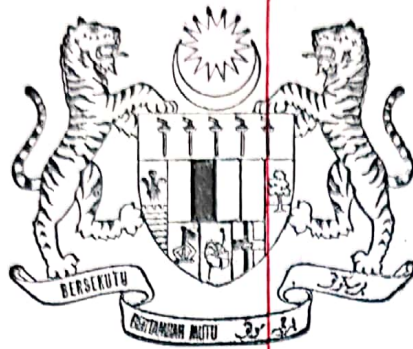


Repealed by Act 157



LAWS OF MALAYSIA

Act 48

**NATIONAL INSTITUTE FOR SCIENTIFIC AND
INDUSTRIAL RESEARCH (INCORPORATION)
ACT, 1971**

Date of Royal Assent 27th September, 1971

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NATIONAL INSTITUTE FOR SCIENTIFIC AND
INDUSTRIAL RESEARCH (INCORPORATION)
ACT, 1971

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LAWS OF MALAYSIA

Act 48

NATIONAL INSTITUTE FOR SCIENTIFIC AND INDUSTRIAL RESEARCH (INCORPORATION) ACT, 1971

An Act to incorporate the National Institute for Scientific and Industrial Research and to make provisions for matters connected therewith.

[1st October, 1971.]

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

PART I
PRELIMINARY

- 1. This Act may be cited as the National Institute for Scientific and Industrial Research (Incorporation) Act, 1971 and shall have effect throughout Malaysia. Short title and effect.
- 2. In this Act unless the context otherwise requires— Interpretation.
 - “Chairman” or “Vice Chairman” means respectively the Chairman or Vice Chairman of the Council of the National Institute for Scientific and Industrial Research;
 - “Council” means the Council of the National Institute for Scientific and Industrial Research;
 - “Director” means the Director of the National Institute for Scientific and Industrial Research;
 - “financial year” means a year beginning on 1st January;
 - “Institute” means the National Institute for Scientific and Industrial Research;
 - “Minister” means the Minister for the time being charged with the responsibility for the Institute.

PART II

THE INSTITUTE

Establishment of the Institute.

3. There is hereby established a body which shall be known as the National Institute for Scientific and Industrial Research.

Functions of the Institute.

4. It shall be the functions of the Institute to promote, co-ordinate and undertake scientific and industrial research and for such purposes the Institute may—

- (a) undertake testings, investigations and researches in such manner as the Institute may deem advisable with the objects of improving the technical processes and methods used in industry and of discovering processes and methods which may promote the expansion of existing industries or the development of new industries or the better utilisation of waste products;
- (b) advise on questions of a scientific, technological or techno-economic nature affecting the utilisation of natural resources and the development of productive enterprises and related services;
- (c) promote the training of research workers in the scientific and industrial field;
- (d) undertake, or collaborate in the preparation, publication and dissemination of useful scientific and technical information;
- (e) co-operate with departments of Government, research institutions, universities, technical colleges, technical or scientific societies and other bodies in order to promote scientific and industrial research and the training of investigators in pure and applied science, technical experts, craftsmen and artisans;
- (f) assist otherwise in the advancement of scientific and industrial research and technical training; and
- (g) generally do all such matters and things as may be incidental to or consequential upon the discharge of its functions under this Act.

PART III

THE COUNCIL

Establishment of the Council.

5. For the purpose of directing and managing the affairs of the Institute, there is hereby established the Council of the National Institute for Scientific and Industrial Research which shall be a body corporate with perpetual succession and a common seal, and may sue or be sued in its name and,

subject to and for the purpose of this Act, may enter into contract and shall have power to acquire and hold property moveable or immovable and to dispose thereof or otherwise deal therewith.

6. (1) The Council shall consist of the following members: Members
of the
Council.
- (a) a Chairman;
 - (b) the Director of the Institute;
 - (c) a representative of the Prime Minister's Department;
 - (d) a representative of the Treasury;
 - (e) a representative of the Ministry of Technology, Research and Local Government;
 - (f) a representative of the Ministry of Commerce and Industry;
 - (g) a representative of the Ministry of Agriculture and Lands;
 - (h) the Director of the Standards Institution of Malaysia;
 - (i) four scientists of whom two shall be from institutions of higher learning;
 - (j) six members representing industry of whom not more than four shall be from the manufacturing side of industry.

