



# LAWS OF MALAYSIA

Act 157

STANDARDS AND INDUSTRIAL RESEARCH  
INSTITUTE OF MALAYSIA (INCORPORATION)  
ACT, 1975

Date of Royal Assent ... .. 15th May, 1975

Date of publication in *Gazette* ... .. 22nd May, 1975

(REPEALED BY THE STANDARDS OF MALAYSIA  
ACT 1966 [ACT 549])

3

**LAWS OF MALAYSIA**

**Act 157**

**STANDARDS AND INDUSTRIAL RESEARCH  
INSTITUTE OF MALAYSIA (INCORPORATION)  
ACT, 1975**

---

ARRANGEMENT OF SECTIONS

---

**PART I**

**PRELIMINARY**

Section

1. Short title, application, and commencement.
2. Interpretation.

**PART II**

**THE INSTITUTE**

3. Establishment of the Institute.
4. Functions of the Institute.
5. Powers of the Institute.

**PART III**

**THE COUNCIL**

6. Establishment of the Council.
7. Membership of the Council.
8. Tenure of office.
9. Resignation and removal.
10. Disqualification from membership.
11. Vacation of office.
12. Proceedings of the Council.
13. Power of Minister to give directions.
14. Duty to furnish the Minister with information.
15. Authentication of seal.

[Arrangement of Sections]

4

ACT 157

PART IV

THE CONTROLLER, DIRECTORS, AND STAFF OF  
THE INSTITUTE

Section

16. The Controller, Directors, and their functions.
17. Other officers and employees of the Institute.
18. Loans to employees.

PART V

ADMINISTRATION

19. Committees of the Council.
20. Power of delegation.
21. Power to make rules.

PART VI

FINANCE AND REPORT

22. The fund.
23. Investment.
24. Power to borrow.
25. Estimate.
26. Accounts and audit.
27. Annual report.

PART VII

STANDARDS

28. Standard specifications.
29. Registration of marks as certification trade marks.
30. Licences to use standard marks.
31. Copyright in standard specifications.
32. Power of Yang di-Pertuan Agong to make rules.
33. Restriction on use of words "Malaysian Standard".
34. Miscellaneous offences.
35. Characteristics of commodities, etc. may be prescribed by reference to standard specifications.
36. Citation and proof of specifications.
37. Protective provisions.

PART VIII  
SUPPLEMENTAL

Section

38. Fees.
39. Property in discoveries, inventions, and improvements.
40. Public servants.
41. Secrecy.

PART IX

REPEAL AND TRANSITIONAL PROVISIONS

42. Repeal and dissolution.
43. Transfer of powers, rights, liabilities, and duties.
44. Transfer of property.
45. Existing contracts.
46. Continuance of criminal and civil proceedings.
47. Transfer of fund.
48. Continuance of officers and servants.
49. Saving of specifications, marks, and licences.
50. Prevention of anomalies.

A.A. 403/77  
A. A. 856/93.  
7

LAWS OF MALAYSIA

Act 157

STANDARDS AND INDUSTRIAL RESEARCH  
INSTITUTE OF MALAYSIA (INCORPORATION)  
ACT, 1975

An Act to establish the Standards and Industrial Research Institute of Malaysia in place of the Standards Institution of Malaysia and the National Institute for Scientific and Industrial Research; to provide for the promotion and undertaking of industrial research and for the preparation and promotion of standards for commodities, processes, and practices; and to provide for matters incidental to or connected with those purposes.

(and services  
AA856.  
d/AA856.

[ \* 16.9.1975 ] FUCE)378/75

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 Standards and Industrial Research Institute of Malaysia (Incorporation) Act, 1975, and shall apply throughout Malaysia.

Short title,  
application,  
and com-  
mencement.

(2) This Act shall come into operation on a date to be appointed by the Minister by notification in the *Gazette*; and the Minister may appoint different dates for different provisions of this Act.

2. In this Act unless the context otherwise requires—

"<sup>accreditation</sup>Chairman" and "<sup>Deputy</sup>Chairman" mean respectively the Chairman and Deputy Chairman of the Council;

Interpreta-  
tion.  
AA856.  
subs/AA856.

"<sup>committee</sup>commodity" means any article, product, or thing that is the subject of trade or commerce;

AA856

"Controller" means the Controller of the Institute;

"Council" means the Council of the Institute;

d/AA856.

"Deputy Director - General"

subs/AA856.

AA856.

d/AA856. "Director" means a Director of the Institute;

Established under section 2 AA856. "Institute" means the Standards and Industrial Research Institute of Malaysia;

"mark" includes any device, brand, heading, label, ticket, name, signature, word, letter, numeral, and any combination thereof;

AA856. → "Minister" -----

AA856. → "rules" means rules made under section 21;

d/AA856  
AA856. → "specification" means a description of a commodity, process, or practice by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, or other characteristics or a description of a commodity by reference to any mark or label on the commodity, and includes a glossary of terms, a definition, a symbol, and a recommended practice;

"standard mark" means a mark registered as a certification trade mark pursuant to section 29;

AA856. → "standard specification" means a specification that has been declared to be a standard specification pursuant to section 28;  
/but does not include a provisional standard specification.

PART II

THE INSTITUTE

Establishment of the Institute.

3. There is hereby established an institute which shall be known as the Standards and Industrial Research Institute of Malaysia and which may be referred to for all purposes by the acronym SIRIM.

