



LAWS OF MALAYSIA

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Act 352

POPULATION AND FAMILY DEVELOPMENT ACT 1966

As at 1 August 2013

POPULATION AND FAMILY DEVELOPMENT ACT 1966

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LAWS OF MALAYSIA**Act 352****POPULATION AND FAMILY DEVELOPMENT ACT 1966**

An Act to establish and incorporate the National Population and Family Development Board and to provide for matters incidental thereto.

[1 June 1966, P.U. 227/1966]

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 and application**

1. (1) This Act may be cited as the Population and Family Development Act 1966.

(2) This Act shall apply throughout Malaysia.

Interpretation

2. In this Act—

“Board” means the National Population and Family Development Board established under section 3;

“Chairman” means the Chairman of the Board appointed under paragraph 4(a);

“Deputy Chairman” means the Deputy Chairman of the Board appointed under paragraph 4(a);

“Director General” means the Director General of the Board appointed under section 7;

“Fund” means the National Population and Family Development Fund established under section 8;

“Minister” means the Minister charged with the responsibility for population and family development.

PART II

THE BOARD

Establishment of the Board

3. (1) There is hereby established a Board to be known by the name “the National Population and Family Development Board” (hereinafter in this Act referred to as “the Board”) which shall be a body corporate with perpetual succession and a common seal and the Board is hereby empowered for the purposes of this Act to sue and be sued, to enter into contracts and in respect of movable and immovable property and interest in movable and immovable property of every description, acquire, purchase and take such property and interest for public or social purposes and hold, enjoy, convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, such property and interest vested in the Board.

(2) The First Schedule to this Act shall have effect with respect to the Board.

Functions of the Board

3A. The functions of the Board shall be—

- (a) to advise the Government on matters relating to policies and programmes on population, family development and human reproduction;
- (b) to plan, implement and co-ordinate population, family development and human reproduction programmes and activities;
- (c) to disseminate knowledge and educate and promote positive behaviour on population, family development and human reproduction;
- (d) to be responsible for the training of persons involved in population, family development and human reproduction work;
- (e) to provide for the training of trainers in the areas of population, family development and human reproduction through skills development, continuing education, networking, technical co-operation among countries and sharing of information communication technology and technical resources;
- (f) to be responsible in identifying and promoting research needs and priorities, and conducting research as well as studies on population, family development and human reproduction, including medical and biomedical studies;
- (g) to provide services based on current and emerging needs due to changes affecting population, family development and human reproduction;
- (h) to establish and maintain an ongoing monitoring and evaluation system by means of which it will be possible from time to time to assess the effectiveness of the

programme and the progress towards the attainment of national objectives; and

- (i) to do such other things as it considers fit to enable it to perform its functions effectively or that are incidental to the performance of its functions.

Powers of the Board

3B. (1) The Board shall have power to do all things expedient or reasonably necessary for or incidental to the performance of its functions.

(2) Without prejudice to the generality of subsection (1), the powers of the Board shall include the power—

- (a) to establish branch offices of the Board in any of the States or Federal Territories as the Board deems fit;
- (b) to establish such Councils and committees as it considers necessary or expedient to assist in the performance of its functions under this Act;
- (c) to impose fees or any other charges as it deems fit for giving effect to any of its functions or powers;
- (d) to grant advances, loans, bursaries and scholarships, to any persons, officers and servants of the Board for purposes of manpower needs of the organization on such terms and conditions as the Board may determine;
- (e) to collaborate and co-operate with relevant government agencies, non-governmental organizations, private sector, international agencies and any individual in the planning, development and implementation of programmes, activities and services; and

- (f) to do such other things as it deems fit to enable it to perform its functions and powers effectively.

Additional powers of the Board

3c. (1) The Board may, with the approval of the Minister and the consent of the Minister of Finance—

- (a) where it appears requisite, advantageous or convenient for or in connection with the discharge of the functions, exercise of the powers and carrying on of the activities of the Board, enter into equity participation, partnership, joint venture, undertaking or any other form of co-operation or arrangement in association, or otherwise, with—
- (i) an enterprise, a company, or a private undertaking constituted for the carrying on of business in Malaysia or elsewhere;
 - (ii) the Federal Government or any State Government;
 - (iii) any statutory authority; or
 - (iv) a commission;
- (b) establish or promote the establishment of companies under the Companies Act 1965 [*Act 125*], to carry on or engage in any activity which has been planned or is being undertaken by the Board; or
- (c) by order published in the *Gazette*, establish a corporation, by such name as the Board deems fit, to carry out and have the charge, conduct and management of any project, scheme or enterprise which has been planned or undertaken by the Board in the performance of its functions, the exercise of its powers or the discharge of its duties.

