



# **LAWS OF MALAYSIA**

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TEXT OF REPRINT

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**Act 158**

**CHEMISTS ACT 1975**

*As at 30 November 2015*

## CHEMISTS ACT 1975

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**LAWS OF MALAYSIA****Act 158****CHEMISTS ACT 1975**

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## LAWS OF MALAYSIA

### Act 158

#### CHEMISTS ACT 1975

An Act to incorporate the Malaysian Institute of Chemistry and to provide for matters connected therewith and for other incidental matters.

*[1 November 1977, P.U. (B) 627/1977;  
except subsection 23(2):1 October 1978,  
P.U. (B) 516/1978]*

**BE IT ENACTED** by the 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

#### **Short title, application and commencement**

1. (1) This Act may be cited as the Chemists Act 1975.

(2) This Act shall apply throughout Malaysia and, except as provided in subsection (3), shall come into operation on a date to be appointed by the Minister by notification in the *Gazette*.

(3) Subsection 23(2) shall come into operation on a date to be appointed by the Minister by notification in the *Gazette*, being a date not earlier than four calendar months after the date appointed under subsection (2).

**Interpretation**

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

“appointed date” means the date appointed under subsection 1(2) for the coming into operation of this Act;

“Committee” means any Committee appointed under this Act;

“Council” means the Council of the Institute;

“Institute” means the Malaysian Institute of Chemistry established under section 3;

“member” or “member of the Institute” or “registered chemist” means a person who is for the time being registered under this Act as a member of the Institute;

“Minister” means the Minister charged with the responsibility for science, technology and innovation;

“register” means the register of members maintained under section 15;

“registered pharmacist” has the meaning assigned thereto in the Registration of Pharmacists Act 1951 [*Act 371*];

“Registrar” means the Registrar of the Institute specified by subsection 14(1);

“rules” and “by-laws” mean rules and by-laws made under this Act;

“Secretary” means the Secretary of the Council appointed under subsection 14(2);

“Society” means the body known as the Malaysian Institute of Chemistry registered as a society on the 13 October 1967 [*G.N. 4647 of 1967*] under the Societies Act 1966 [*Act 335*].

## PART II

### THE INSTITUTE

#### **The Institute and its powers**

3. (1) There shall be established a body corporate by the name of “Malaysian Institute of Chemistry” which shall have perpetual succession and a common seal and which may, subject to this Act, sue and be sued in its corporate name, enter into contracts, acquire, purchase, take, hold and enjoy movable and immovable property or any rights therein, and convey, assign, surrender, charge, mortgage, reassign, transfer, dispose of, or otherwise deal therewith.

(2) Without prejudice to the generality of subsection (1), the Institute may do all things necessary for the purpose of the Institute and in particular may, subject to subsection (3)—

- (a) purchase or lease any lands required for the purposes of the Institute;
- (b) take up and subscribe for or otherwise acquire stocks and shares in any company, if membership of the company is essential or advantageous to the Institute for the purpose of acquiring and holding any lease or tenancy from the company of land required for the purposes of the Institute;
- (c) except in the case of leases from month to month, sell, surrender, lease, exchange, or mortgage any land or building vested in it, in such manner as it finds most convenient or advantageous;

- (d) borrow money whether by way of bank overdraft or otherwise for such of the purposes of the Institute as the Council from time to time considers desirable;
  - (e) guarantee any contract with any company from which the Institute holds or intends to hold any lease or tenancy in accordance with paragraph (b) and any other contract in which the Institute may have a financial interest and to which it may lawfully be a party under this section; and
  - (f) receive gifts, donations and bequests from individuals, companies, foundations or other sources.
- (3) The exercise of the powers under paragraphs (2)(a), (b), (c), (d) and (e) shall be with the approval of the Minister.

### **Composition of the Institute**

4. (1) The Institute shall consist of the persons for the time being registered as members thereof under this Act.

### **Office of the Institute**

5. The Institute shall at all times keep and maintain an office, and the address of the office and any change thereof shall be published by the Registrar in the *Gazette*.

### **Fund of the Institute**

6. The Institute shall establish and administer a fund into which shall be paid and from which shall be defrayed all sums received and all expenditure properly incurred by the Institute in the exercise of its functions under this Act.