Functions of the Institute.

4. The functions of the Institute are—

(a) to promote, develop, and promulgate standards for commerce and industry and for goods produced in or imported into Malaysia whether for consumption in Malaysia or for export or re-export;

(b) to promote industrial efficiency and development;

(c) to promote public and industrial welfare, health, and safety;

/scientific and AA856. (d) to promote and undertake industrial research with the object of—

(i) improving technical processes and methods;

- (ii) discovering new processes and methods;
  - (iii) encouraging the utilization of Malaysian products; and
  - (iv) adopting or adapting technology developed in other countries for use in Malaysia,
- and to apply the results of such research;
- (e) to provide industrial extension and consultative services to assist industry in meeting standards; and
  - (f) generally to improve production processes and techniques.

5. The Institute may do all such things as are reasonably necessary or expedient for, or as are incidental to or consequential upon, the discharge of its functions, and in particular, but without prejudice to the generality of the powers of the Institute or to any other powers conferred by this Act, the Institute may—

Powers of the Institute.

- (a) prepare, frame, modify, or amend specifications and promulgate standard specifications;  
*(aa), (ab), (ac), (ad) and (ae) ---*
- (b) promote research in relation to specifications and provide for the examination and testing of commodities, processes, and practices, and for those purposes establish such laboratories and other facilities as it thinks fit;
- (c) make provision for the registration of standard marks and regulate their use;
- (d) encourage and undertake educational work in connexion with standardization;
- (e) collect and disseminate by any convenient means, including the publication of reports, pamphlets, booklets, journals, and other matters, information concerning standardization and related matters;
- (f) develop and maintain a collection of library and museum materials concerning standardization and related matters;
- (g) assist the Federal Government, the State Governments, the local authorities, and other public bodies in the preparation of any specification required by them;

← AAS56.

↳ assessment  
AAS56.

↳ practices and services  
AAS56.

↳ the functions, powers and activities of the Institute and related matters.  
AAS56.

↳ the activities of the Institute.  
AAS56.

↳ AAS56

↳ AAS56.

subs/AAB55.

L. powers or activities  
AAB56.

A/AAB56.

subs/AAB56.

research and development, including designs.  
AAB57.

- (h) co-operate with the industrial sector, the Federal Government, the State Governments, the local authorities, and other public bodies or authorities with a view to securing the adoption of standards;
- (i) co-operate with any person, association, or organization outside Malaysia having similar functions as those of the Institute, with a view to furthering the effective performance of the functions of the Institute;
- (j) solicit and accept for the purposes of the Institute any money, land, or other property from any body of persons or organization by way of grant, subsidy, donation, gift, subscription, or otherwise, and where it accepts any such money, land, or other property, extend to the body of persons or organization such concessions or benefits as it thinks fit;
- (k) become a member of or affiliated to any international body concerned with standardization and related matters;
- (l) adopt with or without modifications any international or foreign specification as suitable for use in Malaysia;
- (m) appoint agents in Malaysia or abroad for such purposes as the Institute may determine;
- (n) establish branch offices of the Institute in Malaysia;
- (o) undertake tests, investigations, and researches in such manner as the Institute thinks advisable with the object of improving the technical processes and methods used in industry and of discovering processes and methods that may promote the expansion of existing industries, the development of new industries, or the better utilization of waste products;
- (p) advise on questions of a scientific, technological, or techno-economic nature affecting the utilization of natural resources and the development of productive enterprises and related services;
- (q) promote the training of research workers in the industrial field;
- (r) undertake or collaborate in the preparation, publication, and dissemination of useful technical information;

- (s) ~~co~~-operate with Government Departments, research institutions, universities, technical colleges, technical or scientific societies, and other bodies in order to promote industrial research and the training of investigators in the pure and applied sciences, technical experts, craftsmen, and artisans; ← scientific and AAS56.
- (t) otherwise assist in the advancement of industrial research and technical training; ← scientific and AAS56.
- (u), (w), (w) (x) ---- ← AAS56.

PART III  
THE COUNCIL *1,0007*

6. For the purpose of carrying out the functions and exercising the powers and directing and managing the affairs of the Institute, there is hereby established the Council of the Standards and Industrial Research Institute of Malaysia which shall be a body corporate with perpetual succession and a common seal, and which may sue and be sued in its corporate name and, subject to and for the purposes of this Act, may enter into contracts and acquire and hold property, movable or immovable, and dispose thereof or otherwise deal therewith. Establishment of the Council. Board

7. (1) The Council shall consist of the following members: *subs/AAS56.*  
Membership of the Council.
- (a) a Chairman;
  - (b) the Controller of the Institute who shall be the Deputy Chairman;
  - (c) a representative of the Ministry responsible for the Institute;
  - (d) a representative of the Prime Minister's Department;
  - (e) a representative of the Treasury;
  - (f) a representative of the Ministry responsible for the development of industries generally;
  - (g) a representative of the Ministry responsible for agricultural development;
  - (h) a representative of the Ministry of Defence;
  - (i) a representative of the Ministry responsible for machinery;

- (j) a representative of the Ministry responsible for communications;
- (k) a representative of the Ministry responsible for public works;
- (l) a representative of the States;
- (m) a representative of the National Electricity Board;
- (n) a representative of the chambers of commerce;
- (o) a person from any of the chambers or associations of manufacturers;
- (p) a representative of the Institution of Engineers (Malaysia);
- (q) a representative of the Pertubuhan Akitik-akitek Malaysia;
- (r) a person from any of the bodies for the development of productivity;
- (s) a person from any of the bodies for industrial and economic development;
- (t) a representative of the consumer organizations;
- (u) four scientists of whom two shall be from the institutions of higher learning.

