



LAWS OF MALAYSIA

Act 179

**PALM OIL REGISTRATION AND LICENSING
AUTHORITY (INCORPORATION) ACT 1976**

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LAWS OF MALAYSIA**Act 179****PALM OIL REGISTRATION AND LICENSING
AUTHORITY (INCORPORATION) ACT 1976**

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Am: Act A 540/82
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cif 1-3-70
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LAWS OF MALAYSIA

Act 179

PALM OIL REGISTRATION AND LICENSING
AUTHORITY (INCORPORATION) ACT 1976

An Act to establish the Palm Oil Registration and Licensing Authority for the betterment and proper conduct of the palm oil industry and to make provision respecting the Authority and the industry.

[16th. Mei. 1977] PU(B) 313/77

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. (1) This Act may be cited as the Palm Oil Registration and Licensing Authority (Incorporation) Act 1976. Short title and commencement.

(2) This Act shall come into operation on such date as the Minister may, by notification in the ^{*}Gazette, appoint and different dates may be appointed for different parts of Malaysia. * PU(B) 313/77

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

“analyst” means an analyst appointed under section 32;

“Authority” means the Palm Oil Registration and Licensing Authority established under section 3; —

“Chairman” means the Chairman of the Authority and includes any person exercising the functions of chairman and deemed to be the Chairman under section 6;

→ “Fund” means the Palm Oil Registration and Licensing Authority Fund established under section 15; (AA540) AA735

“officer of customs” has the meaning assigned thereto in the Custom Act 1967; 62/67.

“oil palm” means the palm of the genus *Elaeis* and includes the species *Elaeis guineensis*, normally referred to as the “African oil palm,” and *Elaeis Malanococca* or *Corozo oleifera*, normally referred to as the “South American oil palm”, and also includes hybrids of the two species;

“oil palm ~~fresh~~ fruit” means the unprocessed fruit of the oil palm, whether in bunches or in loose form;

“oil palm product” means the oil, whether in crude or semi-processed form, extracted from the pericarp of the oil palm fruit; and “~~semi-processed palm oil~~” means ~~any form of crude palm oil that has been modified or treated by a physical or chemical process and is capable of further processing, conversion or manufacture into a finished and final product;~~

“Palm Oil Inspector” means a Palm Oil Inspector appointed under section 7;

“Research Fund” means the Palm Oil Research Fund established under section 15.

D/AA540

← AA540

SUB. AA540

D/AA540

D/AA735

PART II

ESTABLISHMENT, DUTIES AND POWERS OF THE AUTHORITY

Establishment of the Authority.

3. (1) There shall be established a body corporate named the “Palm Oil Registration and Licensing Authority” which shall have perpetual succession and a common seal and power to acquire and hold movable and immovable property and to dispose thereof or otherwise deal therewith, and which may sue and be sued in its corporate name.

(2) The Schedule shall apply to the Authority.

Composition of the Authority.

4. (1) The Authority shall consist of the following members who shall be appointed by the Minister—

- (a) a Chairman;
- (b) a representative of the Ministry responsible for the palm oil industry;
- (c) a representative of the Ministry responsible for industrial development;
- (d) a representative of the Treasury;
- (e) a representative of the Malaysian Agricultural Research and Development Institute or of any other body engaged in palm oil research;

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(INCORPORATION)

- (f) a representative of the Federal Land Development Authority; and
- (g) four representatives of the palm oil industry.

(2) The Minister may, in addition to the persons mentioned in subsection (1), appoint to be members of the Authority not more than four other persons to represent the East Malaysian and other interests in the palm oil industry.

5. (1) The Minister may, in respect ^{of} ~~or~~ each member of the Authority other than the Chairman appoint, on the nomination of the member, one person to be an alternate member to attend in place of the member meetings of the Authority that the member is for any reason unable to attend.

Alternate members.

AA735

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

(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 member ceases to be a member of the Authority.

6. (1) The Minister may appoint any member of the Authority to exercise the functions of chairman during any period in which the Chairman is for any reason unable to exercise his functions or during any period of vacancy in the office of chairman; and such member shall, during the period in which he is exercising the functions of chairman under this subsection, be deemed to be the Chairman.