**Functions of the Institute**

7. The functions of the Institute shall be—

- (a) to determine the qualifications of persons for admission as members;
- (b) to provide—
  - (i) for the training, education and examination by the Institute or any other body, of persons intending to be members; and
  - (ii) for the training and continuous professional development of members practicing or intending to practice the profession of chemistry in Malaysia;
- (c) to regulate the practice, by members, of the profession of chemistry in Malaysia;
- (d) to promote the importance of the profession of chemistry and also to increase public awareness and appreciation with regard to the field of chemistry;
- (e) to render such pecuniary or other assistance to members or their dependants as it thinks fit with a view to protecting or promoting the welfare of members;
- (f) to provide information and advice to members and the public on matters relating to chemistry;
- (g) to collaborate with other government agencies, national and international professional bodies, national and international scientific organizations and higher educational institutions on matters relating to chemistry;
- (h) to provide professional input, advice and consultation on national and global issues affecting the public by

working closely with academia, other professional bodies and the industry;

- (i) to approve or refuse the granting of accreditation of chemistry and chemistry-related programs in public higher educational institutions and private higher educational institutions in Malaysia in accordance with the Malaysian Qualifications Agency Act 2007 [Act 679];
- (j) to advise the Minister on matters relating to chemistry and chemistry professional; and
- (k) to promote advances in the field of chemistry and chemistry-related sciences and their applications.

### **Rules of the Institute**

**8.** (1) Subject to subsection (2), the Institute may at any general meeting make such rules as may be necessary or expedient for giving effect to the provisions of this Act and for the due administration thereof and such rules may provide for any of the following matters:

- (a) the regulation of the practice, by members, of the profession of chemistry in Malaysia;
- (b) the admission of members, the fees payable on admission, and the manner in which membership shall cease;
- (c) the qualifications of persons for admission as members;
- (d) the training, education or examination of persons for admission as members and the fees payable therefor;
- (e) the practical experience required for admission as members and the authority of the Council or any

Committee to approve places of employment in which such practical experience may be obtained;

- (f) the classification from time to time of members;
- (g) the election, appointment, resignation and removal of members of the Council;
- (h) the election, appointment, resignation and removal of the President and the Vice-President of the Institute and the Secretary of the Council;
- (i) the holding of meetings of the Council and of the members;
- (j) the manner of voting at any meeting of the Council or of the members;
- (k) the procedure of the Investigation Committee and the Disciplinary Committee and the procedure relating to any complaint to any such Committee;
- (l) the publication in the *Gazette*, newspapers and elsewhere of the proceedings and findings of the Disciplinary Committee;
- (m) the use and custody of the common seal of the Institute;
- (n) the custody, investment and expenditure of the fund and property of the Institute;
- (o) the regulation and administration of the Institute in all matters within its powers; and
- (p) such other matters as are required to be prescribed under this Act.

(2) All rules made under subsection (1) shall be subject to the approval of the Minister and shall, if approved by the Minister, be published in the *Gazette*.

### PART III

#### THE COUNCIL

##### **Constitution of the Council**

9. (1) For the purposes of this Act there shall be established a Council of the Institute consisting of the Director General of Chemistry and, subject to subsection (2), of fifteen members of the Institute elected by the members thereof.

(2) The elected members of the Council shall at all times include not less than three Fellows and not more than three Licentiates.

(3) The President and Vice-President of the Institute shall be elected by the Council from among its members and in the event of any casual vacancy arising in the office of the President or Vice-President, the Council shall at its next meeting or as soon as may be thereafter elect one of its members to fill the vacancy.

(4) The First Schedule shall apply to the Council.

##### **General powers of the Council**

10. (1) The Institute and its funds shall be managed by the Council and all such powers, acts or things as may be exercised or done by the Institute that are not by this Act expressly directed or required to be exercised or done by the Institute in general meeting may, subject to this Act or the rules or any resolution passed from time to time by the Institute in general meeting, be exercised or done by the Council.

(2) No resolution of the Institute shall invalidate the exercise of any power or the doing of any act or thing by the Council previously that would have been valid if the resolution had not been passed.

