



LAWS OF MALAYSIA

Act 285

LEMBAGA KEMAJUAN WILAYAH JENGAKA ACT 1983

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Act 282

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ACT 1983

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LAWS OF MALAYSIA

Act 285

LEMBAGA KEMAJUAN WILAYAH JENGA
ACT 1983

An Act to incorporate the Lembaga Kemajuan Wilayah Jengka and to provide for matters connected therewith.

[1st August 1983]

Pu(B) 362/83

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

PART I

PRELIMINARY

1. This Act may be cited as the Lembaga Kemajuan Wilayah Jengka Act 1983 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint. Short title and commencement. Pu(B) 362/83
2. In this Act, unless the context otherwise requires— Interpretation. ← A972

“Chairman” ^{accounting} means the Chairman of the Lembaga appointed under section 5 and includes the Deputy Chairman when performing the duties of the Chairman under section 13 (2) and any member of the Lembaga when presiding at any of its meetings;

“company” has the same meaning as that assigned to “corporation” under section 4 (1) of the Companies Act 1965; Act 125.

“corporation” means a corporation established under section 29;

“Deputy Chairman” means the Deputy Chairman of the Lembaga appointed under section 5;

“Deputy General Manager” means a Deputy General Manager appointed under section 14 (6);

“Division” means a Division set up under section 15;

“Fund” means the fund established under section 18;

“General Manager” means the General Manager appointed under section 14 (1) and includes a Deputy General Manager directed to perform the duties of the General Manager under section 14 (7);

“Kawasan Lembaga Kemajuan Wilayah Jengka” means the area or areas determined by the Minister in accordance with section 10 to be the Kawasan Lembaga Kemajuan Wilayah Jengka;

“Lembaga” means the Lembaga Kemajuan Wilayah Jengka established under section 3;

“the State” means the State of Pahang.

PART II

THE LEMBAGA

The
Lembaga.

3. There is hereby established a body corporate by the name “Lembaga Kemajuan Wilayah Jengka” with perpetual succession and a common seal, which may sue and be sued in its name and, subject to and for the purposes of this Act, may enter into contracts and may acquire, purchase, take, hold and enjoy movable and immovable property of every description and may convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with any movable or immovable property or any interest therein vested in the Lembaga upon such terms as it deems fit.

Functions
of the
Lembaga.

4. (1) The functions of the Lembaga shall be—
- (a) to promote, stimulate, facilitate and undertake economic and social development in the Kawasan Lembaga Kemajuan Wilayah Jengka;
 - (b) to promote, stimulate, facilitate and undertake residential, industrial and commercial development in the Kawasan Lembaga Kemajuan Wilayah Jengka;
 - (c) to control and co-ordinate the performance of the aforesaid activities in the Kawasan Lembaga Kemajuan Wilayah Jengka; and
 - (d) to co-ordinate, and to co-operate and liaise with other agencies to ensure, the modernisation of the agricultural sector in the Kawasan Lembaga Kemajuan Wilayah Jengka.

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

- (a) to carry on all activities, particularly commercial and industrial activities and activities of research and training, the carrying on whereof appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its said functions, including the manufacturing, assembling, processing, packing, grading and marketing of products;
- (b) to initiate preliminary studies of possible development and redevelopment areas and make preliminary plans outlining development or redevelopment activities and preliminary surveys to determine if the undertaking and carrying out of development or redevelopment projects are feasible;
- (c) to co-operate with or act as agent or managing agent of, or otherwise act in association with or on behalf of, the Government of the Federation or of the State, any public authority, any company, any corporation, or any other body or person;
- (d) to promote and co-ordinate the carrying on of such activities by the Government of the Federation or of the State, any public authority, any company, any corporation, or any other body or person;
- (e) with the approval of the Minister, to establish or expand or promote the establishment or expansion, of companies, corporations or other bodies to carry on any such activities either under the control or partial control of the Lembaga or independently;
- (f) to give assistance to any public authority, company, corporation or other body or person appearing to the Lembaga to have facilities for the carrying on of any such activities, including, with the approval of the

Minister and the concurrence of the Minister of Finance, financial assistance by the taking up of share or loan capital or by loan or otherwise;

