

MALAYSIA

Act of Parliament

No. 13 OF 1966

SOCIETIES ACT, 1966

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GENERALLY

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MALAYSIA
Act of Parliament
No. 13 OF 1966
SOCIETIES ACT, 1966

An Act to amend and consolidate the law relating to registration of societies.

[18th February 1966]

Pu 24/66

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 Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

PART I—PROVISIONS APPLICABLE TO SOCIETIES
GENERALLY

1. (1) This Act may be cited as the Societies Act, 1966, and shall, subject to sub-section (2) of this section, come into force on such date as the Minister may by notification in the *Gazette* appoint, such date not being earlier than that on which the notification is published.

Short title, commencement and application.

(2) The Minister may by notification in the [†]*Gazette* suspend the operation of all or any of the provisions of this Act in any part of the Federation for such period as may be specified in such notification.

Pu 24/1966

(3) This Act shall apply throughout the Federation.

2. In this Act, unless the context otherwise requires—

Interpretation.

“Assistant Registrar” means any officer appointed as an Assistant Registrar of Societies under section 3;

“benefit” means a payment made by a mutual benefit society for the relief or maintenance of the members or subscribers or on birth or death in accordance with the rules of the mutual benefit society;

“local society” means any society organised and established in the Federation or having its headquarters or chief place of business in the Federation, and includes any society deemed to be established in the Federation by virtue of section 4 of this Act;

“Minister” means the Minister for the time being charged with responsibility for the registration of societies;

“mutual benefit society” means any society which by its objects and rules either as the principal object or as an ancillary object makes provisions by voluntary subscriptions

of the members thereof or subscribers thereto with or without the aid of donations for—

(a) the relief or maintenance of the members or subscribers, their husbands, wives, children, fathers, mothers, brothers, sisters, nephews, nieces or wards, during sickness or other infirmity, whether bodily or mental, in old age or in widowhood or for the relief or maintenance of the orphan children of members or subscribers during minority; or

(b) the payment of money on the birth of a member's or subscriber's child or on the death of a member or subscriber or of the child, husband, wife, parent or grandparent of a member or subscriber or on the death of any other person or for the funeral expenses of the member or subscriber or of the child, husband, or wife of a member or subscriber or of the widow of a deceased member or subscriber; or

(c) the relief or maintenance of the members or subscribers when unemployed or when in distressed circumstances;

“office-bearer” of a society means any person who is the president or vice-president, or secretary or treasurer of such society or any branch of a society, or who is a member of the committee or governing body thereof, or of any branch thereof or who holds in such society or branch of a society any office or position analogous to any of those mentioned above;

→ “Registrar” means the Registrar of Societies appointed under section 3 of this Act and includes any Deputy Registrar of Societies appointed under the same section;

“registered society” means any society for the time being registered under section 7;

“society” includes any club, company, partnership, or association of seven or more persons whatever its nature or object, whether temporary or permanent, but does not include—

(a) any company registered under the provisions of any written law relating to companies for the time being in force in the Federation;

(b) any company or association constituted under any written law;

(c) any trade union registered or required to be registered under the provisions of any written law relating to trade unions for the time being in force in the Federation;

(d) any company, association or partnership, consisting of not more than twenty persons, formed for the sole purpose of carrying on any lawful business that has for its object the acquisition of gain by the company, association or partnership, or by the individual members thereof;

Del. AA 557

(e) any co-operative society, registered as such, under any written law;

(f) any organisation or association in respect of which there is for the time being in force a certificate (which may be granted, refused or cancelled at his discretion) by a Registrar of Schools appointed under the provisions of the written law for the time being in force relating to the registration of schools that such organisation or association forms part of the curriculum of a school; or

provision or authority (Act 45(66))

(g) any school, management committee of a school, parents' association or parent-teachers' association registered or exempted from registration under any law for the time being in force regulating schools;

"subscription" means a subscription paid by a member or subscriber to a mutual benefit society and where a mutual benefit society carries on activities other than those of a mutual benefit society means the subscription paid by the member or subscriber for the purpose of obtaining the benefits provided by the rules of the society.

2A... 3. (1) The Yang di-Pertuan Agong may appoint a Registrar of Societies and such number of Deputy Registrars, Assistant Registrars and such other officers as he may consider necessary for the purposes of this Act.

Ins. AA 575

Appointment of Registrar, Deputy Ins. AA 557 Registrars and other officers. Ins. AA 1027

(2) All officers appointed under sub-section (1) of this section shall be deemed to be public servants for the purposes of the Penal Code.

(3) No suit shall lie against any public officer for anything done or omitted to be done by him in good faith without negligence and in intended exercise of any power or performance of any duty conferred or imposed on him by this Act.

Ins. AA 700 Ins. AA 1027

4. A society shall be deemed to be established in the Federation, although it is organised and has its headquarters or chief place of business outside the Federation, if any of its office-bearers or members resides in the Federation or is present therein, or if any person in the Federation manages

Societies deemed to be established in the Federation.

or assists in the management of such society or solicits or collects money or subscription in its behalf:

Provided that no society shall be deemed to be so established, if and so long as—

- (a) it is organised and is operating wholly outside the Federation;
- (b) no office, place of business or place of meeting is maintained or used in the Federation by such society or by any person in its behalf;
- (c) no register of all or any of the members of such society is kept in the Federation; and
- (d) no subscriptions are collected or solicited in the Federation by the society or by any person in its behalf.

Power of the
Minister to
declare a
society
unlawful.

5. (1) It shall be lawful for the Minister in his absolute discretion by order to declare unlawful any society or branch or class or description of any societies which in his opinion, is or is being used for purposes prejudicial to or incompatible with the interest of the security of the Federation or any part thereof, public order or morality.

(2) An order made under this section shall be published in the *Gazette* and shall operate to cancel immediately the registration of any such society or societies, if already registered under this Act; and no society against which an order made under this section applies shall be so registered.

(3) The provisions of section 17 shall apply in respect of a local society affected by the order made under this section.

Application
for
registration.

6. (1) Every local society other than that in respect of which an order made under section 5 is in force shall, in the manner prescribed make application to the Registrar for registration under this Act.

(2) Until a local society is registered under this Act, no person shall, without a written permission of the Registrar, organise or take part in any activity of or on behalf of the society, except only to apply to, or correspond with the Registrar.

(3) Any person committing a breach of sub-section (2) shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ~~one~~ ^{two} thousand dollars, and where the breach is a continuing one to a fine not exceeding ~~one~~ ^{two} hundred dollars for every day after the first day during which the breach continues.

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Sub. AA1027
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Ins. AA700

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7. (1) Subject to the provisions of this section, the Registrar shall, upon receiving an application under section 6, register the local society making that application.

Registration
and refusal
to register.
Sub. AA557
Sub. AA1027

Provided that the Registrar may not, without the approval of the Minister register any local society—

- (a) which in the opinion of the Minister is likely to affect the interest of the security of the Federation or any part thereof, public order or morality; or
- (b) which is an organisation or group of a political nature established or having affiliation or connection outside the Federation; or

d/AA578
Del. AA557
Act H 102

(2) The Registrar may refuse to register a local society if—

- (a) he is satisfied that such a society is a branch of ~~or is affiliated to or connected with~~ any society whose registration has been cancelled under paragraph (c) of sub-section (1) of section 13; or
- (b) he is not satisfied that such local society has complied with the provisions of this Act and of the regulations made thereunder; or
- (c) a dispute exists among the members of such local society as to the persons who are to be office-bearers or to hold or to administer any property of the society until the dispute is decided by a Court or by arbitration or by agreement between the members or otherwise.