(2) Members of the Council, other than the Controller, shall be appointed by the Minister and, subject to sections 8 and 9, shall, unless they sooner resign or their appointment is sooner revoked, hold office subject to such terms and conditions as the Minister may determine.

(3) Members of the Council or of any of its committees may be paid such allowances and expenses as the Minister may determine.

(4) The Deputy Chairman shall exercise the powers and perform the duties of the Chairman under this Act if during any period, owing to absence from Malaysia, illness, or any other cause, the Chairman is unable to exercise his powers or perform his duties.

AA856. →  
d/AA856.  
Tenure of  
office.

7A, 7B. ----  
8. (1) Subject to section 9 (2), a member of the Council appointed under paragraphs (a) to (l) of section 7 (1), other than the Controller, shall hold office for a period of three years and shall be eligible for reappointment; and a member of the Council appointed under paragraphs (m) to (u) shall hold office for a term not exceeding three years at any one time.

(2) Notwithstanding any other provision of this Act, the Chairman, unless he has resigned or been removed from office under section 9, shall continue in office until his successor comes into office.

9. (1) A member of the Council who is not a public officer, other than the Controller, may at any time resign his office by written notice addressed to the Secretary of the Council. Resignation and removal.

(2) A member of the Council, other than the Controller, may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister.

10. The following persons shall be disqualified from being appointed or being members of the Council: Disqualification from membership.

- (a) a person who is of unsound mind or is otherwise incapable of performing his duties or managing his affairs;
- (b) a person who has been convicted of an offence and sentenced to imprisonment for not less than one year;
- (c) a person who has been convicted of an offence involving fraud, dishonesty, or moral turpitude; and
- (d) a bankrupt.

11. A member of the Council, other than the Controller, shall be deemed to have vacated his office— Vacation of office.

- (a) upon his death;
- (b) upon his resignation;
- (c) upon his failure to attend three consecutive meetings of the Council without the permission of the Chairman.

12. (1) The Council shall meet as often and at such times and places as the Chairman may determine but there shall be at least two meetings a year. Proceedings of the Council.

(2) Meetings of the Council shall be summoned by the Secretary who shall give at least twenty-one days' notice of the meeting and of the business to be transacted at the meeting.

(3) At any meeting of the Council twelve members present in person shall form a quorum.

- (4) At every meeting of the Council—  
(a) the Chairman shall preside;  
(b) in the absence of the Chairman the Deputy Chairman shall preside;  
(c) in the absence of the Chairman and Deputy Chairman the members present shall appoint one of their number to preside.
- (5) The person presiding at a meeting of the Council shall have a deliberative vote and in the case of an equality of votes shall also have a casting vote.
- (6) A member of the Council may appoint another member to be his proxy, and the proxy so appointed may in addition to his own vote cast the vote of the member who appointed him, but no proxy may cast more than three votes in addition to his own.
- (7) Every question before the Council shall be determined by a majority of the members voting thereon.
- (8) The Council shall cause proper minutes to be kept of its proceedings at each meeting, and any such minutes purporting to be signed by the person presiding at the meeting in question or at the next meeting shall without further proof be evidence of the members present and the business transacted at the meeting.
- (9) Subject to subsection (10), a question before the Council that is not required by this Act or by the rules to be determined at a meeting may be voted on and determined by means of ballot papers sent through the post.
- (10) The determination of a question under subsection (9) shall not be effective unless—  
(a) a ballot paper has been sent to every member entitled to vote; and  
(b) the paper clearly specifies the question for determination and the final date, which shall not be less than twenty-one days after the date of despatch of the paper, for the receipt of votes by the Council.
- (11) Subject to this Act and the rules, the Council may regulate its own procedure.
13. The Minister may give to the Council directions of a general nature not inconsistent with the provisions of this Act as to the exercise of the functions and powers of the Council and the Council shall give effect to those directions.

Power of  
Minister  
to give  
directions.

14. The <sup>Board</sup> Council shall furnish the Minister with such information relating to its activities as he may from time to time require.

Duty to furnish the Minister with information. A/A 856. Authentication of seal.

15. The seal of the Council shall be authenticated by the Chairman or the Deputy Chairman and one other member of the Council; and any document purporting to be sealed with the said seal and so authenticated shall until the contrary is shown be deemed to have been validly executed.

PART IV

THE CONTROLLER, DIRECTORS, AND STAFF OF  
THE INSTITUTE

Subs/A 856.

16. (1) There shall be a Controller of the Institute who shall be appointed by the Minister.

The Controller, Directors, and their functions.

(2) There shall be three Directors of the Institute who shall be appointed by the Council with the approval of the Minister.

(3) The Council may with the approval of the Minister from time to time appoint such number of additional Directors as it considers necessary.

(4) The Controller and Directors shall be appointed on such terms and conditions as to remuneration and otherwise as may be determined by the appointing authority with the approval of the Minister of Finance.