Temporary exercise of functions of chairman.

(2) Until an appointment is made under subsection (1) or in default of such appointment, the member appointed under paragraph (b) of subsection (1) of section 4 shall exercise the functions and be deemed to be the Chairman.

7. (1) The Authority may appoint a chief executive, who may be designated by any name, and such number of other officers or servants, including Palm Oil Inspectors, as it considers necessary for the purposes of this Act.

Appointment of officers and servants of the Authority.

(2) The appointment of the chief executive shall be with the prior approval of the Minister.

(3) The appointment of Palm Oil Inspectors shall be published in the *Gazette*.

(4) The name by which the chief executive is designated shall be published in the *Gazette*.

(5) The Authority shall, before establishing or modifying any scheme of service for its officers or servants, including the terms and conditions of service, the salaries, allowances, and other remuneration payable, and facilities for loans for the purchase of conveyances and houses, obtain the Minister's approval.

8. (1) The chief executive shall—

(a) be responsible for putting into execution the policy decisions of the Authority and for the general administration of its affairs;

(b) exercise supervision and control over all officers or servants employed by the Authority; and

(c) perform such other duties as the Authority may from time to time determine or as the Chairman may from time to time direct.

(2) The chief executive shall be present at every meeting of the Authority unless he is excused from doing so by the Chairman.

(3) The chief executive shall have no right to vote at meetings of the Authority.

9. All members, alternate members, officers and servants of the Authority, and all members of committees appointed under paragraph (b) of subsection (3) of section 12 ~~and subsection (6) of section 13~~, shall be deemed to be public servants within the meaning of the appropriate Penal Code.

D/AA735

10. The Authority shall have a principal office in Malaysia at such place as the Authority may determine and may establish such other branch offices as the Authority considers expedient.

11. The functions of the Authority are—

(a) to regulate, co-ordinate and promote all activities relating to the supply, sale, purchase, distribution, movement, storage, export and import of oil palm ~~fresh fruit, palm oil and palm kernel~~, and the milling of oil palm ~~fresh fruit~~ ^{fresh fruit};

product (AASUD)

Duties of chief executive.

Public servants. F.M.S. Cap. 45. Sarawak Cap. 57. Sabah 3/59.

Offices.

Functions of the Authority.

PALM OIL REGISTRATION AND LICENSING AUTHORITY 9
(INCORPORATION)

- (b) to promote the efficient marketing and handling of oil palm ~~/fresh fruit, palm oil and palm kernel~~; x/ Product Sales (AA540)
- (c) to regulate and improve the manner of storing and shipping of ~~/palm oil~~; x/ oil palm product Subs AA540
- (d) to promote measures towards attaining a high quality for ~~/palm oil~~, including the laying down of standards and the establishment of an efficient grading system;
- (e) to co-operate with other bodies in co-ordinating and encouraging the setting up of industries producing or using ~~/palm oil~~;
- (f) to gather information on and maintain records of all relevant matters relating to the palm oil industry; and
- (g) generally to do everything for the betterment and proper conduct of the palm oil industry.

12. (1) The Authority shall have power to make such regulations as are reasonably necessary for, or expedient or incidental to, the discharge of its functions under section 11, and in particular, but without prejudice to the generality of the foregoing, such regulations may— Powers of the Authority.

- (a) require the registration and licensing of persons in respect of any or all activities that fall within the scope of the functions of the Authority;
- (b) provide for matters relating to registration and licensing, including the manner of applying for registration and licences, the fees payable for licences, the matters to be considered in granting or refusing a licence, and the imposition and variation of conditions and restrictions;
- (c) regulate any or all activities that fall within the scope of the functions of the Authority in any manner apart from or in addition to registration and licensing;
- (d) provide for the practices to be observed or avoided in the palm oil industry;
- (e) provide for the registration of contracts relating to the sale of ~~/palm oil~~ and the details of such contracts; x/ oil palm product (AA540)

- (f) specify and define the standards or grades of ~~palm oil~~ and make provisions for giving effect to such standards and grades, including provisions for or relating to labelling; oil palm product (AA540)
- (g) prescribe the records to be kept and the returns to be submitted by licensees;
- (h) prescribe the fees payable for any act or service done or rendered by the Authority; and
- (i) prescribe penalties for the contravention of the provisions thereof of imprisonment not exceeding two years or a fine not exceeding ten thousand ringgit or of both such imprisonment and fine.