Del. AA557

(3) The Registrar shall refuse to register a local society where—

- (a) it appears to him that such local society is unlawful under the provisions of this Act or any other written law or is likely to be used for unlawful purposes or any purpose prejudicial to or incompatible with peace, welfare, good order or morality in the Federation;
- (b) the society has been declared by the Minister to be unlawful under section 5; or
- (c) the Registrar is satisfied that the society does not exist;
- (d) the name under which the society is to be registered—
- (i) appears to the Registrar to mislead or be calculated to mislead members of the public as to the true character or purpose of the society or so nearly resembles the name of such other society as is likely to

Ins. AA557
security, public
order

deceive the members of the public or members of either society;

(ii) is identical to that of any other existing local society; or

(iii) is, in the opinion of the Registrar, undesirable;

d/AA102

(e) the society has had its registration cancelled under section 13 for failing to comply with the provisional order made by the Registrar under section 14 (5); or

AA102

(e) ~~(f)~~ the constitution or rules of the society do not contain provisions for all matters set out in Schedule I to this Act or if the society is a mutual benefit society, matters set out in Schedule II or any other matters which the Registrar may reasonably require.

(4) Where the Registrar has refused to register a local society under this section, the provisions of section 17 shall apply to that local society.

Ins. AA1027

Certificate of registration.

8. The Registrar, on registering a local society under section 7, shall issue to the society a certificate of registration in the prescribed form, and that certificate unless proved to have been cancelled, shall be conclusive evidence for all purposes that the society has been duly registered under this Act.

Ins. AA557

Provisions applicable to registered societies.

9. The following provisions shall apply to registered societies—

(a) the movable property of a society, if not vested in trustees, shall be deemed to be vested for the time being in the governing body of the society, and in all proceedings civil and criminal, may be described as the property of the governing body of the society by its proper title if known;

(b) the immovable property of a society may, if not registered in the names of trustees, notwithstanding the provisions of any written law to the contrary, be registered in the name of the society, and all instruments relating to that property shall be as valid and effective as if they had been executed by a registered proprietor provided that they are executed by three officers for the time being of the society, whose appointments are authenticated by a certificate of the Registrar, and sealed with the seal of the society;

Sub. AA557
office-bearers

(c) a society may sue or be sued in the name of such one of its members as shall be declared to the Registrar and registered by him as the public officer of the society for that purpose, and, if no such person is registered, it shall be competent for any person having a claim or demand against the society to sue the society in the name of any person registered as an officer of the society;

Sub. AA557
to office-bearer

(d) no suit or proceeding by or against a registered society in any civil court shall abate or discontinue by reason of the person, by or against whom the suit or proceeding has been brought or continued, dying or ceasing to fill the character in the name whereof he has sued or been sued, but the same suit or proceeding shall be continued in the name of, or against the successor of, that person;

(e) (i) no judgment in any such suit against a registered society shall be put into force against the person or property of the person sued but against the property of the society;

(ii) the application for execution shall set forth the judgment, the fact of the party against whom it has been recovered having sued or having been sued, as the case may be, on behalf of the society, and shall require to have the judgment enforced against the property of the society;

(f) any member who—

(i) fails to pay a subscription which, according to the rules of the society to which he belongs, he is bound to pay;

(ii) owes money to the society;

(iii) contrary to the rules of the society, takes possession of, or detains, any property thereof; or

(iv) injures or destroys any property thereof, may, in the manner hereinbefore provided, be sued for that subscription or money or for the damage accruing from that wrongful possession, detention, injury or destruction of property:

Provided that if the defendant is successful in that suit and is awarded costs, he may elect to recover them from the officer in whose name the suit was brought or from the society and, in the latter case, may have execution against the property of the society;

(g) any member who—

(i) commits theft of, or dishonestly misappropriates or converts to his own use, any money or other property;

(ii) wilfully and maliciously destroys or injures any property of the society; or

(iii) forges any deed, bond, security for money, receipt or other instrument whereby the funds of the society may be exposed to loss,

shall be liable to be prosecuted and punished as if he were not a member; and

(h) in the absence of specific provision in the rules of a society, any number not less than three-fifths of the members of any such society for the time being resident in the Federation may determine that such society shall be dissolved forthwith or at a time agreed, and all necessary steps shall be taken for the disposal and settlement of the property of such society, its claims and liabilities, according to the rules (if any) of the said society applicable thereto and if none, then as the governing body shall direct:

Provided that if any dispute shall arise among the members of the said governing body or the members of such society under paragraph (h) of this section, such dispute may be decided by the Registrar. Any person aggrieved by any decision of the Registrar under this paragraph may within thirty days from the date of such decision appeal to the Court.

Ins.
AA575
Inspection of documents and evidentiary value of copies certified by Registrar.
Sub. AA557
For Assistant Registrar
(17/10/2)

10. (1) Documents in possession of the Registrar or Assistant Registrar received from any registered society may be inspected by any person on payment of the prescribed fee:

Provided that the accounts of the society shall be inspected only by a person satisfying the Registrar that he is a member of the society.

(2) Any person may, on payment of the prescribed fee, require a copy of a certificate of registration of any registered society or a copy of or extract from any documents in possession of the Registrar or Assistant Registrar:

Provided that a copy of or extract from any accounts of the society shall be supplied only to a person satisfying the Registrar that he is a member of the society.

(3) A copy of or extract from any document received at the office of the Registrar or Assistant Registrar certified

Sub. AA557

to be true copy or extract under the hand and seal of the Registrar or Assistant Registrar shall, in any proceedings be admissible in evidence as of equal validity with the original document.

11. (1) No registered society shall—

- (a) change its name, place of business or place of meeting; or
- (b) amend its rules,

Change of name, place of business and rules of society. Sub. AA557

without the prior approval of the Registrar, and an application for any such change, or amendment of its rules shall be made to the Registrar within fourteen days from the date of the decision to make the change or the amendment.

Sub. AA557
+ twenty-eight
Sub. AA1027
+ thirty

(2) If a registered society fails to comply with this section, the society and every office-bearer of the society shall be guilty of an offence against this Act and shall be liable, on conviction, to a fine not exceeding one thousand dollars.

Sub. AA1027

(3) For the purpose of this section—

- (a) the expression “amend” and its cognate expression shall include a new rule and a resolution rescinding a rule; and
- (b) the expression “rules” includes the aims and objects for which a society is formed, or which it may pursue, or for which its funds, or any of them, may be applied, the qualifications for membership and for the holding of any office, the method of appointment or election to any office, the rules by which the society is to be governed and the method and manner by and in which any of the above matters may be amended.

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12. (1) No registered society shall establish a branch without the prior approval of the Registrar.

← Ins. AA575
Branch of a society.

(2) The Registrar may refuse his consent to the establishment of a branch of the registered society if—

- (a) the rules of the society do not provide for the establishment of a branch of the society; or
- (b) the rules of the branch of the society are such as to make the branch of the society an independent society not adequately under the control of the society.

(3) Where a registered society establishes a branch without the prior approval of the Registrar such registered society and the branch so established shall be deemed to be unlawful societies:

Del. AA700
+ an unlawful society
Sub. AA700

Provided that a branch of a registered society established and in existence immediately before the commencement of

Del. AA100

this Act shall not be deemed to be an unlawful society if within six months from the commencement of this Act or such extended period, not being more than three months, as the Registrar may allow, such registered society applies to the Registrar in writing for his approval under this section; and in considering such application the Registrar shall have all the powers conferred upon him by sub-section (2).

(4) The provisions of this Act other than sections 6 (1), 7 and 8 shall apply to any branch of a registered society approved under this section as though such branch were a society registered, as the society of which it is a branch, under the provisions of this Act.