(5) The Controller shall be the chief executive officer of the Institute and shall perform such duties and exercise such powers as may be determined or delegated by the Council.

(6) Subject to the direction and control of the Council, the Controller shall be responsible for the conduct of the Institute and the control of its Directors and staff.

(7) The Council shall appoint one of its Directors to be the Standards Director who shall be immediately responsible for, and who shall have immediate control of, the functions and activities of the Institute relating to standards; another to be the Industrial Research Director who shall be immediately responsible for, and who shall have immediate control of, the functions and activities of the Council relating to industrial research; and another to be the Director of

A856

AA856

Administration who shall be immediately responsible for, and who shall have immediate control of, the general administration of the Institute, and who shall also be the Secretary of the Council.

(8) In addition to their functions under subsection (7) the Directors shall perform such duties and exercise such powers as may be determined or delegated by the Council.

(9) If during any period, owing to absence from Malaysia, illness, or any other cause, the Controller is unable to exercise the powers and perform the duties of his office, or if the office of the Controller is for the time being vacant, the Chairman shall, with the approval of the Minister, appoint one of the Directors to act as Controller; and the Director so appointed shall exercise the powers and perform the duties of the Controller until such time as the Controller is able to resume the exercise of his powers and the performance of his duties or until another Controller is appointed under subsection (1).

Other officers and employees of the Institute.

17. The Council may from time to time appoint and employ on such terms and conditions of service as may be determined by the Council with the approval of the Minister such officers and employees as are in the opinion of the Council necessary for the proper implementation of this Act.

Loans to employees.

18. The Council may with the approval of the Minister make provision for the granting of loans to the Controller, Directors, officers, and employees of the Institute for the purchase of motor-vehicles, bicycles, or for any other purpose.

PART V

ADMINISTRATION

sub2/AA856.

Committees of the Council.

19. (1) The Council shall appoint an Executive Committee which—

(a) shall consist of the Chairman, who shall be Chairman of the Executive Committee, and such other members of the Council as the Council thinks fit; and

(b) subject to the general direction and control of the Council, shall be responsible for the day-to-day conduct of the affairs, other than the financial affairs, of the Council.

(including (A.A. 403/77))

(2) The Council shall appoint a Finance Committee which—

- (a) shall consist of the member of the Council appointed under section 7 (1) (e), who shall be Chairman of the Finance Committee, and such other members of the Council as the Council thinks fit; and
- (b) subject to the general direction and control of the Council, shall be responsible for the conduct of the financial affairs of the Council.

Sub. by:  
A. A 403/77

(3) The Council shall appoint a Standards Committee which—

- (a) shall consist of the <sup>Deputy Chairman</sup> Standards Director, who shall be Chairman of the Standards Committee, and such other members of the Council as the Council thinks fit; and
- (b) subject to the general direction and control of the Council, shall be responsible for carrying out all activities necessary for the discharge of the functions and the exercise of the powers of the Institute relating to standards and standardization and other related matters.

A. A 403/77

(4) The Council may—

- (a) appoint industry standards committees to advise the Council on questions of standardization as they affect particular industries;
- (b) appoint such other committees as it thinks expedient to advise the Council on such matters concerning the functions of the Council as may be referred to them;
- (c) appoint a person to be a member of any committee appointed under paragraph (a) or (b) whether or not he is a member of the Council; and
- (d) subject to such limitations or conditions as it may think fit, authorize any such committee to co-opt additional members whether or not they are members of the Council.

(5) Subject to this Act and the rules and to any directions given by the Council, a committee appointed under this section may regulate its own procedure.

19A, 19B, 19C, 19E, 19F, 19G and 19H. . . .

← AASEG.

Power of delegation.

20. (1) Subject to subsection (2) and to such limitations or conditions as it may think fit, the Council may delegate any of its functions or powers, except the power to make rules under section 21 and the power of delegation conferred by this subsection, to—

- (a) any committee appointed under section 19; or
- (b) the Controller, any Director, or any officer of the Council.

(2) The Council shall not delegate its power under section 30 (8) other than to the Standards Committee.

(3) Subject to such limitations or conditions as the committee or the Council may think fit, a committee appointed under section 19 may delegate any of its functions or powers, including any function or power delegated under subsection (1), to—

- (a) a sub-committee appointed by itself from among its own members; or
- (b) any of its members.

(4) Where a committee, sub-committee, or person purports to act pursuant to a delegation under subsection (1) or (3), the committee, sub-committee, or person shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(5) A delegation under subsection (1) or (3) may be revoked at any time by the Council or the delegating committee, as the case may be, and no such delegation shall prevent the exercise of any function or power by the Council or delegating committee.

Power to make rules.

