



LAWS OF MALAYSIA

ONLINE VERSION OF UPDATED
TEXT OF REPRINT

Act 105

MALAYSIAN TIMBER INDUSTRY BOARD (INCORPORATION) ACT 1973

As at 1 December 2011

**MALAYSIAN TIMBER INDUSTRY BOARD
(INCORPORATION) ACT 1973**

Date of Royal Assent 6 April 1973

Date of publication in the *Gazette* 12 April 1973

Latest amendment made by
Act A1387 which came
into operation on 15 Mac 2011

PREVIOUS REPRINTS

First Reprint 1994

Second Reprint 2000

Third Reprint 2006

LAWS OF MALAYSIA**Act 105****MALAYSIAN TIMBER INDUSTRY BOARD
(INCORPORATION) ACT 1973**

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LAWS OF MALAYSIA

Act 105

MALAYSIAN TIMBER INDUSTRY BOARD (INCORPORATION) ACT 1973

An Act to repeal the Malaysian Timber Export Industry Board (Incorporation) Act 1966 and dissolve the Malaysian Timber Export Industry Board to establish the Malaysian Timber Industry Board and provide for matters connected therewith, and to make better provisions respecting the Malaysian timber industry.

[Peninsular Malaysia—1 June 1973, P.U. (B) 220/1973;
Sabah and Sarawak (PARTS I and II only)
—4 March 1991, P.U. (B) 141/1991;
Sabah (PARTS III, IV, V and VI),
—1 January 1992, P.U. (B) 645/1991]*

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, commencement and application

1. (1) This Act may be cited as the Malaysian Timber Industry Board (Incorporation) Act 1973 and shall apply throughout Malaysia.

* Except the following provisions of section 13:

- (i) subsection (2);
 - (ii) subsection (3);
 - (iii) that portion of subsection (4) that applies to packers and manufacturers;
 - (iv) subsection (5);
 - (v) subsection (6),
- and section 21.

However, the above provisions of section 13 came into force on 1 June 1975 *vide* P.U. (B) 120/1975.

(2) Subject to subsection (3), this Act shall come into operation on a date to be appointed by the Minister by notification in the *Gazette*.

(3) The Minister may appoint different dates for the coming into operation of this Act, or of different provisions of this Act, in Peninsular Malaysia, Sabah and Sarawak respectively.

Interpretation

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

“appointed day” means the day on which this Act, or, if different dates are appointed for the coming into operation of different provisions of this Act, the day on which Part VI, comes into operation;

“Board” means the Malaysian Timber Industry Board established under section 3;

“Chairman” means the Chairman of the Board appointed under section 4;

“cess” means the cess imposed under section 20;

“Director General” means the Director General appointed under section 9 and includes the Deputy Director General;

“domestic market” means market within Malaysia;

“enforcement officer” means—

- (a) an officer of the Board or any public officer appointed under section 26A;
- (b) a police officer not below the rank of Inspector; or
- (c) an officer of customs as defined under the Customs Act 1967 [Act 235];

“export” means to take or cause to be taken out of Malaysia by land, sea or air or to place any timber in a vessel, conveyance or aircraft for the purpose of the timber being taken out of Malaysia by land, sea or air;

“exporter” means a person who exports timber;

“Fund” means the Malaysian Timber Industry Board Fund established under section 19;

“forest plantation” means the planting, managing and harvesting of trees under the Forest Plantation Development Programme implemented by the Board;

“grader” means a person who holds a valid certificate of competency in the grading of sawn timber, issued by the grading authority;

“grading authority” means the Director General of the Malaysian Timber Industry Board;

“harvesting” means taking, collecting, tapping or removing, of any forest produce for the purpose of forest plantation;

“import” means to bring or cause to be brought any timber into Malaysia by land, sea or air but does not include *bona fide* transit of timber and transshipment of timber;

“importer” means a person who imports timber;

“in transit” means taken or sent from any country and brought into Malaysia by land, sea or air (whether or not landed or transshipped in Malaysia) for the sole purpose of being carried to another country either by the same or another conveyance;

“jetty” means a yard from which timber may be directly removed for immediate shipment without having to be kept at another yard;

“jetty operator” means a person who operates a jetty who is involved in any activity relating to the exportation or importation of timber;

“legal landing place” has the meaning assigned to it in the Customs Act 1967;

“member” means a member of the Board, and includes an alternate member;

“mill” means any building or factory used wholly or partly for the manufacture, processing, seasoning or preservation of timber;

“operator” means a person who holds a valid certificate of competency issued by the Board to operate a timber preservation plant, a timber kiln dry plant or both;

“permit”, in relation to the exportation or importation of timber, means a certificate of approval issued by the Board;

“premises”, in relation to timber, means any place, whether open or enclosed or whether on land or sea or whether movable or immovable and includes any house, mill, shop, conveyance, store, room, hall, shed, container, jetty, yard, estate, farm, warehouse, port or airport;

“processor” means a person who carries on the business of kiln drying or preserving timber;

“proper officer of customs” has the meaning assigned to it in section 2 of the Customs Act 1967;

“Quality Control Inspector” means a quality control inspector appointed under section 9;

“recognized association” means an association, body or organization listed in the Third Schedule;

“research finding” means any result or output from a research and development activity and includes new or improved product, design, invention, innovation and development in any process, technique, apparatus or machine;

“supplier” means a person who supplies timber for the purpose of export;

“this Act” includes any subsidiary legislation made under this Act;

“timber” means the products, or any of the products, listed in the First Schedule;

“timber industry” means any activity which involves forest plantation, development, trade, marketing, processing, manufacturing and production of and research on timber;

“timber quality” means grade, species, size and any specification relating to timber;

“trader” means a person who carries on the business of selling, trading, distributing or marketing of timber for the purpose of domestic market;

“yard” means any area or place used for checking, inspecting, seasoning, selling, storing, packaging, preserving or bundling timber, and includes any area, place or premises where timber, intended to be used in the manufacture of any article or in the erection of any building or structure, is seasoned, preserved or offered for sale.

(2) The provision of this Act shall not be in derogation of the provisions of the National Forestry Act 1984 [*Act 313*] or any other written laws for the time being in force in relation to forestry.

PART II

ESTABLISHMENT OF THE BOARD

Establishment of the Board

3. (1) There shall be established a body corporate by the name of “Malaysian Timber Industry Board” which shall have perpetual succession and a common seal and power to acquire and hold movable and immovable property and to dispose thereof or otherwise deal therewith, and which may sue and be sued in its corporate name.

(2) The Second Schedule shall apply to the Board.

Composition of the Board

4. (1) The Board shall consist of the following members who shall be appointed by the Minister:

(a) a Chairman;

(b) the Secretary General of the Ministry of Plantation Industries and Commodities;

- (ba) the Secretary General of the Treasury;
- (c) the Secretary General of the Ministry of International Trade and Industry;
- (d) the Director General of the Forestry Department Peninsular Malaysia;
- (e) the Director General of the Forest Research Institute of Malaysia;
- (ea) the Director General;
- (f) one representative of each of not more than five of such States as the Minister may determine;
- (g) representatives of recognized associations to be appointed as provided in section 5; and
- (h) not more than two persons who in the opinion of the Minister are able to contribute to the development of the Malaysian timber industry.

(2) The terms and conditions of the appointment of the Chairman, and his remuneration, shall be determined by the Minister.

Representative members

5. (1) Each recognized association is entitled to be represented on the Board by the number of persons shown against its name in the Third Schedule, to be appointed by the Minister.

(2) *(Deleted by Act A776).*

Tenure of office

5A. Each member of the Board shall, unless he sooner resigns his membership or his membership or his appointment is sooner revoked, hold office for a period not exceeding two years, but shall be eligible for reappointment.

Amendment of Third Schedule

6. (1) Subject to subsection (2), the Minister may from time to time, after consulting the Board, amend the Third Schedule.

(2) No association, body or organization shall be added to, or allowed to remain in, the Third Schedule unless its rules—

(a) have been approved by the Minister;

(b) contain nothing prejudicial to the general interests of the timber industry; and

(c) permit the admission as its member of every person whom it is intended to represent and who applies for admission and undertakes to comply with its rules.

(3) If a recognized association amends its rules so as to affect its membership, it shall lodge a copy of the amendment with the Minister within fourteen days of the making thereof.

Alternate members

7. (1) Subject to subsection (4) the Minister may, in respect of each member appointed under section 4(1)(b) to (g), appoint two persons to be alternate members to attend in place of that member, meetings of the Board that member is for any reason unable to attend.

(2) Only one alternate member may attend meetings of the Board at any one time in place of the member whom he is alternate to.

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

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

Temporary exercise of functions of Chairman

8. (1) The Minister may appoint any member of the Board to exercise the functions of the Chairman during the period in which the Chairman is for any reason unable to exercise his functions or during the period of any vacancy in the office of the Chairman, and such member shall, during the period in which he is exercising the functions of the Chairman under this subsection, be deemed to be the Chairman.

(2) Until an appointment is made under subsection (1) or in default of such appointment or in the absence of the Chairman from any meeting of the Board, the representative appointed under paragraph 4(1)(b) shall exercise the functions of and be deemed to be the Chairman.

(3) Should the representative appointed under paragraph 4(1)(b) be for any reason unable to act under subsection (2), the representative appointed under paragraph 4(1)(d) shall exercise the functions of and be deemed to be the Chairman.