(2) The members mentioned in subsection (1) of this section, other than the members referred to in paragraphs (b) to (h) of the said subsection, shall be appointed by the Minister and every such member shall, unless he sooner resigns or his appointment revoked, hold office subject to such terms and conditions as the Minister may determine and shall be eligible for reappointment:

Provided that any of the members referred to in paragraphs (i) and (j) of subsection (1) of this section shall not hold office for a term exceeding three years at any one time.

(3) Subject to subsection (4) of this section, the Minister may appoint a person to be a Vice Chairman from among the members of the Council on such terms and conditions as the Minister may determine and such Vice Chairman shall exercise the powers and perform the duties of the Chairman under this Act, if, during any period owing to the absence or inability to act from illness or any other cause, the Chairman is unable to exercise the powers or perform the duties of his office.

(4) The Director of the Institute referred to in paragraph (b) of subsection (1) of this section shall not be eligible for appointment as a Vice Chairman.

(5) The provisions of paragraphs 1, 2 and 3 of the Schedule to this Act shall have effect with respect of the Council.

Powers of the Council.

7. Without prejudice to section 5, the Council shall be empowered to do generally all such matters and things as may be incidental to or consequential upon the discharge of the functions of the Institute.

PART IV

THE DIRECTOR AND STAFF OF THE INSTITUTE

Appointment and functions of Director of the Institute.

8. (1) For the purposes of this Act, there shall be a Director of the Institute who shall be appointed by the Council with the approval of the Minister.

(2) The Director shall be appointed on such terms and conditions as may be prescribed by the Council with the approval of the Minister.

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

(4) If, during any period, owing to absence or inability to act from illness or any other cause the Director is unable to exercise the powers and perform the duties of his office, or if the office of the Director is for the time being vacant, the Chairman shall, with the approval of the Minister, appoint a senior officer of the Institute to act as Director and such officer shall exercise the powers and perform the duties of the Director until such time as an appointment of a Director is made in accordance with subsection (2) of this section:

Provided that the senior officer so appointed to act shall not take part in any deliberation or decision of the Council with respect to the appointment of a Director and shall be discharged for the purpose of constituting a quorum of the Council for any such deliberation or decision.

Other officers and employees of the Institute.

9. The Council may from time to time appoint and employ on such terms and conditions of service as may be prescribed by the Council such officers and employees as may be necessary in the opinion of the Council for the proper implementation of the provisions of this Act.

10. The provisions of paragraph 4 of the Schedule to this Act shall have effect in respect of the terms and conditions of service of officers and employees of the Institute. Schedule to apply.

PART V

THE FUND AND ACCOUNT

11. For the purpose of this Act, there is hereby established The Fund.
a fund to be administered and controlled by the Council—

(a) into which shall be paid—

- (i) any money appropriated from time to time by Parliament for the purpose of the Institute;
- (ii) all monies received by the Institute from the collection of fees and the sales of any publications;
- (iii) all monies received by the Institute in pursuance of section 16 (2) (a) of this Act;
- (iv) any grant or fund received by way of contribution, endowment, gift, or bequest from any source as may be made to or in favour of the Institute; and
- (v) all other monies which may in any manner become payable or vested in the Institute in respect of any matter incidental to its functions or to the exercise of the powers and duties of the Council; and

(b) out of which shall be defrayed—

- (i) such expenditure relating to the administration and functions of the Institute and the Council as approved by the Minister for any one year; and
- (ii) such other expenditure as may be paid in accordance with the provisions of this Act.

12. (1) Before the beginning of September, of each year the Council shall submit to the Minister an estimate of the 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 authorised for expenses generally or of the amounts authorised 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 allow the whole or any part of the additional expenditure included therein.

Accounts and Audit.

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

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

(3) After the end of each financial year, and as soon as the accounts of the Council have been audited, the Council shall cause a copy of the statement of accounts 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 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.