(5) For the purpose of this section, a branch of a registered society includes any society which is in any way subordinate to another society.

Ins. AA557

Cancellation of registration by Registrar. Cancellation and suspension

13. (1) Subject to sub-section (2), the Registrar may, in the following cases, cancel the registration of any society registered under section 7—

(a) upon its dissolution by the society to be verified in such manner as the Registrar may require or upon dissolution by the Registrar in accordance with this Act;

(b) on the order made by the Minister under section 5;

(c) if the Registrar is satisfied—

(i) that the registration was effected as the result of a fraud or a mistake;

(ii) that the society is likely to be used for unlawful purposes or for purposes prejudicial to or incompatible with peace, welfare, good order or morality in the Federation;

(iii) that the society is pursuing objects other than the objects with which the society is registered;

(iv) that the society has wilfully contravened any provision of this Act or of any regulation made thereunder or of any of its rules;

(v) that the society has ceased to exist; and

(d) upon the society becoming unlawful under section 14 (7) for failure to furnish written information.

Ins. AA557

Ru (A) 282/70

Del. AA1027 Add AA102 Ins. AA1027

(2) Where the Registrar proposes to cancel the registration of any registered society under paragraph (c) of subsection (1), the Registrar shall, prior to such cancellation, notify his intention so to do to one or more of the office-bearers of the society concerned and shall give him or them an opportunity to submit reasons (if any) why the registration should not be cancelled.

Sub. AA1027
Ins. AA1027

(3) Where the Registrar cancels the registration of a registered society under this section, the provisions of section 17 shall apply to that registered society and such cancellation shall be published in the *Gazette*.

or under an
other provis
of this Act
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14. (1) Every registered society shall, within ^{sixty} twenty-eight days after the holding of its annual general meeting or if no annual general meeting is held, once in every calendar year, forward to the Registrar—

Sub.
AA102
Sub. AA1027
Information
to be
furnished
by societies, Sub. AA
order of the
Registrar to
furnish
information,
Registrar
to approve
audit and
provisional
order for
dissolution.

(a) a true and complete copy of any amendments to the rules of such society made since the date of registration or of the last return;

(b) a true and complete list of office-bearers and the number of members of such society residing in the Federation or present therein at the date of such return or, if such society has no office-bearers residing or present in the Federation, the name, address and occupation of the person or persons in the Federation authorised to act for or on behalf of the society, and the number of members as aforesaid together with a true and complete list of the office-bearers of all the branches (if any) of the society;

(c) the address of the society or of the place of meeting of the society together with the addresses and places of meeting of all the branches of the society;

Sub. AA557
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(d) the accounts of the last financial year of the society, together with a balance sheet showing the financial position at the close of the last financial year of the society; and

Del. AA557

(e) such other information as the Registrar may from time to time require.

Del. AA557
Ins. AA557

(2) The Registrar may, at any time by notice under his hand, order any registered society to furnish him in writing with—

(a) a true and complete copy of the rules of any such society in force at the date of such order;

- (b) a true and complete list of office-bearers and members of any such society or of any branch of any such society residing in the Federation or present therein at the date of such order;
- (c) a true and complete return of the number of meetings held by any such society or branch thereof in the Federation within the period of six months immediately preceding such order stating the place or places where such meetings were held;
- (d) duly audited accounts; or
- (e) such other information as the Registrar may from time to time require.

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(3) An order given under sub-section (2) of this section shall specify the time (being not less than seven days) within which the information shall be supplied:

Provided that the Registrar may at his discretion, on application made to him and on good cause being shown, grant an extension of time.

(4) For the purpose of this section "duly audited" means audited by an auditor approved by the Registrar, who may give such approval generally or for any particular audit; and the auditor so approved shall make a report on the accounts examined by him in such form as the Registrar may require.

(5) Where the particulars required to be furnished under sub-section (2) are not furnished within the time stated in the order, or any extension thereof allowed by the Registrar, the Registrar may make a provisional order for the dissolution of the society.

(6) If before the expiration of thirty days from the date of such provisional order the particulars required to be furnished under sub-section (2) are so furnished, the Registrar may cancel the order.

(7) Upon the expiration of thirty days from the date of such provisional order, or where an appeal is pending upon the dismissal thereof, the said order shall become absolute and the society shall be deemed to be an unlawful society and its registration shall be cancelled.

(8) A registered society which, on the ground of its failure to comply with an order under this section, has had its registration cancelled under section 13 shall not be entitled to apply for registration until such order has been complied with.

15. (1) The obligations imposed upon registered societies by section 14 of this Act shall be binding upon every office-bearer and upon every person managing or assisting in the management of any such society in the Federation:

Persons responsible for supply of information

Provided always that any such office-bearer or other person as aforesaid shall not be so bound unless he has been served with the order given by the Registrar.

Ins. AA5

^{15.(1A)} (2) If any registered society fails to comply with the whole or part of any order given under section 14 of this Act, each of the persons mentioned in sub-section (1) who has been served with the aforesaid order shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding ~~one~~ ^{two} thousand dollars unless he establishes to the satisfaction of the Court that he has exercised due diligence and has failed to comply with the order for reasons beyond his control.

Sub. AA
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(3) If any information supplied to the Registrar in compliance with an order given under section 14 is false, incorrect or incomplete in any material particular, the person who has supplied such information shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding ~~one~~ ^{two} thousand dollars unless he establishes to the satisfaction of the Court that he had good reason to believe that the information was true, correct and complete.

AV

16. (1) If the Registrar is of the opinion that a dispute has occurred among the members or office-bearers of a registered society as a result of which the Registrar is not satisfied of the identity of the persons who have been properly constituted as office-bearers of the society, the Registrar may serve notice on the society requiring the society, within one month of the service of such notice, to produce to him evidence of the settlement of any such dispute and of the proper appointment of the lawful office-bearers of the society or of the institution of proceedings for the settlement of such dispute.

Disputes.

(2) If any such notice as is provided in sub-section (1) is not complied with to the satisfaction of the Registrar within the period of one month or any extension thereof allowed by the Registrar, the Registrar may cancel the registration of the society.

Sub. AA10

Consequence of order of the Minister under section 5, refusal of the Registrar to register a local society under section 7 and cancellation of registration of a registered society under section 13.

Del. Ins.

AA 102

* any provision of this Act sub. (AA 515)

Sub. AA 102

17. (1) Upon the making of an order by the Minister under section 5 or upon the refusal of the Registrar to register a local society under section 7, or upon the cancellation of the registration of a registered society under section 13, the following consequences shall ensue—

(a) the property of the society shall forthwith vest either in the Official Assignee or if any other officer be, by the terms of the order under section 5, appointed by the Minister for the purpose of winding up the affairs of the society, then in such other officer;

(b) the Official Assignee or such other officer as aforesaid shall proceed to wind up the affairs of the society and, after satisfying and providing for all debts and liabilities of the society and the costs of the winding up, shall divide the surplus assets (if any), of the society amongst the members of the society according to the rules of the society (if any), or, if there be no such rules applicable to such case, then equally, but if by reason of the great number of members or the difficulty in ascertaining the persons entitled to such assets, or from any other cause, such a division as aforesaid, is in the opinion of the Official Assignee or such other officer as aforesaid, impracticable, such Assignee or officer, as the case may be, shall prepare and submit to the High Court for approval a scheme for the application of such surplus assets to purposes likely to benefit that portion of the public to which the members of the society more particularly belonged or the public generally;

(c) the application for approval of such scheme shall be made by way of originating summons and may be amended by the Court in such way as it thinks proper under the circumstances of the case;

(d) upon the approval of the Court to such scheme or amended scheme being obtained, the surplus assets, the subject of such scheme shall be held and applied by the Official Assignee or such other officer as aforesaid upon the terms and to the purposes prescribed in the order of the Court; and

(e) for the purposes of the winding up the affairs of the society, the Official Assignee or such other officer as aforesaid shall have all the powers which are vested in the Official Assignee by any written law relating to bankruptcy for the purpose

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of the discovery of the property of a debtor and the realisation therefor, and also such powers as are by any written law relating to companies vested in an official liquidator and all the provisions of the said laws relating to bankruptcy and to the winding up of companies, so far as they relate to the discovery and realisation of the property of a debtor and to the winding up of a company, shall, *mutatis mutandis*, apply to the winding up of the affairs of the society under this Act.