(g) with the approval of the Minister, to purchase, underwrite or otherwise acquire any stock and shares in any public or private company, and to dispose of the same on such terms and conditions as the Lembaga may, with the approval of the Minister and the concurrence of the Minister of Finance, determine;

(h) to require departments and governmental and non-governmental agencies engaged in carrying out or intending to carry out development in the Kawasan Lembaga Kemajuan Wilayah Jengka to submit reports regarding their activities or proposed activities containing such particulars and information as may be specified by the Lembaga;

(i) to appoint agents or establish such other bodies as it may deem fit for the purpose of carrying out its functions;

(j) to impose fees or any other charges it deems fit for giving effect to any of its powers or functions;

(k) to receive, in consideration of the services rendered by it, such commission or payment as may be agreed upon;

(l) to regulate development in the Kawasan Lembaga Kemajuan Wilayah Jengka; and

(m) to do such other things as it deems fit for the effective carrying out of its functions and powers.

(3) Subject to section 9, it shall be the responsibility of the Lembaga in discharging its functions under this Act to ensure that the functions shall be performed in such manner as shall be in furtherance of the policy of the Government for the time being in force and in particular the policy relating to the restructuring of society.

(4) Notwithstanding subsections (1), (2) and (3), the Lembaga shall, before discharging any of its functions involving development planning, first consult the State Government.

5. (1) The Lembaga shall consist of the following members who, with the exception of the General Manager, shall be appointed by the Minister:

Member-
ship of the
Lembaga.

(a) a Chairman;

(b) a Deputy Chairman;

(c) three representatives of the Federal Govern-
ment;

(d) three representatives of the State Government;

(e) three persons of relevant professional standing;
and

(f) the General Manager.

(2) The provisions of the First Schedule shall apply to the Lembaga.

(3) Whenever the office of General Manager is vacant, subsection (1) shall be read as if paragraph (f) had been deleted.

6. (1) The Minister may, in respect of each member of the Lembaga appointed under subsections (1) (c) and (1) (d) of section 5, appoint one person to be an alternate member to attend, in place of the member, meetings of the Lembaga that the member is for any reason unable to attend.

Alternate
members.

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

(3) An alternate member shall, unless he sooner resigns his membership or his appointment is sooner revoked, cease to be an alternate member when the member in respect of whom he is an alternate ceases to be a member of the Lembaga.

(4) The provisions of paragraphs 1 and 2 of the First Schedule shall also apply in respect of an alternate member in addition to the other provisions of the First Schedule which are applicable to him when attending meetings of the Lembaga.

Public
Authorities
Protection
Act 1948.
Act 198.

7. The Public Authorities Protection Act 1948 shall apply to any action, suit, prosecution or proceedings against the Lembaga or against any member, officer, servant or agent of the Lembaga in respect of any act, neglect or default done or committed by him in such capacity.

Public
servants.

8. All members, officers and servants of the Lembaga, while discharging their duties as such members, officers and servants, shall be deemed to be public servants within the meaning of the Penal Code.

F.M.S.
Cap. 45.

Power of
Minister
to give
directions.

9. (1) The Lembaga shall be responsible to the Minister, and the Minister may from time to time give directions not inconsistent with the provisions of this Act and the Lembaga shall, as soon as possible, give effect to all such directions.

(2) Without prejudice to the generality of subsection (1) and subject to consultation with the Lembaga and the concurrence of the Minister of Finance, the power of the Minister to give directions shall extend to the giving to it of directions—

(a) as to the disposal of capital assets; and

(b) as to the application of the proceeds of such disposals,

notwithstanding that the directions may be of a specific character:

Provided that no such direction shall, so long as any sum borrowed by the Lembaga in accordance with the provisions of this Act remains outstanding, be given.

The
Kawasan
Lembaga
Kemajuan
Wilayah
Jengka.

10. (1) For the purposes of this Act, the Minister may, with the concurrence of the Government of the State, from time to time determine, by notification in the *Gazette* the area or areas within which the Lembaga shall perform its functions under this Act and such area or areas shall be known as the "Kawasan Lembaga Kemajuan Wilayah Jengka".

(2) Notwithstanding any other written law it shall be the responsibility of the Lembaga to exercise the functions provided by this Act in the Kawasan Lembaga Kemajuan Wilayah Jengka.