Annual Report.

14. (1) The Council shall not later than 31st of March 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 proceeding and policy of the Council as the Minister may from time to time require.

(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.

PART VI

SUPPLEMENTAL

Fees.

15. The Council may from time to time fix the fees to be charged in relation to any research, investigation, test, advice or any other services which the Institute is requested to render or perform.

Discoveries, inventions, etc. shall be properties of the Institute.

16. (1) The property in every discovery, invention, and improvement in any process, apparatus and machine made by any officer or employee of the Institute in the course of his official duty or during the period when such officer or employee is under the employment or in the service of the Institute shall be vested in the Institute.

(2) Nothing in subsection (1) of this section shall prevent the Council with the approval of the Minister from—

- (a) making available such discovery, invention and improvement, as described in subsection (1) above, to any person subject to the payment of such fees or royalties and such conditions, if any, as the Council may with the approval of the Minister determine; and
- (b) paying to any officer or employee of the Institute a bonus in respect of any useful discoveries or inventions made by such officer or employee.

17. (1) All members of the Council, officers and employees of the Institute shall be deemed to be public servants within the meaning of the Penal Code applicable.

*Application of Penal Code.
FMS Cap 45 Sabah Ord. 3/59 and Sarawak Cap. 57.*

(2) Except for the purpose of this Act or of any criminal proceedings under this Act, no member of the Council, officer or employee of the Institute shall disclose any information with respect to any individual business which has been obtained by him in the course of his duties and which is not published in pursuance of this Act; and a person contravening the provisions of this subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

18. For the purpose of this Part, the expression "officers and employees" shall deem to include the Director of the Institute.

Meaning of officers and employees.

19. The Council may with the approval of the Minister make such rules as it thinks necessary or expedient for the better carrying into effect of the purposes and provisions of this Act.

Council's powers to make rules.

20. The Minister may give the Council directions of a general nature, not inconsistent with the provisions of this Act as to the exercise of the powers and functions of the Council and the Institute.

Minister's directions

21. Emergency (Essential Powers) Ordinance No. 44, 1970 is hereby repealed.

Repeal.

(Sections 6 (5) and 10)

1. The following persons shall be disqualified from being appointed or being members of the Council—

- (a) a person who is of unsound mind or is otherwise incapable of performing his duties;
- (b) a person who has been convicted of an offence and sentenced to imprisonment for a term 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.

2. A member of the Council shall deem to have vacated his office—

- (a) upon his death;
- (b) upon his resignation;
- (c) upon his failure to attend three consecutive meetings of the Council without permission from the Minister; and
- (d) if he becomes disqualified under paragraph 1 above,

and a new member shall be appointed in accordance with the provisions of this Act.

3. (1) The Council shall meet at least twice a year and shall in addition meet as and when convened by the Chairman.

(2) Nine members present shall be a quorum at any meeting of the Council.

(3) If on any question to be determined by the Council there is an equality of votes, the Chairman or the Vice Chairman when acting on behalf of the Chairman shall have a casting vote.

(4) Subject to this Act, the Council shall determine its own procedure.

(5) Minutes shall be kept of all proceedings of the Council and copies thereof shall be submitted to the Minister.

(6) The Council may appoint any Committee or Committees if it thinks fit.

(7) The seal of the Council shall be authenticated by the Chairman or the Vice Chairman when acting on behalf of the Chairman and one other member of the Council and any document purporting to be sealed with the said seal authenticated as aforesaid shall until the contrary is shown be deemed to have been validly executed.

4. (1) The terms and conditions of service of officers and employees of the Council shall require the approval of the Minister with the concurrence of the Minister of Finance.

(2) The Council may with the approval of the Minister and the concurrence of the Minister of Finance make rules for the establishment and management of a contributory provident fund for the Director, and the officers and employees of the Institute and for the payment of pensions, allowances or gratuities to the said Director, officers and employees on retirement or otherwise ceasing to hold office as such Director, officers and employees.

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(3) The Council may with the approval of the Minister make provisions for the grant of loans to the Director, officers and employees of the Institute for the purchase of motor vehicles, bicycles or houses.