Appointment of officers and servants

9. (1) The Minister shall appoint a Director General of the Board on such terms and conditions and for such specified period as he may determine.

(2) The Board may, with the consent of the Minister and on such terms and conditions as the Board may determine, appoint such number of Deputies Director General and officers and servants of the Board including Quality Control Inspectors as may be necessary for carrying out the purposes of this Act.

(3) The appointment of the Director General, the Deputy Director General and the Quality Control Inspectors shall be published in the *Gazette*.

Board may provide for schemes of service

9A. The Board may from time to time with the approval of the Minister and the concurrence of the Minister of Finance, after consultation with the Director General of Public Services, make regulations to provide for any scheme of service for its officers and servants, including the terms and conditions of service and the salaries, any pension scheme, and any scheme relating to allowances and other remunerations payable to its officers and servants.

Powers and duties of the Director General

9B. (1) The Director General shall be the chief executive officer of the Board and shall have all the powers and duties necessary for carrying out the administration and technical functions of the Board.

(2) The powers and duties referred to in subsection (1) shall be in addition to any power or duty conferred or imposed on the Director General by the Board or by this Act and any regulation made thereunder.

(3) The Director General shall—

(a) submit for the approval of the Board—

(i) an annual programme of activities of the Board; and

(ii) the estimate of expenditure necessary to carry out the activities of the Board;

(b) ensure that the approved programme is duly implemented and that the expenditure of carrying out the approved programme as well as for the administration of the Board is in accordance with the estimates approved by the Board; and

(c) keep the Board fully informed of the progress of the activities, and prepare and submit to the Board as soon as possible after the end of each financial year a report dealing with the administration of the Board accompanied by a statement of income and expenditure for, together with balance sheets as at the end of, the financial year.

(4) Where the Director General is temporarily unable to exercise his functions on grounds of sickness, absence or any other cause, the Deputy Director General shall exercise the powers and duties of the Director General.

(5) Where the Deputy Director General has not been appointed the Chairman may appoint any officer of the Board to exercise the powers and duties of the Director General for the purposes of subsection (4).

Delegation of Director General's duties

9c. (1) The Director General may in writing delegate any of the powers or duties assigned to him under this Act to any officer of the Board, subject to such terms and conditions as he thinks fit.

(2) A delegation under this section shall not preclude the Director General himself from performing or exercising, at any time, any of the powers or duties so delegated.

Public servants

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

Offices

11. The Board shall have a principal office in the Federation at such place as the Board may determine, and may establish such other branch offices as the Board may deem desirable.

Functions and powers of the Board

12. (1) The functions of the Board are—

- (a) to regulate and control the trade in, and the marketing and distribution of, timber;
- (b) to promote and improve the trade in, and markets for, timber;
- (bb) to co-ordinate activities for effective marketing and shipping of timber;
- (c) to encourage effective utilization of timber with emphasis on product diversification and to promote improvement and economy in the methods of processing timber;
- (d) to provide technical advisory services and training required to assist in the development of existing timber industries and the establishment of new industries;
- (e) to assist the timber industries in the marketing of timber;

- (f) to organize and assist in the consolidation of the small scale timber industries and the closer integration of the activities of the timber industries generally, so as to achieve greater efficiency in, and secure a stronger base for, the timber industry as a whole;
- (g) to gather information on and maintain records of all relevant matters relating to the timber industry;
- (ga) to implement policies and development programmes to ensure the improvement and viability of the timber industry in Malaysia;
- (gb) to develop Bumiputera entrepreneurs in the timber industry to be more competitive;
- (gc) to implement control and monitor export, import, timber in transit and the domestic market;
- (gd) to carry out research, review and investigation, that are beneficial or appropriate to the carrying out of its functions;
- (ge) to develop and commercialize research findings for the benefit of the timber industry and to encourage the commercial use of research findings;
- (gf) to encourage and develop forest plantation activity for the purpose of the development of the timber industry and any other activity related to the development of forest plantation;
- (gg) to plan and carry out human resource development programmes parallel to the development of the timber industry;
- (gh) to liaise and co-ordinate with the relevant State Governments and other bodies, including members of any association within and outside Malaysia, in the interest of the timber industry; and
- (h) generally to do everything within the scope of the objectives of this Act for the betterment and proper conduct of the timber industry.

(2) The Board shall have power to do all things reasonably necessary for, or expedient or incidental to, the discharge of its functions, and in particular, but without prejudice to the generality of this subsection—

- (a) to enter into such negotiations and agreements or arrangements as the Board considers necessary for carrying out its functions and for the promotion of the general interests of the timber industry and trade;
- (b) to undertake marketing of timber on behalf of the small scale timber industries;
- (c) to set up and maintain such establishments as the Board considers necessary for the discharge of its functions;
- (d) to appoint committees;
- (e) to acquire, hold, dispose of or grant rights in connection with the results of any research conducted by or for the Board, or in connection with the results of any research undertaken by any person or organization for the Board;
- (f) to commission any person or body to carry out research or development;
- (g) to award certificates of proficiency in respect of training programmes and programmes recognized by the Board;
- (h) to issue licences, certificates, permits and approvals under this Act in respect of the timber industry;
- (i) to determine the standards and specifications of any timber product as the Board thinks proper for the timber industry;
- (j) to undertake and co-ordinate any activities relating to research and development in the planting, production and harvesting of forest plantation products;
- (k) to grant recognition and certification of timber quality assurance scheme to any person involved in timber production;

- (l) to collaborate with any recognized agencies or organizations within or outside Malaysia;
- (m) to carry out research and development activities for the development of timber products and downstream activities;
- (n) to provide loans, with or without interest, to bodies, companies or persons approved by the Minister for the execution of forest plantation programmes or any other programmes for the purpose of the development of the timber industry;
- (o) to carry out the role as the grading authority; and
- (p) to do all things expedient, necessary for or incidental to the performance of its functions under this Act.

(3) The Board may from time to time, with the approval of the Minister, establish, by order published in the *Gazette*, a corporation by such name as may be specified in the order to carry out and have the charge, conduct and management on behalf of the Board of any project, scheme or enterprise that has been planned or undertaken by the Board in the discharge of its functions under this Act, and may in like manner cancel, vary or amend any such order.

(4) Every order made under subsection (3) shall make provision in respect of—

- (a) the constitution of the corporation;
- (b) the financing of the corporation;
- (c) the repayment of loans to the corporation; and
- (d) the accounts to be kept by the corporation and the audit of the accounts.

(4A) The provisions of the Fourth Schedule shall apply in respect of every corporation established by the Board under subsection (3).

(5) The Board may, in discharging such of its functions, in appropriate cases carry out commercial activities for gain or profit through companies which may, from time to time, be established under the Companies Act 1965

[Act 125] and such companies shall only be established after approval by the Minister with the concurrence of the Minister of Finance.

(6) The Minister may make such rules or regulations prescribing any activity or interest or prescribing the terms or conditions of any activity or interest of any member, officer or servant of the Board in relation to any corporation or company established under subsections (3) and (5) respectively or to any other company, enterprise or undertaking and any omission or neglect to comply with and any act done or attempted to be done contrary to the provisions of such rules or regulations is an offence against this Act and the offender is liable on conviction to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Delegation of Board's functions and powers

12A. (1) The Board may, in writing, delegate on such conditions, limitations or restrictions as it deems fit to impose, any of its functions or powers, except the power to make regulations and rules under section 34 of this Act, to—

- (a) the Chairman;
- (b) the Director General;
- (c) any committee appointed by the Board; or
- (d) any officer of the Board who is empowered by the Director General.

(2) Any person or committee delegated with such functions and powers of the Board under subsection (1) shall be bound to observe and have regard to all the conditions, limitations or restrictions imposed by the Board.

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

PART III

REGULATION OF THE TIMBER INDUSTRY

Prohibition against carrying out activities without registration

13. (1) No person shall carry on any activity as—

- (a) an exporter;
- (b) an importer;
- (c) a supplier;
- (d) a grader;
- (e) a processor;
- (f) a trader;
- (g) an operator; or
- (h) a jetty operator,

unless he is registered in accordance with this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two hundred and fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

13A. (*Deleted by Act A1387*).

Registration

14. (1) An application for registration under this Act shall be made to the Board.

(2) The Board may, on payment of such fee as may be prescribed, register an applicant under subsection (1) subject to such conditions and restrictions as the Board may deem fit to impose.

(3) Every registration under this section shall be valid for a period of one year, or for such longer period but not exceeding five years as the Board may determine, from the date of registration and shall be renewable, unless sooner cancelled under section 17, at the discretion of the Board for such further period of not less than one year but not exceeding five years as the Board deems fit.

(4) The Board shall issue to every person who has been registered, or whose registration has been renewed, under this section a certificate of registration in such form as may be prescribed.

(5) No person, except a grader or operator, who is not an incorporated person shall be registered under this section unless there is in respect of his business a valid certificate of registration of business issued under any written law in force in Malaysia relating to the registration of businesses.

Power to vary conditions or restrictions of registration

14A. (1) The Board shall have the power to vary any condition or restriction imposed on any registration under subsection 14(2):

Provided that the Board shall not vary any condition or restriction of the registration unless a reasonable notice and an opportunity of being heard on any objection as to the intended variation has been given to a registered person likely to be affected by such variation.

(2) The Board may, upon hearing any objection under subsection (1), dismiss the objection if it considers it of no merit and shall proceed to vary the condition or restriction of registration as intended.

