reserve Fund" means the Reserve Fund referred to in subsection 57(1) of the Co-operative Societies Act 1993 [*Act 502*] maintained by a co-operative society;

"surplus funds" means the funds in excess of the amounts required for immediate use by a co-operative society as working capital for its business, which may be deposited or invested away from the co-operative society without affecting the operation of such business.

Deposit Account

3. (1) The Deposit Account shall consist of—

(a) the surplus funds;

(b) the Statutory Reserve Fund;

(c) the income from investments of the moneys in the Deposit Account which is derived from the sources referred to in paragraphs *(a)* and *(b)*; and

(d) the fund raised by the Commission pursuant to section 35 of the Act.

Purposes of Deposit Account

4. The Deposit Account shall be utilized for the purposes of—

(a) providing Islamic financing or credit facility to any co-operative society for the development of its activities and businesses; and

(b) paying any expenditure in respect of the administration of the Deposit Account.

Requirement to deposit into Deposit Account

5. (1) A co-operative society shall deposit its surplus funds into the Deposit Account within the period as determined by the Commission.

(2) A co-operative society shall deposit the Statutory Reserve Fund into the Deposit Account within six months after the end of its financial year.

(3) The surplus funds and Statutory Reserve Fund referred to in subregulations (1) and (2), respectively shall be deposited in such manner as determined by the Commission.

Return of deposit

6. The Commission may determine the rate of return of the deposit kept in the Deposit Account from time to time.

Withdrawal of deposit

7. (1) A co-operative society which has deposited the surplus funds or Statutory Reserve Fund into the Deposit Account under regulation 5 may apply to the Commission for the withdrawal of the surplus funds or Statutory Reserve Fund, and its return in such manner as determined by the Commission.

(2) The Commission may impose any condition for the withdrawal under subregulation (1) as the Commission thinks fit.

(3) Upon receipt of an application for the withdrawal under subregulation (1) and being satisfied that the condition referred to in subregulation (2), if any, has been fulfilled, the Commission may approve the withdrawal.

Islamic financing or credit facility

8. (1) A co-operative society may apply to the Commission for any Islamic financing or credit facility from the Deposit Account for the development of its activities and businesses.

(2) The application procedures and processing fee for the Islamic financing or credit facility, and the amount, rate of service charge, method and repayment period of the Islamic financing or credit facility shall be as determined by the Commission.

Payment from the Deposit Account

9. All payments made from the Deposit Account shall be certified in such manner as determined by the Commission.

Co-operative Deposit Account Committee

10. (1) A committee known as the "Co-operative Deposit Account Committee" is established to assist the Commission in the administration and management of the Deposit Account.

(2) The Committee shall consist of the following persons:

(a) the Executive Chairman of the Commission as Chairman;

(b) the Deputy Executive Chairman of the Commission as Deputy Chairman;

(c) five officers of the Commission as appointed by the Chairman; and

(d) a representative of the Ministry charged with the responsibility for co-operative development.

Functions of Committee

11. The Committee shall have the following functions:

(a) to propose to the Commission strategies and guidelines in relation to the management compliance and administration of the Deposit Account;

(b) to propose to the Commission the mechanism for the management and administration of the Deposit Account, in particular the assets and liabilities of the Deposit Account, so as to ensure the availability and sufficiency of the Deposit Account;

(c) to monitor the utilization of the Deposit Account; and

(d) to monitor the deposit of the surplus funds and Statutory Reserve Fund into the Deposit Account by the co-operative societies.

Meetings of Committee

12. (1) The Chairman shall summon meetings of the Committee at least once in every three months in a year.

(2) The Chairman, or in his absence the Deputy Chairman, shall preside over the meeting of the Committee.

(3) The Chairman, or in his absence the Deputy Chairman, and three other members of the Committee shall form a quorum for a meeting of the Committee.

(4) Every member of the Committee who attends a meeting of the Committee shall have a right to one vote.

(5) All decisions at a meeting of the Committee shall be made by a simple majority of votes of all members of the Committee who attend the meeting and vote, and in the case of an equality of votes, the Chairman shall have a casting vote in addition to his deliberative vote.

Approved 30 September 2014
[SKM.IP.(AM):7661 SJ.11; PN(PU2)673/II]

DATO' SRI HASAN BIN MALEK
Minister of Domestic Trade,
Co-operatives dan Consumerism

Made 6 October 2014
[SKM.IP.(AM):7661 SJ.11; PN(PU2)673/II]

DATUK NIK ALI BIN MAT YUNUS
Executive Chairman
Malaysia Co-operative Societies Commission