21. (1) Subject to subsections (2) and (3), the Council may make rules for the better carrying into effect of the purposes and provisions of this Act and the functions and powers of the Institute and in particular for all or any of the following purposes:

- (a) prescribing the manner in which specifications may be declared to be standard specifications;
- (b) regulating the promulgation of standard specifications;
- (c) providing for the amendment or withdrawal of any standard specification and regulating the procedure in relation thereto;

- (d) regulating the issue of licences to use standard marks, prescribing terms and conditions upon or subject to which such licences may be issued, and regulating the renewal, suspension, or revocation thereof and the procedure for appealing against any such suspension or revocation; /or certificates  
AA856.
- <sup>(da), (db), (dc)</sup> (e) prescribing methods of proving the existence or non-existence, or the terms and conditions, of any licence granted under this Act; ← AA856.
- (f) prescribing forms for the purposes of this Act;
- (g) prescribing the sale price or methods of fixing the sale price of copies of standard specifications or other publications; / certificate,  
accreditation  
certificate or  
registration  
AA856.
- (h) prescribing matters in respect of which fees are to be payable under this Act or the rules, the amount of the fees, and the persons liable to pay them;
- (i) authorizing the refund or remission, in such circumstances as may be prescribed, of any fees payable under this Act or the rules;
- (j) prescribing the procedure to be followed at meetings of the ~~Council or of a committee appointed under section 19;~~ / Board, Councils  
or committees  
AA856.
- (k) prescribing the duties of the Controller, Directors, officers, and employees of the Council; Sub AA856.  
AA856.
- <sup>(ua), (ub) and (uc)</sup> (l) providing for the custody of the property of the Council, and the custody and use of the common seal of the Council;
- (m) prescribing methods of serving or delivering notices and other documents for the purposes of this Act;
- (n) providing for such matters as may be necessary or expedient for the administration of the affairs of the ~~Council or of a committee appointed under section 19.~~ / Board, Councils  
or committees;  
and  
AA856.
- <sup>(d)</sup> (2) If it is proposed to submit to any meeting of the Council a motion for the making or for the amendment or revocation of rules, written notice of the motion shall be given to every member of the Council who is present in Malaysia at least ~~twenty-one~~ <sup>fourteen</sup> days before the date of the meeting. / fourteen  
AA856.
- (3) All rules made under subsection (1) shall be submitted to the Minister as soon as may be after being made and shall have no effect until they have been approved by him.

AA856. →

FINANCE AND REPORT

The fund 22. (1) For the purposes of this Act there is hereby established a fund to be administered and controlled by the Council.

(2) There shall be paid into the fund—

- (a) all moneys appropriated from time to time by Parliament for the purposes of the Institute;
- (b) all moneys paid to or received by the Institute pursuant to the collection of fees or the sale of publications;
- (c) all moneys received by the Institute pursuant to section 39 (2);
- (d) all moneys received by the Institute/by way of grant, contribution, endowment, subsidy, gift, bequest, donation, subscription, rent, interest, and royalty;
- (e) all other moneys lawfully paid to or received by the Institute; and
- (f) all accumulations of income derived from moneys paid into the fund;

*from within or outside Malaysia*  
AA856.

*d/AA856.*

AA856. →

(3) There shall be defrayed out of the fund—

AA856. →

- (a) such expenditure relating to the administration and functions of the Institute as may be approved by the Minister; and
- (b) such other expenditure as may be paid in accordance with the provisions of this Act.

Subs/AA856.  
Investment.

23. Subject to the terms of any trust or endowment, moneys belonging to the Institute and available for investment may be invested in accordance with the law regulating the investment of trust funds.

Power to borrow.

24. With the prior consent in writing of the Minister of Finance, the Council may borrow money from the Government or from any person and, for the purpose of securing any money so borrowed, may mortgage, charge, or pledge any right, title, estate, or interest in any of its property.

25. (1) Before the beginning of July of each year the Council shall submit to the Minister an estimate of its expenses, including those for development projects, for the following year in such form and with such particulars as the Minister may require, and the Minister shall before the beginning of November of that year notify the Council of the amount authorized with the concurrence of the Minister of Finance for expenses generally or for each description of expenditure. Estimate.

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

26. (1) The Council shall keep proper accounts and other records in respect of its operations, and shall prepare statements of account in respect of each financial year. Accounts and audit.

(2) The accounts of the Council shall be audited annually by the Auditor General or some other auditor appointed by the Council with the approval of the Minister of Finance.

(3) After the end of each financial year, as soon as the accounts of the Council have been audited, the Council shall cause a copy of the statement of account to be transmitted to the Minister together with a copy of any observations made by the Auditor General or other auditor appointed under subsection (2) on any statement of account or on the accounts of the Council.

(4) The Minister shall as soon as practicable cause a copy of every such statement and observations to be laid on the table of each House of Parliament. blue

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

(2) The Minister shall as soon as practicable cause a copy of every such report to be laid on the table of each House of Parliament. Reference

27A. ----

← AA856.

PART VII

STANDARDS

Standard specifications.

or a provisional standard specification.

AA856.

or provisional standard specification.

AA856.

practice or service

AA856.

28. (1) The Council may declare any specification, including any international or foreign specification that it has adopted with or without modifications, to be a standard specification, for the purposes of this Act, and may amend or withdraw any standard specification.

(2) If any written law other than this Act prescribes, or authorizes the making of subsidiary legislation to prescribe, any characteristics of any commodity, process, or practice, the Council shall not—

(a) declare any specification in respect of that commodity, process, or practice to be a standard specification; or

(b) amend or withdraw a standard specification declared in respect of that commodity, process, or practice,

except with the approval of the Minister or other authority responsible for the administration of that written law.

(3) No specification shall be declared to be a standard specification, and no standard specification shall be amended or withdrawn, unless the Council is satisfied that persons who may be affected by the declaration, amendment, or withdrawal have had an opportunity to consider it and to comment thereon to the Council or to an appropriate committee of the Council.