**Specific powers of the Council**

**11.** Without prejudice to section 10 and subject to the rules, the Council may—

- (a) make by-laws to provide for all matters not expressly reserved for the Institute in general meeting, whether they be expressed among its powers or not, and by-laws for the inculcation upon members of sound practice of the profession of chemistry, for the prevention of illegal and dishonourable practices of that profession among members, and for the promotion of the interests of that profession;
- (b) appoint such officers, clerks, agents and servants for permanent, temporary or special services as it thinks fit and determine their duties and terms and conditions of service;
- (c) take cognizance of anything affecting the Institute or the professional conduct of its members and bring before any general meeting of the Institute any matter that it considers material to the Institute or to the interests of the profession and make any recommendations and take such action as it thinks fit in relation thereto;
- (d) communicate with other similar bodies and with members of the profession in other places for the purpose of obtaining and giving information on all matters likely to prove beneficial or interesting to members and negotiate and arrange with such bodies for the reciprocal recognition of the status of the members of the Institute;
- (e) establish such branches of the Institute as it thinks fit;
- (f) delegate any of its powers, privileges and discretions, except its disciplinary powers, to any branch of the Institute on such conditions and for such periods as it thinks fit;

- (g) appoint Committees of the Institute for such purposes and with such powers as it may determine;
- (h) exercise all such powers, privileges and discretions as are not by this Act expressly and exclusively required to be exercised by the members of the Institute in general meeting; and
- (i) use the common seal of the Institute.

**\*Members of Council, Committees, etc., must be citizens**

**11A.** No person shall be a member of the Council, or any Committee, of the Institute or a committee of any branch of the Institute unless he is a citizen of Malaysia.

**Power of first Council to make rules**

**12.** (1) Notwithstanding section 8, and without prejudice to sections 10 and 11, the first Council constituted may make rules to provide for all or any of the matters mentioned in subsection 8(1).

(2) All rules made under subsection (1) shall be subject to the approval of the Minister and shall, if approved by the Minister, be published in the *Gazette*, and shall remain in force until amended or revoked by rules made under section 8.

**Minister's directions**

**13.** (1) The Minister may from time to time give to the Council directions of a general character not inconsistent with the provisions of this Act and the Council shall give effect to such directions.

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\* NOTE—Section 11A is not yet in force—see Act A1032.

## PART IV

## MEMBERSHIP OF THE INSTITUTE

**The Registrar and Secretary**

**14.** (1) The Director General of Chemistry shall be the Registrar of the Institute.

(1A) Whenever the post of the Registrar is vacant due to the vacancy of the post of the Director General of Chemistry, the Minister shall appoint any person to perform the duties of the Registrar until the new Director General of Chemistry is appointed.

(2) The Council shall appoint a Secretary of the Council from among the members of the Council.

(3) The Registrar may delegate any of his functions under this Act or the rules or by-laws to the Secretary.

(4) In exercising his functions, the Secretary shall be subject to the control, supervision and direction of the Council.

(5) (*Deleted by Act A1493*).

**Register of members**

**15.** (1) The Registrar shall maintain a register of members in which the members shall be classified into three grades, namely Fellow, Member and Licentiate.

(2) The Registrar shall make the register available for inspection at reasonable hours on payment of the prescribed fee.

(3) The Registrar shall cause to be published in the *Gazette*, at least once in every year, a copy of the register which contains changes to the list of membership roll of the register of members who

have been removed from the register, included in the register or upgraded from Licentiate to Member of Member to Fellow.

### **Membership of the Institute**

**16.** (1) Every person who was a member of the Society immediately before the appointed date shall, on payment of the prescribed fee, be eligible for membership of the Institute of the same grade as he held in the Society.

(2) Without prejudice to subsection (1), and subject to subsections (3) and (4), every person on payment of the prescribed fee shall be entitled to be admitted by the Council as a member of the Institute if he satisfies the requirements of subsection 17(2), (3) or (4).

(3) No person shall be admitted by the Council as a member of the Institute if he is less than twenty-one years of age or if in the opinion of the Council he is not a fit and proper person to be admitted as a member.