(2) Regulations made under subsection (1) shall be of no effect unless approved by the Minister.

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

- (a) to enter into such negotiations and arrangements as the Authority considers necessary for the promotion of the general interests of the palm oil industry; and
- (b) to set up committees to study and report on any matter the Authority may specify and to determine their terms of reference and the allowances of their members.

Sub. AA540

13. (1) The Authority may, if it is satisfied that any condition or restriction imposed on a licence issued under regulations made under section 12 has not been complied with or that the licensee has contravened any provision of this Act, call upon the licensee to show cause why his licence should not be suspended ~~or cancelled~~ Power to suspend licence. or cancel (AA735)

AA735

(2) A person called upon to show cause under subsection (1)—

- (a) shall be supplied by the Authority with the particulars, in writing, forming the basis for the call to show cause; and
- (b) may, if he so desires, be present at the hearing by the Authority or be represented thereat by another person authorised by him in writing.

PALM OIL REGISTRATION AND LICENSING AUTHORITY 11
(INCORPORATION)

(3) If after the hearing the Authority is of the opinion that the person called upon to show cause has failed to do so, the Authority may, notwithstanding any criminal proceedings that may be brought against him, suspend his licence for such period, not exceeding two years from the date of suspension, as the Authority shall determine at the time of ^{his} suspension, ~~or cancel his licence.~~

AA735
(AA735)

(4) A person whose licence has been suspended ^{or cancelled} shall, on being so required by the Authority in writing, surrender to it his licence within such period as it may specify.

(5) Any person who wilfully fails to comply with the requirement of the Authority under subsection (4) commits an offence.

(6) The Authority may appoint a committee, which may consist of or include persons who are not members of the Authority, and delegate to it any or all of the powers of the Authority under this section and any act done or decision made by the committee pursuant to such delegation shall be deemed to be the act or decision of the Authority.

← AA735

(d/AA540)

← AA735

13A.---
14. If any person is aggrieved by any decision of the Authority refusing the issue of or suspending a licence, he may, within one month of the date when the decision is communicated to him, appeal to the Minister whose decision shall be final and shall not be questioned in any court.

← Appeal.

← or cancelling (AA735)

PART III

FINANCE, REPORT AND MINISTERIAL SUPERVISION

15. (1) The Authority shall establish and administer a fund named the "Palm Oil Registration and Licensing Authority Fund".

The Fund and the Research Fund.

d/AA735

(2) There shall be paid into the Fund—

- (a) any grant made to the Authority from the Federal Consolidated Fund, ~~other than grants to the Research Fund;~~
- (b) all moneys collected or paid under subsection (1) of section 16;
- (c) all moneys collected under the regulations made under this Act other than fines;
- (d) all moneys borrowed by the Authority under section 17;

D/AA735

(e) all moneys earned or arising from any investment under section 18 or from any property, mortgages, charges or debentures acquired by or vested in the Authority; and

(f) all other moneys that may in any manner become payable to or vested in the Authority in respect of any matter incidental to its duties or powers, ~~except moneys collected or paid pursuant to subsection (3) of section 16.~~

D/AA735

(3) The Fund may be applied for—

(a) defraying such expenditure as the Authority may incur in carrying out its duties and exercising its powers; and

D/AA735

(b) settling any moneys borrowed by the Authority under section 17; and

← AA735

(4) The Authority shall keep or cause to be kept a separate account in respect of moneys paid into the Fund from the Federal Consolidated Fund.

Repealed by Act 218

(5) The Authority shall, if so directed by the Minister, establish and maintain a fund named the "Palm Oil Research Fund" into which shall be paid all moneys collected or paid under subsection (3) of section 16, all moneys paid or donated expressly to the Research Fund and any grant made to the Research Fund from the Federal Consolidated Fund.

(6) The Research Fund shall be applied solely for research work or programmes for the palm oil industry, subject to the power of the Minister to direct the Authority to apply the Research Fund or any part thereof to any particular aspect or area of research or to disburse it to such organisation as the Minister may specify.