AA856. →

(4) The declaration, amendment, or withdrawal of a standard specification shall be promulgated in the manner prescribed by rules or, if no such rules have been made, in such manner as may be determined by the Council.

(5) The Council shall cause the fact of the declaration, amendment, or withdrawal, but not the text of the specification declared, amended, or withdrawn, and the date on which it is to take effect to be notified in the *Gazette*.

(6) In the absence of proof to the contrary—

(a) a notification in the *Gazette* under subsection (5) shall be sufficient evidence of the matters stated therein; and

(b) the fact that a specification has been declared to be a standard specification or that a standard specification has been amended or withdrawn shall be sufficient evidence that the requirements of this section have been complied with.

29. (1) The Council may apply to the Registrar of Trade Marks for the registration of any mark as a certification trade mark under section ~~75~~ of the Trade Marks Ordinance, ~~1950~~ 1976

Registration of marks as certification trade marks.

Act 175

(2) Notwithstanding anything to the contrary in the Ordinance—

Act. 175  
AA856.  
Subs/AA856.

(a) a mark adapted in relation to any goods to distinguish in the course of trade goods that conform to a standard specification from goods that do not conform to that or any other standard specification shall be registrable as a certification trade mark under section 75 of the Ordinance in respect of the first-mentioned goods in the name of the Council as the proprietor of the certification trade mark;

Act 175 of the Trade Marks Act 1976.  
AA856.

(b) any such certification trade mark may contain or consist of the words "Malaysian Standard" or the acronym "SIM"; and in relation to an application made under this section, those words and acronym shall be deemed, for the purposes of section 75 (2) of the Ordinance, to be inherently adapted to distinguish as stated in paragraph (a);

Trade marks Act 1976.  
AA856.

FOR SIRIM  
(A.A 403/77)

(c) in relation to an application made by virtue of this section and to a certification trade mark registered pursuant to such an application, section ~~75~~ of the Ordinance shall have effect subject to the foregoing provisions of this section and as if references in section ~~75~~ of the Ordinance to regulations for governing the use of certification trade marks had been omitted; and

Act 175 of the said Act.  
AA856.

rules  
AA856.

(d) except pursuant to an application made by the Council under this section, no trade mark shall be registrable under the Ordinance, whether as a certification trade mark or otherwise, if it contains or consists of the words "Malaysian Standard" or the acronym "SIM" or if it so nearly resembles those words or the acronyms as to be likely to deceive or cause confusion.

Act  
AA856.

FOR SIRIM  
(A.A 403/77)

MS  
AA856.

acronyms.  
AA856.

24/76

(3) Nothing in subsection (2) shall be construed as affecting the validity of any trade mark entered in the Register of Trade Marks before the 1st February, 1967.

Licences/  
to use  
standard  
marks.  
A/AA856  
for certificates  
AA856.

30. (1) Any person desiring to use any standard mark in connexion with any commodity, process, or practice may make application to the Council in such manner as the Council may determine or as may be prescribed by rules.

for service  
AA856  
A/AA856.

(2) If on an application being made under subsection (1) the Council is satisfied that the commodity, process, or practice in connexion with which the applicant desires to use a standard mark conforms to a standard specification, it may grant to the applicant a licence to use the standard mark subject to such conditions, if any, as the Council may think fit or as may be prescribed by rules.

for service  
AA856.  
terms and  
AA856.  
AA856. → (2A) - - -

(3) No licence under this section shall be granted for any period exceeding one year but—

for certificate  
AA856.

(a) so long as the terms of the licence are complied with, the licence may from time to time be renewed by the Council for such period or periods, not exceeding one year at a time, as it thinks fit;

and conditions  
AA856.

(b) the licence shall be deemed to be renewed from time to time for periods of one year unless specifically revoked.

(4) Every person who applies for a licence to be granted under this section and every person to whom a licence is so granted shall, if he is at any time required by the Council to do so—

subs/AA856.

(a) submit for examination or testing samples of the commodity in respect of which the licence is applied for or has been granted;

for service  
AA856.

(b) submit any information relating to the production and testing by him of that commodity or relating to the process or practice in respect of which the licence is applied for or has been granted.

subs/AA856.

(5) Any sample required under subsection (4) to be submitted for examination or testing may be selected at random by any person acting for the Council and shall be submitted to the Council without any charge being made by the person submitting it.

(6) When any sample of a commodity has been submitted or selected for examination or testing pursuant to this section, there shall be payable to the Council by the applicant or licensee whose commodity has been so submitted or selected the reasonable costs of the examination or testing and such other costs as may reasonably be incurred in connexion with the examination or testing.

(7) The Council shall keep a register in which there shall be recorded the details of every licence granted under this section and which shall at all reasonable times be open to inspection by the public at the office of the Council.

(8) The Council may at any time suspend or revoke a licence granted under this section, but—

(a) a licensee whose licence has been suspended or revoked by the Standards Committee in exercise of the powers delegated to it by the Council may appeal to the Council; and

(b) a licensee whose licence has been suspended or revoked by the Council or who is dissatisfied with the decision of the Council on an appeal made by him under paragraph (a) may appeal to the Minister whose decision shall be final.

for certificate  
AA856.

for certificate  
holder  
AA856.  
← AA856.

36A. ----

31. (1) The copyright in every standard specification shall vest in the Council for a period of fifty years from the date when the specification was first declared to be a standard specification and shall then expire, whether or not the specification has been subsequently amended.