(3) If a registered person is dissatisfied with the decision of the Board under subsection (2), he may appeal to the Minister within thirty days of the date the decision was communicated to him and the decision of the Minister shall be final and binding.

(4) No variation of any condition or restriction of registration made pursuant to this section shall be enforced until the appeal, if any, under subsection (3) has been determined in favour of the Board.

Register

15. The Board shall keep and maintain a register relating to the registration under section 14 in such form and manner as may be determined by the Board.

Power to refuse registration

16. The Board may refuse to effect registration under section 14 if it is of the opinion that the applicant will be unable to comply with the conditions or restrictions that the Board may impose upon registration, or with the requirements of this Act or the rules or regulations thereunder.

Power to suspend, cancel or to refuse to renew registration

17. (1) The Board may, if it is satisfied that any condition or restriction subject to which a registration was effected has not been complied with by the registered person or that the continuance of the registration would contravene this Act or the rules or regulations thereunder, suspend, cancel or refuse to renew the registration.

(2) If it appears to the Board that a registered person has contravened any provision of this Act or of the rules or regulations thereunder, the Board may call upon him, in such manner as may be prescribed, to show cause why his registration should not be suspended or cancelled.

(3) A person called upon to show cause under subsection (2)—

(a) shall be supplied by the Board with the particulars, in writing, of the alleged contravention; and

(b) may, if he so desires, be present at the hearing by the Board or be represented thereat by another person authorized by him in writing.

(4) If after the hearing the Board is of the opinion that the person called upon to show cause has failed to show cause, the Board may, notwithstanding any criminal action that may be brought against him, suspend or cancel his registration:

Provided that any suspension of registration under this provision shall not exceed a period of six months.

(5) A person whose registration has been cancelled or has, by a refusal by the Board, not been renewed—

(a) shall not be registered again for such period, not exceeding two years from the date of the cancellation or refusal to renew, as the Board shall determine at the time of the cancellation or refusal to renew; and

(b) shall, on being so required by the Board in writing, surrender to the Board his certificate of registration within such period as the Board may specify.

(5A) (a) The Board shall not refuse to renew the registration of a registered person under subsection (1) without first giving such person an opportunity of being heard.

(b) Where the Board refuses to renew the registration of a registered person under subsection (1) it shall notify such person in writing to that effect stating the reasons for the refusal.

(6) Any person who willfully fails to comply with the requirement of the Board under paragraph (5)(b) is guilty of an offence.

Appeal

18. (1) Any person who is aggrieved by the decision of the Board, to refuse to effect registration under section 14 or to suspend, cancel or to refuse to renew registration under section 17, may, within thirty days of the date the decision was communicated to him, appeal to the Minister.

(2) The decision of the Minister on an appeal under subsection (1) shall be final and shall not be questioned in any court of law.

(3) The Minister may make rules governing the procedure to be followed on appeals under this section and the fees payable therefor.

Duty to declare

18A. (1) An exporter or importer shall make a declaration to the Board in respect of timber to be exported or imported, before the exportation or importation of such timber.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Presumption as to export

18B. In relation to export, timber shall be deemed to be taken or caused to be taken out of Malaysia if—

- (a) a permit or certification for its exportation has been issued by the Board;
- (b) it has been cleared by a proper officer of customs at the last customs station on its route out of Malaysia;
- (c) it has been loaded onto a vessel or aircraft which is about to depart from a port or jetty or place in Malaysia; or
- (d) it has been cleared by a proper officer of customs at an inland clearance depot or at an inland customs station on its route out of Malaysia through a customs port or airport.

PART IV

FINANCE

Malaysian Timber Industry Board Fund

19. (1) The Board shall establish and administer a fund to be known as “Malaysian Timber Industry Board Fund”.

(2) There shall be paid into the Fund—

- (a) all moneys collected, paid, borrowed or transferred under sections 14, 18, 22 and 41;

- (b) all moneys collected or paid under section 20 other than those collected, levied or raised within the States of Sabah and Sarawak;
 - (c) all moneys collected under the rules and regulations and specified therein as being payable into the Fund;
 - (ca) all moneys earned or arising from any property, investment, mortgage, lease, tenancy, charge or debenture acquired by or vested in the Board including any profits gained from the corporations or companies established under this Act;
 - (cb) all moneys earned from the operation of any project, scheme or enterprise financed from the Fund;
 - (d) all moneys received by the Board by way of grants, contribution or loans from the Federal Government or any State Government;
 - (dd) all moneys received by the Board by way of grants, donations or contributions from recognized institutions or international agencies;
 - (e) all sums contributed by the States of Sabah and Sarawak;
 - (ee) all moneys received as fees and charges for advice or services rendered pursuant to section 20A; and
 - (f) all moneys belonging or otherwise payable to the Board.
- (3) The Fund shall be expended for the following purposes:
- (a) paying any expenses lawfully incurred by the Board, including—
 - (i) the remuneration of the officers and servants of the Board, including granting of loans, superannuation allowances, pensions or gratuities;
 - (ii) insurance coverage or incentives for the officers and servants of the Board;

- (iii) scholarships of higher education for the officers and servants of the Board as approved by the Board;
 - (iv) costs incurred in providing for the welfare of the officers and servants of the Board; and
 - (v) legal fees and costs and any other fees and costs;
- (b) granting loans or providing capital for corporations or companies established under this Act;
- (c) repaying any moneys borrowed under this Act and any interests due on such moneys;
- (d) subject to the approval of the Minister, making contributions to any organization, whether within or outside Malaysia, for the purpose of promoting the development of the timber industry, promoting the trade in utilization and processing of timber and ensuring adequate supply of timber to the industry;
- (e) financing research and development activities;
- (f) contributing to bodies or organizations of which the Board is a member;
- (g) providing loans or grants to institutions of higher learning within or outside Malaysia for the purpose of human resource development in the timber industry;
- (h) providing loans, grants, capital or any other form of assistance to any Bumiputera or person involved in the timber industry, subject to such terms and conditions as may be prescribed by the Board;
- (i) paying any expenses or costs, incurred or properly accepted by the Board in the performance of its functions or the exercise of its powers under this Act;
- (j) purchasing or hiring equipment, machinery and any other materials, acquiring land and erecting buildings, and carrying out any other works and undertakings in the performance of its functions or the exercise of its powers under this Act; and

- (k) generally, paying any expenses for carrying into effect the provisions of this Act.

(4) The Minister may direct the Board to keep a separate account in respect of moneys received by way of grants from the Federal Government or any State Government under paragraph (2)(d).

Cess on exportation of timber

20. (1) For the purposes of this Act the Minister may, after consulting the Minister of Finance and the Board, make an order for the imposition, collection, variation or cancellation of a cess on the exportation of all or any of the timber products listed in the First Schedule.

(2) An order for the imposition, collection or variation of cess under subsection (1) may prescribe different amounts, rates and manner of collection for different types of timber in relation to different persons or different classes of persons.

(3) A person who fails or refuses to pay any cess imposed under this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten times the amount of cess due or to imprisonment for a term not exceeding three years or to both.

(4) The amount of any cess imposed under this section shall be a debt due to the Board from the person on whom the cess is imposed and may be sued for and recovered in any court at the suit of the Board.

(5) The institution of proceedings under this section shall not relieve any person from liability to pay any cess for which he is or may be liable or from liability to make any return which he is required by this Act to make.

Power to impose and collect fees and other forms of payments

20A. The Board may, from time to time, fix and collect fees and charges in respect of any technical advisory services, test, research, investigation, provided or done by the Board or any other services provided by the Board or of the use of facilities of the Board pursuant to this Act.

Contribution by States

21. Any State may contribute to the Fund such sum as may be agreed between the Minister and the State.

Borrowing powers

22. The Board may, upon such terms and conditions as may be approved by the Minister, with the concurrence of the Minister of Finance, borrow moneys for the purpose of carrying out its functions.

Power to invest

23. The Board may from time to time, with the approval of the Minister given with the concurrence of the Minister of Finance, invest the Fund or any part thereof, not being immediately required for meeting the Board's obligations or discharging its functions—

- (a) in investments or securities authorized for the investment of trust funds by any written law for the time being in force; or
- (b) in such other investments or securities as the Board may deem fit.

Annual estimates

24. (1) The Director General shall, not later than one month before the commencement of each financial year, lay before the Board an estimate of the revenue and expenditure, including capital expenditure, of the Board for the ensuing financial year in such detail and form as the Board may determine.

(2) The Director General shall cause to be sent to every member of the Board a copy of the estimate not later than fourteen days prior to the date of the meeting at which the estimate is to be laid.

Audit and annual report

25. The Statutory Bodies (Accounts and Annual Reports) Act 1980 [Act 240] shall apply in respect of the accounts, audit and annual reports of the Board.

26. (*Deleted by Act A776*).

PART IVA

POWERS RELATING TO ENFORCEMENT, SEIZURE, ARREST, *ETC.*

Appointment of enforcement officers

26A. The Director General may in writing appoint any number of enforcement officers as may be necessary for the purposes of this Act.

Power of investigation

26B. (1) An enforcement officer shall have all the powers necessary to carry out an investigation under this Act.

(2) For the purposes of subsection (1), the Criminal Procedure Code [Act 593] shall apply and an enforcement officer shall have all the powers as provided for under the Code.

Authority card

26c. (1) The Director General shall issue to each enforcement officer appointed under section 26A an authority card which shall be signed by the Director General.