11. In addition to the duties imposed upon and powers vested in the Lembaga by this Act the Lembaga may undertake such other functions, exercise such other powers and administer and expend such other moneys for such purposes as the Government of the Federation or, with the approval of the Minister, the Government of the State may assign or give to it and, in so doing, the Lembaga shall be deemed to be fulfilling the purposes of this Act, and the provisions of this Act shall apply to the Lembaga in respect of such functions and the administration and expending of such moneys:

Additional
functions
of the
Lembaga.

Provided always that such moneys and the accounts thereof shall be kept separate and apart from those of the Fund.

12. (1) The Lembaga shall furnish the Minister and such other person, body of persons or public authority as may be directed by the Minister such returns, reports, accounts and information with respect to its property and activities as the Minister may from time to time require or direct.

Returns,
reports,
accounts
and
information.

(2) Without prejudice to the generality of the provisions of subsection (1), the Lembaga shall, as soon as practicable after the end of each financial year, cause to be made and transmitted to the Minister and, if so directed by the Minister, to the Government of the State or any public authority, a report dealing with the activities of the Lembaga during the preceding financial year and in such form and containing such information relating to the proceedings and policy of the Lembaga as the Minister may from time to time specify.

PART III

CHAIRMAN, OFFICERS, SERVANTS, DIVISIONS

13. (1) The Chairman shall perform such duties as the Minister may from time to time determine.

The
Chairman.

(2) If the Chairman is temporarily absent from Malaysia or temporarily incapacitated through illness or for any other sufficient reason from the performance of his duties, the Deputy Chairman shall perform the duties of the Chairman during such temporary absence or incapacity.

General
Manager
and his
Deputies.

14. (1) The Lembaga may, with the approval of the Minister, appoint any person, designated as "General Manager", to be the principal executive officer and vest him such powers and impose upon him such duties and functions as may be determined by the Lembaga.

(2) The General Manager shall be responsible for—

(a) the preparation of programmes, schemes and projects for the consideration of the Lembaga;

(b) the execution of all programmes, schemes and projects of the Lembaga; and

(c) the carrying out of the decisions of the Lembaga and the directions of the Chairman.

(3) The General Manager shall be responsible to the Chairman.

(4) The General Manager shall have general control of the officers and servants of the Lembaga.

(5) The General Manager shall perform such other or further duties as the Lembaga or the Chairman may from time to time direct.

(6) To assist the General Manager in his functions, the Lembaga may, with the approval of the Minister, appoint one or more Deputy General Managers and vest them with such powers and impose upon them such duties and functions as may be determined by the Lembaga.

(7) If the General Manager is temporarily absent from Malaysia or temporarily incapacitated through illness or for any other sufficient reason from the performance of his duties, the Lembaga may direct any Deputy General Manager to perform his duties during such temporary absence or incapacity.

(8) The General Manager and every Deputy General Manager are officers of the Lembaga.

Organisation
of the
Lembaga
into
Divisions.

15. (1) The Lembaga may set up such Divisions as it may think desirable, and each Division shall be under the control and charge of an officer.

(2) The officer in charge of each Division shall be appointed by the Lembaga with the approval of the Minister.

(3) It shall be the responsibility of the officer in charge of a Division to implement and execute the decisions of the Lembaga on matters pertaining to his Division, to submit policy recommendations for consideration by the Lembaga, to participate without the right to vote in any meeting of the Lembaga whenever matters pertaining to his Division are being considered in the meeting and also to exercise all the powers that may be delegated to him by the Lembaga.

16. (1) Subject to any regulations made under section 17, the Lembaga may appoint on such terms and conditions as the Lembaga may think desirable such other officers and servants as may be necessary for carrying out the purposes of this Act.

Appointment of other officers and servants.

(2) No person shall be eligible for employment as an officer or servant of the Lembaga who has, directly or indirectly, by himself or his partner, any share or interest in any contract or proposed contract with, for or on behalf of the Lembaga.

(3) Any officer or servant of the Lembaga who has or acquires any such share or interest shall be liable in the discretion of the Lembaga to summary dismissal without notice.

17. The Lembaga may, from time to time, with the approval of the Minister make regulations governing the conditions of service of its officers and servants.

Regulations governing conditions of service of officers and servants.