(7) The Authority shall keep or cause to be kept a separate account in respect of moneys paid into the Research Fund from the Federal Consolidated Fund.

16. (1) The Authority may, with the approval of the Minister given after consultation with the Minister of Finance, make orders for the imposition, variation or cancellation of a cess on ~~palm oil and palm kernel~~ and the orders may specify the nature, amount and rate of cess and the manner of collection of the cess.

oil palm product (AA740)

cess on oil palm product research (AA735)

PALM OIL REGISTRATION AND LICENSING AUTHORITY 13
(INCORPORATION)

(2) Orders made under this section may prescribe different amounts and rates of cess for different categories, standards or grades of ~~palm oil and palm kernel~~ ^{oil palm product (Subs AA.540)}

(3) The Authority may, with the approval of the Minister given after consultation with the Minister of Finance, make orders for the imposition, variation or cancellation of a research cess on palm oil and palm kernel; and the orders may specify the nature, amount and rate of research cess and the manner of collection of the cess.

Repealed by Act 218

17. The Authority may, upon such terms and conditions as may be approved by the Minister of Finance, borrow moneys for the purpose of carrying out its functions.

Power to borrow.

18. The Authority may, from time to time, after consultation with the Minister and with the approval of the Minister of Finance, invest the Fund or any part thereof, not being immediately required for meeting the Authority's obligations or carrying out its functions—

Power to invest.

(a) in any investment or securities authorised for the investment of trust funds by any written law for the time being in force; or

(b) in such other investment or securities as the Authority thinks fit.

19. The chief executive shall, not later than one month before the commencement of each financial year, lay before the Authority an estimate of the revenue and expenditure, including capital expenditure, of the Authority for the ensuing financial year in such detail and form as the Authority may determine.

Annual estimate.

20. (1) The Authority shall keep or cause to be kept proper accounts and other records in respect of its operations and shall prepare or cause to be prepared statements of account in respect of each financial year.

Accounts and audit.

(2) The Authority shall cause its accounts to be audited annually by the Auditor-General or any other auditor appointed by the Authority with the approval of the Minister.

(3) After the end of each financial year, as soon as the accounts of the Authority have been audited, the Authority shall cause a copy of the statements of account to be transmitted to the Minister together with a copy of the observations made by the auditor on any statement of account or on the accounts of the Authority.

(4) The Minister shall cause a copy of the statements of account and a copy of the observations transmitted to him under subsection (3) to be laid on the table of each House of Parliament.

21. (1) The Authority shall, not later than the 30th of June of each year, cause to be transmitted to the Minister a report dealing with the activities of the Authority during the preceding financial year and containing such information relating to the proceedings and policy of the Authority as the Minister may require.

(2) The Minister shall cause a copy of every report transmitted to him under subsection (1) to be laid on the table of each House of Parliament.

PART IV
ENFORCEMENT

22. A Palm Oil Inspector or officer of customs may arrest without warrant any person found committing or attempting to commit or abetting the commission, or whom he reasonably suspects of being engaged in committing or attempting to commit or abetting the commission, of an offence against this Act if the person refuses or fails to furnish his name and address or if there are reasonable grounds for believing that he has furnished a false name or address or that he is likely to abscond.

23. Whenever it appears to any Magistrate, on sworn information in writing, that there is reasonable cause to believe that in any premises there is or there has been any contravention of this Act, the Magistrate may issue a warrant authorizing any Palm Oil Inspector or officer of customs named therein, by day or by night and with or without assistance, to enter the premises, if need be by force, and there to search for and seize any vehicle that is reasonably believed to furnish evidence of the contravention of this Act.

Annual report.

Power of arrest.

Search by warrant.

Sub. AA735
book, document or
other article
AA500

PALM OIL REGISTRATION AND LICENSING AUTHORITY 15
(INCORPORATION)

24. Whenever it appears to any Palm Oil Inspector or officer of customs that there is reasonable cause to believe that in any premises there is or there has been any contravention of this Act and that, by reason of delay in obtaining a search warrant under section 23, evidence of the contravention might disappear or be tampered with, such officer may exercise in, upon, and in respect of the premises all the powers mentioned in that section in as full and ample a manner as if he were authorized to do so by a warrant issued under that section.