(2) Whenever such enforcement officer exercises any of the powers under this Act, he shall, on demand, produce to the person against whom the power is being exercised the authority card issued to him under subsection (1).

Power to arrest

26D. (1) An enforcement officer may arrest without warrant any person —

- (a) found committing, attempting to commit or abetting the commission of an offence under this Act; or
- (b) whom the enforcement officer reasonably suspects of being engaged in committing, attempting to commit or abetting an offence under this Act.

(2) An enforcement officer making an arrest under subsection (1) shall, without unnecessary delay, bring the person arrested to the nearest police station, and thereafter the person shall be dealt with in accordance with the law relating to criminal procedure for the time being in force.

Search and seizure with warrant

26E. (1) If it appears to the Court, upon written information on oath and after such enquiry as the Court considers necessary, that there is a reasonable cause to believe that—

- (a) any premises has been used or are about to be used for; or
- (b) there is in any premises evidence necessary to the conduct of an investigation into,

the commission of an offence under this Act, the Court may issue a warrant authorizing any enforcement officer named in the warrant, at any reasonable time, by day or by night and with or without assistance, to enter the premises and if need be by force.

(2) A warrant issued under subsection (1) may authorize the enforcement officer to—

- (a) search the premises for, and to seize or remove from the premises any timber, conveyance, machinery, contrivance, equipment, book, record, document or other article that is reasonably believed to furnish evidence of the commission of such offence;
- (b) take samples of any timber, or thing found in the premises for the purposes of ascertaining, by testing or otherwise, whether the offence has been committed; and

- (c) make copies of or take extracts from any book, record, document or other article found in the premises.

(3) An enforcement officer entering any premises under this section may take with him such other persons and equipment as may appear to him to be necessary.

(4) An enforcement officer may, in the exercise of his powers under this section, if it is necessary so to do—

- (a) break open any outer or inner door of the premises or any fence, enclosure, gate or other obstruction to the premises, in order to effect entry into the premises;
- (b) remove by force any obstruction to entry, search, seizure or removal as he is empowered to effect under this section; and
- (c) detain any person found in the premises until the search has been completed.

(5) Where, by reason of its nature, size or amount, it is not practical to remove any timber, conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this section, the enforcement officer shall, by any means, seal such timber, conveyance, machinery, contrivance, equipment, book, record, document or other article in the premises or container in which it is found.

(6) Any person who, without lawful authority, breaks, tampers with or damages the seal referred to in subsection (5) or removes the timber, conveyance, machinery, contrivance, equipment, book, record, document or other article under seal or attempts to do so shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Search and seizure without warrant

26F. Whenever an enforcement officer has reasonable cause to believe that any timber, conveyance, machinery, contrivance, equipment, book, record, document or other article in respect of which an offence under this Act has been committed is likely to be found in or on any premises, person or conveyance and that by reason of delay in obtaining a warrant under section

26E, the object of the search may be frustrated, he may, with the consent of the Director General, without warrant, with such assistance and force as is necessary—

- (a) enter and search such premises;
- (b) stop and search such person, vehicle, vessel or conveyance; and
- (c) seize any timber, conveyance, machinery, contrivance, equipment, book, record, document or other article which may be found and may be evidence of the commission of such offence.

Power to enter premises

26G. Notwithstanding sections 26E and 26F, an enforcement officer may at any time enter any premises for the purpose of—

- (a) inspecting any timber, conveyance, machinery, contrivance, equipment, book, record, document or other article as he considers necessary;
- (b) verifying the accuracy of records or statements or any information given to an enforcement officer or to the Board; or
- (c) collecting samples of any timber.

Access to computerized data

26H. (1) An enforcement officer conducting a search under this Act shall be given access to computerized data whether stored in a computer or otherwise.

(2) For the purpose of this section, access shall be provided with the necessary password, encryption code, decryption code, software or hardware and any other means required to enable comprehension of computerized data.

Seizure of thing, etc.

26i. Without prejudice to subsection 26E(2) and section 26F, any timber, conveyance, machinery, contrivance, equipment, book, record, document or other article that an enforcement officer reasonably suspects has been used or will be used in the commission of an offence under this Act may be seized and detained by the enforcement officer.

Power to stop, search and seize conveyances

26j. (1) If an enforcement officer has reasonable cause to suspect that any conveyance is carrying any timber, machinery, contrivance, equipment, book, record, document or any other article in respect of which an offence under this Act is being or has been committed, he may stop and examine the conveyance and may, if on examination he has reasonable cause to believe that such conveyance is or has been used for the commission of such offence, seize such conveyance and any timber, machinery, contrivance, equipment, book, record, document or other article found in the conveyance that is reasonably believed to furnish evidence of the commission of such offence.

(2) The person in control or in charge of the conveyance shall, if required to do so by the enforcement officer—

- (a) stop the conveyance and allow the enforcement officer to examine it; and
- (b) open all parts of the conveyance for examination and take all measures necessary to enable or facilitate the carrying out of such examination as the enforcement officer considers necessary.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

List of things seized

26k. (1) Where any seizure is made under this Act, an enforcement officer making the seizure shall prepare a list of timber, conveyance, machinery, contrivance, equipment, book, record, document or other article seized and of the premises in which it is found and shall sign the list.

(2) The list prepared in accordance with subsection (1) shall be delivered immediately to—

- (a) the occupant of the premises where the timber, conveyance, machinery, contrivance, equipment, book, record, document or other article seized is found; and
- (b) the person in control or in charge of the conveyance where the seizure is made under section 26J.

(3) Where the seizure is made in or from any premises, which is unoccupied, the enforcement officer shall whenever possible post a list of things seized conspicuously at the premises.

(4) Where any timber, conveyance, machinery, contrivance, equipment, book, record, document or other article is seized otherwise than in or from any premises, the enforcement officer making the seizure shall give a notice in writing of the seizure and the grounds of the seizure to the owner of the timber, conveyance, machinery, contrivance, equipment, book, record, document or other article seized by delivering a copy of such notice to the owner in person or by registered post at his place of business or residence.

Temporary return of conveyance, etc.

26L. (1) Where any conveyance, machinery, contrivance or equipment is seized under this Act, the Director General may temporarily return the conveyance, machinery, contrivance or equipment to the owner of the conveyance, machinery, contrivance or equipment or the person from whose possession, custody or control it was seized, subject to such terms and conditions as the Director General may impose, and subject in any case, to sufficient security being furnished to the satisfaction of the Director General that the conveyance, machinery, contrivance or equipment shall be surrendered to the Director General on demand and that such terms and conditions, if any, shall be complied with.

(2) Where any seized conveyance, machinery, contrivance or equipment is temporarily returned under subsection (1), a person who—

- (a) fails, on demand, to surrender the conveyance, machinery, contrivance or equipment to the Director General; or

- (b) contravenes any of the terms or conditions imposed under subsection (1),

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

Sale and disposal of seized timber

26M. (1) The Director General may at any time direct that any timber seized under this Act be sold and the proceeds of the sale be held while waiting for the result of any prosecution under this Act where—

- (a) the timber easily deteriorates in quality;
- (b) the custody of the timber involves unreasonable expense and inconvenience;
- (c) there is a lack or absence of adequate or proper facilities for the storage of the timber; or
- (d) the timber is believed to cause an obstruction or to be a hazard to the public.

(2) The Director General may, in his discretion—

- (a) temporarily return the timber to the owner or to the person from whose possession, custody or control the timber was seized, subject to such terms and conditions as may be imposed by the Director General and in any case, subject to sufficient security being furnished to the satisfaction of the Director General that the timber shall be surrendered to the Director General on demand being made by the Director General and that the said terms and conditions, if any, shall be complied with;
- (b) return the timber to the owner or to the person from whose possession, custody or control it was seized with liberty for the person to whom the timber is so returned to dispose of the same, such return being subject to security being furnished to the satisfaction of the Director General in an amount of not less than

an amount which, in the opinion of the Director General, represents the open market value of such timber on the date on which it is so returned for the payment of the amount so secured to the Director General in the event the Court has made an order of forfeiture of such amount under section 26q.

(3) Notwithstanding subsection (1), where an analyst appointed under section 29g certifies, or if the results of such tests as certified by the analyst prove, that the timber tested by him deteriorates in quality, the Director General may keep it in custody, or if no prosecution is instituted in respect of the timber, cause it to be disposed of in the manner determined by the Director General.

Power to require attendance of persons acquainted with case

26n. (1) The enforcement officer making an investigation under this Act may, by notice in writing, require the attendance before himself of any person who appears to him to be acquainted with the facts and circumstances of the case, and such person shall attend as required.

(2) If any such person refuses to attend as required by a notice made under subsection (1), the enforcement officer may report his refusal to the Court who shall issue a warrant to secure the attendance of such person as may be required by the notice.

(3) Any person who is required to attend before the enforcement officer under subsection (1) or (2) may be paid such allowances as may be prescribed by the Minister.

Examination of persons acquainted with case

26o. (1) An enforcement officer making an investigation under this Act may examine orally any person supposed to be acquainted with the facts and circumstances of the case.

(2) Such person shall be bound to answer all questions relating to such case put to him by the enforcement officer, but he may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth, whether or not such statement is made wholly or partly in answer to questions.

(4) The enforcement officer examining a person under subsection (1) shall first inform that person of the provisions of subsections (2) and (3).

