



LAWS OF MALAYSIA

Act 437

**CO-OPERATIVE COLLEGE  
(INCORPORATION)  
ACT 1968**

(Revised—1990)

Revised up to	... ..	31st December 1989
Date of publication in <i>Gazette</i> of this revised version	...	29th March 1990
Date appointed for coming into force of this revised version <i>pursuant to section 6</i> <i>(1) (xxiii) of the Revision of</i> <i>Laws Act 1968 (Act 1)</i>	...	31st March 1990



**LAWS OF MALAYSIA****Act 437****CO-OPERATIVE COLLEGE (INCORPORATION)  
ACT 1968****(Revised—1990)**

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## LAWS OF MALAYSIA

## Act 437

CO-OPERATIVE COLLEGE (INCORPORATION)  
ACT 1968

(Revised—1990)

An Act to incorporate the Co-operative College of Malaysia, for the purpose of developing and promoting co-operative training and education and to provide for matters connected therewith.

[1st November 1968.]

P.U. (A)  
422/68.

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:

1. (1) This Act may be cited as the Co-operative College (Incorporation) Act 1968.

Short title  
and appli-  
cation.

(2) This Act shall apply throughout Malaysia.

2. In this Act—

Interpreta-  
tion.

“financial year” means the period from the first day of January to the thirty-first day of December in a year.

3. (1) The institution which immediately before the commencement of this Act, was known as the Co-operative College of Malaya shall, upon the commencement of this Act be a body corporate by the name of “The Co-operative College of Malaysia” (hereinafter referred to as the “College”) with perpetual succession and a common seal, and power to acquire and hold movable or immovable property and to dispose thereof or otherwise deal herewith.

The Co-  
operative  
College of  
Malaysia  
and the  
Council.

(2) The College shall be administered by the Council of the Co-operative College of Malaysia (hereinafter referred to as the "Council") which shall consist of the following members—

- (a) Secretary General, Ministry of Agriculture and Co-operatives as Chairman;
- (b) Director General of Co-operative Development as Deputy Chairman;
- (c) a representative of the Treasury;
- (d) four persons representing rural co-operative movements in Malaysia;
- (e) four persons representing urban co-operative movements in Malaysia;
- (f) two representatives of the Ministry of Agriculture and Co-operatives; and
- (g) four other persons.

(3) Members of the Council in subsection (2) (d), (e) and (g) shall be appointed by the Minister.

(4) The Minister may give to the Council directions of a general nature not inconsistent with this Act, as to the exercise of its functions under this Act; and the Council shall give effect to such directions.

(5) The Schedule shall have effect with respect to the Council.

Functions  
of the  
College.

4. The functions of the College shall be to develop and promote co-operative education in Malaysia; and for that purpose the College may—

- (a) provide a course in co-operative studies and such other courses of study and make such award of diplomas therefor as the College deems fit;
- (b) print or publish or assist in the printing or publication of books on co-operatives or subject connected therewith;

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- (c) make such rules as may be necessary to regulate the responsibilities and control of officers and servants of the College and impose such fees payable in respect of any course of study as it deems fit; and
- (d) carry out research on Co-operative matters.

5. (1) For the purpose of carrying out its functions under section 4 (a), the College shall appoint a committee which shall make recommendations to the College on the appropriate syllabus required in respect of any course of study, the manner in which examinations for the award of any diploma in respect of any course of study may be conducted, and on any other matter relating to any course of study as the College may refer to the committee; and the committee shall include the following persons—

- (a) the Director General of Co-operative Development, who shall be Chairman of the Committee;
- (b) a representative of the Ministry of Agriculture and co-operatives;
- (c) Vice-Chancellor, University of Agriculture, Malaysia;
- (d) the Professor of Economics at the University of Malaya or his nominee;
- (e) the Principal of the College who shall act as Secretary; and
- (f) a senior staff of the College as appointed by the Minister.

(2) Subject to any directions given by the College, the Committee shall determine its own procedure.