← A972

PART IV

FINANCE

18. (1) For the purposes of this Act, there is hereby established a fund to be administered and controlled by the Lembaga.

Establishment of the Fund.

(2) The Fund shall consist of—

(a) such sums as may be provided from time to time for those purposes by Parliament or the Legislative Assembly of the State;

(b) such sums as may be paid from time to time to the Lembaga from Loans;

(c) moneys earned by the operation of any project, scheme or enterprise financed from the Fund;

- (d) moneys earned or arising from any property, investments, mortgages, charges or debentures acquired by or vested in the Lembaga;
- (e) any property, investments, mortgages, charges or debentures acquired by or vested in the Lembaga;
- (f) sums borrowed by the Lembaga for the purposes of meeting any of its obligations or discharging any of its duties; and
- (g) all other sums or property which may in any manner become payable to or vested in the Lembaga in respect of any matter incidental to its powers and duties.

(3) In this section, the expression "Loans" means such sums as may be made available from time to time to the Government of the Federation or of the State by way of Loan.

Balancing
of revenue
account.

19. It shall be the duty of the Lembaga to conserve the Fund by so exercising and performing its powers, functions and duties under this Act as to secure that the total revenues of the Lembaga are, subject to any directions given by the Minister under section 9, sufficient to meet all sums properly chargeable to its revenue account, including depreciation and interest on capital, taking one year with another.

Reserve
fund.

20. The Lembaga shall establish and manage a reserve fund within the Fund.

Expenses
to be
charged on
the Fund.

21. The Fund shall be expended for the purpose of—

- (a) granting loans under section 28;
- (b) paying any expenses lawfully incurred by the Lembaga, including survey, legal and other fees and costs, and the remuneration of officers and servants appointed and employed by the Lembaga, including superannuation allowances, pensions or gratuities;
- (c) paying any other expenses, costs or expenditure properly incurred or accepted by the Lembaga in the execution of its duties or in the discharge of its functions under section 4;

- (d) purchasing or hiring plant, equipment, machinery, stores and any other materials, acquiring land and erecting buildings, and carrying out any other works and undertakings in the execution of its duties or in the discharge of its functions under section 4;
- (e) repaying any moneys borrowed under this Act and the interest due thereon; and
- (f) generally, paying any expenses for carrying into effect the provisions of this Act.

22. (1) The expenses of the Lembaga up to such amount as may be authorised by the Minister for any one year shall be defrayed out of the Fund. Expenditure and preparation of estimates.

(2) Before the beginning of September of each year, the Lembaga shall submit to the Minister an estimate of the expenses (including those for development projects) for the following year in such form and containing such particulars as the Minister may direct; and the Minister shall before the beginning of that following year notify the Lembaga of the amount authorised for expenses generally or of amounts authorised for each description of expenditure.

(3) The Lembaga may at any time submit to the Minister a supplementary estimate for any one year and the Minister may allow the whole or any part of the additional expenditure included therein.

(4) The Minister may direct the Lembaga to submit a copy of the estimate or supplementary estimate, as the case may be, to the Government of the State or to such other person as may be specified in the direction.

23. The provisions of the Statutory Bodies (Accounts and Annual Reports) Act 1980 shall apply to the Lembaga and to any corporation established under this Act. Statutory Bodies (Accounts and Annual Reports) Act 1980. Act 240.

PART V

OTHER POWERS OF THE LEMBAGA

Delegation
of powers
of the
Lembaga.

24. (1) The Lembaga may, subject to such conditions, limitations or restrictions as it thinks fit, delegate to the Chairman, General Manager or any other person the power and authority to exercise or perform on its behalf such powers, duties or functions by this Act vested in or imposed on the Lembaga as the Lembaga may determine, except the power to borrow money, raise loans or make regulations; and any power, duty or function so delegated may be exercised or performed by the Chairman, General Manager or other person, as the case may be, in the name and on behalf of the Lembaga.

(2) Without prejudice to the generality of subsection (1) and to the other provisions of this Act, the Lembaga may delegate to the Chairman, General Manager, any of its other members or any other person authority to sanction expenditure from the Fund or any other moneys vested in and under the control of the Lembaga up to such limit as the Lembaga shall specify.

Power to
borrow.