(5) A statement made by any person under this section shall, whenever possible, be reduced into writing and signed by the person making it or affixed with his thumb print, as the case may be, after—

(a) it has been read to him in the language in which he made it; and

(b) he has been given an opportunity to make any correction he may wish.

Admissibility of statements in evidence

26P. (1) In any trial or inquiry by a Court into an offence under this Act, any statement, whether the statement amounts to a confession or not, is oral or in writing, made at any time, whether before or after the person is charged and whether in the course of an investigation under this Act or not and whether or not wholly or partly in answer to questions, by an accused person to or in the hearing of an enforcement officer and whether or not interpreted to him by any other enforcement officer or any other person, whether concerned or not in the arrest of that person, shall, notwithstanding any written law or rule of law to the contrary, be admissible at his trial in evidence and, if that person tenders himself as a witness, any such statement may be used in cross-examination and for the purpose of impeaching his credit.

(2) No statement made under subsection (1) shall be admissible or used as provided for in that subsection if the making of the statement appears to the Court to have been caused by any inducement, threat or promise having reference to the charge against the person proceeding from a person in authority and sufficient in the opinion of the Court to give that person grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

(3) Where any person is arrested or is informed that he may be prosecuted for any offence under this Act, he shall be served by the enforcement officer with a notice in writing, which shall be explained to him, to the following effect:

“You have been arrested/informed that you may be prosecuted for(the possible offence under this Act). Do you wish to say anything? If there is any fact on which you intend to rely in your defence in Court, you are advised to mention it now. If you hold it back till you go to Court, your evidence may be less likely to be believed and this may have a bad effect on your case in general. If you wish to mention any fact now, and you would like it written down, this will be done.”

(4) Notwithstanding subsection (3), a statement by any person accused of any offence under this Act made before there is time to serve a notice under that subsection shall not be rendered inadmissible in evidence merely by reason of no such notice having been served on him if such notice has been served on him as soon as is reasonably possible thereafter.

(5) No statement made by an accused person in answer to a written notice served on him pursuant to subsection (3) shall be construed as a statement caused by any inducement, threat or promise as is described in subsection (2), if it is otherwise voluntary.

(6) Where in any criminal proceedings against a person for an offence under this Act, evidence is given that the accused, on being informed that he might be prosecuted for it, failed to mention any such fact, being a fact which in the circumstances existing at the time he could reasonably have been expected to mention when so informed, the Court, in determining whether the prosecution has made out a *prima facie* case against the accused and in determining whether the accused is guilty of the offence charged, may draw such inference from the failure as appear proper; and the failure may, on the basis of those inferences, be treated as, or as capable of amounting to, corroboration of any evidence given against the accused in relation to which the failure is material.

(7) Nothing in subsection (6) shall, in any criminal proceedings—

(a) prejudice the admissibility in evidence of the silence or other reaction of the accused in the face of anything said in his presence relating to the conduct in respect of which he is

charged, in so far as evidence of it would be admissible apart from that subsection; or

- (b) be taken to preclude the drawing of any inference from any such silence or other reaction of the accused which could be drawn apart from that subsection.

Forfeiture of seized timber, etc.

26Q. (1) Any timber or the proceeds of sale of the timber, or any conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this Act shall be liable to forfeiture.

(2) An order for the forfeiture of the timber or the proceeds of sale of the timber, or the conveyance, machinery, contrivance, equipment, book, record, document or other article shall be made if it is proved to the satisfaction of the Court that an offence under this Act has been committed and that the timber or the proceeds of sale of the timber, or the conveyance, machinery, contrivance, equipment, book, record, document or other article was the subject matter of or was used in the commission of the offence, even though no person has been convicted of such offence.

(3) If there is no prosecution with regard to any timber or the proceeds of sale of the timber, or any conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this Act, such timber or the proceeds of sale of the timber, or any conveyance, machinery, contrivance, equipment, book, record, document or other article shall be taken and deemed to be forfeited at the expiration of a period of one calendar month from the date of service of a notice to the last-known address of the person from whom the timber or the proceeds of sale of the timber, or any conveyance, machinery, contrivance, equipment, book, record, document or other article was seized indicating that there is no prosecution in respect of such timber or the proceeds of sale of the timber, or any conveyance, machinery, contrivance, equipment, book, record, document or other article unless before the expiration of that period a claim to it is made in the manner set out in subsections (4), (5), (6) and (7).

(4) Any person asserting that he is the owner of the timber or the proceeds of sale of the timber, or of the conveyance, machinery, contrivance, equipment, book, record, document or other article referred to in subsection (3) and that it is not liable to forfeiture may personally or by his agent authorized in writing, give written notice to the enforcement officer in whose

possession such timber or the proceeds of sale of the timber, or the conveyance, machinery, contrivance, equipment, book, record, document or other article is held that he claims the timber or the proceeds of sale of the timber, or the conveyance, machinery, contrivance, equipment, book, record, document or other article.

(5) On receipt of the notice referred to in subsection (4), the enforcement officer shall refer the matter to the Director General who may direct that the timber or the proceeds of sale of the timber, or the conveyance, machinery, contrivance, equipment, book, record, document or other article be released or may direct the enforcement officer, by information in writing, to refer the matter to a Court.

(6) The Court to whom a matter is referred under subsection (5) shall issue a summons requiring the Board and the person asserting that he is the owner of the timber or the proceeds of sale of the timber, or of the conveyance, machinery, contrivance, equipment, book, record, document or other article and the person from whom it was seized to appear before the Court, and when a representative of the Board and the owner of the timber appear or any of them fails to appear, due service of the summons having been proved, the Court shall proceed to the examination of the matter.

(7) If it is proved that an offence under this Act has been committed and that the timber or the proceeds of sale of the timber, or the conveyance, machinery, contrivance, equipment, book, record, document or other article referred to in subsection (6) was the subject matter of or was used in the commission of such offence, the Court shall order the timber or the proceeds of sale of the timber, or the conveyance, machinery, contrivance, equipment, book, record, document or other article to be forfeited and shall, in the absence of such proof, order its release.

(8) Any timber or the proceeds of sale of the timber, or any conveyance, machinery, contrivance, equipment, book, record, document or other article forfeited or deemed to be forfeited shall be delivered to the enforcement officer and shall be disposed of in accordance with the directions of the Court.

(9) The Board shall not be liable to any person for any deterioration, no matter how arising, in the quality of any timber seized under this Act.

Property right in forfeited timber, etc.

26R. Any timber or the proceeds of sale of the timber, or any conveyance, machinery, contrivance, equipment, book, record, document or other article forfeited or taken and deemed to be forfeited under this Act shall be the property of the Board.

Release of seized timber, etc.

26S. Notwithstanding section 26Q, the Director General or any enforcement officer authorized in writing by the Director General may, where he deems fit, at any time direct that any timber or the proceeds of sale of the timber, or any conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this Act be released to the person from whose possession, custody or control it was seized.

Enforcement officer may seek assistance to examine things related to offence

26T. An enforcement officer may seek the assistance of a qualified person to examine any timber or the proceeds of sale of the timber, or any conveyance, machinery, contrivance, equipment, book, record, document or other article, seized or detained under this Act if such person has the necessary qualification to examine such timber or the proceeds of sale of the timber, or any conveyance, machinery, contrivance, equipment, book, record, document or other article for the purposes of an investigation under this Act.

Power to take sample

26U. (1) An enforcement officer may demand, select, take or obtain samples of any timber for the purposes of analysis without payment from any person planting, producing, selling or having possession of such timber or his or its agent or servant from whom the timber is procured.

(2) The procedure for taking and dealing with the samples shall be as prescribed by regulations.

Power of the Board to require information on timber, etc.

26v. (1) The Board may by notice in writing require any person undertaking any activity involving timber to furnish to the Board, within the time specified in the notice, information relating to timber.

(2) Any person who fails to furnish any information relating to timber as required under subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Additional powers

26w. (1) An enforcement officer shall, for the purposes of the implementation of this Act, have power to do all or any of the following acts:

- (a) to require the production of records, accounts and documents from any person in relation to any case or offence under this Act and to inspect, examine and copy any of them;
- (b) to require the production of any identification document from any person in relation to any case or offence under this Act; or
- (c) to make such enquiry as may be necessary to ascertain whether the provisions of this Act have been complied with.

(2) Any person who fails to comply with the request made under subsection (1) shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

PART V

MISCELLANEOUS

27. (*Deleted by ct A1387*).

27A. (*Deleted by Act A1387*).

27B. (*Deleted by Act A1387*).

27c. *(Deleted by Act A1387).*

27d. *(Deleted by Act A1387).*

27e. *(Deleted by Act A1387).*

27f. *(Deleted by Act A1387).*

27g. *(Deleted by Act A1387).*

27h. *(Deleted by Act A1387).*

27i. *(Deleted by Act A1387).*

Obstruction of authorized officers

27j. Any person who in any way obstructs, hinders, prevents or interferes with the Director General or any officer of the Board, in the exercise of his powers or carrying out his duties under this Act or who fails to afford such assistance as is reasonably required by the Director General or any officer of the Board, commits an offence and shall be liable on conviction to a fine not exceeding two hundred and fifty thousand ringgit or to imprisonment for a term not exceeding three years or to both.

27k. *(Deleted by Act A1387).*

28. *(Deleted by Act A1387).*

Secrecy

29. (1) Secrecy shall be maintained by every person carrying out an inspection or examination under Part IV_A of all matters that come to his knowledge in the course or as a result of the inspection or examination, and of the contents of all books and documents that he may seize and detain under that section.