(2) The Registrar may, ~~for the purpose of enabling a society to wind up its own affairs,~~ suspend the operation of this section to such extent and for such period as he may think expedient.

d/Act 45/66

Ins. AA700
Ins. AA700

18. Any local society, office-bearer or member of such local society, who is aggrieved by the decision of the Registrar in any of the following cases—

Appeals.
Ins. AA557
or any other para

- (a) refusal to register that society under section 7;
- (b) refusal to approve the change of name, place of business or place of meeting of the society, or amendment of its rules under section 11;
- (c) refusal to approve the establishment of a branch of the society under section 12;
- (d) cancellation of the registration of the society under section 13;
- (e) refusal to approve an auditor or approving an auditor unacceptable to the society under section 14 (4);
- (f) making a provisional order for the dissolution of the society under section 14 (5); or
- (g) cancellation of the registration of a registered society under section 16 for failure to settle a dispute within the society,

Sub. AA557

may, within thirty days from the date of the decision of the Registrar, appeal against the decision to the Minister; and the Minister whose decision shall be final may confirm, reject or vary the decision of the Registrar.

PART 1A

← Ins. AA 515
Ins. AA 743

PART II—PROVISIONS APPLICABLE TO MUTUAL BENEFIT SOCIETIES ONLY

19. The provisions contained in this Part shall apply in addition to those contained in Part I and Part III in respect of mutual benefit societies registered under this Act and the expression "registered society" shall in this Part mean that society.

Application of Parts I and III.

Saving.
1 of 1963.

59 of 1949.

Restrictions
on registra-
tion of
mutual
benefit
societies.

b. 55
b. AA1027

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b. AA557

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Membership
of minors.

Restriction
on nominees.

107

AA557

20. Nothing in this Act shall apply to any person, body or society to which the Insurance Act, 1963, applies and it is hereby declared that any mutual benefit society which has been registered under this Act shall be deemed not to be an insurer for the purposes of the aforesaid Insurance Act and that the provisions of section 67 of the Stamp Ordinance, 1949 shall not apply to any such mutual benefit society.

21. (1) A mutual benefit society shall not be entitled to registration under section 7 if the rules of such mutual benefit society provide for—

(a) a benefit exceeding ~~two thousand~~ ^{two thousand} ~~six hundred~~ dollars in any one case;

(b) admission of a member or subscriber who is above the age of ~~fifty~~ ^{fifty-five} years, unless that member is insuring another person who is not above the age of ~~fifty~~ ^{fifty-five} years; or

(c) admission of a member or subscriber not resident within the limits of the town in which such society proposes to carry on its business;

or unless the tables of contributions to be paid by the members of such mutual benefit society and its rules governing benefits payable to the members, custody, investment and periodical valuation of its goods, assets and liabilities certified by an actuary approved by the Minister are sent to the Registrar with the application for registration.

(2) For the purpose of this section, "town" includes any village, municipality or city.

22. (1) The rules of a registered society may provide for the admission of a person under twenty-one years of age as a member or subscriber.

(2) Any such member or subscriber may, if he is over sixteen years of age, by himself and if he is under that age by his parent or guardian, execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee, or a trustee, secretary, manager or treasurer of the registered society.

23. No member or subscriber of a registered society may nominate as the person to receive the benefits provided under the rules of the society a person other than the ^{husband} wife, children (including adopted children), grandchildren, mother, father, sons-in-law, daughters-in-law, brothers or

sisters of the whole blood, brothers or sisters of the half-blood, children of such brothers and sisters of the whole or half-blood, uncles or aunts of the whole blood, uncles or aunts of the half-blood or children of such uncles or aunts of the whole or half-blood of such member or subscriber:

Provided that a member or subscriber may nominate any other person in writing signed by himself in the presence of and attested by a Justice of the Peace or a Magistrate or the Registrar.

24. In the following cases, namely—

(a) upon the death or bankruptcy of any office-bearer of a registered society having in his possession by virtue of his office any money or property belonging to the society; or

(b) if any execution, attachment or other process is issued or action taken against any such officer or against his property,

his heirs, executors or administrators or the Official Assignee or the Bailiff of the Supreme Court or other person executing the process or the party taking the action, shall upon demand made in writing by the trustees of the registered society or any two of them or any person authorised by the registered society to make the demand, pay the money and deliver over the property to the trustees of the registered society in preference to any other debt or claim against the estate of the office-bearer.

Priority on death, bankruptcy, etc., of office-bearers.

Art 45/6

25. (1) Every registered society shall have one or more trustees.

Appointment of trustees.

(2) No person shall be appointed a trustee of a registered society if he holds the office of the secretary or the treasurer of that registered society.

(3) A trustee shall be appointed at a meeting of the registered society and by a resolution of a majority of the members present and entitled to vote thereat.

(4) A registered society shall send to the Registrar a copy of every resolution appointing a trustee and such copy shall be signed by the trustee so appointed and by the secretary of the registered society.

26. (1) Every registered society shall once at least in every year submit its accounts for audit by an auditor approved generally or for any particular audit by the Registrar.

Audit.

(2) The auditor shall have access to all the books and accounts of the registered society and shall examine the

annual return required by this Act and verify such annual return with the accounts and vouchers relating thereto and shall either sign the annual return as found by him to be correct, duly vouched and in accordance with law and the rules of the registered society or specially report to the registered society in what respects he finds it incorrect, unvouched, or not in accordance with law.

Calling for information and inspection of books and documents by the Registrar.

27. (1) Every registered society shall furnish the Registrar or Assistant Registrar with such information concerning the society as he may at any time require.

(2) Every registered society shall, if requested in writing by the Registrar or Assistant Registrar, produce for his inspection—

(a) the documents of title to any property held by the society;

(b) all books of account and membership register of the society; and

(c) any minutes of proceedings of the society or other written records of the society.

(3) The secretary of a registered society shall, on a notice being served on the society by the Registrar or Assistant Registrar, authorise in writing the Bank at which the society's account is kept to disclose to the Registrar or Assistant Registrar the society's account and documents incidental thereto.

Right to supply of copies of the rules.

28. Every registered society shall deliver to any person on demand and on payment of a sum not exceeding one dollar, a copy of the rules of the society.

Right to supply of copies of annual return.

29. Every registered society shall supply free of charge to every member or subscriber or person having an interest in its funds on his application either—

(a) a copy of the last annual return of the society; or

(b) a balance sheet or other document duly audited containing the same particulars as to the receipt and expenditure, funds and effects of the society as are contained in the annual return.

Inspection of books by members.

30. A member or subscriber or person having an interest in the funds of a registered society may inspect the books of the society at all reasonable hours at the registered office of the society or at any place where the books are kept.

Subscriptions and benefits.

Ins. AA557

31. (1) The amount deducted by a registered society for administration or any other expense shall not exceed such percentage of the total receipts from or such part of the

subscriptions as may be prescribed by the Minister by regulations made under this Act.