Search without warrant.

← AA735

25. (1) If any Palm Oil Inspector or officer of customs has reasonable suspicion that any conveyance is carrying any article in respect of which there is or has been any contravention of this Act, he may stop and examine the conveyance and ~~seize any article found therein in respect of which there is or has been such a contravention and any book or document that is reasonably believed to furnish evidence of the contravention.~~

Power to stop and search conveyances.

Ins. AA735

Subs AA540

(2) The person in control or in charge of the conveyance shall, if required to do so by the Palm Oil Inspector or officer of customs—

(a) stop the conveyance and allow the Palm Oil Inspector or officer of customs to examine it; and

(b) open all parts of the conveyance for examination and take all measures necessary to enable or facilitate the carrying out of such examination as the Palm Oil Inspector or officer of customs considers necessary to make.

Sub. AA735

26. (1) Except as provided in subsection (2), where palm oil is seized under this Part, the seizing officer shall forthwith give notice of the seizure and grounds thereof to the owner of the palm oil, if known, either by delivering the notice to him personally or by post at his place of abode or business, if known.

Notice of seizure.

oil palm product Subs (AA540)

(2) No notice is required to be given under subsection (1) if the seizure is made in the presence of the offender or the owner, or agent of the owner, of the palm oil.

ction after
figure of
lm oil.

27. (1) A seizing officer shall take all measures to ensure that, until an order is made for the disposal of the palm oil consequent upon a prosecution or claim in respect thereof, the ~~palm oil~~ does not deteriorate in quality or value but if it is not possible to take those measures owing to the lack or absence of adequate or proper facilities or otherwise, the seizing officer may, subject to subsection (2), sell the ~~palm oil~~, or cause or arrange for it to be sold, in such manner as will secure the highest possible price for it in the circumstances.

oil palm product
(AA540)

(2) The seizing officer shall not sell, or cause or arrange to be sold, any ~~palm oil~~ under subsection (1) if he has reason to suspect that the ~~palm oil~~ is of a quality, standard or grade lower than that prescribed or permitted by this Act but shall forthwith cause the ~~palm oil~~ to be tested by an analyst.

(3) If an analyst certifies, or if the result of the test as certified by the analyst proves, that the ~~palm oil~~ tested by him under subsection (2) is of a quality, standard or grade lower than that prescribed or permitted by this Act, the seizing officer shall keep it in custody or, if no prosecution is instituted in respect of the ~~palm oil~~, cause it to be destroyed.

(4) If an analyst certifies, or if the result of the test as certified by the analyst proves, that the ~~palm oil~~ tested by him under subsection (2) is of a quality, standard or grade that conforms to or is higher than that prescribed or permitted by this Act, subsection (1) shall apply to the ~~palm oil~~.

(5) Until the result of a test under subsection (2) is obtained, the seizing officer shall take all reasonable measures possible and available in the circumstances to ensure that the ~~palm oil~~ does not deteriorate in quality or value.

(6) A seizing officer who keeps ~~palm oil~~ in custody under subsection (3) is only required to ensure that the ~~palm oil~~ is safe from loss and physical damage but is not required to take measures to preserve its quality, standard or grade.

(7) The proceeds of sale of ~~palm oil~~ under subsection (1) shall be held to abide the result of any prosecution or claim in respect thereof.

← AA735

PALM OIL REGISTRATION AND LICENSING AUTHORITY 17
(INCORPORATION)

28. The court before which a prosecution with regard to palm oil seized under this Part is held shall make an order of forfeiture or release of the palm oil or the proceeds of sale thereof but shall order forfeiture if it is proved to its satisfaction that an offence against any provision of this Act has been committed and that the palm oil was the subject matter of the offence, notwithstanding that no person may have been convicted of the offence.

Court to order release or forfeiture.

Ins. AA735

AA735

AA735

29. No prosecution in respect of palm oil seized under this Part shall be instituted more than two calendar months after the date of seizure thereof.

Time bar to prosecution.