25. (1) The Lembaga may from time to time borrow, at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the Minister may approve any sums required by the Lembaga for meeting any of its obligations or discharging any of its duties.

(2) The Lembaga may from time to time, with the approval of the Minister, borrow money by the issue of bonds, debentures or debenture stock or raise capital by the issue of shares or stock of such class and value and upon such terms as it may, with the approval of the Minister, deem expedient, for all or any of the following purposes:

- (a) the provision of working capital;
- (b) the fulfilling of the duties of the Lembaga under this Act;
- (c) the fulfilling of such additional functions as may be undertaken by the Lembaga under this Act;

- (d) the redemption of any shares or stock which it is required or entitled to redeem; and
- (e) any other expenditure properly chargeable to capital account.

26. The assets of the Lembaga shall, in so far as they are not required to be expended by the Lembaga under this Act, be invested in such manner as the Minister, with the concurrence of the Minister of Finance, may approve. Investment.

27. The Lembaga may employ and pay agents and technical advisers, including advocates and solicitors, bankers, stockbrokers, surveyors, valuers or any other persons, to transact any business or to do any act required to be transacted or done in the execution of its duties or for the better carrying into effect the purposes of this Act. Power to employ agents.

28. In the execution of its duties or in the discharge of its functions, the Lembaga may, with the approval of the Minister and the concurrence of the Minister of Finance, grant loans, and such loans may be granted subject to such terms and conditions as the Lembaga may, with the approval of the Minister and the concurrence of the Minister of Finance, deem fit to impose in particular cases. Power to grant loans.

29. (1) The Lembaga may from time to time, with the approval of the Minister, by order published in the *Gazette*, establish a corporation by such name as the Lembaga may think fit to carry out and have the charge, conduct and management of any project, scheme or enterprise which has been planned or undertaken by the Lembaga in the execution of its duties or the discharge of its functions. Power to establish corporations.

(2) The provisions of the Second Schedule shall apply to every corporation established by the Lembaga under subsection (1).

30. (1) When any immovable property, not being State land, is needed to be acquired by the Lembaga for the purposes of this Act, such property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a Compulsory acquisition of land.

public purpose for the time being in force in the State, and any declaration required by any such written law that such land is so needed may be made notwithstanding that compensation is to be paid by the Lembaga, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose in accordance with such written law.

(2) The expenses and compensation in respect of any immovable property acquired under this section shall be paid by the Lembaga.

(3) When any immovable property has been acquired under this section, the Lembaga shall extract the necessary documents of title in respect of such property and shall pay any rent to which such property may be subject.

PART VI GENERAL

Exemption
from stamp
duty.

Ord. 59/49.

31. The Lembaga shall be exempted from the payment of stamp duty under the Stamp Ordinance 1949.

Obligation
of secrecy.

32. (1) Except for any of the purposes of this Act or for the purpose of any civil or criminal proceedings under any written law, no member, officer or servant of the Lembaga shall disclose any information which has been obtained by him in the course of his duties and which is not published in pursuance of this Act.

(2) Any person contravening subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand ringgit or to both.

Power to
make
regulations.

33. (1) The Lembaga may, with the approval of the Minister, make such regulations as may be expedient or necessary for the better carrying out of the provisions of this Act.

(2) Without prejudice to the generality of subsection (1), regulations under that subsection may be made for—

(a) prescribing the manner in which documents cheques and instruments of any description shall be signed or executed on behalf of the Lembaga;

- (b) prescribing for the responsibilities and control of officers and servants of the Lembaga;
- (c) imposing fees in such cases as may be determined by the Lembaga;
- (d) providing for such matters in connection with shares, stock, bonds, debentures or debenture stock issued under this Act as may appear necessary or expedient to the Lembaga, and, in particular, for regulating the method of issue, transfer, redemption or other dealing with such shares, stock, bonds, debentures or debenture stock;
- (e) prescribing the manner in which and the terms and conditions on which loans may be granted by the Lembaga under section 28; and
- (f) providing generally for the exercise of the powers and duties of the Lembaga under the provisions of this Act.

(3) Such regulations—

- (a) may provide that any act or omission in contravention of any provision thereof shall be an offence; and
- (b) may provide for the imposition of penalties for such offences, which penalties shall not exceed one thousand ringgit.

