



LAWS OF MALAYSIA

ONLINE VERSION OF UPDATED
TEXT OF REPRINT

Act 141

FEDERAL AGRICULTURAL MARKETING AUTHORITY ACT 1965

As at 1 September 2012

**FEDERAL AGRICULTURAL MARKETING
AUTHORITY ACT 1965**

| | | | | | | | |
|---|-----|-----|-----|-----|-----|-----|--------------------------------------|
| First enacted | ... | ... | ... | ... | ... | ... | 1965 (Act No. 49 of 1965) |
| Revised | ... | ... | ... | ... | ... | ... | 1974 (Act 141 w.e.f. 1 July 1974) |
| Latest amendment made by Act A1417 which came into operation on | ... | ... | ... | ... | ... | ... | 1 July 2012 |

PREVIOUS REPRINTS

| | | | | | | |
|-----------------------|-----|-----|-----|-----|-----|------|
| <i>First Reprint</i> | ... | ... | ... | ... | ... | 1997 |
| <i>Second Reprint</i> | ... | ... | ... | ... | ... | 2000 |
| <i>Third Reprint</i> | ... | ... | ... | ... | ... | 2006 |

LAWS OF MALAYSIA**Act 141****FEDERAL AGRICULTURAL MARKETING
AUTHORITY ACT 1965**

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LAWS OF MALAYSIA**Act 141****FEDERAL AGRICULTURAL MARKETING
AUTHORITY ACT 1965**

An Act to incorporate the Federal Agricultural Marketing Authority to supervise, co-ordinate, regulate and improve the marketing of agricultural produce in Malaysia including the importing and exporting of agricultural produce, to provide credit facilities for such marketing and for matters connected therewith.

[2 September 1965]

PART I**PRELIMINARY****Short title**

1. This Act may be cited as the Federal Agricultural Marketing Authority Act 1965.

Interpretation

1A. In this Act, unless the context otherwise requires—

“agricultural produce” means—

- (a) any agricultural or horticultural produce, whether processed or otherwise; and
- (b) such other produce as may be prescribed by the Minister,

but shall not include pineapple, rubber, oil palm, padi, rice and tobacco;

“authorized officer” means an officer authorized under section 17;

“Chairman” means the Chairman of the Authority;

“Director General” means the Director General of the Authority appointed under subsection 2(3);

“export” means to take or cause to be taken out of Malaysia by land, water or air any agricultural produce for purposes of trade;

“Fund” means the fund established by section 9;

“import” means to bring or cause to be brought into Malaysia from any place outside Malaysia by land, water or air any agricultural produce for purposes of trade;

“marketing” includes sale, purchase, assembling, storage, transport, processing, grading, packaging, labelling, preserving, exporting, importing and advertising; and the promotion of these activities;

“Minister” means the Minister charged with the responsibility for agriculture.

PART II

THE AUTHORITY

The Authority

2. (1) There is hereby established a body corporate by the name of “Federal Agricultural Marketing Authority” (hereinafter referred to as “the Authority”) with perpetual succession and a common seal, and power to acquire and hold movable or immovable property and to dispose thereof or otherwise deal therewith.

(2) The First Schedule shall have effect with respect to the Authority.

(3) The Authority shall consist of the following members appointed by the Minister:

- (a) a Chairman;
- (b) a Director General;
- (c) a representative of the Treasury;
- (d) a representative of the Ministry of International Trade and Industry;
- (e) a representative of the Ministry of Agriculture and Agro-Based Industry;
- (f) a representative of the Department of Agriculture of the Ministry of Agriculture and Agro-Based Industry;
- (g) a representative of the Ministry of Primary Industries;
- (h) a representative of the Economic Planning Unit of the Prime Minister's Department;
- (ha) a representative of the Farmers' Organization Authority established under the Farmers' Organization Authority Act 1973 [*Act 110*]; and
- (i) not more than five other persons who have had experience of and have shown capacity in matters relating to agricultural production, marketing, finance or administration.

(4) (*Deleted by Act A1235*).