Subs AA540

six

30. (1) If no prosecution is instituted in respect of palm oil seized under this Part within the period prescribed in section 29, the palm oil or proceeds of sale thereof shall be taken and deemed to be forfeited at the expiration of one calendar month from the date of expiration of the prescribed period unless a claim thereto is made within that month under and in accordance with this section.

Claims for seized palm oil or proceeds of sale thereof.

AA735

oil palm product (Subs. AA540)

(2) Any person asserting that he is the owner of the palm oil or the proceeds of sale thereof and that it is not liable to forfeiture may personally or by his agent authorised in writing give written notice to the seizing officer that he claims the palm oil or the proceeds of sale thereof.

AA735

(3) On receipt of a notice under subsection (2) the seizing officer shall refer the claim to the Chairman who may direct that the palm oil or the proceeds of sale thereof be released or may direct the seizing officer, by information in writing, to refer the matter to a Magistrate.

Chief executive (AA735)

AA735

(4) The Magistrate shall issue a summons requiring the Authority and the person asserting that he is the owner of the palm oil or the proceeds of sale thereof and the person from whom the palm oil was seized to appear before him, and upon their appearance or default to appear, due service to the examination of the matter and on proof that an offence against this Act has been committed and that the palm oil was the subject matter, or was used in the commission of the offence, shall order the palm oil or the proceeds of sale thereof to be forfeited or, in the absence of such proof shall order its release.

Ins. AA735

Ins. AA735

(5) In a claim under this section the person making the claim shall be the claimant and the Authority shall be the respondent and the Authority may be represented by an officer or servant thereof authorized in writing by the Chairman to so represent the Authority.

31. Any ~~palm oil~~ or proceeds of sale thereof ~~forfeited~~, or taken and deemed to be forfeited, under this Part shall be the property of the Authority.

← AA 735

AA735 Property of forfeited palm oil or proceeds of sale thereof.

32. (1) For the purposes of this Act the Minister may appoint analysts to examine and test ~~palm oil~~ and to certify its condition, type, method of processing, quality, standard and grade.

Oil palm product (AA540)

(2) In any prosecution for an offence against this Act a certificate of analysis of ~~palm oil~~ or a report on the condition, type, method of processing, quality, standard or grade thereof, purporting to be signed by an analyst shall, on production thereof by the prosecutor or defendant, be sufficient evidence of the facts stated therein unless the prosecutor or defendant requires that the analyst be called as a witness, in which case he shall give notice thereof to the other side not less than three clear days before the date of hearing.

(3) A copy of the certificate or report referred to in subsection (2) shall be sent to the defendant or the prosecutor at least seven clear days before the date of hearing, and if it is not so sent the court may adjourn the hearing on such terms as it thinks proper.

(4) Subsection (2) shall apply to a claim under section 30 as if for the words "prosecutor" and "defendant" there were substituted respectively the words "claimant" and "respondent".

33. Where it is necessary to examine or test ~~palm oil~~ seized under this Part, it shall be sufficient to examine or test only ~~ten per centum~~ of the ~~palm oil~~ or of each different type or description thereof or, if the ~~palm oil~~ is packed in different packages, of the contents of each package; and the court shall presume that the rest of the type, description or package of ~~palm oil~~ conforms, in condition, type, method of processing, quality, standard, grade or otherwise to the related ~~ten per centum~~ thereof examined or tested.

a sample not exceeding ten per centum in volume or weight (AA540) oil palm product (AA735)

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AA540

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Proportional
examination
or testing
of seized
palm oil.

PALM OIL REGISTRATION AND LICENSING AUTHORITY 19
(INCORPORATION)

34. (1) A Palm Oil Inspector or officer of customs shall have the power to investigate the commission of any offence against this Act. Power of investigation.

(2) Every person required by a Palm Oil Inspector or officer of customs to give information or produce any book, document or matter relating to the commission of the offence and which it is in the person's power to give shall give the information or produce the book, document or matter. AA735

35. Without prejudice to any other written law relating to criminal procedure, any prosecution in respect of an offence against this Act may be conducted by a Palm Oil Inspector or by any other officer or servant of the Authority authorized in writing by the Chairman to conduct the prosecution. Conduct of prosecution. AA735

PART V

GENERAL

36. The Authority may require any person connected with or involved in any aspect of the palm oil industry to submit to it any document or information which, in its opinion, is necessary for the discharge of its functions; and any person so required who wilfully and without lawful or reasonable excuse fails or refuses to submit the required document or information to the Authority or who, in submitting any required information, knowingly or recklessly makes any statement that is false in any material particular or who, with intent to deceive submits a document that is false in any material particular, commits an offence and is liable on conviction to imprisonment for a term not exceeding six months or a fine not exceeding five thousand ringgit or to both. AA735
Furnishing of information to Authority.