PART VII

TRANSITIONAL

34. (1) Subject to the provisions of this Act, on the date appointed under section 1 for its coming into force (hereinafter referred to as "the appointed date")—

Transfer of assets, etc., on appointed date.

- (a) all subsidiary legislation made under the provisions of the Perbadanan Kemajuan Jengka Enactment 1971 (hereinafter referred to as "the Enactment") in force immediately before the appointed date shall, so far as it is not inconsistent with the provisions of this Act, continue in force as if made under this Act;

Phg. En. 10/71.

(b) all assets [including lands vested in or reserved for the purposes of the Perbadanan Kemajuan Jengka (hereinafter referred to as "the Perbadanan"), and moneys standing in, or due to be paid to, the Jengka Development Fund, established respectively under sections 3 and 23 of the Enactment], powers, rights, privileges, duties, liabilities and obligations which immediately before the appointed date were vested in or were those of the Perbadanan shall be transferred to and vest in the Lembaga without further assurance or shall devolve upon the Lembaga, as the case may be; and the Lembaga shall have all powers necessary to take possession of, recover and deal with such assets, exercise such powers and rights, enjoy such privileges, perform such duties and discharge such liabilities and obligations:

Provided that moneys standing in, or due to be paid to, the Jengka Development Fund shall vest in the Lembaga and be transferred to the Fund;

(c) all deeds, bonds, agreements, instruments and working arrangements made, executed or entered into by or on behalf of the Perbadanan and subsisting immediately before the appointed date shall be of full force and effect against or in favour of the Lembaga and enforceable as fully and effectually as if, instead of the Perbadanan or any person acting on behalf of the Perbadanan, the Lembaga had been named therein or had been a party thereto; and

(d) any proceedings, whether civil or criminal, or any cause of action pending or existing immediately before the appointed date by or against the Perbadanan or any person acting on behalf of the Perbadanan may be continued or instituted by or against the Lembaga or such person as if this Act had not been enacted.

(2) All lands which immediately before the appointed date were reserved under the provisions of any written law relating to land for the purposes of

the Perbadanan shall, on that date, be deemed to be reserved for the purposes of the Lembaga under this Act.

(3) Where immediately before the appointed date any proceedings have been taken under any written law relating to the compulsory acquisition of land for the purposes of the Perbadanan, such proceedings shall, as from that date, be deemed to have been taken for the acquisition of the land for the purposes of the Lembaga under this Act.

35. (1) Every person who immediately before the appointed date was employed as an officer or servant of the Perbadanan shall, at his option, be transferred on that date from the service of the Perbadanan to the service of the Lembaga upon such terms and conditions of service as may be agreed upon.

Transfer of officers and servants.

(2) Nothing in this section shall be deemed to affect the right of the Lembaga to terminate the employment of such officer or servant transferred to the service of the Lembaga, or to vary his rate of pay or terms and conditions of service, in the manner and to the extent that the Perbadanan could have done had he continued in the service of the Perbadanan.

36. All disciplinary proceedings which, immediately before the appointed date, could have been instituted or were pending against any officer or servant of the Perbadanan may, on or after that date, be instituted or continued against the officer or servant by the appropriate authority of the Lembaga established under this Act.

Disciplinary proceedings.

37. (1) The Minister may by order published in the *Gazette* make such modifications, variations, additions or other alterations whatsoever to the provisions of this Part as he may deem necessary or expedient to prevent, remove, resolve or overcome any difficulty or anomaly, or to provide for any omission or otherwise for the purpose of giving effect to the provisions of this Act.

Prevention of anomalies, etc.

(2) An order made under this section shall be laid on the table of both Houses of Parliament as soon as may be after its publication in the *Gazette*.

FIRST SCHEDULE

[Section 5 (2)]

Terms and conditions of appointment, revocation and resignation.

1. (1) A member of the Lembaga other than the General Manager shall, subject to such conditions as the Minister may specify in the instrument appointing him, hold office for a term not exceeding three years shall be eligible for reappointment.

(2) The appointment of any member other than the General Manager may at any time be revoked by the Minister without assigning any reason therefor.

(3) The General Manager shall hold office as a member of the Lembaga for as long as he is the General Manager. His appointment as General Manager may be revoked by the Lembaga with the approval of the Minister and in accordance with the terms and conditions of service applicable to his case.