(5) During the temporary incapacity from illness or during the temporary absence from Malaysia of the Chairman, Director General or other member of the Authority, the Minister may appoint another person to be a temporary Chairman, or member of the Authority, as the case may be.

(6) A member of the Authority shall unless he sooner resigns or his appointment is revoked or he otherwise vacates his office hold office for such term as may be specified in his instrument of appointment, and shall be eligible for reappointment.

(7) No member of the Authority shall incur personal liability for any loss or damage caused by any act undertaken by him in administering the affairs of the Authority, unless the loss or damage is occasioned by an intentionally wrongful act on his part.

Functions of the Authority

3. (1) The functions of the Authority shall be—

- (a) to co-ordinate the activities in respect of the marketing of agricultural produce, of the various persons or bodies of persons (whether incorporate or unincorporate and whether in the public services or otherwise) which are or might be concerned with any aspect of the marketing of agricultural produce;
- (b) to consider, and to promote where necessary and desirable, ways and means by which existing markets and methods of marketing of agricultural produce might be improved, and to seek and promote new markets and outlets for agricultural produce;
- (c) to collaborate with persons or bodies of persons (whether incorporate or unincorporate and whether in the public services or otherwise) to promote efficient and effective marketing of agricultural produce;
- (d) to promote and develop efficient and effective management of agricultural enterprises dealing in or processing agricultural produce;
- (e) to provide and supervise credit facilities for agricultural marketing and to ensure that these facilities are put to maximum use;

- (f) to engage in agricultural enterprises dealing in or processing agricultural produce; and
- (g) to deal with any other matter relating to the marketing of agricultural produce.

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

- (a) regulate the marketing of any agricultural produce, including by the licensing of wholesalers, retailers, processors, importers and exporters;
- (b) prohibit, regulate or control the movement of any agricultural produce;
- (c) prescribe the grading, packaging, labelling and sealing of any agricultural produce and to issue certificates in respect thereof;
- (d) construct, establish, equip, maintain, let, lease, control, manage or operate markets or market premises for purposes of facilitating and regulating the purchase and sale of any agricultural produce;
- (e) deal in agricultural industry equipments;
- (f) require persons engaged in the marketing of any agricultural produce to register and to give in such manner as the Authority may specify such information with respect to such produce as the Authority may deem necessary;
- (g) cause to be carried out research and investigations relating to the marketing of any agricultural produce in particular with respect to its costs of production;

- (h) appoint agents for the purpose of carrying out its functions;
- (i) impose fees or any other charges it deems fit for giving effect to any of its powers or functions;
- (j) provide technical, advisory or consultancy services, or any other services to any person, corporation or party, and to receive in consideration of the services rendered by it such commission or payment as may be agreed upon;
- (k) carry out all the activities which appear to it to be requisite, advantageous or convenient for or in connection with the discharge of its functions, including transporting, packing, processing, grading, collecting, storing, assembling, importing, exporting, the sale by auction and other marketing methods generally of any agricultural produce, and to manage such activities;
- (l) with the approval of the Minister and the concurrence of the Minister of Finance, enter into equity participation in any enterprise where such participation appears to it to be requisite, advantageous or convenient for or in connection with the discharge of its functions;
- (m) exercise all functions and powers and perform all duties which under or by virtue of any other written law may be vested or delegated to it;
- (n) acquire, purchase, establish, construct, equip, maintain, let, lease, control, manage or operate a warehouse for the storage and inspection of any agricultural produce in any public quay, wharf or street, adjacent to any airport or sea port or any waterway connected to that sea port; and
- (o) prescribe the manner in which credit facilities are provided, including administrative fees payable, the period of credit, the method of repayment and the type of securities to be provided.

(2A) Notwithstanding paragraph (2)(a), the licence for importers and exporters of agricultural produce shall be issued by the Director General of Quarantine and Inspection and in accordance with the Malaysian Quarantine and Inspection Services Act 2011 [*Act 728*].

(2B) Notwithstanding paragraph (2)(c), the issuance of certificates for the purpose of importation shall be issued by the Director General of Quarantine and Inspection and in accordance with the Malaysian Quarantine and Inspection Services Act 2011.