Copyright  
in standard  
specifica-  
tions.

(2) A copyright subsisting by virtue of subsection (1) shall enjoy the same protection as a copyright subsisting by virtue of any written law relating to copyright generally, and such written law shall apply accordingly.

32. (1) The <sup>Minister</sup> Yang di-Pertuan Agong may make rules—

Power of  
Yang di-  
Pertuan  
Agong to  
make rules.

(a) requiring any Department of the Government or any public corporation to recognize and make use of standard specifications in the exercise of its functions, either generally or in a particular case or cases;

Minister  
AA856.

(b) in matters affecting the safety, health, or welfare of the public, prohibiting the import, manufacture, sale, or use of any particular ~~article~~ if it does not conform to a particular standard specification and providing for the enforcement of the prohibition by licensing, inspection, or other suitable means.

*<Commodity  
AA856.*

(2) In subsection (1) "public corporation" means—

(a) a body corporate established by Federal law to discharge, otherwise than with a view to making profit, any function of a public nature, including the provision of railway services, the supply of electricity, the provision of other public utilities and similar services, the management of any port or harbour, and the carrying out of rural or urban development and the development of trade; or

(b) a corporation having a share capital in which the Government holds the controlling interest.

Restriction on use of words "Malaysian Standard".

*<AA856.*

33. (1) Except with the consent of the Minister, no body of persons, corporate or incorporate, shall exercise the functions for which it is formed under a name that contains the words "Malaysian Standard" or any abbreviation thereof.

(2) Where any written law provides for the registration of any body of persons, the registering authority may refuse registration if in its opinion the use of the name by which the body desires to be registered is prohibited by subsection (1).

(3) This section shall with the necessary modifications apply to an individual person carrying on business under any name or style other than his own.

(4) Any body of persons that, or any person who, does any act in contravention of this section shall, unless it is proved that the act was not done for gain or with intent to defraud, be guilty of an offence and shall be liable on conviction to a fine not exceeding ~~five thousand dollars~~.

*<ten thousand ringgit.  
AA856.  
suggested  
Act 160*

(5) Nothing in this section shall apply to the use by any body of persons or any person of any name that was in use in Malaysia by that body or person, or any predecessor in business of that body or person, before the 1st February, 1967.

34. Any person who—

Miscellaneous offences.

(a) makes any statement or representation, whether in writing or not, or uses any mark with reference to any commodity, process, ~~or practice~~, that conveys or is likely to convey the impression that a person who is not licensed to use a standard mark with reference to that commodity, process, ~~or practice~~ is so licensed ~~or~~ is otherwise entitled to use a standard mark; ~~or~~

← practice or service  
AA856.

d/AA856.

(b) makes any statement or representation, whether in writing or not, or uses any mark that conveys or is likely to convey the impression that a commodity, process, or practice complies with a standard specification when it does not so comply; ~~or~~

d/AA856.  
← or certified  
AA856.

(c) having been licensed to use a standard mark, uses that standard mark after the revocation of his licence or otherwise than in accordance with the terms and conditions of his licence;

← or during the suspension.  
AA856.

(d), (e) and (f) -----

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ~~ten thousand dollars~~ and, in the case of a continuing offence, to a further fine not exceeding ~~one hundred dollars~~ for every day on which the offence is continued.

← or certificate  
AA856.  
← one hundred thousand ringgit.  
Ringggit AA856.  
← Act 160  
← one thousand ringgit.  
AA856.

34A. -----

35. Where any written law confers power to prescribe or define, whether by subsidiary legislation or otherwise, any characteristics of any commodity, process, ~~or practice~~; those characteristics or any of them may be prescribed or defined by reference to any standard specification or part thereof.

Characteristics of commodities, etc. may be prescribed by reference to standard specifications. ← or service  
AA856.

36. (1) In any written law a standard specification may, without prejudice to any other mode of citation, be cited by the title or number given to it by the Council; and any such citation shall, unless the context otherwise requires, be deemed to refer to that standard specification as in force at the time when the law was made.

Citation and proof of specifications.

(2) Without prejudice to any other mode of proof, it is hereby declared that the production in any legal proceedings of a copy of a standard specification purporting to be issued by or under the authority of the Council shall be sufficient evidence of the standard specification in the absence of proof to the contrary.

Protective provisions.

For service  
AA856.

37. (1) The fact that—

(a) any commodity, process, or practice conforms or is alleged to conform to a standard specification; or

(b) a standard mark is used in connexion with any

~~process, practise~~ commodity

or service  
AA856.

shall not give rise to any claim against the Institute, the Council, or the Government.

sub2/AA856.

(2) No member of the Council or of a committee appointed under section 19 and no officer or servant of the Council shall be personally liable for any act done or default made by the Council, by the committee, or by the officer or servant in good faith in the course of operations of the Council or the committee.

PART VIII

SUPPLEMENTAL

Fees.

Design.  
AA856.

38. The Council may from time to time fix the fees to be charged in respect of any research, investigation, test, advice, or other services that the Institute is requested to carry out, render, or perform.

Property in discoveries, inventions, and improvements.

39. (1) The property in every discovery or invention of and improvement in any process, apparatus, and machine made by an officer or employee of the Institute in the course of his official duties or during the period when the officer or employee is under the employment or in the service of the Institute shall vest in the Institute, but the Council may with the approval of the Minister pay to the officer or employee a bonus for the discovery, invention, or improvement.