(4) A body corporate shall not be eligible for membership of the Institute.

(5) Any person dissatisfied with the decision of the Council under subsection (3) may appeal to the High Court.

(6) The procedure governing appeals under subsection (5) shall be substantially the same as for appeals to the High Court from decisions of a subordinate court in civil matters.

(7) The Minister may from time to time, after seeking the advice of the Institute, by order published in the *Gazette* amend the Second Schedule.

### **Grades of membership**

**17.** (1) Membership of the Institute shall be one of three grades, namely, Fellow, Member and Licentiate.

(2) A person shall, before admission as a Fellow, satisfy the Council that he has—

- (a) a degree or any equivalent academic qualification, in chemistry or in any specialized discipline associated with chemistry from one of the examinations listed in the Second Schedule;
- (b) practical experience in chemistry of not less than ten years;
- (c) made a substantial contribution to chemistry; and
- (d) attained thirty-three years of age or such lesser age as the Council may, in any special case, allow.

(3) A person shall, before admission as a Member, satisfy the Council that he has—

- (a) a degree or any equivalent academic qualification, in chemistry or in any specialized discipline associated with chemistry from one of the examinations listed in the Second Schedule;
- (b) practical experience in chemistry of not less than three years for a degree or its equivalent or not less than one year for a masters or higher degree or its equivalent; and
- (c) attained twenty-one years of age.

(4) A person shall, before admission as a Licentiate, satisfy the Council that he has—

- (a) a degree or any equivalent academic qualification, in chemistry or in any specialized discipline associated with chemistry from one of the examinations listed in the Second Schedule;

- (b) practical experience in chemistry of not less than one year for a degree or its equivalent; and
- (c) attained twenty-one years of age.

**Entitlement**

**18.** (1) A person who has been registered as a Fellow of the Institute may, so long as he is so registered, describe himself by the words “Fellow of the Malaysian Institute of Chemistry” or their equivalent in any other language, and may use the initials thereof after his name.

(2) A person who has been registered as a Member of the Institute may, so long as he is so registered, describe himself by the words “Member of the Malaysian Institute of Chemistry” or their equivalent in any other language, and may use the initials thereof after his name.

(3) A person who has been registered as a Licentiate of the Institute may, so long as he is so registered, describe himself by the words “Licentiate of the Malaysian Institute of Chemistry” or their equivalent in any other language, and may use the initials thereof after his name.

**Prohibition**

**19.** (1) Without prejudice to any other provisions of this Act or the rules or by-laws, no member shall—

- (a) allow any person not being a member to practise in the member’s name as a registered chemist;
- (b) in any way practise as a registered chemist other than—
  - (i) in his own name;

- (ii) in the name of his partner being registered chemists; or
  - (iii) in the name of a firm existing on the appointed date or formed thereafter of which the partners in Malaysia are eligible to be registered under this Act; or
- (c) advertise by any means or in any manner as being engaged in practice as a registered chemist.

(2) Any members who contrives subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit and the Council may suspend his membership for a term not exceeding one year and if convicted for the second time for an offence under subsection (1), the Council may terminate his membership immediately.

## PART V

### GENERAL

#### **Appointment of Investigation Committee and Disciplinary Committee**

**20.** At the first meeting of the Council held after the first general meeting, and after each annual general meeting of the Institute, the Council shall appoint the following Committees:

- (a) an Investigation Committee comprising three members of the Council, of whom two shall form a quorum; and
- (b) a Disciplinary Committee comprising five members of the Council, not being members of the Investigation Committee, of whom three shall form a quorum.

**Functions of Investigation Committee and Disciplinary Committee**

21. (1) The Investigation Committee shall investigate any complaint made against any member in the manner laid down in the rules and, where it considers that the complaint is justified, shall refer it to the Disciplinary Committee.

(2) The Disciplinary Committee shall, if it thinks fit, exercise in respect of such member any disciplinary powers conferred upon it by the rules.

**Appeal against decision of Disciplinary Committee**

22. (1) Any member aggrieved by any decision of the Disciplinary Committee may, within a period of twenty-one days after the decision has been communicated to him, appeal to the High Court.