(3) The Authority may, with the approval of the Minister and the concurrence of the Minister of Finance, from time to time—

- (a) establish corporations under this subsection; and
- (b) incorporate or promote the incorporation or expansion of companies under the Companies Act 1965 [*Act 125*],

by such names as the Authority may think fit, to carry out and have the charge, conduct and management of any project, scheme or enterprise planned or undertaken by the Authority in the discharge of its functions and where the Authority so does, the provisions of—

- (i) the Second Schedule except paragraph 4A; and
- (ii) the Companies Act 1965,

shall apply respectively to such corporations and companies.

(3A) In addition to and not in derogation of its powers under subsection (3) the Authority may, with the approval of the Minister and the concurrence of the Minister of Finance, apply to register as a company under the Companies Act 1965 a corporation which has been established under subparagraph (3)(a) and where the Authority so does—

- (a) the provisions of subparagraphs (1) and (2) only of paragraph 4A of the Second Schedule; and

- (b) on the corporation being so registered, the provisions of subparagraphs (3) and (4) only of paragraph 4A of the Second Schedule and the Companies Act 1965,

shall accordingly apply to that corporation.

(4) The Minister may give to the Authority directions of a general nature, not inconsistent with this Act, as to the exercise of the functions of the Authority.

Appeal from the decision of the Authority

3A. Where, under this Act, a licence is required for marketing of any agricultural produce, any person aggrieved by the refusal of the Authority to issue or renew, or by revocation by the Authority of, such licence, or by imposition of conditions on such licence, may within thirty days of the decision being made known to him in writing appeal to the Minister, whose decision shall be final.

Directors General of the Authority

4. (1) The terms and conditions of appointment of the Director General under subsection 2(3) shall be determined by the Minister and shall be set out in instrument of appointment.

(2) The Director General shall be responsible for the day to day administration and management of the affairs of the Authority and shall perform such duties and exercise such powers as may be entrusted or delegated by the Authority or the Chairman.

(3) Without prejudice to the generality of subsection (2), the Director General shall be responsible for the preparation of programmes, schemes or projects for the consideration of the Authority, the issue of policy guidance or elucidation of the decisions of the Authority and the supervision and control of the implementation of such decisions.

Appointment of officers and servants of the Authority

5. (1) The Authority may appoint such officers and servants as may be necessary for carrying out the purposes of this Act.

(2) All members, officers or servants of the Authority, while discharging their duties as such members, officers or servants, shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

6. (*Deleted by Act A1235*).

6A. (*Deleted by Act A1235*).

6B. (*Deleted by Act A1235*).

Protection of Director General, duly appointed officers, authorized officers, etc.

6C. No action or prosecution shall be brought, instituted or maintained in any court against the Director General, any officer duly appointed under this Act, any authorized officer, or any other person acting under the order, direction or instruction of the Director General or any officer duly appointed under this Act, for or on account of or in respect of any act done or purported to be done by him, if the act was done in good faith and in the reasonable belief that it was necessary for the purpose intended to be served by it.

Borrowing powers

7. The Authority may upon terms and conditions approved by the Minister of Finance borrow such sums as it may require for carrying out any of its functions under this Act.

Investment

8. The assets of the Authority shall, so far as they are not required to be expended by the Authority under this Act, be invested in such manner as the Minister of Finance may approve.

Fund and finance

9. (1) For the purposes of this Act, there is hereby established a fund to be administered and controlled by the Authority—

(a) into which shall be paid—

- (i) such sums as may be provided from time to time by Parliament;
- (ii) such sums as may from time to time be borrowed by the Authority for the purpose of meeting any of its obligations or discharging any of its duties;
- (iii) all moneys earned by the operation of any project, scheme or enterprise financed in the Authority;
- (iv) all moneys earned or arising from any property, investment, mortgages, charges or debentures acquired by or vested in the Authority;
- (v) all other sums or property which may in any manner become payable or vested in the Authority in respect of any matter incidental to its powers and duties;
- (vi) all moneys earned from technical, advisory or consultancy services or any other services provided by the Authority; and
- (vii) all moneys collected by the Authority under the regulations made under this Act; and

(b) out of which shall be defrayed—

- (i) all expenditure (including capital expenditure) incurred by the Authority in carrying out its functions;

- (ii) moneys for the repayment of any loan made to the Authority pursuant to its power to borrow; and
- (iii) moneys for financing any marketing scheme.