(4) A member other than the General Manager may at any time resign his office by letter addressed to the Minister. The General Manager may resign his office by letter addressed to the Lembaga and to the Minister and in accordance with the terms and conditions of service applicable to his case.

(5) A member shall devote such time to the business of the Lembaga as is necessary to discharge his duties effectively.

Vacation of office.

2. (1) The office of a member of the Lembaga shall be vacated—

(a) if he dies;

(b) if there has been proved against him, or he has been convicted on, a charge in respect of—

(i) an offence involving fraud, dishonesty or moral turpitude; or

(ii) an offence under any law relating to corruption or under section 32; or

(iii) any other offence punishable with imprisonment (in itself only or in addition to or in lieu of a fine) for more than two years; or

(c) if he becomes bankrupt; or

(d) if he is of unsound mind or is otherwise incapable of performing his duties; or

(e) if he absents himself from three consecutive meetings without leave of the Lembaga or, in the case of a member appointed under subsection (1) (c) or (1) (d) of section 5, if he so absents himself without such leave and without being represented thereat by the person appointed to be an alternate member in his place under subsection (1) of section 6:

Provided that, subsection (4) of section 6 notwithstanding, the office of the alternate member shall not be vacated under this subparagraph if he absents himself from three consecutive meetings without leave of the Lembaga

as long as the office of the member in respect of whom he has been appointed to be an alternate does not become vacated under this subparagraph; or

(f) in the event of his resignation being accepted by the Minister or, in the case of the General Manager, by the Lembaga with the approval of the Minister and in accordance with the terms and conditions of service applicable to his case; or

(g) if his appointment is revoked by the Minister or, in the case of the General Manager, by the Lembaga with the approval of the Minister and in accordance with the terms and conditions of service applicable to his case.

(2) Where any person ceases to be a member by reason of any of the provisions of this Act, another person shall be appointed in his place in accordance with the provisions applying.

3. There may be paid to members of the Lembaga or any other person (not being an officer or servant of the Lembaga, the officer or servant being within the ambit of the provisions of this Act relating to the terms and conditions of service applicable to his case) such remuneration or allowance as the Minister may determine.

Remuneration or allowance.

4. (1) The Lembaga shall meet at least once in every two months.

Meetings.

(2) The quorum of the Lembaga shall be six.

(3) At all meetings of the Lembaga the Chairman or, in his absence, the Deputy Chairman or, in the absence of both such persons, such member as the members present may elect shall preside.

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

(5) The General Manager shall not have the right to vote at any meeting of the Lembaga and he shall be deemed not to be a member of the Lembaga for the purposes of this paragraph except subparagraph (6).

(6) Subject to the provisions of this Act, the Lembaga shall determine its own procedure.

5. The Lembaga may request any person (not being a member of the Lembaga) to attend any meeting or deliberation of the Lembaga for the purpose of advising it on any matter under discussion, but any person so attending shall have no right to vote at the said meeting or deliberation.

The Lembaga may invite others to meetings.

6. (1) The Lembaga shall have a common seal, which shall bear such device as the Lembaga shall approve and such seal may from time to time be broken, changed, altered or made anew, as the Lembaga may think fit.

Common seal.

(2) Until a seal is provided by the Lembaga a stamp bearing the description "Lembaga Kemajuan Wilayah Jengka" may be used and shall be deemed to be the common seal.

(3) The common seal shall be kept in the custody of the Chairman or such other person as may be authorised by the Lembaga, and shall be authenticated by either the Chairman or such authorised person or by any officer authorised by either of them in writing; and all deeds, documents and other instruments purporting to be sealed with the said seal, authenticated as aforesaid, shall, until the contrary is proved, be deemed to have been validly executed:

Provided that any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the Lembaga; and any such document or instrument may be executed on behalf of the Lembaga by any officer or servant of the Lembaga generally or specially authorised by the Lembaga in that behalf.

(4) The seal of the Lembaga shall be officially and judicially noticed.

Disclosure of interest.

