



LAWS OF MALAYSIA

Act 84

**MALAYSIAN RUBBER EXCHANGE AND
LICENSING BOARD ACT, 1972**

Date of Royal Assent ... 26th September, 1972

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LAWS OF MALAYSIA**Act 84****MALAYSIAN RUBBER EXCHANGE AND
LICENSING BOARD ACT, 1972**

ARRANGEMENT OF SECTIONS

Section

1. Short title, commencement and application.
2. Interpretation.
3. Establishment of the Malaysian Rubber Exchange and Licensing Board.
4. Functions of the Board.
5. Minister's directions.
6. Appointment of officers and servants of the Board.
7. Delegation.
8. Fund.
9. Accounts and audit.
10. Modifications in Rubber Enactments in force.
11. Rubber Regulations.
12. Extension and amendments of certain laws.
13. Vesting of property and transfer of rights and liabilities.
14. Saving.

SCHEDULE.

LAWS OF MALAYSIA

Am. Act A 292/75
Act A 349/76

Act 84

MALAYSIAN RUBBER EXCHANGE AND
LICENSING BOARD ACT, 1972

An Act to make provisions for the establishment and incorporation of the Malaysian Rubber Exchange and Licensing Board and for matters connected therewith.

[1st September 1973]

PU(A)234/73

Except ss. 12 & Schedule

Sec: 12 & Schedule w.e.f. 1.1.74

— Pu(B) 576/73.

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

1. (1) This Act may be cited as the Malaysian Rubber Exchange and Licensing Board Act, 1972, and shall subject to subsection (2), come into force on such date as the Minister may by notification in the *Gazette* appoint. Short title, commencement and application.

(2) The Minister may appoint different dates for the coming into force of different sections of the Act.

(3) This Act shall apply throughout Malaysia.

2. (1) In this Act, unless the context otherwise requires— Interpretation.
“Minister” means the Minister responsible for the rubber industry;

“Rubber Enactments in force” means the Rubber Regulation Enactment, 1936, the Rubber Supervision Enactment, 1937 and the corresponding Rubber Enactments, Rubber Ordinances and Rubber Regulations in force as amended or modified by this Act. F.M.S. 37 of 1936.
F.M.S. 10 of 1937.

(2) This Act shall be read and construed as one with the Rubber Shipping and Packing Control Ordinance, 1949, 74/49.
the Federation of Malaya Rubber Exchange (Incorporation) Act, 1962, 11/62.
the Rubber Export Registration Act, 1966 37/66.
and the Rubber Enactments in force.

Establishment of the Malaysian Rubber Exchange and Licensing Board.

3. (1) There is hereby established a Board which shall be a body corporate by the name of "Malaysian Rubber Exchange and Licensing Board" (hereinafter referred to as "the Board") and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.

(2) The Board shall consist of the following members who shall be appointed by the Minister—

- (a) a Chairman;
- (b) a Deputy Chairman who shall act as an alternate Chairman;
- (c) a representative of the Ministry of Primary Industries;
- (d) four representatives of the rubber industry of whom two shall represent the estate sector of the rubber industry from the nominations of the Rubber Producers' Council and two others shall represent the smallholder sector of the rubber industry;
- (e) four representatives of the rubber trade;
- (f) one representative of Bank Negara, Malaysia;
- (g) one representative of the Malaysian Rubber Development Corporation;
- (h) one representative of the Federal Land Development Authority;
- (i) two representatives of East Malaysia, one of whom shall be nominated by the Government of Sabah and the other by the Government of Sarawak:

→ *pro-vided here*
 (3) There shall be appointed or nominated as the case may be in respect of each member of the Board other than the Chairman and Deputy Chairman an alternate member who may attend meetings of the Board when the substantive member is temporarily unable to attend and when so attending such alternate member shall be deemed for all purposes to be a member of the Board.

(4) If any member of the Board dies or resigns, the vacancy so created shall be filled by appointment or nomination of another person in the same manner as provided in subsection (2).

(5) Every member of the Board shall hold office on such terms and for such period as may be specified in the letter of appointment and shall be eligible for reappointment.