(1A) The provisions of subsection (1)(a)(v) shall not apply where any corporation which has been established under paragraph 3(3)(a) is registered as a company pursuant to subsection 3(3A).

(2) Before the beginning of June of each year the Authority shall submit to the Minister an estimate of the expenses (including those for development projects) for the following year in such form and with such particulars as the Minister may require; and the Minister shall before the beginning of November notify the Authority of the amount authorized for expenses generally or of the amounts authorized for each description of expenditure for the following year.

(3) The Authority may at any time submit to the Minister a supplementary estimate for any one year and the Minister may allow the whole or any part of the additional expenditure included therein.

Accounts and audit

10. (1) The Authority shall keep proper accounts and other records in respect of its operation and shall prepare statements of accounts in respect of each financial year.

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

(3) After the end of each financial year, and as soon as the accounts of the Authority have been audited, the Authority shall cause a copy of the statement of accounts in such manner as the Minister may require to be transmitted to the Minister, together with a copy of any observations made by the Auditor General or other auditor appointed under subsection (2) on any statement or on the accounts of the Authority.

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

Annual report

11. (1) The Authority shall not later than the 30th day of June of each year, cause to be made and transmitted to the Minister a report dealing with the activities of the Authority during the preceding year and containing such information relating to the proceedings and policy of the Authority as the Minister may from time to time require.

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

11A. (*Deleted by Act A1235*).

Power to make regulations

12. The Authority may, with the approval of the Minister, and in respect of (a) and (b) subject to the concurrence of the Minister of Finance, make regulations for all or any of the following matters:

- (a) the determination of salary scales and terms and conditions of employment of the officers and servants of the Authority, including the provision of loans to such officers and servants;
- (b) the establishment and management of a contributory provident fund for the officers and servants of the Authority or for payment of pensions, allowances or gratuities to the said officers and servants on retirement or otherwise ceasing to hold office;
- (ba) prescribe the offences under this Act and the regulations made thereunder which may be compounded; and
- (c) any other matter required by this Act to be prescribed and for the better carrying out of this Act.

12A. (*Deleted by Act A1235*).

Secrecy

13. Except for the purposes of this Act or of any criminal proceedings under this Act, no member, officer or servant of the Authority shall disclose any information with respect to any individual business, which has been obtained by him in the course of his duties and which is not published in pursuance of this Act; and a person contravening this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.

No person having interest to be appointed as member or employed as officer or servant of the Authority

14. (1) Subject to subsection (2), no person shall be appointed as a member or be employed as an officer or a servant of the Authority if he has any interest, directly or indirectly, in—

- (a) an enterprise in which the Authority has entered or proposes to enter into equity participation pursuant to paragraph 3(2)(l);
- (b) a corporation or company established, incorporated, promoted, expanded or registered pursuant to subsections 3(3) and 3(3A); or
- (c) a company or an undertaking with which the Authority or an enterprise, a corporation or company mentioned in paragraph (a) or (b) proposes to make a contract or has made a subsisting contract.

(2) Notwithstanding subsection (1) and subject to subsection (3), such person may be appointed as a member of the Authority under paragraph 2(3)(i) but in so appointing him the Minister may impose any conditions or restrictions that the Minister may deem fit.

(3) Prior to his being appointed as a member or being employed as an officer or a servant of the Authority, every person shall disclose fully—

- (a) to the Minister in the case of a person to be appointed as a member; and
- (b) to the Authority in the case of a person to be employed as an officer or a servant,

any such interest as is mentioned in subsection (1), and on his being so appointed or employed, such person shall not further acquire any such interest.

(4) Subject to subsection 15(1), a member who is appointed or an officer or a servant who is employed contrary to subsection (1), or who on being appointed or employed further acquires any such interest, shall have his appointment revoked forthwith by the Minister or his employment terminated by the Authority without notice, as the case may be.