7. Without prejudice to the application of the provisions of section 16 in the case of the General Manager, a member of the Lembaga having, directly or indirectly, by himself or his partner, any interest in any company or undertaking with which the Lembaga proposes to make any contract or having any interest in any such contract or in any matter under discussion by the Lembaga shall disclose to the Lembaga the fact of his interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Lembaga, and unless specifically authorised thereto by the Chairman, such member shall take no part in any deliberation or decision of the Lembaga relating to the contract or matter.

Minutes.

8. (1) The Lembaga shall cause minutes of all meetings of the Lembaga to be maintained and kept in a proper form.

(2) Any minutes made of meetings of the Lembaga shall, if duly signed, be receivable in evidence in all legal proceedings without further proof and every meeting of the Lembaga in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held and all members thereat to have been duly qualified to act.

Validity of acts and proceedings.

9. No act done or proceeding taken under this Act shall be questioned on the ground of—

- (a) any vacancy in the membership of, or of any defect in the constitution of, the Lembaga; or
- (b) the contravention by any member of the Lembaga of the provisions of paragraph 7; or
- (c) any omission, defect or irregularity not affecting the merits of the case.

SECOND SCHEDULE

[Section 29 (2)]

1. The Lembaga shall, on or before the date on which any corporation is established under section 29, make regulations in respect of such corporation defining—
 - (a) the purposes and objects for which such corporation is established;
 - (b) the rights, powers, duties and functions of such corporation;
 - (c) the system of management thereof; and
 - (d) the relations between such corporation and the Lembaga and its rights of control over such corporation.

Power of the Lembaga to make regulations in respect of corporation.

2. Nothing in paragraph 1 shall be deemed to authorise the Lembaga to make regulations to establish any corporation for any purpose or object more extensive in scope than the purposes or objects for which the Lembaga has been constituted or to confer on any corporation any right, duty, power or function which is not within the rights, duties, powers or functions of the Lembaga under this Act.

Limitation on power to establish corporation.

3. Subject to the provisions of this Act and of any regulations made under section 33, any regulations made under paragraph 1 shall be binding on the corporation in respect of which they were made and shall have effect for all purposes as if they had been enacted in this Act.

Effect of regulations.

4. The Lembaga may at any time amend, revoke or add to any regulations made under paragraph 1, in respect of any corporation.

Amendment of regulations.

5. The Lembaga shall keep a register in the prescribed form of all corporations established by it under section 29 and such register, together with copies of all regulations made under paragraphs 1 and 4, shall be open to public inspection at such place or places and at such time as it may prescribe.

Register of corporations.

6. (1) The Lembaga may, by order published in the *Gazette*, direct that any corporation established by it shall be wound up and dissolved.

Winding-up.

(2) Upon the dissolution of any corporation under this paragraph, the assets of the corporation, after discharging all its liabilities, shall be transferred to and shall vest in the Lembaga.

(3) The winding-up of a corporation under this paragraph shall be conducted in such manner as the Lembaga may prescribe.

7. Every corporation established under section 29 shall be a body corporate by such name as the Lembaga shall give to it and shall have perpetual succession and a common seal and may sue and be sued in such name and, for the purpose of carrying into effect the project, scheme or enterprise for which

Corporations to be bodies corporate.

it has been established, may enter into contracts and may hold and deal in or with any immovable or movable property and may do all other matters and things incidental or appertaining to a body corporate not inconsistent with the provisions of this Act and subject to such restrictions or limitations as may be prescribed by the Lembaga in each case.

Common
seal of
corporations.

8. (1) Every corporation shall have a common seal which shall bear such device as the corporation, with the approval of the Lembaga, may approve, and such seal may from time to time be broken, changed, altered or made anew by the corporation with the approval of the Lembaga, as the corporation shall think fit.

(2) Until a seal is provided by the corporation, a stamp bearing the name of the corporation encircling the letters "LKWJ" may be used and shall be deemed to be the common seal.

(3) The common seal or the stamp referred to in subparagraph (2) shall be kept in the custody of such person as the corporation shall direct and shall be authenticated by such person; and all deeds, documents and other instruments purporting to be sealed with the said seal, authenticated as aforesaid, shall, until the contrary is proved be deemed to have been validly executed:

Provided that any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the corporation; and any such document or instrument may be executed on behalf of the corporation by any officer or servant of the corporation generally or specially authorised by the corporation in that behalf.

(4) The seal of every corporation shall be officially and judicially noticed.