(2) All subscriptions paid by members or subscribers during the period in which, under the rules of any registered society, such members or subscribers are qualifying for the benefits provided by the rules of the society less a sum not exceeding the prescribed percentage allowed for administration and any other expense shall be paid into the Post Office Savings Bank or placed on deposit with a bank of the Malaysia Exchange Banks Association in the name of the society or with the approval of the Registrar in the acquisition of immovable property and such funds shall constitute the reserve funds of the society.

(3) Subscriptions received from members of or subscribers to a registered society who have qualified for benefits under the rules of the society less a sum not exceeding the prescribed percentage allowed for administration and any other expense shall be paid into a separate account in the name of the society with the Post Office Savings Bank or a bank of the Malaysia Exchange Banks Association and the society may draw upon these funds for the purpose of paying the benefits provided in the rules of the society.

(4) Fifty per centum of the funds of a registered society not immediately required for the payment of benefits may be invested in trustee securities, or with the approval of the Registrar on such conditions as he may impose in the purchase of land.

(5) No payment of any sum payable as a result of the death of a person shall be made by the society except upon the production of the original death certificate or a certified copy thereof issued by a Registrar of Deaths or, in the case of a person dying outside the Federation, a death certificate issued by the appropriate authority in the place where the person died:

Provided that where no nominee has been appointed payment may be made to the personal representative of a deceased member or subscriber upon the production of letters of administration or probate of the will of the deceased member or subscriber.

(6) For the purpose of this section, Malaysia Exchange Banks Association means a society registered with that name under this Act.

32. (1) Subject to the provision of section 11, the change of name of every registered society shall not be effected otherwise than by a special resolution.

Power to
change
name. Sub AA1
Del. AA1027

(2) Where the name of a registered society is changed, such change shall not affect any right or obligation of the registered society or of any member thereof, and any legal proceeding may be continued by or against the trustees of the society or any officer who may sue or be sued on behalf of the society, notwithstanding such change of name.

Meaning of special resolution.

33. (1) For the purpose of sections 32 and 34 a special resolution shall mean a resolution which is—

(a) passed by a majority of not less than three-fourths of such members of a registered society entitled under the rules to vote as may be present at any general meeting of which notice specifying the intention to propose the resolution has been duly given according to the rules; and

(b) confirmed by a majority of such members entitled under the rules to vote as may be present at a subsequent general meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed.

(2) At any meeting mentioned in this section a declaration by the Chairman that the resolution has been carried shall be conclusive evidence of the fact.

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Registration of special resolution.

34. A copy of every special resolution signed by the Chairman of the meeting and countersigned by the secretary shall be sent to the Registrar for registration and until that copy is registered the special resolution shall not take effect.

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Inspectors and special meetings.

35. (1) Upon the application of one-tenth of the total number of members of a registered society or if on any information in his possession it appears to him expedient so to do, the Registrar may—

(a) appoint an inspector or inspectors to examine into and report on the affairs of the society; or

(b) call a special meeting of the society.

(2) The application made by members under this section shall be supported by evidence showing that the applicants have good reasons for requiring an inspection to be made or a special meeting to be called, and that they are not actuated by malicious motives in their application; and the Registrar shall cause a notice of such application to be given to the registered society.

(3) The Registrar may, if he thinks fit, require the applicants to give security for the costs of the proposed inspection or special meeting before appointing any inspector or calling the meeting.

(4) All expenses of and incidental or preliminary to any such inspection or meeting shall be defrayed by the members applying therefor or out of the funds of the society or by the members or office-bearers or former members or office-bearers of the society in such proportions as the Registrar may direct.

(5) An inspector appointed under this section may require the production of all or any of the books and documents of the society and may examine on oath its office-bearers, members, agents and servants in relation to its business and may administer such oath accordingly.

(6) The Registrar may direct at what time and place a special meeting under this section is to be held and what matters are to be discussed and determined at the meeting, and the meeting shall be deemed to be a meeting called according to the rules of the society and those present and entitled to vote shall in all cases have power to appoint the Chairman, any rule of the society to the contrary notwithstanding.

36. A registered society may terminate or be dissolved in any of the following ways—

Dissolut
of regist
societies

- (a) upon the happening of any event declared by the rules to amount to termination of the society;
- (b) by the consent of three-fourths of the members of the society testified by their signatures to an instrument of dissolution;
- (c) by the Registrar cancelling the registration of the society under section 13 or dissolving it under section 37.

37. Where a registered society is terminated by an instrument of dissolution, the following provisions shall apply:

Instrume
of dissolu
tion.

- (a) the instrument shall set forth—
 - (i) the liabilities and assets of the registered society in detail;
 - (ii) the number of members and subscribers and the nature of their interests in the society; and
 - (iii) the intended appropriation or division of the funds and property of the society, unless the appropriation or division is stated in the instrument of dissolution to be left to the award of the Registrar;
- (b) a statutory declaration made by one of the trustees or by three members and the secretary of the society that the provisions of this Act have been

complied with shall be sent to the Registrar with the instrument of dissolutions;

(c) the instrument shall not direct or contain any provision for a division or appropriation of the funds of the society or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society as declared in the rules thereof, unless the claim of every member or person claiming any relief, annuity or other benefit from the funds thereof is first duly satisfied or adequate provision is made for satisfying those claims;

(d) the instrument of dissolution shall be registered in the manner in this Act provided for the registration of amendments of rules, and shall be binding upon all members of the society; and

(e) the Registrar shall cause the dissolution to be published in the *Gazette* and if within three months from the date of such publication in the *Gazette*, a member or subscriber or other person interested in or having any claim on the funds of the society does not commence any proceedings to set aside the dissolution of the society, and the dissolution is not thereby set aside, the society shall be deemed to have been dissolved from the date of such publication in the *Gazette*; and the requisite consents in the instrument of dissolution shall be deemed to have been duly obtained without proof of the signatures thereto.

Dissolution
by Registrar.

38. (1) If it appears to the Registrar from any information in his possession that the funds of a registered society which has two thousand or more members are insufficient to meet existing claims thereon or that the rates of contributions fixed in the rules of the society are insufficient to cover the benefits assured, the Registrar may order the society to appoint an auditor or actuary to be approved by him to investigate the affairs or part of the affairs of the society, but the Registrar shall give not less than one month's previous notice in writing to the society whose affairs are to be investigated.

(2) If upon investigation it appears to the Registrar that the funds of the society are insufficient to meet the existing claims thereon or that the rates of contributions fixed in the rules of the society are insufficient to cover the benefits assured, the Registrar may, if he considers it expedient so to do, order that the society shall be dissolved and its

affairs wound up and shall direct in what manner the assets of the society shall be divided or appropriated:

Provided that the Registrar may suspend his order for such period as he may deem necessary to enable the society to make such alteration and adjustment of contributions and benefits as will in his judgment remove the necessity for the making of the order of dissolution.

(3) The Registrar proceeding under this section shall have all the powers and authorities enforceable by the same penalties as in the case of a dispute referred to him under section 40.

(4) Every order under this section, whether for dissolution or distribution of funds, shall be binding on the society in respect of which the order is made and on all members and subscribers of the society and on all persons having any claim on the funds of the society and shall be enforced in the same manner as a decision in a dispute under section 40.

(5) The expenses of the investigation and of publishing the order for dissolution under this section shall be paid out of the funds of the society before any other appropriation thereof is made.

(6) Every order for dissolution shall, within twenty-one days after the order has been made, be published in the *Gazette* and if within three months from the date of the publication of such order, a member or subscriber or person interested in or having any claim on the funds of the society does not commence any proceedings to set aside the dissolution of the society consequent upon such order, and the dissolution is not thereby set aside, the society shall be deemed to have been dissolved from the date of the publication of the order.