(2) Any such person who contravenes the requirement of subsection (1) or who communicates any matter required to be kept secret thereunder to any person except for the purpose of carrying into effect the provisions of this Act is guilty of an offence and is liable on conviction to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Protection against legal proceedings

29A. The Board or any of its members, officers or servants shall not be liable for any loss or damage caused to any person by reason of any act or omission or statement made in pursuance of the execution or intended execution of their functions under this Act, unless the act or omission or statement was done or made *mala fide* or through recklessness or negligence of such members, officers or servants.

Appointment of analyst

29B. The Director General may appoint any qualified person to be an analyst for the purposes of carrying out an analysis on any timber and to certify its grade, species, size and any specification relating to timber.

Certificate of analysis

29C. (1) A certificate of analysis signed by an analyst shall, on production by the Board in any trial under this Act, be sufficient evidence of the facts stated in the certificate unless the accused requires that the analyst be called as a witness, in which case he shall give a written notice to the Board not less than three working days before the commencement of the trial.

(2) Where the Board intends to give in evidence any certificate referred to in subsection (1), it shall deliver a copy of such certificate to the accused not less than ten working days before the commencement of the trial.

Examination or testing of seized timber

29D. Where it is necessary to examine or test any timber seized under this Act, it shall be sufficient to examine or test only a representative sample of each different type or description of timber.

Cost of holding seized timber, etc.

29E. Where any timber, conveyance, machinery, contrivance, equipment, book, record, document or other article seized under this Act is held in the custody of the Board pending completion of any proceedings in respect of an offence under this Act, the cost of holding it in custody shall, in the event of any person being convicted of such offence, be a debt due to the Board by such person and shall be recoverable accordingly.

No costs or damages arising from seizure to be recoverable

29F. No person shall, in any proceedings before any Court in respect of the seizure of any timber, conveyance, machinery, contrivance, equipment, book, record, document or other article seized in the exercise or the purported exercise of any power conferred under this Act, be entitled to the costs of such proceedings or to any damages or other relief unless such seizure was made without reasonable cause.

Abuse of power

30. Whoever, in purported exercise of the powers under Part IV_A, vexatiously and unnecessarily seizes or detains any books, documents or other things, or in like manner prohibits the sale or export of any timber is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand ringgit or to both.

Institution and conduct of prosecution

30A. (1) No prosecution for or in relation to any offence under this Act shall be instituted except by or with the written consent of the Public Prosecutor.

(2) Any officer of the Board authorized in writing by the Public Prosecutor may conduct the prosecution of any offence under this Act.

Compounding of offences

30B. (1) The Director General may, with the consent in writing of the Public Prosecutor, offer in writing to compound any offence committed by any person under this Act and prescribed to be a compoundable offence by regulations made under this Act by making a written offer to such person to compound the offence upon payment to the Board of such amount not exceeding fifty per centum of the amount of the maximum fine for that offence within such time as may be specified in the offer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed, but before any prosecution for it has been instituted.

(3) If the amount specified in the offer under subsection (1) is not paid within the time specified in the offer or within such extended period as the Director General may grant, prosecution for the offence may be instituted at any time after that against the person to whom the offer was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall thereafter be instituted in respect of such offence against the person to whom the offer to compound was made and any timber or the proceeds of sale of the timber, or any conveyance, machinery, contrivance, equipment, book, record, document or other article seized in connection with the offence may be released or forfeited by the Director General, subject to such terms and conditions as the Director General deems fit to impose in accordance with the conditions of the compound.

Protection of informers

30c. (1) Except as provided in subsections (2) and (3), no witness in any civil or criminal proceedings shall be obliged or permitted to disclose the name or address of an informer or the substance of the information received from him or to state any matter, which might lead to his discovery.

(2) If any book, record, account, document or computerized data which is in evidence or liable to inspection in any civil or criminal proceedings contains any entry in which any informer is named or described or which might lead to his discovery, the Court shall cause all such passages to be concealed from view or to be obliterated so far only as may be necessary to protect the informer from discovery.

(3) If on the trial for any offence under this Act the Court after full enquiry into the case believes that the informer willfully made in his complaint a material statement which he knew or believed to be false or did not believe to be true, or if in any other proceedings the Court is of the opinion that justice cannot be fully done between the parties in that proceedings without the discovery of the informer, the Court may require the production of the original complaint, if in writing, and permit enquiry and require full disclosure, concerning the informer.

Public Authorities Protection Act 1948

30d. The Public Authorities Protection Act 1948 [*Act 198*] shall apply to any action, suit, prosecution or proceedings against the Board, or against any member, any member of a committee, or any officer, servant or agent of the Board, in respect of any act, neglect or default done or committed by it or him in such capacity.

Power to exempt

30e. (1) The Minister may by order published in the *Gazette* exempt any person, class of persons or any activity in relation to timber from all or any of the provisions of this Act.

(2) The Minister may impose such terms and conditions as he thinks fit on any exemption under subsection (1).

Jurisdiction

31. Notwithstanding anything to the contrary contained in any other written law, a Sessions Court shall have jurisdiction to try any offence under this Act or any rules or regulations made thereunder and to impose the full penalty provided for by this Act or any rules or regulations made thereunder.

Amendment of Schedules

32. The Minister may, after consultation with the Board, amend the Schedules by order published in the *Gazette*.

General penalty

33. Any person who is guilty of any offence under this Act or the rules or regulations thereunder for which no penalty is specially prescribed is liable on conviction to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Offence committed by body corporate

33A. (1) Where a body corporate commits an offence under this Act, any person who at the time of the commission of the offence was a director, manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in such management—

- (a) may be charged severally or jointly in the same proceedings with the body corporate; and
- (b) where the body corporate is found guilty of the offence, shall be deemed to be guilty of that offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves—

- (i) that the offence was committed without his knowledge, consent or connivance; and
- (ii) that he took all reasonable precautions and had exercised due diligence to prevent the commission of the offence.

(2) Where any person would be liable under this Act to any punishment or penalty for his act, omission, neglect or default, he shall be liable to the same punishment or penalty for every such act, omission, neglect or default of any employee or agent of his, or of the employee of the agent, if the act, omission, neglect or default was committed—

- (a) by his employee in the course of his employment;
- (b) by the agent when acting on his behalf; or
- (c) by the employee of the agent in the course of his employment by the agent or otherwise on behalf of the agent.

33B. *(Deleted by Act A1387).*

Rules and regulations

34. (1) The Minister may, after consulting the Board, make such rules and regulations, except those that the Board is empowered to make under subsection (2), as appear to him to be necessary for carrying out the provisions of this Act and, without prejudice to the generality of this subsection, such rules and regulations may—

- (a) prescribe the form of contract to be adopted by persons selling or buying timber locally and the terms and conditions to be included in such contracts;
- (b) prescribe the procedure to be followed in showing cause under section 17;
- (ba) prescribe the timber species which is prohibited from being exported or imported;

- (c) prescribe the form for the notice of seizure under subsection 26K(4);
 - (d) specify the offences that are compoundable and prescribe the compounding and the methods thereof.
- (2) The Board may from time to time, with the approval of the Minister, by rules or regulations—
- (a) prescribe the manner of applying for registration under this Act, the particulars to be supplied by an applicant, the manner of registration, the fees payable therefor, the conditions or restrictions to be imposed and the form of certificates to be issued upon registration;
 - (b) prescribe the standards of processing and methods of seasoning, preserving, grading, bundling or packaging timber, and the fees payable for grading;
 - (c) prescribe the minimum standards of hygiene to be maintained in the premises;
 - (d) prescribe the methods of fixing timber prices;
 - (e) prescribe the procedure to be followed, the form to be used and the fees to be paid by the exporters or importers in the exportation or importation of timber;
 - (ea) prescribe the procedure for the planting and the selection of timber species for forest plantation;
 - (eb) prescribe the processing of forest plantation produce;
 - (ec) prescribe the management of and financial procedure for forest plantation;
 - (ed) prescribe the execution of any forest plantation activity;
 - (ee) prescribe the manner to regulate the transshipment of timber and timber in transit;
 - (ef) prescribe the procedure for the recognition, certification and endorsement and fee relating to the timber industry;

- (eg) prescribe the procedure for timber verification services and the charges or fees which shall be paid by any person who applies for any technical and timber verification advisory services;
- (f) provide for the maintenance of proper standards of conduct in the carrying out of the timber trade and for dealing with infringements thereof;
- (ff) prescribe the procedure to be followed for the administration of the Fund;
- (g) provide for the calling and conduct of meetings of the Board and its committees;
- (h) *(Deleted by Act A776)*;
- (i) prescribe the terms and conditions of loans made to employees of the Board under section 19; and
- (j) provide for all procedural and other matters, in so far as they do not fall within any of the preceding paragraphs, which by this Act are required or permitted to be prescribed or which are necessary to be prescribed for the carrying out of or giving effect to the provisions of this Act.

(3) Regulations made under subsections (1) and (2) may prescribe any act in contravention of the regulations to be an offence and may prescribe penalties of a fine not exceeding one hundred and fifty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Discipline of officers and servants

34A. (1) There shall be a Disciplinary Committee of the Board which shall consist of two members to be elected by and from the members of the Board, one of whom shall be elected chairman, and the Director General appointed under subsection 9(1).

(2) The disciplinary authority in respect of every officer and servant of the Board other than the Director General shall be the Disciplinary Committee of the Board established under subsection (1).