MALAYSIAN RUBBER EXCHANGE AND LICENSING BOARD 7

(6) The Minister shall cause the appointment of every member and every alternate member of the Board to be published in the *Gazette*.

(7) The Chairman or the Deputy Chairman when acting as Chairman shall have the right to vote on any question and in the event of the division of votes being equal, he shall have also a casting vote.

4. The Board shall be responsible for—

- (a) the registration and licensing of all persons engaged in the business of packing rubber for export or shipping rubber for export within the meaning of the Rubber Shipping and Packing Control Ordinance, 1949;
- (b) the proper and effective management of the Corporation established under section 3 of the Federation of Malaya Rubber Exchange (Incorporation) Act, 1962;
- (c) the issue of licences to rubber dealers within the meaning of the Rubber Enactments in force;
- (d) investigation and supervision of rubber dealing activities including the movement and transport of rubber within the meaning of the Rubber Enactments in force;
- (e) the co-ordination of activities in the marketing of rubber with a view to promote the efficient marketing of rubber from Malaysia;
- (f) the cooperation and liaison with all other national agencies responsible for provision of agricultural credits, processing and marketing of rubber.

Functions
of the
Board.

74/49.

11/62.

5. The Board shall be responsible to the Minister and the Minister may, from time to time, issue directives on any aspect of the functions of the Board and any such directive shall be binding on the Board.

Minister's
directions.

6. (1) The Board may appoint such officers or servants as it thinks fit for the purpose of carrying out the functions of the Board.

Appoint-
ment of
officers and
servants of
the Board.

(2) All members, officers and servants of the Board shall be deemed to be public servants within the meaning of the Penal Code.

Delegation. 7. The Board may delegate, subject to such conditions or restrictions as it may impose, such of its functions as it may think fit to such person or body of persons as it may specify in the delegation.

Fund. 8. For the purpose of this Act there is hereby established a Fund into which shall be paid—

74/49.
11/62.
57/66. (a) all revenues accruing to the Board under the Rubber Shipping and Packing Control Ordinance, 1949, the Federation of Malaya Rubber Exchange (Incorporation) Act, 1962, and the Rubber Export Registration Act, 1966; and

(b) any grant paid into the Fund from the Federal Consolidated Fund,

out of which shall be paid all outgoing expenditures of the Board including the remuneration and other allowances payable to the members, officers or servants of the Board as are expedient for the proper carrying out of the provisions of this Act.

Accounts and audit.

9. (1) The Board shall cause full and true accounts of the Fund to be kept and shall as soon as possible after the 31st December of each year, issue a report of the Fund together with a balance sheet and an account of income and expenditure during the preceding year, calculated from the 1st January or from the date of the inception of the Fund to the 31st December, and a list of the investments (if any) of the Fund showing their cost price and value at such last mentioned date.

(2) The annual balance sheet, income and expenditure and list of investments (if any) of the Fund shall, prior to the issue thereof, be audited by the Auditor General or such auditor as the Minister may appoint.

(3) The Annual Report of the Board and the Auditor's Report shall be transmitted by the Board to the Minister not later than 30th September of each year and shall be laid on the table of both Houses of Parliament by the Minister and published in the *Gazette*.

Modifications in Rubber Enactments in force.

10. Notwithstanding anything contained in the Rubber Enactments in force, all provisions contained therein relating to the appointment or the establishment of the rubber dealers Licensing Authority shall, upon the commencement of this Act, cease to have force or effect; and the Board constituted under this Act shall appoint in respect of any State,

MALAYSIAN RUBBER EXCHANGE AND LICENSING BOARD 9

district or area a Licensing Authority and such licensing authority shall have all the powers as if the Licensing Authority has been appointed under the Rubber Enactments in force.

11. (1) For the proper and effective carrying out of the provisions of this Act, the Minister may make regulations for all or any of the following matters— Rubber Regulations.