39. (1) Where a person takes any proceedings to set aside the dissolution of a registered society, he shall give notice of the proceedings to the Registrar not less than seven days before the proceedings are commenced.

Notice of proceedings to set aside dissolution.

(2) Where an order is made by the Court setting aside the dissolution of a registered society, the society shall give notice of the order to the Registrar within seven days after the order has been made.

40. (1) A dispute between—

Decision of disputes.

(a) a member or subscriber or person claiming through a member or a subscriber or under the rules of a registered society and the society or an office-bearer thereof; and

(b) any person aggrieved who has ceased to be a member of a registered society or any person claiming through such person aggrieved, and the society or an office-bearer thereof, shall be decided in the manner directed by the rules of the registered society; and the decision so given shall be binding and conclusive on all parties without appeal, and shall not be removable to any court or restrainable by injunction; and application for the enforcement thereof may be made to a Sessions Court ^{in the States of Malaya or a Court of a first class Magistrate in the States of Sabah and Sarawak}

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(2) The parties to a dispute involving a registered society may by consent refer the dispute to the Registrar.

(3) The Registrar to whom a dispute is referred shall either by himself or by any Assistant Registrar, hear and determine the dispute and shall have power to order the expenses of determining the dispute to be paid either out of the funds of the society or by such parties to the dispute as he may think fit; and his determination or order shall have the same effect and be enforceable in the same manner as a decision made in the manner directed by the rules of the society.

(4) The Registrar or Assistant Registrar to whom a dispute is referred may administer oaths and may require the attendance of all parties concerned and of witnesses, and the production of all books and documents relating to the matter in question.

PART III—MISCELLANEOUS PROVISIONS APPLICABLE TO SOCIETIES GENERALLY

Unlawful societies.

41) For the purposes of this Act any of the following societies shall be an unlawful society, that is to say—

(a) a society or a branch thereof which has been declared unlawful by the Minister under section 5;

(b) a society or a branch thereof which is not registered under section 7;

(c) a society which establishes a branch without the prior approval of the Registrar in contravention of section 12 and the branch so established; or

(d) a society or a branch thereof which has had its registration cancelled under ~~section 13~~.

Section 2A, 13, 14, 16, 18 F(4) or 16 or 18 G(3)
Sub. (KAS) Sub. AA700
Sub. AA557

Ins. AA700

Penalties on office-bearer, etc., of an unlawful society.

42. Any office-bearer and any person managing or assisting in the management of any unlawful society shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand dollars or to both.

Sub. AA575
Sub. AA1037
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43. Any person who is or acts as a member of an unlawful society or attends a meeting of an unlawful society or who pays money or gives any aid to or for the purposes of an unlawful society shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand dollars or to both.

Penalty member unlawful society.

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44. Any person who knowingly allows a meeting of an unlawful society, or of members of an unlawful society, to be held in any house, building or place belonging to or occupied by him, or over which he has control, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand dollars or to both.

Persons allowing unlawful society on premises

Sub. Sub. L. 47

45. (1) Any person who incites, induces or invites another person to become a member of, or to assist in the management of, an unlawful society shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding four years or to a fine not exceeding four thousand dollars or to both.

Penalty for inciting, etc. a person to become a member of an unlawful society.

Sub. Sub. L. 47

(2) Any person who uses any violence, threat or intimidation towards any other person in order to induce him to become a member of or to assist in the management of an unlawful society shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand dollars or to both.

Sub. Sub. L. 47

46. Any person who procures or attempts to procure from any other person any subscription or aid for the purposes of an unlawful society shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand dollars or to both.

Penalty for procuring subscription or aid for an unlawful society.

Sub. Sub. L. 47

47. Any person who prints, publishes, displays, sells or exposes for sale, or transmits through the post or who, without lawful authority or excuse, has in his possession any placard, newspaper, book, circular, pictorial representation or any other document or writing whatsoever or which is issued or appears to be issued by or on behalf of or in the interests of an unlawful society shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars or to both, and any books, periodicals, pamphlet, poster, proclamation, newspaper,

Publishing etc., propagand of an unlawful society.

Sub. M Sub. AA L. 47

letter or any other document or writing in respect of which such person shall have been convicted shall be forfeited.

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Liability of certain persons convicted.

48. Any person who, having been convicted of any offence against this Act acts as an office-bearer of any society without the permission in writing of the Registrar shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding two years or to a fine not exceeding two thousand dollars or to both.

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Liability of office-bearer of a society whose registration has been cancelled under section 13.

49. If the registration of any society has been cancelled under paragraph (b) or sub-paragraphs (i) to (iv) of paragraph (c) of sub-section (1) of section 13, any office-bearer of such society at the time of such cancellation who after that time becomes an office-bearer of any other society without the permission in writing of the Registrar shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand dollars or to both.

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AA1007
Flags, symbols, emblems, badges or other insignia of societies.

50. (1) No society shall adopt as its own any flag, symbol, emblem, badge or other insignia unless such flag, symbol, emblem, badge or other insignia has been approved by the Registrar.

(2) The Registrar may specify the conditions under which such flag, symbol, emblem, badge or other insignia may be displayed.

(3) Any person or society who displays any flag, symbol, emblem, badge or other insignia which has not been approved by the Registrar or in contravention of any condition imposed by the Registrar shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding three hundred dollars.

Sub. AA1007
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Liability of office-bearer respect offences society.

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51. (1) Where any offence punishable with a fine or imprisonment has been committed, whether or not any person has been convicted in respect thereof, and such offence has been committed or purports to have been committed in the name or on behalf of any society, every office-bearer of such society and every person managing or assisting in the management of such society at the time of the commission of such offence shall be deemed to be guilty of such offence and shall be liable to the punishment prescribed by law therefor, unless he establishes to the satisfaction of the Court that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of the offence.

(2) Any office-bearer and person managing or assisting in the management of such society shall be liable to be prosecuted under this section, notwithstanding that he may not have taken part in the commission of the offence.

(3) In any prosecution under sub-section (1) of an office-bearer or any person managing or assisting in the management of a society, any document found in the possession of an office-bearer of such society or of a person assisting in the management of such society or of a member of such society or in any place leased, rented, borrowed, used or controlled by such society shall be *prima facie* evidence of the contents thereof for the purpose of proving that anything has been done or purports to have been done by or on behalf of the society.

52. (1) Every society, whether it is registered or not, which uses a Triad ritual shall be deemed to be an unlawful society.

Society using a Triad ritual to be deemed an unlawful society.

(2) For the purposes of sub-section (1) a Triad ritual means any ritual commonly used by Triad Societies, any ritual closely resembling any such ritual and any part of such ritual.

(3) Any person who is or acts as a member of a Triad society or attends a meeting thereof or is found in possession of, or having the custody or control of any books, accounts, writings, lists of members, seals, banners or insignia of, or relating to, any Triad society whether such society is established in the Federation or not, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding five years or to a fine not exceeding five thousand dollars.

Sub. A)
Sub. AA)
1. Fifth

53. (1) Where, on complaint made by a member of a registered society, or by the Registrar it is shown to the satisfaction of a Sessions Court that any office-bearer or member of that society has in his possession or control any property of the society otherwise than in accordance with the rules of the society, or has unlawfully withheld or wilfully applied any money of the society to purposes other than those expressed or directed in the rules of the society and authorised by this Act, the Court shall, if it considers the justice of the case so requires, order such office-bearer or member to deliver all such property to the trustees of the society and to pay to them the money so unlawfully withheld or improperly applied.

Penalty for misuse of money or property of a registered society.