(2) The provisions of the Second Schedule shall apply to every corporation established by the Board under paragraph (c).

Membership of the Board

4. The Board shall consist of the following members:

- (a) a Chairman and a Deputy Chairman to be appointed by the Minister;
- (b) a Director General;
- (c) the Secretary General of the Ministry responsible for population and family development or his representative;
- (d) not more than nine members each of whom shall be a representative of any Ministry or government agency as the Minister may deem expedient; and
- (e) not more than nine members to be appointed by the Minister from amongst members of the public and non-governmental organizations who possess expertise in the areas of population, family development and human reproduction.

Tenure of office

4A. A member of the Board appointed under paragraphs 4(a) and (e) shall, unless he sooner resigns or vacates his office or his appointment is sooner revoked, hold office for a term not exceeding two years on such conditions as may be specified in his instrument of appointment, and is eligible for reappointment.

Alternate members

4B. (1) The Minister may, in respect of each member appointed under paragraphs 4(d) and (e), appoint an alternate member to attend,

in place of that member, meetings of the Board that that member is for any reason unable to attend.

(2) When attending meetings of the Board an alternate member shall for all purposes be deemed to be a member of the Board.

(3) An alternate member shall, unless he sooner resigns or his appointment is sooner revoked, cease to be an alternate member when the member in respect of whom he is an alternate member ceases to be a member of the Board.

Executive Committee

4c. The Chairman, the Director General and three other members of the Board designated by the Minister after consultation with the Chairman shall comprise the Executive Committee of the Board.

Temporary exercise of functions of Chairman

4d. (1) Where the Chairman is for any reason unable to perform the functions of the Chairman or during any period of vacancy in the office of the Chairman, the Deputy Chairman shall perform the functions of the Chairman.

(2) If at any meeting of the Board neither the Chairman nor the Deputy Chairman is present or if a meeting is held during any period of vacancy in the offices of the Chairman and Deputy Chairman, the members present shall elect one of the Board members appointed under paragraph 4(d) to preside at the meeting.

Revocation and resignation

4e. (1) The appointment of any member may at any time be revoked by the Minister without assigning any reason therefor.

(2) A member may at any time resign his office by a written notice addressed to the Minister.

Vacation of office

4F. (1) The office of a member of the Board shall be vacated—

- (a) if he dies;
- (b) if there has been proved against him, or he has been convicted on, a charge in respect of—
 - (i) an offence involving fraud, dishonesty or moral turpitude;
 - (ii) an offence under any law relating to corruption; or
 - (iii) any other offence punishable with imprisonment in itself only or in addition to or in lieu of a fine;
- (c) if he becomes a bankrupt;
- (d) if he is of unsound mind or otherwise incapable of discharging his duties;
- (e) if he absents himself from three consecutive meetings of the Board without leave of the Chairman or in the case of the Chairman, without leave of the Minister;
- (f) if his resignation is accepted by the Minister; or
- (g) if his appointment is revoked by the Minister.

(2) Where any person ceases to be a member by reason of any of the provisions of this Act, another person shall be appointed in his place in accordance with sections 4 and 4A.

Non-liability of members of Board

4G. No member of the Board shall incur personal liability for any loss or damage caused by an act in administering the affairs of the

Board, unless the loss or damage is occasioned by an intentionally wrongful act on his part.

5. *(Deleted by Act A1280).*

Delegation of powers

6. (1) The Board may, subject to such conditions, limitations or restrictions as it deems fit to impose, delegate any of its powers under paragraphs 3B(2)(a), (c) and (d) and paragraph 7A(1)(b) of this Act to the Executive Committee of the Board and any power so delegated may be performed, exercised or discharged by the Executive Committee as the case may be, in the name and on behalf of the Board.

(2) A delegation under this section shall not preclude the Board itself from performing or exercising at any time any of the powers so delegated.

(3) Without prejudice to the generality of subsection (1) and the other provisions of this Act, the Board may delegate to the Director General—

- (a) the power to grant loans and make advances to the officers and servants of the Board; and
- (b) the authority to sanction expenditure from the Fund or any other moneys vested in or under the control of the Board up to such limit as the Board shall specify.

PART IIA

DIRECTOR GENERAL, OFFICERS AND SERVANTS
OF THE BOARD**Appointment of Director General**

7. (1) The Minister shall appoint a fit and proper person with the relevant experience and expertise as a Director General of the Board on such terms and conditions as the Minister may determine.