37. (1) A person guilty of an offence against this Act for which no penalty is provided is liable on conviction to a fine not exceeding five thousand ringgit or, if the person has been previously convicted of the like offence, to a fine not exceeding ten thousand ringgit. AA735
General provisions relating to penalties.

(2) Where an offence against this Act is continued after a person has been convicted thereof, that person is liable on conviction to a fine not exceeding one-fifth of the maximum fine to which that person was liable on the earlier conviction for each day during which the offence continues. AA735

Offences committed by corporate bodies.

38. Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of, any director, secretary or other similar officer of the body corporate or any person who was purporting to act in such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Secrecy.

39. Except for the purposes of this Act or of any criminal proceedings under this Act, no member, officer or servant of the Authority shall disclose any information that has been obtained by him in the course of his duties under this Act.

Power of Minister to issue directions.

40. The Authority shall be responsible to the Minister who may, from time to time, issue to the Authority directions on any aspect of the functions of the Authority, and every such direction shall be binding on the Authority.

Power of Minister to make regulations.

41. The Minister shall have power to make regulations for the better carrying out of the provisions of this Act and such regulations may prescribe the compounding and the method thereof of any offence committed ~~thereunder~~ ^{under this Act}

AAS60

Validation of acts done in anticipation of Act.

42. (1) All acts and things done by any person in preparation for or in anticipation of this Act and any expenditure incurred in relation thereto shall be deemed to have been authorized under this Act, provided the acts and things done are not inconsistent with the general intention and purposes of this Act; and all rights and obligations acquired or incurred as a result of the doing of those acts or things including any expenditure incurred in relation thereto shall be deemed the rights and obligations of the Authority.

(2) For the avoidance of doubt it is declared that subsection (1) does not authorize the appointment of members, officers or servants of the Authority except in so far as to authorize the temporary appointment of such persons until proper appointments are made under this Act.

SCHEDULE
(Section 3)

1. (1) A member of the Authority who—
 - (a) at three consecutive meetings of the Authority, without reasonable cause or the permission in writing of the Chairman, has neither been present nor represented by the alternate member, if any, appointed in respect of that member;

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- (b) has been found or declared to be of unsound mind;
- (c) has become bankrupt or made an arrangement with his creditors;
or
- (d) has been convicted of any offence involving fraud, dishonesty, or moral turpitude, or any offence under this Act or any regulations made thereunder;

shall cease to hold office.

(2) The provisions of subparagraph (1), other than item (a), shall apply *mutatis mutandis* to an alternate member.

(3) The terms and conditions of the appointment of the Chairman, and his remuneration, shall be determined by the Minister.

(4) There shall be paid such allowances to such members or alternate members of the Authority for attending meetings of the Authority as the Minister may determine.

(5) The appointment of every member and alternate member of the Authority shall be published in the *Gazette*.

(6) No member of the Authority shall incur personal liability for any loss or damage caused by any act or ~~commission~~ in administering the affairs of the Authority unless the loss or damage was occasioned intentionally or through recklessness or gross negligence. /ommission (AAT35)

2. (1) The Minister shall summon the first meeting of the Authority.

(2) The Authority shall meet with such frequency that there is no lapse of more than three months between meetings.

(3) The quorum of the Authority shall be six.

(4) If at any meeting of the Authority neither the Chairman nor the person exercising the functions of the Chairman is present, the members present shall elect one of their number to preside at the meeting.

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

(6) Subject to this paragraph, the Authority may determine its own procedure.

(7) The seal of the Authority shall be authenticated by the Chairman and one member of the Authority and any document that purports to be sealed with the seal of the Authority and is so authenticated shall, until the contrary is shown, be deemed to have been validly sealed.