6. The College may upon such terms and conditions as may be approved by the Minister of Finance borrow such sums as may be necessary for the purpose of carrying out any of its functions under this Act.

Study  
Committee.

Borrowing  
powers.

The Fund  
and Grants.

7. (1) There is hereby established a fund to be known as the Co-operative College of Malaysia Fund (hereinafter referred to as the "Fund")—

(a) into which shall be paid all sums received by the College (whether by way of contributions, grants, fees, borrowing or otherwise); and

(b) from which shall be paid such outgoings as are directed by this Act to be paid out of the Fund.

(2) Parliament may from time to time make grants to the College.

Expenditure  
of the  
College.

8. All expenditure of the College as may be approved by the Minister shall be defrayed out of the Fund.

Investment.

9. The assets of the Fund may, in so far as they are not required to be expended by the College under this Act, be invested in investments for the time being authorised by law for the investment of trust funds:

Provided that the College shall not invest in securities issued or registered, or other property situated, outside Malaysia except with the approval of the Treasury.

Annual  
estimates.

10. (1) The Chairman of the Council shall, not later than one month before the commencement of each financial year, lay before the Council an estimate of the expenditure of the College (including capital expenditure) approved by the Minister for the ensuing year in such detail and form as the Council may determine.

(2) A copy of the estimate shall be sent to each member of the Council not less than fourteen days prior to the meeting before which the estimate is to be laid.

Accounts  
and audit.

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

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(2) The accounts of the College shall be audited annually by the Auditor General or by an auditor being an approved company auditor within the meaning of the Companies Act 1965 appointed by the Council. *Act 125.*

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

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

12. (1) The Council shall, not later than the thirtieth day of April in each year, cause to be made and submitted to the Minister a report dealing with the activities of the College during the preceding financial year containing such information relating to the proceedings and policy of the College as the Minister may from time to time direct. *Annual report.*

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

13. All property movable or immovable, which immediately before the commencement of this Act was vested in or held by or for the Co-operative College of Malaya, shall on the coming into force of this Act and without any conveyance, assignment or transfer whatever vest in or pass to the College 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 Co-operative College of Malaya shall upon the commencement aforesaid be the rights and liabilities of the College. *Vesting of property and transfer of rights and liabilities.*

Saving.  
43 of 1961.

14. The Education Act 1961, shall not apply to the College.

SCHEDULE

(Section 3)

1. (1) The following persons shall be disqualified for 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 bankrupt;
- (c) a person who has been convicted of an offence involving fraud, dishonesty or moral turpitude.

(2) A member shall, unless he sooner resigns or his appointment revoked, hold office for such term (not exceeding three years) as may be specified in the instrument appointing him, and shall be eligible for re-appointment.

(3) A member of the Council shall vacate his office if he fails to attend three consecutive meetings of the Council without the permission in writing of the Chairman or if he becomes disqualified under subparagraph (1).

(4) The Minister may authorise the payment out of the Fund of such allowances to the members of the Council as the Minister may determine.

2. The Council shall meet at least once in the first and third quarter of each year for the purpose of considering its activities during the half year ending on the 31st day of December and 30th day of June, as the case may be, immediately preceding such quarter.

3. (1) The quorum of the Council shall be seven.

(2) If on any question to be determined by the Council there is an equality of votes, the Chairman or other member acting as Chairman shall have a casting vote.

(3) Subject to subparagraphs (1) and (2) the Council shall determine its own procedure.

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(4) The seal of the College shall be authenticated by the Chairman of the Council or other member acting as 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 Deputy Chairman shall perform the functions of the Chairman in the absence of the Chairman.

(2) The Minister may appoint a person to be a temporary Chairman, Deputy Chairman or member of the Council during the temporary incapacity from illness, or during the temporary absence from Malaysia, of the Chairman, Deputy Chairman or other member, as the case may be.

(3) The Principal of the College shall be secretary of the Council with no voting rights.