(2) The Board shall vest in the Director General such powers and shall impose upon him such duties as the Board may determine.

(3) The Director General shall be responsible for the execution of government policies pertaining to population, family development and human reproduction, and any other policy as the Board deems fit.

(4) The Director General shall also be responsible for—

(a) the proper administration and management of the affairs of the Board;

(b) the preparation of—

(i) all programmes, schemes, projects and activities;

(ii) an estimate of expenditure for the implementation of the annual programmes; and

(iii) an estimate of income,

for the approval of the Board;

(c) the execution of the annual programmes of the Board; and

(d) the carrying out of the decisions and directions of the Board.

(5) The Director General shall have general control of the officers and servants of the Board.

(6) The Director General shall perform such further duties as the Board may direct.

(7) In discharging his duties, the Director General shall act under the general authority and direction of the Board.

(8) If the Director General is temporarily absent from Malaysia or is temporarily incapacitated through illness or for any other reason from performing his duties, or if the office of the Director General is for the time being vacant, the Board may direct the Deputy Director General to perform his duties during such temporary absence, incapacity or vacancy.

(9) For the purposes of subsection (8)—

(a) if there is more than one Deputy Director General the Board shall nominate a Deputy Director General to perform the duties; and

(b) if the office of Deputy Director General is vacant, the Board may direct any other officer of the Board to perform the duties.

(10) The Director General shall do all other matters or things as may be necessary or incidental to or consequential upon the exercise of powers, functions or duties under this Act.

Appointment of officers and servants

7A. (1) Subject to any regulations made under subsection (3), the Board may—

(a) with the approval of the Minister, appoint such number of Deputy Directors General;

- (b) appoint such number of officers and servants as may be necessary for carrying out the purposes of this Act,

on such terms, and conditions as the Board deems desirable.

(2) No person shall be eligible for employment as an officer or servant of the Board if he has, directly or indirectly, by himself or his partner, any share or interest in any contract or proposed contract with, for or on behalf of the Board.

(3) The Board may, with the approval of the Minister, make regulations with respect to the conditions of service of its officers and servants.

PART III

FUNDS, ACCOUNTS AND EXPENSES OF THE BOARD

The Fund

8. (1) For the purposes of this Act a fund to be known as the “National Population and Family Development Fund” which shall be administered and controlled by the Board is established.

(2) The Fund shall consist of—

- (a) such moneys as may be provided from time to time for the purposes of this Act by Parliament;
- (b) moneys borrowed by the Board with the approval of the Minister and the Minister of Finance;
- (c) moneys received by the Board as endowments, grants, donations, gifts or bequests made to or in favour of the Board;
- (d) moneys earned by the operation of any project, scheme or enterprise financed from the Fund;

- (e) moneys earned or arising from any property, investment, mortgage, charge or debenture acquired by or vested in the Board;
- (f) moneys distributed as dividends from the corporations established under this Act;
- (g) moneys earned from the consultancy, advisory, or any other services provided by the Board and includes moneys earned from the sale of publications of the Board; and
- (h) all other moneys or property which may in any manner become payable to or vested in the Board in respect of any matter incidental to its functions and powers.

(3) The expenses of the Board up to such amounts as may be authorized by the Minister for any one year shall be defrayed from the funds of the Board in accordance with the estimates as approved by the Minister under section 9B.

Expenditure to be charged on the Fund

8A. The Fund shall be expended for the purpose of paying any expenditure lawfully incurred by the Board, including legal fees and costs and any other fees and costs, and the remuneration of officers and servants of the Board, including the granting of loans, superannuation allowances and medical and dental treatment.

Accounts

9. (1) The Board shall cause proper accounts and other records to be kept in respect of its operation and shall prepare statements of accounts in respect of each financial year.

(2) The accounts of the Board shall be audited annually by the Auditor General or any other auditor as may be approved by the Minister of Finance.

(3) After the end of each financial year and as soon as the accounts of the Board have been audited the Board 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 on any statement or on the accounts of the Board.

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

Statutory Bodies (Accounts and Annual Reports) Act 1980

9A. The Statutory Bodies (Accounts and Annual Reports) Act 1980 [Act 240] shall apply to the Board and any corporation established under this Act.

Annual estimates

9B. (1) Before the beginning of September of each year the Board shall submit to the Minister an estimate of the expenses for the following year in such form and in such particulars as the Minister may require; and the Minister shall before the beginning of November of that year notify the Board of the amount authorized for expenses generally or of the amounts authorized for each description of expenditure.