(2) The procedure governing appeals under subsection (1) shall be substantially the same as for appeals to the High Court from decisions of a subordinate court in civil matters.

**Holding out as registered chemist and restrictions pertaining to chemical analysis**

23. (1) No person who is not registered under this Act shall—

- (a) practise or hold himself out as a registered chemist or as a person of any other like description;
- (b) advertise by any means or in any manner as being engaged in practice as a registered chemist; or
- (c) adopt, use or exhibit the term “registered chemist” or its equivalent in any other language or any other term of like description in such circumstances as to indicate or

to be likely to lead persons to infer that he is a registered chemist.

(2) No person shall give or provide in a determinative capacity, or certify or declare in writing the result of, any chemical analysis for the purpose of determining the composition or specifications of any substance or product consumed or used by, or intended for the consumption or use of, the public or any section thereof, unless—

- (a) he is a registered chemist;
- (b) he is a registered pharmacist and the chemical analysis that he gives or provides, or certifies or declares in writing the result of, is for the purpose of determining the composition or specifications of a food, medical or pharmaceutical substance or product, including cosmetics and toiletry, or any part or component thereof;
- (ba) he is a person authorized under section 23A for the purposes of this subsection and gives or provides, or certifies or declares in writing the result of, the chemical analysis for the purpose and in the course of his employment; or
- (c) he is an employee working under the supervision of a registered chemist or registered pharmacist or person authorized under section 23A and gives or provides, or certifies or declares in writing the result of, the chemical analysis for the purpose and in the course of his employment and, in the case of an employee working under the supervision of a registered pharmacist, the chemical analysis is for the purpose of determining the composition or specifications of a food, medical or pharmaceutical substance or product, including cosmetics and toiletry, or any part or component thereof.

(3) Any person who contravenes subsection (1) or (2) commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one

year or to both and, for the second and subsequent offence, to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding two years or two both.

### **Authorization pertaining to chemical analysis**

**23A.**(1) The Council may authorize any person for the purposes of subsection 23(2) if he applies to the Council for its authorization within three calendar months from the appointed date and satisfies the Council—

- (a) that, immediately before the appointed date, he had
  - (i) a degree or any equivalent academic qualification, in chemistry or in any specialized discipline associated with chemistry from any examination of any institution of higher learning in any country, other than an examination listed in the Second Schedule; or
  - (ii) a qualification or some other form of formal recognition granted by the Government or by any body corporate established by Federal law, being a qualification or recognition that was generally accepted as qualifying the recipient thereof to perform chemical analyses;
- (b) that, immediately before the appointed date, he was employed by an employer in any occupation involving the performance by him of chemical analyses; and
- (c) that, at the date when the Council is deciding on his application—
  - (i) he is still employed by the same employer in any occupation involving the performance by him of chemical analyses; or

- (ii) he is employed by a different employer, being an employer employment with whom he had applied for before the appointed date, in any occupation involving the performance by him of chemical analyses.

(2) In granting its authorization under subsection (1), the Council may impose such restrictions or conditions as the Council thinks fit and the Council may at any time thereafter impose additional restrictions or conditions or remove any restriction or condition already imposed.

(3) Any person who fails to comply with any restriction or condition imposed under subsection (2) in respect of an authorization granted to him under subsection (1) is guilty of an offence and is liable to a fine of one thousand ringgit.

(4) The Council may revoke an authorization granted to a person under subsection (1) if the Council, after giving the person an opportunity to be heard, is satisfied that he has failed to comply with any restriction or condition imposed under subsection (2) in respect of the authorization, notwithstanding that no prosecution arising from such failure has been instituted under subsection (3) and, if there has been any such prosecution, notwithstanding the outcome of the prosecution.

(5) Any person aggrieved by—

- (a) the refusal of the Council to grant him its authorization under subsection (1);
- (b) any restriction or condition imposed under subsection (2) in respect of an authorization granted to him; or
- (c) the revocation by the Council under subsection (4) of an authorization granted to him,

may, within fourteen days after being informed of the decision of the Council or within such longer period as the Minister may allow, appeal to the Minister.

(6) In an appeal under subsection (5), the Minister may make such decision as he thinks just and is consistent with this Act; and the decision of the Minister shall be final, shall not be questioned in any court, and shall be binding on the Council.