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(2) A complaint made under sub-section (1) other than a complaint made by the Registrar shall not be entertained unless the Court is satisfied that the complainant is, on the date of that complaint, a member of the registered society in respect of the property of which such complaint is so made.

(3) Any person bound by an order made under sub-section (1) who fails to comply with the terms thereof and the directions given therein within a time to be specified in such order shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ~~one~~ ^{two} thousand dollars.

(4) An order made under sub-section (1) shall not affect or prevent a prosecution of, or civil proceedings against, any such office-bearer or member.

AA575
Sub-AA1027
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Ins-AA1027

Punishment
of fraud,
false decla-
ration and
misappropriation.

AA575 Sub-AA1027
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Presump-
tions.

54. Any person who with intent to mislead or defraud gives to any person a copy of any rules, laws, regulations or other documents, other than the rules of a registered society, on the pretence that they are the existing rules of that society or that there are no other rules of the society or gives to any person a copy of any rules on the pretence that those rules are the rules of a registered society when the society is not registered, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ~~one~~ ^{two} thousand dollars or to a term of imprisonment not exceeding six months or to both such fine and imprisonment.

55. In any proceedings under this Act—

(a) where it is proved that a club, company, partnership or association is in existence, it shall be presumed that such club, company, partnership or association is a society within the meaning of this Act unless the contrary is proved;

(b) it shall not be necessary for the prosecution to prove that a society possesses a name or that it has been constituted or is usually known under a particular name;

(c) where it is alleged that a society is an unlawful society, the burden of proving that it is a registered society, or that it is not a local society, shall lie on the person charged.

Presumption
of member-
ship, etc.,
of society.

56. (1) Where any books, accounts, writings, lists of members, seals, banners or insignia of, or relating to, or purporting to relate to, any society are found in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person is

a member of such society, and such society shall be presumed, until the contrary is proved, to be in existence at the time such books, accounts, writings, lists of members, seals, banners or insignia are so found.

(2) Where any books, accounts, writings, lists of members, seals, banners or insignia of, or relating to, any society are found—

(a) in the possession, custody or under the control of any person, it shall be presumed, until the contrary is proved, that such person assists in the management of such society;

(b) concealed in any premises it shall be presumed, until the contrary is proved, that the same are in the possession of the occupier of the premises.

(3) When it appears to a court that there is reasonable cause to suspect that any place entered or searched under any lawful power conferred by or under this Act was immediately before or at the time of such entry, being used by or for the purposes of an unlawful society, any person found in such place at any time during such search or found leaving therefrom immediately before or at the time of such entry, shall unless he gives a satisfactory account of the reasons for his presence in the said place, be presumed to be a member of the unlawful society.

57. (1) In any prosecution under this Act, it shall be no objection to the admissibility of expert evidence that the expert is not or has not been a member of any unlawful society.

Evidence.

(2) In any prosecution under this Act, the Court may refer, for the purposes of evidence, to any of the following books—

Thian Ti Hwui, the Hung-League or Heaven-Earth League, by G. Schlegel;

The Triad Society, by W. Stanton;

The Hung Society or the Society of Heaven and Earth, by J. S. M. Ward and W. G. Stirling;

Triad Societies in Hong Kong, by W. P. Morgan,

and to any other published books or articles on the subject of unlawful societies in general or of particular unlawful societies, which the Court may consider to be of authority on the subject to which they relate.

Protection
of informers.

58. Except as is hereinafter provided—

(a) no witness shall be obliged or permitted to disclose the name and address of any informer under this Act or to state any matter which might lead to his discovery; and

(b) if any books, documents or papers which are evidence or liable to inspection in any civil or criminal proceedings whatsoever under this Act contain any entry in which any informer is named or described or which might lead to his discovery, the Court or Magistrate shall cause all such passages to be concealed from view or to be obliterated so far as may be necessary to protect the informer from discovery but no further:

Provided that if in any criminal proceedings under this Act the Court after full inquiry into the case is satisfied that the strict enforcement of the provisions of this section would be likely to cause a miscarriage of justice, the Court may require the production of the original information and may permit inquiry and may require full disclosure to the Court concerning the informer.

Forfeiture.

59. Any books, accounts, writings, banners, insignia or other property belonging to any unlawful society shall, upon order of a President of a Sessions Court or a Magistrate, be forfeited and given to the Registrar or to an Assistant Registrar for disposal in such manner as he may see fit.

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sections 9A and 13A
Certain
offences
non-bailable
and
registrable.

60. Every offence against the provisions of sections 42 to 49 inclusive and section 52 shall be deemed to be seizable and non-bailable under the law relating to criminal procedure and shall also be deemed to be registrable under the law relating to registration of criminals.

Consent to
prosecution.
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13A,

61. (1) Except in the case of persons charged under the provisions of sections 45 and 52 and of persons arrested under the provisions of section 65 and sub-section (5) of section 66 of this Act, a prosecution under this Act shall not be instituted except by or with the consent of the Public Prosecutor:

Provided that a person charged with such an offence may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Public Prosecutor to the institution of a prosecution for the offence has not been obtained, but the case shall not be further prosecuted until that consent has been obtained.

(2) When a person is brought before a Court under this section before the Public Prosecutor has consented to the prosecution the charge shall be explained to him but he shall not be called upon to plead, and the provisions of the law for the time being in force relating to criminal procedure shall be modified accordingly.

62. Every summons, notice or other document issued under this Act, or under any regulations made hereunder, shall be deemed to have been validly and effectually served, if served on or left with the person intended to be served or, in case he cannot be found, if left at his last known place of business or abode, by any person authorised in that behalf by the Registrar or, in the case of service of a notice or order on the society, by sending such notice or order by registered post to the registered address of such society.

Service of summons

63. The Registrar or an Assistant Registrar, may at any time enter into any place which he has reason to believe is kept or used by any registered society or any of its members as a place of meeting or place of business.

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Power of Registrar Assistant Registrar to enter place kept as place of meeting.

64. The Registrar or an Assistant Registrar, who has reason to believe that any registered society is being used for purposes prejudicial to public peace, welfare, good order or morality in the Federation, may enter, with or without assistance and using force for that purpose, if necessary, into any place which he has reason to believe is used as the place of meeting or place of business of such society, and may search such place and any person found therein or escaping therefrom for evidence that such society is being used for such purpose as aforesaid.

Power of entry by Registrar or Assistant Registrar special cases.

Incl. AA1

65. (1) Any police officer of or above the rank of Inspector may, with or without assistance, using force, if necessary, enter into any dwelling-house or other building, or into any place in which he has reason to believe that a meeting of any unlawful society, or of persons who are members of an unlawful society, is being held, or that any books, accounts, writings, lists of members, banners, seals, insignia, arms or other articles belonging to any unlawful society are concealed, kept or deposited, and arrest or cause to be arrested all persons found in such house and search such house, building or place, and seize or cause to be seized all books, accounts, writings, banners, lists of members, seals, insignia, arms and other articles which he has reasonable cause to believe to belong to any unlawful society or to be in any way connected therewith.

Power of entry and search.

(2) All persons so arrested and all articles so seized may be detained in custody and brought before a Magistrate to be dealt with according to law.

Power of Registrar or Assistant Registrar to summon witnesses.

66. (1) The Registrar or an Assistant Registrar may summon before him any person who he has reason to believe to be able to give any information as to the existence or operations of any unlawful society, or suspected unlawful society, or as to the operations of any registered society.

(2) The person so summoned shall attend at the hour and place in the summons specified, and produce all documents in his custody, possession or power relating to such society or suspected society, and answer truthfully all questions which the Registrar or an Assistant Registrar may put to him.

(3) The Registrar and every Assistant Registrar may administer oaths to and examine on oath any person summoned before him under this section.