(2) The Council may with the approval of the Minister make available any discovery, invention, or improvement vested in the Institute by virtue of subsection (1) to any person subject to the payment of such fees or royalties and to such conditions, if any, as the Council may with the approval of the Minister determine.

Sub2/AA856.

Public servants.  
F.M.S.  
Cap. 45.

Sarawak  
Cap. 57.

40. All members of the Council and the committees appointed under section 19, the Controller and Directors, and all officers and employees of the Institute shall be deemed to be public servants within the meaning of the Penal Code applicable.

Act A327

AA856. →

40A. ---

41. (1) Except for the purposes of this Act or of any criminal proceedings under this Act, a member of the Council or a committee appointed under section 19, the Controller, a Director, or an officer or employee of the Institute shall not disclose any information relating to any individual business that has been obtained by him in the course of his duties and that is not published in pursuance of this Act.

Secrecy.  
for a committee  
AASSB.  
d/AASSB.

(2) All information obtained by the Council, the Controller, a Director, or an officer or employee of the Institute or by any other person in the course of the administration of this Act as to any formula, process, or practice shall be treated as confidential save for purposes connected with the administration of this Act.

d/AASSB.  
for a Council, or  
a committee  
AASSB.  
Commodity,  
process, practice  
or service.  
AASSB.

(3) Any person who in contravention of this section communicates information to any person or suffers or allows any person to have access to information shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

ruiggit  
Act 160

PART IX

REPEAL AND TRANSITIONAL PROVISIONS

42. The Standards Act, 1966 and the National Institute for Scientific and Industrial Research (Incorporation) Act, 1971 are repealed and the several bodies established thereunder, namely the Standards Institution of Malaysia, the National Institute for Scientific and Industrial Research, and their respective Councils, each of which is hereafter in this Part referred to as "a dissolved body", are dissolved.

Repeal and  
dissolution.  
76/66.  
Act 48.

(2) — —  
43. All powers, rights, privileges, duties, or obligations that immediately before the commencement of this Act were those of a dissolved body shall devolve as from that commencement on the Institute and the Council.

P.U.(A) 224/76.  
Transfer of  
powers,  
rights,  
liabilities,  
and duties.

44. (1) All lands that immediately before the commencement of this Act were vested in, or reserved under any written law relating to land for the purposes of, a dissolved body shall upon that commencement vest in or be deemed to be reserved for the purposes of the Institute and the Council.

Transfer of  
property.

(2) All property and assets other than land that immediately before the commencement of this Act were vested in a dissolved body or in any person on its behalf shall upon that commencement vest in the Institute and the Council.

Existing contracts.

45. All deeds, bonds, agreements, instruments, and working arrangements subsisting immediately before the commencement of this Act and affecting any of the property transferred under section 44 shall be in full force and effect against or in favour of the Institute and the Council as fully and effectually as if, instead of a dissolved body or any person acting on its behalf, the Institute and the Council had been named therein or been a party thereto.

Continuance of criminal and civil proceedings.

46. (1) Neither the repeal under section 42 nor anything contained in this Act shall affect the liability of any person to be punished or prosecuted for offences committed under the repealed Acts before the commencement of this Act or shall affect any proceedings brought before that commencement in respect of such offences.

(2) Any proceedings, whether civil or criminal, or cause of action pending or existing immediately before the commencement of this Act by or against a dissolved body or any person acting on its behalf may be continued or instituted by or against the Council as it might have been by or against the dissolved body or such person if this Act had not been passed.

(3) Any appeal brought or any leave to appeal applied for on or after the commencement of this Act against a decision given before that commencement in any legal proceedings to which a dissolved body was a party may be brought by or against the Council.

Transfer of fund.

47. All moneys standing in, or due to be paid to, the fund of a dissolved body shall on the commencement of this Act be transferred to the fund established under section 22.

Continuance of officers and servants.

48. Every person who immediately before the commencement of this Act was employed as an officer or servant of a dissolved body shall on that commencement be employed as an officer or servant, as the case may be, of the Institute upon terms and conditions of service no less favourable than those obtaining immediately before that commencement.

49. (1) All specifications declared to be standard specifications under section 19<sup>b</sup> of the Standards Act, 1966 and subsisting as standard specifications immediately before the commencement of this Act shall continue to subsist as standard specifications declared under section 28 of this Act until withdrawn under that section.

Saving of specifications, marks, and licences. P.U.(A) 224/76 76/66.

(2) All marks registered as certification trade marks by virtue of section 18<sup>19</sup> of the said Act and remaining so registered immediately before the commencement of this Act shall continue to remain registered and shall be deemed to have been registered pursuant to section 29.

P.U.(A) 224/76

(3) All licences to use standard marks granted under section 20 of the said Act and subsisting immediately before the commencement of this Act shall remain valid as licences issued under section 30 until they expire or are revoked under this Act.

50. (1) If any difficulty arises in connexion with the transitional provisions contained in this Part, the Minister may, subject to subsection (2), by order make such modifications therein as may appear to him necessary for preventing anomalies.

Prevention of anomalies.

(2) The Minister shall not exercise the powers conferred by subsection (1) after the expiration of two years from the commencement of this Act.

SCHEDULE - - - -

← AAR56.