(3) The Disciplinary Committee in respect of the Director General shall consist of the Secretary General of the Ministry responsible for the timber industry as chairman and two members to be elected by and from the members of the Board.

(4) The Director General shall not be a member of the Disciplinary Committee in any proceedings before it in which he is the complainant; his place shall be taken by a member to be elected by and from the members of the Board.

(5) In the exercise of its disciplinary functions, the Disciplinary Committee shall have the power to impose such disciplinary punishment as may be provided for under any regulation that may be made under section 34c.

(6) The Disciplinary Committee may, subject to subsection (7), delegate any of its disciplinary functions, powers or duties to any committee of officers or servants of the Board, in respect of any particular officer or servant of the Board or in respect of any class or category of officers or servants of the Board, and the committee delegated with such functions, powers or duties shall carry out, exercise or discharge them under the direction and control of the Disciplinary Committee which shall have the power to review, rescind or vary any decision or finding of such committee.

(7) No delegation shall be made under subsection (6) so as to enable an officer or servant of the Board to be a member of a committee which may exercise any disciplinary authority over an officer or servant who is superior to him in rank.

(8) Any officer or servant of the Board who is dissatisfied with the decision of the Disciplinary Committee or of any committee delegated with functions, powers or duties under subsection (6) may, within fourteen days, appeal in writing against such decision to the Board which may thereupon affirm, reverse or give such directions on the matter as it deems fit and proper.

(9) The decision of the Board upon such appeal shall be final.

Surcharge

34B. (1) If it appears to the Board that any person who is or was in the employment of the Board—

- (a) has failed to collect any moneys owing to the Board for the collection of which he is responsible;
- (b) is or was responsible for any payment from the Fund of moneys which ought not to have been made or for any payment of moneys which is not duly vouched;
- (c) is or was responsible, directly or indirectly, for any deficiency in, or for the destruction of, any moneys, stamps, securities, stores or other property of the Board;
- (d) being or having been an accounting officer, fails or has failed to keep proper accounts or records;
- (e) has failed to make any payment, or is or was responsible for any delay in the payment, of moneys from the Fund to any person to whom such payment is due under any contract, agreement or arrangement entered into between that person and the Board,

the Board shall serve on him a written notice calling on him to show cause why he should not be surcharged, and if a satisfactory explanation is not, within fourteen days from the date of service of the notice as aforesaid, furnished to the Board with regard to the failure to collect, payment which ought not to have been made, payment not duly vouched, deficiency or destruction, or failure to keep proper accounts or records, or failure to make payment, or delay in making payment, the Board may surcharge against the said person a sum not exceeding the amount of any such amount not collected, such payment, deficiency, or loss or the value of the property destroyed, as the case may be; and with regard to the failure to keep proper accounts or records, or the failure to make payments, or the delay in making payment, the Board may surcharge against the said person such sum as the Board may think fit.

(2) The Chairman shall cause the Director General to be notified of any surcharge made under subsection (1) and the Director General shall thereupon notify in writing the person surcharged.

(3) The Board may at any time withdraw any surcharge in respect of which a satisfactory explanation has been received or if it otherwise appears

that no surcharge should have been made, and the Chairman shall at once cause the Director General to be notified of such withdrawal.

(4) The amount of any surcharge made under subsection (1) and not withdrawn under subsection (3) shall be a debt due to the Board from the person against whom the surcharge is made and may be sued for and recovered in any court at the suit of the Board and may also be recovered by deduction—

- (a) from the salary of the person surcharged if the Board so directs; or
- (b) from the pension of the person surcharged if the Board so directs, by equal monthly instalments not exceeding one fourth of the total monthly salary or pension, as the case may be, of the person.

Power to make disciplinary regulations

34c. (1) The Board may, with the approval of the Minister, make such disciplinary regulations as it deems necessary or expedient to provide for the discipline of the officers and servants of the Board.

(2) The disciplinary regulations made by the Board under this section may include provisions for the interdiction with reduction in salary or in other remuneration, or provisions for the suspension without salary or other remuneration, of an officer or servant of the Board during the pendency of the disciplinary proceedings.

(3) The disciplinary regulations made under this section shall create such disciplinary offences and provide for such disciplinary punishments as the Board may deem appropriate, and the punishment so provided may extend to dismissal or reduction in rank.

(4) The disciplinary regulations made under this section shall, in prescribing the procedure for disciplinary proceedings, provide for an opportunity for representation to be made by the person against whom disciplinary proceedings are taken before a decision is arrived at by the disciplinary authority on the disciplinary charge laid against such person.

Power of Minister to issue directives

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

(2) The Board shall furnish the Minister with such returns, accounts and other information with respect to its property and activities as the Minister may from time to time require.

PART VI**REPEAL AND TRANSITIONAL PROVISIONS****Repeal and dissolution**

36. The Malaysian Timber Export Industry Board (Incorporation) Act 1966 [*Act 12 of 1966*] is hereby repealed and the Malaysian Timber Export Industry Board established thereunder (in this Part referred to as “the former Board”) is hereby dissolved.

Transfer of powers, rights, liabilities and duties

37. All powers, rights, privileges, duties, or obligations that immediately before the appointed day were those of the former Board shall devolve as from that day on the Board.

Transfer of property

38. (1) All lands that immediately before the appointed day were vested in, or reserved under any written law relating to land for the purposes of, the former Board shall on that day vest in or be deemed to be reserved for the purposes of the Board, as the case may be.

(2) All property and assets other than land that immediately before the appointed day were vested in the former Board or in any person on behalf of the former Board shall on that day vest in the Board.

Existing contracts

39. All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the appointed day and affecting any of the property transferred under section 38 shall be in full force and effect against or in favour of the Board and enforceable as fully and effectually as if, instead of the former Board or any person acting on behalf of the former Board, the Board had been named therein or been a party thereto.

Continuance of criminal and civil proceedings

40. (1) Neither the repeal under section 36 nor anything contained in this Act shall affect any person's liability to be prosecuted or punished for offences committed under the repealed Act before the appointed day, or any proceedings brought before that day in respect of such offences.

(2) Any proceedings, whether civil or criminal, or cause of action pending or existing immediately before the appointed day by or against the former Board or any person acting on behalf of the former Board may be continued or instituted by or against the Board as it might have been by or against the former Board or such person if this Act had not been passed.

(3) Any appeal brought or any leave to appeal applied for on or after the appointed day against a decision given before that day in any legal proceedings to which the former Board was a party may be brought by or against the Board.

Transfer of Fund

41. All moneys standing in, or due to be paid to, the Fund of the former Board shall on the appointed day be transferred to the Fund established under section 19 of this Act.

Continuance of officers and servants

42. Every person who, immediately before the appointed day, was employed as an officer or servant of the former Board shall on that day be employed as an officer or servant, as the case may be, of the Board upon the same terms and conditions of service as those obtaining immediately before the appointed day.

Saving of existing certificate holders

43. (1) Notwithstanding the repeal under section 36 or any provision of this Act to the contrary—

(a) every person who, immediately before the appointed day, held a valid ordinary or temporary export registration certificate issued to him under the repealed Act shall be deemed to be registered under this Act as an exporter until the expiry date of the certificate and subject to the terms and conditions attached thereto; and

(b) every person who, immediately before the appointed day, held a valid certificate of registration as a timber supplier issued to him under the repealed Act shall be deemed to be registered under this Act as a supplier until the expiry date of the certificate and subject to the terms and conditions attached thereto.

(2) Every certificate by virtue of which a person is deemed, under subsection (1), to be registered under this Act shall be deemed to have been issued under this Act; and the Board may alter the terms and conditions attached to the certificate for the purpose of bringing them into conformity with the policy of the Board on the imposition of conditions and restrictions on registrations under this Act.

(3) Sections 17 and 18 relating to the cancellation of registration shall apply to all persons deemed, under subsection (1), to be registered under this Act.

(4) If a person deemed, under subsection (1), to be registered under this Act desires to be registered under this Act as an exporter or a supplier, as the case may be, after the expiration of the period for which he is deemed to be registered under this Act, he may apply to the Board for registration under section 14, and his application shall be made and treated as a fresh application and not as an application for renewal of registration.

Prevention of anomalies

44. (1) If any difficulty arises in connexion with the transitional provisions contained in this Part, the Minister may by order, subject to subsection (2), make such modifications therein as may appear to him necessary for preventing anomalies.

(2) The Minister shall not exercise the powers conferred by subsection (1) after the expiration of two years from the appointed day.