(4) If any person summoned by the Registrar or an Assistant Registrar under this section shall without lawful excuse fail to comply with any obligation imposed upon him by sub-section (2) or shall give information which the Registrar or Assistant Registrar believes to be false, the Registrar or Assistant Registrar may, if he considers it advisable to provide for the future identification of such person, order that a photograph and impressions of fingerprints of such person be taken at such time and in such place and manner as the Registrar or Assistant Registrar may think fit. The Registrar may dispose of such photograph and impressions of fingerprints as he, in his absolute discretion, deems fit.

(5) Any person who refuses to comply with such order or who obstructs compliance with such order may be arrested and detained in custody and shall be liable on conviction to a fine not exceeding two hundred dollars.

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(6) No statement made by a person summoned before the Registrar or an Assistant Registrar under the provisions of this section shall subject him to any arrest or criminal prosecution, or be proved against him in any criminal proceeding, except a prosecution for failing to answer truthfully under this section.

Regulations.

67. (1) The Minister may make regulations for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations for or in respect of all or any of the following matters—

- (a) prescribing the manner of registration of societies under this Act;
- (b) prohibiting the use of illegal or undesirable badges and insignia by registered societies;
- (c) prescribing the forms which may be used for carrying out the provisions of this Act;
- (d) prescribing information to be furnished to the Registrar;
- (e) prescribing the fees which may be levied under this Act;
- (f) prescribing anything which may be prescribed under this Act;
- (g) prescribing the percentage of the total receipts from subscriptions, which may be deducted by a registered society for administration and other expenses.

(3) Any such regulations may provide that the breach or contravention of any regulation is an offence against such regulations and provide a penalty for any such offence of a fine not exceeding one thousand dollars and a term of imprisonment not exceeding six months.

68. (1) The Societies Ordinance, 1949 of the States of Malaya, the Societies Ordinance, 1957 of Sarawak and the Societies Ordinance, 1961 of Sabah are repealed:

Provided that any society, other than a mutual benefit society, if already registered or exempted from registration under the provisions of the Ordinances hereby repealed shall, subject to sub-section (2), be deemed to be a registered society under the provisions of this Act.

(2) Any society, other than a mutual benefit society, registered or exempted from registration under the provisions of the Ordinances referred to in sub-section (1), shall within six months from the date of commencement of this Act or such extended period, not being more than three months, as the Registrar may allow, alter its constitution or rules to contain provisions for all matters set out in Schedule I to this Act.

69. (1) Notwithstanding the repeal of the Ordinances mentioned in the preceding section, every mutual benefit society registered under any of those Ordinances shall, during the period of ninety days following the date of coming into force of this Act, be deemed to be registered

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F.M. 28 of
1949
Sarawak
12 of 1957
Chapter 107
and Sabah
24 of 1961.

Transitional
provisions
applicable
to mutual
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under this Act and shall during the aforesaid period apply to the Registrar for registration under sections 6 and 7 in a manner provided under sub-section (2) hereunder; and no such mutual benefit society shall be registered unless the Registrar is satisfied that it complies with the provisions of this Act.

(2) The application for registration referred to in sub-section (1) above shall be accompanied by a general statement of the assets and liabilities of such mutual benefit society prepared in such form and containing such particulars as the Registrar may require, and, if the Registrar shall so require, by a copy of the rules of such mutual benefit society. Such application shall not be subject to the payment of any fee.

(3) In the event of a mutual benefit society registered under any of the Ordinances repealed by the preceding section failing to apply for registration pursuant to the provisions of sub-section (1) above or to comply with the provisions of this Act within the aforesaid period of ninety days, it shall immediately upon the expiration of that period be deemed to be dissolved, and its funds shall be disposed of in accordance with the rules of the mutual benefit society (if any) or if there are no such rules applicable to such case, then the funds shall be divided proportionately to the amount of contributions paid by every member.

Power to
exempt.

70. The Minister may at his discretion in writing exempt any society registered under this Act from all or any of the provisions of this Act.

SCHEDULE I

(Section 7 (3) (f))

CONSTITUTION AND RULES OF SOCIETIES

1. Matters for which provisions shall be made in the constitution or rules of every local society or a branch thereof shall be as follows—

- (a) the name and registered office or registered postal address of the society;
- (b) the place where meetings of the society are ordinarily held, if such place be different from its registered office;
- (c) an accurate description of the design and colours of any flag, emblem, badge or other insignia used by the society;
- (d) the aims or objects for which the society is formed, or which it may pursue, or for which its funds or any of them may be used;
- (e) the qualifications for membership, including particulars of any restriction or limitations that may be imposed as to the numbers, age limits, sex, religion, race nationality, dwelling place, clan or surname of persons who may be admitted to membership of the society;

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- (f) the method of appointment or election of members;
- (g) the composition and method of appointment of the committee or governing body and the designations, powers and functions of the office-bearers of the society and where applicable the branches thereof;
- (h) the sources from which the society shall derive its income, including the rates and method of payment of such entrance fees and periodical subscriptions as may be decided upon;
- (i) the authority or authorities for expenditure from the funds of the society;
- (j) the keeping of accounts of the income and expenditure of the society and the publication of such accounts to its members annually;
- (k) the appointment of one or more auditors;
- (l) the quorum required for the transaction of business at any meeting of the society or its governing body; and
- (m) the manner by and in which the constitution or rules of the society may be amended.

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2. Where a society is of a political nature, the constitution or rules thereof shall, in addition to matters enumerated in paragraph 1, provide that—

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- (a) every member of the society, every officer performing executive functions in such society and every adviser, other than a legal adviser, shall be Federal citizens; and
- (b) every member shall have a right to vote and shall be eligible to hold office in the committee or governing body in the society.

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3. Where any registered society makes provision in its constitution or rules for the establishment of branches it shall in addition also provide therein for the method and manner by which the establishment of such branches shall be approved by the society or its governing body.

SCHEDULE II

(Section 7 (3) (f))

CONSTITUTION AND RULES OF MUTUAL BENEFIT SOCIETIES

Matters for which provision must be made in the constitution or rules of every Mutual Benefit Society shall be as follows—

- (a) the name of the society and the place or places of meetings for the business of the society;
- (b) all the objects of the society and the conditions under which any member or subscriber may become entitled to any benefit;
- (c) the manner of making, altering, amending and rescinding the rules:
 Provided that no alteration may take place which would reduce the benefits provided by the rules without the approval of three-fourths of the total number of members or subscribers obtained by means of a ballot vote;
- (d) The election and removal of office-bearers, including the secretary, treasurer, trustees and other office-bearers of the society;

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- (e) the supplying of a copy of the rules of the society to every member or subscriber;
- (f) the custody and investment of the funds of the society and the designation of the office-bearers responsible therefor and the annual or periodical audit of the society's accounts;
- (g) inspection of the books and register of names of members of or subscribers to the society by any person having an interest in the funds of the society;
- (h) the keeping of a register with particulars of the age, name and address of any member or subscriber and the nominee (if any) of such member of or subscriber to the society;
- (i) the minimum number for a quorum for general meetings and committee meetings, such minimum number to be not less than three times the total number of the members of the Committee in the case of general meetings and not less than one half of the total number of the members of the Committee in the case of committee meetings; and
- (j) the manner of deciding a dispute between—
 - (i) a member or subscriber or person claiming through a member or a subscriber or under the rules of a registered society and the society or an office-bearer thereof; and
 - (ii) any person aggrieved who has ceased to be a member of a registered society or any person claiming through such aggrieved person and the society or an office-bearer thereof.

—[Received the Royal Assent
on the 20th day of
January, 1966.]