5. The Council may appoint any committee other than the committee mentioned in section 5, as it deems fit; and subject to any directions by the Council, a committee so appointed shall determine its own procedure.

6. (1) The Council may with the approval of the Minister and the concurrence of the Treasury—

(a) decide such terms as it deems fit for the appointment of such officers and servants of the College as may be necessary;

(b) make rules for the establishment and management of a contributory provident fund for the officers and servants appointed under subparagraph (a), or for the grant of loans to such officers and servants on such terms and conditions as the Council thinks fit, or for the payment of pensions, allowances or gratuities, to the said officers and servants on retirement or otherwise ceasing to hold office as such officers and servants.

(2) Subject to subparagraph (1) (a), the Council may with the approval of the Minister appoint an Executive Officer who shall be the Principal of the College and such other officers and servants as may be necessary.

(3) Every member of the Council and every officer and servant appointed under subparagraph (2) shall be deemed to be a public servant within the meaning of the Penal Code.

**LAWS OF MALAYSIA**

**Act 437**

**CO-OPERATIVE COLLEGE (INCORPORATION)  
ACT 1968**

**(Revised—1990)**

*Particulars under section 7 (ii) and (iii) of the Revision  
of Laws Act 1968 (Act 1)*

**LIST OF AMENDMENTS**

<b>Amending Law</b>	<b>Short Title</b>	<b>In force from</b>
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NIL

**LIST OF LAWS OR PARTS THEREOF SUPERSEDED**

<b>No.</b>	<b>Title</b>
Act 35/1968 ..	Co-operative College (Incorporation) Act, 1968

**CO-OPERATIVE COLLEGE (INCORPORATION)  
ACT 1968**

**(Revised—1990)**

LIST OF AMENDMENTS MADE BY THE COMMISSIONER  
OF LAW REVISION UNDER SECTION 6 OF THE  
REVISION OF LAWS ACT 1968 (ACT 1)

Provision	Particulars of Amendment	Authority for amendment
Effective date	Inserted .. .. .	s. 6 (1) (i) (d); P.U. 422/68
s. 1 (1) ..	Provision re date of commencement omitted	s. 6 (1) (i) (d)
s. 2, definition of "Minister"	Omitted .. .. .	s. 6 (1) (iii); Act 388
s. 3—		
subsection (2) (a)	The words "Secretary General" substituted for the words "Permanent Secretary"	s. 6 (1) (iii)
subsection (2) (b)	The words "Director General of Co-operative Development" substituted for the words "Commissioner for Co-operative Development"	s. 6 (1) (iii); P.U. 324/70
subsection (3)	The words "subsection (2) (d), (e) and (g)" substituted for the words "paragraphs (d), (e) and (g) of subsection (2)"	s. 6 (1) (iii)
subsection (5)	The words "to this Act" omitted	s. 6 (1) (iii)
s. 5—		
subsection (1)	The words "section 4 (a)" substituted for the words "paragraph (a) of section 4"	s. 6 (1) (iii)
subsection (1) (a)	The words "Director General of Co-operative Development" substituted for the words "Commissioner for Co-operative Development"	s. 6 (1) (iii); P.U. 324/70
subsection (1) (c)	The words "Vice-Chancellor, University of Agriculture" substituted for the words "Principal, College of Agriculture"	s. 6 (1) (iii)

[Commissioner's Amendments]

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Provision	Particulars of amendment	Authority for amendment
Schedule—		
Para. 1 (3)	The word “or” substituted for the word “of”	s. 6 (1) (xv)
Para. 6 (3)	The words “in force in the States of Malaya or any written law corresponding thereto in force in Sabah and Sarawak” omitted	s. 6 (1) (iii); Act A327
Throughout the Act	1. The word “Malaysia” substituted for the words “the Federation”	s. 6 (1) (iii)
	2. The words “the provisions of” omitted where appropriate	s. 6 (1) (iii)