(2) The Board 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.

Annual report

9C. The Board shall not later than the 31 March of each year cause to be made and transmitted to the Minister a report dealing with the activities of the Board during the preceding year and containing such information relating to the proceedings and the policy of the Board as the Minister may from time to time require.

PART IV

OTHER POWERS AND FUNCTIONS OF THE BOARD

Power to borrow

10. The Board may, with the approval of the Minister and the Minister of Finance, borrow, at such rate of interest and for such period and upon such terms as to the time and method of repayment and otherwise as the Minister and the Minister of Finance may approve, any sums required by the Board for meeting any of its obligations or discharging any of its duties.

Investment

11. The moneys of the Board may in so far as they are not required to be expended by the Board under this Act, be invested in such manner as the Minister and the Minister of Finance may approve.

Grants

12. The Board may advise the Minister in relation to the making of grants and with the Minister's approval, make grants out of Parliamentary appropriations for purposes related to the Board's functions.

Power to employ agents, etc.

13. The Board may employ and pay agents and technical advisers, including advocates and solicitors, bankers, stockbrokers, surveyors, valuers and other persons, to transact any business or to do any act required to be transacted or done in the performance of its functions, the exercise of its powers or discharge of its duties or for the better carrying into effect of the purposes of this Act.

PART V

MISCELLANEOUS

Members deemed to be public servants

14. All members, officers and servants of the Board shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

General directions by Minister

15. It shall be lawful for the Minister from time to time to issue general directions to the Board not inconsistent with this Act; and the Board shall comply with such directions.

Regulations

16. (1) The Minister may make such regulations as he thinks necessary or expedient for the proper carrying out of the purposes and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for all or any of the following purposes:

- (a) the marketing of products and materials that have been created, developed, designed, published or produced by the Board;
- (b) prescribing the imposition and collection of fees or charges for any services and consultations, training, research, intellectual property or matters rendered by the Board;
- (c) the acquisition and disposition of any properties;

- (d) the establishment and management of a training fund for the training of potential employees and officers of the Board; and
- (e) any other matters which the Board deems expedient or necessary for the purposes of this Act.

Public Authorities Protection Act 1948

17. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Board or against any member, officer, servant or agent of the Board in respect of any act, neglect or default done or committed by him in such capacity.

Power to amend Schedules

18. The Minister may by order published in the *Gazette* amend, add to or vary the Schedules to this Act.

FIRST SCHEDULE

[Subsection 3(2)]

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

- (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, an offence under any law relating to corruption or any other offence punishable with imprisonment in itself only or in addition to or in lieu of a fine.

(2) (*Deleted by Act A1280*).

2. The Board shall meet at least once in every three months at a time and place as may be determined by the Chairman.

3. (1) The quorum of the Board shall be eight.

(2) If on any question to be determined by the Board 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 Board shall determine its own procedure.

(4) The seal of the Board shall be authenticated by the Chairman, Deputy Chairman and Director General, 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.

(5) The Board shall have a common seal which shall bear such device as the Board shall approve and such seal may be broken, changed, altered or made anew as the Board deems fit.

(6) Until a seal is provided by the Board, a stamp bearing the logo and words “ LPPKN” may be used and shall be deemed to be the common seal of the Board.

(7) The common seal shall be kept in the custody of the Director General or such other person as may be authorized by the Board.

(8) The common seal of the Board shall be officially and judicially noticed.

4. *(Deleted by Act A1280).*
5. A member of the Board having any interest in any company or undertaking with which the Board proposes to make any contract or having any interest in any such contract or in any matter under discussion by the Board shall disclose to the Board the fact of his interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Board, and unless specifically authorized thereto by the Chairman, the member shall take no part in any deliberation or decision of the Board relating to the contract.
6. Members of the Board shall be paid such remuneration and allowances as the Minister may determine with the approval of the Minister of Finance.

SECOND SCHEDULE

[Subsection 3C(2)]

Power of Board to make regulations in respect of corporation

1. The Board shall, on or before the date on which any corporation is established under paragraph 3c(1)(c), make regulations in respect of such corporation defining—
 - (a) the purposes and objects for which the corporation is established;
 - (b) the rights, powers, duties and functions of such corporation;
 - (c) the system of management of the corporation; and
 - (d) the relations between such corporation and the Board and the Board's rights of control over such corporation.

Limitation on power to establish corporation

2. Nothing in paragraph 1 shall be deemed to authorize the Board to make regulations for any purpose or object more extensive in scope than the purposes or objects for which the Board has been constituted or to confer on any corporation any right, duty, power or function which is not within the rights, duties, powers or functions of the Board under this Act.