- (a) the control and supervision of dealings in rubber including the sale, supply and export of rubber;
- (b) the control and regulation of packing, grading and shipping of rubber;
- (c) for the purposes of ensuring that the quality of rubber to be exported is of such standard as may be prescribed and for the prevention of fraud in connection therewith, the control and supervision of such standards including the prescribing of marks to be stamped or otherwise inscribed on rubber packed for export or on bales of rubber shipped for export; and
- (d) generally for the better and effective carrying out of the provisions of this Act, such regulations as may be necessary with a view to improve or revise the provisions of the Rubber Enactments in force and the proper conduct of the trade and commerce in, and for the marketing and export of rubber.

(2) Any regulations made under subsection (1) may amend, modify, repeal or replace any provisions of the Rubber Enactments in force.

12. The Rubber Shipping and Packing Control Ordinance, 1949, the Federation of Malaya Rubber Exchange (Incorporation) Act, 1962 and the Rubber Export Registration Act, 1966 shall be extended throughout Malaysia and shall be amended in the manner specified in the Schedule to this Act. Extension and amendments of certain laws.
74/49.
11/62.
37/66.

13. All property movable or immovable, which immediately before the commencement of this Act was vested in or held by or for the Malayan Rubber Export Registration Board established and constituted under the Rubber Shipping and Packing Control Ordinance, 1949 and the Board constituted under the Federation of Malaya Rubber Exchange (Incorporation) Act, 1962 shall on the coming into force of this Vesting of property and transfer of rights and liabilities.
74/49.
11/62.

Act and without any conveyance, assignment or transfer whatever vest in or pass to the Board constituted under this Act for the like title, estate or interest and on the like tenure and for the like purposes as the same was vested or held immediately before the coming into force of this Act; and all rights and liabilities which immediately before the said commencement were the rights and liabilities of the first mentioned Boards shall upon the commencement be the rights and liabilities of the Board constituted under this Act.

Saving. 14. Nothing in this Act shall affect any licence, permit or approval issued, granted or obtained under any law amended or modified by this Act and such licences, permits or approvals shall continue to have effect subject to the same terms and conditions carried therewith.

SCHEDULE

*Amendments to the Rubber Shipping and
Packing Control Ordinance, 1949*

Sections	Amendments
2 ...	Substitute for the definition "the Board" therein the following— "the Board" means the Malaysian Rubber Exchange and Licensing Board established under the Malaysian Rubber Exchange and Licensing Board, Act, 1972; '.
4 ...	Delete the whole.
5 ...	Delete the whole.
6 ...	Delete the whole.
7 (1) ...	Insert immediately after the word "Ordinance" appearing at the end of the second proviso the following— "or if it is of the opinion that the applicant is otherwise not a fit and proper person to be registered under this Ordinance."
9 (5) ...	Substitute for the words "Yang di-Pertuan Agong and the Governor of the Colony" the word "Minister".
11 (1) ...	Substitute for the words "Yang di-Pertuan Agong and the Governor of the Colony" the word "Minister".
15 ...	Delete the whole.
16 (1) ...	(a) Substitute for the words ' Yang di-Pertuan Agong and the Governor of the Colony' the word "Minister"; (b) Delete paragraphs (a) and (b).

MALAYSIAN RUBBER EXCHANGE AND LICENSING BOARD 11

(2) *Amendments to the Federation of Malaya Rubber Exchange (Incorporation) Act, 1962*

Sections	Amendments
2	<p>... (a) Substitute for the definition "Board" therein the following—</p> <p>‘“Board” means the Malaysian Rubber Exchange and Licensing Board constituted under the Malaysian Rubber Exchange and Licensing Board Act, 1972;’.</p> <p>(b) Substitute for the definition "Minister" therein the following—</p> <p>‘“Minister” means the Minister responsible for the rubber industry;’.</p>
10	... Delete the whole.
11	... Delete the whole.
13	... Delete the whole.

(3) *Amendment to the Rubber Export Registration Act, 1966*

Section	Amendment
2	<p>... Substitute for the definition "Minister" therein the following—</p> <p>‘“Minister” means the Minister responsible for rubber industry;’.</p>