(7) The revocation of an authorization under subsection (1) shall not take effect until the period of appeal provided by subsection (5) has expired or, if an appeal has been lodged within that period, until the revocation is confirmed by the Minister on appeal.

(8) An authorization granted to any person under subsection (1) shall, unless it has earlier been effectively revoked under subsections (4) and (7), cease to have effect when that person ceases to be employed by the person employing him when the authorization was granted to him.

### **Saving**

**24.** (1) Nothing in subsection 23(1) shall affect the right of any person or body corporate to take or use any name, title, addition or description that the person or body corporate is entitled to take or use under the Registration of Pharmacists Act 1951.

(2) Notwithstanding the Registration of Pharmacists Act 1951, a member may take or use in connexion with the sale of goods by retail the name or title of “chemist” or its equivalent in any other language.

### **Fraudulent practices**

**25.** Any person who—

- (a) procures or attempts to procure registration or a certificate of membership under this Act by knowingly

making or producing or causing to be made or produced any false or fraudulent declaration, certificate, application or representation, whether in writing or otherwise;

- (b) wilfully makes or causes to be made any falsification in the register;
- (c) forges, alters or counterfeits any certificate of membership issued under this Act;
- (d) uses any forged, altered or counterfeited certificate of membership under this Act, knowing it to have been forged, altered or counterfeited; or
- (e) personates a member of the Institute, or buys, sells or fraudulently obtains a certificate of membership issued under this Act,

commits an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

### **Offences by firms**

**26.** If a firm commits an act that, in the case of a natural person, would be an offence under any provision of this Act, every member of that firm shall be deemed to have committed the offence unless he proves that he was unaware of the commission of the act.

### **Appointment and powers of Inspectors**

**27.** (1) The Minister may appoint to be Inspectors such number of registered chemists in the public service as he considers necessary for the purposes of this Act.

(2) If an Inspector has reasonable cause to believe that an offence under this Act has been or is being committed on any premises or in connexion with any business carried on in any premises, he may, at all reasonable times, enter upon, search and examine the premises and may inspect, remove and detain any books, documents or other articles found therein that, in his opinion, may furnish evidence of the commission of the offence.

(3) Any person who obstructs or impedes an Inspector in the exercise of his powers under subsection (2) commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year.

### **Recovery of moneys by Council**

**28.** Any sum of money payable to the Institute under this Act or the rules is recoverable by the Council as a debt due to the Council in any court of competent jurisdiction.

### **Cesser of Society and transfer of property, rights and liabilities**

**29.** (1) On and with effect from the appointed date, the Society shall be deemed to have ceased to exist.

(2) All property, movable or immovable, that, immediately before the appointed date, was vested in or held by or for the Society shall, on the appointed date, and without any conveyance, assignment or transfer, vest in or pass to the Institute for the like title, estate or interest and on the like tenure and for the like purposes as it was vested or held immediately before the appointed date; and all rights and liabilities that, immediately before the appointed date, were the rights and liabilities of the Society shall, on the appointed date, be the rights and liabilities of the Institute.

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## FIRST SCHEDULE

## [Section 9(4)]

## SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

**Chairman**

1. (1) The President of the Institute shall be the Chairman of the Council and shall preside at all meetings of the Council at which he is present.

(2) In the absence of the President, the Vice-President shall preside, and in the absence of the President and the Vice-President, the Council shall elect one of its members to preside.

**First and subsequent Councils**

2. (1) Notwithstanding section 9, the first Council, other than the Director General of Chemistry, shall be elected by and from among the persons who were, immediately before the appointed date, members of the Society, at a general meeting convened for this purpose.

(2) At each subsequent annual general meeting of the Institute, four vacancies in the membership of the Council, other than that of the Director General of Chemistry, shall be created by the retirement of four members by voluntary action or, failing that, by ballot choice, and the vacancies thus created shall be filled by fresh elections.

(3) Members of the Council who retire under subparagraph (2) are eligible for re-election if they are not disqualified, on any of the grounds in subparagraphs 3(b) to 3(g), from holding office in the Council.