Effect of regulations

3. Subject to the provisions of this Act and of any regulations made under section 16, any regulations made under paragraph 1 shall be binding on the corporation in

respect of which they were made and shall have effect for all purposes as if they had been enacted in this Act.

Amendment of regulations

4. The Board may at any time amend, revoke or add to any regulations made under paragraph 1 in respect of any corporation.

Register of corporations

5. The Board shall keep a register in the prescribed form of all corporations established by it under paragraph 3c(1)(c) and such register, together with copies of all regulations made under paragraphs 1 and 4, shall be open to public inspection at such place or places and at such time as it may prescribe.

Winding up

6. (1) The Board may, with the approval of the Minister, by order published in the *Gazette*, direct that any corporation established by it be wound up and dissolved.

(2) Upon the dissolution of any corporation under this paragraph, the assets of the corporation after discharging all its liabilities shall be transferred to and shall vest in the Board.

(3) The winding up of a corporation under this paragraph shall be conducted in such manner as the Board may prescribe.

Corporations to be bodies corporate

7. Every corporation established under paragraph 3c(1)(c) shall be a body corporate by such name as the Board shall give to it and shall have perpetual succession and a common seal and may sue and be sued in such name and, for the purpose of carrying into effect the project, scheme or enterprise for which it has been established, may enter into contracts, and may hold and deal in or with any immovable or movable property and may do all other matters and things incidental or appertaining to a body corporate not inconsistent with the provisions of this Act and subject to such restrictions or limitations as may be prescribed by the Board in each case.

Common seal of corporation

8. (1) Every corporation shall have a common seal which shall bear such device as the corporation, with the approval of the Board, may approve and such seal may be broken, changed, altered, or made anew as the corporation, with the approval of the Board, deems fit.

(2) Until a seal is provided by the corporation, a stamp bearing the name of the corporation may be used and shall be deemed to be the common seal of the corporation.

(3) The common seal shall be kept in the custody of such person as may be authorized by the corporation, and shall be authenticated by such person; and all deeds, documents, and other instruments purporting to be sealed with the said seal, authenticated as aforesaid, shall, until the contrary is proved, be deemed to have been validly executed:

Provided that any document or instrument which if executed by a person not being a body corporate would not be required to be under seal may in like manner be executed by the corporation; and any such document or instrument may be executed on behalf of the corporation by any officer or servant of the corporation generally or specially authorized by the corporation in that behalf.

(4) The common seal of any corporation shall be officially and judicially noticed.

LAWS OF MALAYSIA**Act 352****POPULATION AND FAMILY DEVELOPMENT ACT 1966**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A327	Penal Code (Amendment and Extension) Act 1976	31-03-1976
Act A363	Family Planning (Amendment) Act 1976	29-10-1976
Act A592	Family Planning (Amendment) Act 1976	29-06-1984
Act A1280	Population and Family Development (Amendment) Act 2006	08-02-2007

LAWS OF MALAYSIA

Act 352

POPULATION AND FAMILY DEVELOPMENT ACT 1966

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A363 Act A1280	29-10-1976 08-02-2007
3	Act A363 Act A1280	29-10-1976 08-02-2007
3A-3C	Act A1280	08-02-2007
4	Act A363 Act A1280	29-10-1976 08-02-2007
4A-4G	Act A1280	08-02-2007
5	Act A592 Act A1280	29-06-1984 08-02-2007
6	Act A592 Act A1280	29-06-1984 08-02-2007
PART 11A	Act A1280	08-02-2007
7	Act A363 Act A592 Act A1280	29-10-1976 29-06-1984 08-02-2007
7A	Act A1280	08-02-2007
Heading of PART III	Act A1280	08-02-2007
8	Act A363 Act A1280	29-10-1976 08-02-2007
8A	Act A1280	08-02-2007

Section	Amending authority	In force from
9A-9C	Act A1280	08-02-2007
PART IV	Act A1280	08-02-2007
10	Act A1280	08-02-2007
11	Act A1280	08-02-2007
12	Act A327 Act A1280	31-03-1976 08-02-2007
13	Act A1280	08-02-2007
PART V	Act A1280	08-02-2007
14-18	Act A1280	08-02-2007
FIRST SCHEDULE	Act A1280	08-02-2007
SECOND SCHEDULE	Act A1280	08-02-2007
Throughout the Act	Act A363 Act A592	29-10-1976 29-06-1984