FIRST SCHEDULE

[Section 2]

DEFINITION OF TIMBERS

<i>Timber Products</i>	<i>Harmonized Commodity Description and Coding System</i>
Plants and parts of plants of a kind used primarily in perfumery or pharmacy or Gaharu wood (<i>Aquilaria spp.</i>) or Sandalwood	1211.90 200, 1211.90 300, 1211.90 900
Bamboo	1401.10
Rattan	1401.20
Gaharu oil	3301.90 100
Wood waste, fuel wood, woodchip or particle, sawdust and scrap	44.01
Wood charcoal	44.02
Round logs (including round wood and poles) and roughly squared or half squared logs	44.03
Roughly trimmed wooden sticks, hoopwood, split poles, pointed piles, pickets and stakes	44.04
Ground wood (wood wool, wood flour)	4405.00

<i>Timber Products</i>	<i>Harmonized Commodity Description and Coding System</i>
Railway or tramway sleepers (cross-ties)	44.06
Sawn timber and dressed timber	44.07
Veneer	44.08
Moulding timber, laminated timber	44.09
Reconstituted wood products (e.g. particle board/chipboard, waferboard, flakeboard, oriented strand board and bio-composite products)	44.10
Fibreboard (e.g. medium density fibreboard, insulating board, hardboard and bio-composite products)	44.11
Plywood, veneered panels, similar laminated wood (e.g. blockboard, laminboard and battenboard)	44.12
Densified wood	4413.00 000
Wooden frames	4414.00 000
Packing cases, boxes, crates, drums and similar packing, cable drums, pallets, box pallets and other load boards, pallet collars, of wood	44.15
Casks, barrels, vats, tubs and other coopers products and part thereof, of wood, including staves	4416.00 000
Tools, brooms and brush bodies and handles	4417.00 000
Builders' joinery and carpentry of wood, including cellular wood	44.18

<i>Timber Products</i>	<i>Harmonized Commodity Description and Coding System</i>
panels, assembled parquet panels, shingles and shakes	
Tableware and kitchenware, of wood	4419.00 000
Wood marquetry and inlaid wood; caskets, cases for jewellery or cutlery, and similar articles, of wood; statuettes and other ornaments, of wood; wooden articles of furniture not falling under the Customs Duties Order 2007 [P.U. (A) 441/2007]	44.20
Others articles of wood	44.21
Wood pulp	47.01, 47.02, 47.03, 47.04, 47.05, 47.06
Seats of cane, osier, bamboo or similar materials; other seats, with wooden frames; upholstered; other seats	9401.51 000, 9401.59 000, 9401.61 000, 9401.69 000
Wooden furniture of a kind used in offices, kitchen and bedroom; other wooden furniture: baby walker; fume cupboard for use in medical laboratory; other wooden furniture	9403.30 000, 9403.40 000, 9403.50 000, 9403.60 100, 9403.60 200, 9403.60 900, 9403.81 100, 9403.81 200, 9403.81 300, 9403.81 900, 9403.89 100, 9403.89 200, 9403.89 300, 9403.89 900
Prefabricated buildings, of wood	9406.00 200

SECOND SCHEDULE

[Section 3(2)]

SUPPLEMENTARY PROVISIONS RESPECTING
THE BOARD

1. (1) A member of the Board who—
 - (a) without reasonable cause or the permission in writing of the Chairman has neither been present nor represented by an alternate member, if any, at three consecutive meetings of the Board;
 - (b) has been found or declared to be of unsound mind;
 - (c) has become bankrupt or made an arrangement with his creditors; or
 - (d) has been convicted of any offence involving fraud, dishonesty or moral turpitude or any offence under this Act or the rules or regulations thereunder,shall cease to hold office.
 - (2) Subparagraph (1), other than subparagraph (1)(a), shall apply *mutatis mutandis* to every alternate member.
 - (3) There shall be paid to members of the Board, or to such of them as the Minister may determine, such allowances as he may determine.
 - (4) The appointment of every member and alternate member of the Board shall be published in the *Gazette*.
 - (5) No member of the Board shall incur personal liability for loss or damage caused by an act or omission in administering the affairs of the Board, unless the loss or damage is occasioned by an intentionally wrongful act or omission on his part.
2. (1) The Board shall meet at least four times a year.
 - (2) The quorum of the Board shall be eight.
 - (3) If at any meeting of the Board neither the Chairman nor the person exercising the functions of the Chairman is present, the members present shall elect one of their number to preside over the meeting.
 - (4) If on any question to be determined by the Board there is an equality of votes, the Chairman or member presiding shall have a casting vote.
 - (5) Subject to subparagraphs (1), (2), (3) and (4), the Board shall determine its own procedure.
 - (6) The seal of the Board shall be authenticated by the Chairman and one other member of the Board, and any document purporting to be sealed by the seal of the Board and so authenticated shall, until the contrary is shown, be deemed to have been validly sealed.

THIRD SCHEDULE

[section 2 and subsection 5(1)]

RECOGNIZED ASSOCIATIONS

<i>Name</i>				<i>Number of Representatives</i>
The Malaysian Panel-Products Manufacturers' Association (MPMA)	...	...	...	1
The Association of Malaysian Bumiputra Timber and Furniture Entrepreneurs (PEKA)	...	...	...	1
Malaysian Wood Industries Association (MWIA)	...	...	...	1
Timber Exporters' Association of Malaysia (TEAM)	...	...	...	1
Malaysian Wood Moulding and Joinery Council (MWMJC)	...	...	...	1
Malaysian Furniture Council (MFC)	...	...	...	1

FOURTH SCHEDULE

[subsection 12(4A)]

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 section 12, 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 thereof; 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 34, 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 section 12 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 section 12 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

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 every corporation shall be officially and judicially noticed.

LAWS OF MALAYSIA

Act 105

**MALAYSIAN TIMBER INDUSTRY BOARD
(INCORPORATION) ACT 1973**

LIST OF AMENDMENTS

Amending law	Short title	In force from
P.U. (B) 115/1974	Amendment of Third Schedule Malaysian Timber Industry Board (Incorporation) Act 1973	08-03-1974
Act 160	Malaysian Currency (Ringgit) Act 1975	29-08-1975
Act A358	Malaysian Timber Industry Board (Incorporation) (Amendment) Act 1976	22-10-1976
P.U. (A) 357/1980 Order 1980	Subordinate Courts Act	01-06-1981 (Extension)
Act A776	Malaysian Timber Industry Board (Incorporation) (Amendment) Act1990	08-08-1991
P.U. (B) 614/1993	Amendment of First Schedule Malaysian Timber Industry Board (Incorporation) Act 1973	24-12-1993
P.U. (B) 469/1995	Amendment of Third Schedule Malaysian Timber Industry Board (Incorporation) Act 1973	29-09-1995
P.U. (B) 98/1998	Amendment of Third Schedule Malaysian Timber Industry Board (Incorporation) Act 1973	06-03-1998
Act A1387	Malaysian Timber Industry Board (Incorporation) (Amendment) Act1990	15-03-2011

Malaysian Timber Industry (Incorporation)

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Amending law	Short title	In force from
P.U. (A) 382/2011	Malaysian Timber Industry Board (Incorporation) Order 2011	29-11-2011

LAWS OF MALAYSIA

Act 105

MALAYSIAN TIMBER INDUSTRY BOARD (INCORPORATION) ACT 1973

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A776 Act A1387	08-08-1991 15-03-2011
4	Act A776 Act A1387	08-08-1991 15-03-2011
5	Act A776	08-08-1991
5A	Act A776	08-08-1991
7	Act A776	08-08-1991
8	Act A776	08-08-1991
9	Act A776 Act A1387	08-08-1991 15-03-2011
9A	Act A776	08-08-1991
9C	Act A1387	15-03-2011
9B	Act A776 Act A358	08-08-1991 22-10-1956
12	Act A776 Act 160 Act A1387	08-08-1991 29-08-1975 15-03-2011
12A	Act A1387	15-03-2011
13	Act A776 Act A1387	08-08-1991 15-03-2011
13A	Act A776 Act A1387	08-08-1991 15-03-2011
14	Act A776 Act A1387	08-08-1991 15-03-2011

Section	Amending authority	In force from
14A	Act A776	08-08-1991
15	Act A776 Act A1387	08-08-1991 15-03-2011
17	Act A776	08-08-1991
18	Act A776	08-08-1991
18A – 18B	Act A1387	15-03-2011
19	Act A358 Act A776 Act A1387	22-10-1956 08-08-1991 15-03-2011
20	Act A1387	15-03-2011
20A	Act A776	08-08-1991
21	Act A1387	15-03-2011
22	Act A776	08-08-1991
23	Act A776	08-08-1991
24	Act A776	08-08-1991
25	Act A776	08-08-1991
26	Act A776	08-08-1991
26A – 26W	Act A1387	15-03-2011
27	Act A776 Act A1387	08-08-1991 15-03-2011
27A-27K	Act A776 Act A1387	08-08-1991 15-03-2011
28	Act A776 Act A1387	08-08-1991 15-03-2011
29	Act A776	08-08-1991
29A	Act A776	08-08-1991
29B – 29F	Act A1387	15-03-2011

Section	Amending authority	In force from
30	Act A776 Act A1387	08-08-1991 15-03-2011
30A	Act A776 Act A1387	08-08-1991 15-03-2011
30B	Act A776 Act A1387	08-08-1991 15-03-2011
30C – 30E	Act A1387	15-03-2011
32	Act A1387	15-03-2011
33	Act A776 Act A1387	08-08-1991 15-03-2011
33A	Act A776 Act A1387	08-08-1991 15-03-2011
33B	Act A776 Act A1387	08-08-1991 15-03-2011
34	Act A776 Act A1387	08-08-1991 15-03-2011
34A-34c	Act A776	08-08-1991
First Schedule	Act A776 P.U. (B) 614/1993 Act A1387	08-08-1991 24-12-1993 15-03-2011
Second Schedule	Act A776 Act A1387	08-08-1991 15-03-2011
Third Schedule	P.U. (B) 115/1974 Act A776 P.U. (B) 469/1995 P.U. (B) 98/1998 Act A1387 P.U. (A) 382/2011	08-03-1974 08-08-1991 29-09-1995 06-03-1998 15-03-2011 29-11-2011
Fourth Schedule	Act A1387	15-03-2011