**When members of the Council to vacate office**

3. A member of the Council, other than the Director General of Chemistry, shall vacate his office if—

- (a) he resigns his office;
- (b) he has been absent from three consecutive meetings of the Council without the prior consent in writing of the Chairman of the Council;
- (c) he becomes bankrupt or insolvent or enters into a composition with any creditor or takes or attempts to take the benefit of the provisions of any written law to liquidate his assets or affairs;

- (d) he becomes of unsound mind;
- (e) his subscription has been overdue for six months;
- (f) he ceases to be qualified to hold office; or
- (g) he is convicted of any offence involving fraud, dishonesty or moral turpitude or an offence punishable with imprisonment, whether absolutely or in addition to or in lieu of a fine, for a term of two years or more.

**Casual vacancies**

4. Any casual vacancy arising in the membership of the Council may be filled by a member of the Institute chosen by the President and the member shall hold office until the next annual general meeting.

**Meetings of the Council**

5. (1) The Council shall meet at least once in every quarter of each year at such time and place as it may determine.

(2) Nine members personally present at any meeting of the Council shall constitute the quorum.

(3) A decision of the majority of the members of the Council present and voting at any meeting of the Council shall be deemed to be a decision of the Council.

(4) The Chairman or member presiding at any meeting of the Council shall have an original and a casting vote.

(5) Subject to the rules, the Council may regulate its own procedure.

**Council members not to be remunerated**

6. No remuneration is payable to any member for holding office.

**Financial year**

7. The financial year of the Institute shall end on 31st December.

**General meetings**

8. (1) Subject to subparagraph (2), general meetings of the Institute may be held as often as the Council considers necessary, but the Council shall convene an annual general meeting, to be held in Malaysia, within three months after the end of the financial year.

(2) The Council shall hold a general meeting of the Institute within six weeks of the receipt of a written request to do so, specifying the objects of the meeting and signed by not less than twenty-five members of the Institute.

(3) The procedure at general meetings and for service of notices shall be in accordance with the rules.

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**SECOND SCHEDULE**

[Section 17]

**QUALIFYING EXAMINATIONS**

1. The final examinations of the Institute.

2. Any examination anywhere or part thereof recognized by the Government, after consultation with the Institute, as being equivalent to or higher than the final examinations of the Institute.

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**LAWS OF MALAYSIA****Act 158****CHEMISTS ACT 1975****LIST OF AMENDMENTS**

| Amending law | Short title                             | In force from       |
|--------------|-----------------------------------------|---------------------|
| Act 160      | Malaysia Currency<br>(Ringgit) Act 1975 | 29-08-1975          |
| Act A415     | Chemist (Amendment)<br>Act 1977         | 30-09-1977          |
| Act A1032    | Chemist (Amendment)<br>Act 1998         | Not in force<br>yet |
| Act A1493    | Chemist (Amendment)<br>Act 2015         | 01-11-2015          |

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# LAWS OF MALAYSIA

## Act 158

### CHEMISTS ACT 1975

#### LIST OF SECTIONS AMENDED

| Section         | Amending authority    | In force from            |
|-----------------|-----------------------|--------------------------|
| 1               | Act A415              | 30-09-1977               |
| 2               | Act A415<br>Act A1493 | 30-09-1977<br>01-11-2015 |
| 7               | Act A1493             | 01-11-2015               |
| 9               | Act A1493             | 01-11-2015               |
| 11A             | Act A1032             | Not yet in force         |
| 14              | Act A1493             | 01-11-2015               |
| 15              | Act A1493             | 01-11-2015               |
| 16              | Act A415              | 30-09-1977               |
| 17              | Act A415<br>Act A1493 | 30-09-1977<br>01-11-2015 |
| 18              | Act A1493             | 01-11-2015               |
| 19              | Act A1493             | 01-11-2015               |
| 23A             | Act A415<br>Act A1493 | 30-09-1977<br>01-11-2015 |
| 25              | Act A1493             | 01-11-2015               |
| 27              | Act A1493             | 01-11-2015               |
| First Schedule  | Act A1493             | 01-11-2015               |
| Second Schedule | Act A415              | 30-09-1977               |

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