(5) Any person, member, officer or servant who contravenes this section, section 15 or a condition or restriction imposed under this section or section 15 commits an offence and shall be liable on conviction to imprisonment for a term not exceeding five years or to a fine not exceeding twenty-five thousand ringgit or to both.

(6) For the purposes of this section and section 15, the having or acquiring of any such interest as is mentioned in subsection (1) by his spouse or any of his children shall be deemed to give the person, member, officer or servant concerned an indirect interest.

Disclosure of existing interest

15. (1) Every member, officer or servant having any interest as is mentioned in subsection 14(1) shall, within six months of the coming into force of this section, disclose fully to the Authority the fact of the interest and the nature thereof and such disclosure shall be recorded in the minutes of the Authority and the member shall at no time take part in any proceedings of the Authority relating to the undertaking, enterprise, company, corporation or contract in which he has the

interest and the officer or servant shall cease to exercise all powers and duties in relation thereto, but the member, officer or servant may otherwise continue to be—

- (a) a member subject to any conditions or restrictions the Minister may impose; or
- (b) an officer or a servant subject to any conditions or restrictions the Authority may impose.

(2) Where the member having such interest is the Chairman, he shall vacate the chair and another member shall be elected to preside during the proceedings relating to the undertaking, enterprise, company, corporation or contract in which he has the interest.

(3) Any member, officer or servant who contravenes this section commits an offence and shall be liable on conviction to the punishment provided in subsection 14(5).

Power to compound offences

15A. (1) The Director General may, with the consent of the Public Prosecutor, compound any offence under this Act or the regulations made under this Act which has been prescribed to be compoundable by accepting from the person reasonably suspected of having committed the offence such amount, not exceeding fifty per centum of the amount of maximum fine for that offence, within such time as may be specified in a written offer to compound made to such person.

(2) An offer to compound 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) Where the amount specified in the offer to compound is not paid within the time specified in that offer, or within such extended time 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 to compound was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall, within the time specified in subsection (3), be instituted in respect of the offence against the person to whom the offer to compound was made.

(5) The Director General may in writing delegate his functions and duties under this section to any officer of the Authority subject to such terms and conditions as he thinks fit, but a delegation under this subsection shall not preclude the Director General from performing or exercising at any time the functions and duties that have been delegated.

16. *(Deleted by Act A200).*

PART III

POWERS RELATING TO ENFORCEMENT

Authorization of officer to exercise powers under this Part

17. (1) The Minister may authorize in writing any public officer or officer of the Authority to exercise the powers under this Part.

(2) Any such officer shall be deemed to be a public servant within the meaning of the Penal Code.

(3) In exercising any of the powers under this Part an officer shall on demand produce to the person against whom he is acting under this Act the authority issued to him by the Minister.

(4) The Director General shall have all the powers of an authorized officer.

Enforcement at entry points, quarantine stations and quarantine premises

17A. (1) Notwithstanding section 17, the enforcement in relation to agricultural produce at the entry points, quarantine stations and quarantine premises shall be carried out by an enforcement officer

appointed under the Malaysian Quarantine and Inspection Services Act 2011 in accordance with the powers under that Act.

(2) For the purposes of subsection (1), “entry point”, “quarantine station” and “quarantine premises” have the same meanings as assigned to these expressions in the Malaysian Quarantine and Inspection Services Act 2011.

Powers of arrest

18. (1) Any authorized officer or police officer may arrest without warrant any person whom he sees or finds committing or attempting to commit or abetting the commission of an offence against this Act or any regulations made thereunder, or whom he reasonably suspects of being engaged in committing or attempting to commit or abetting the commission of any offence against this Act or any regulations made thereunder if such person refuses or fails to furnish his name and address or there are reasonable grounds for believing that he has furnished a false name or address or that he is likely to abscond.

(2) Any authorized officer or police officer making an arrest without warrant shall, subject to subsection (3), without unnecessary delay, bring the person arrested to the nearest police station.

(3) No person who has been arrested by an authorized person or police officer shall be released except on his own bond or on bail or on the special order in writing of a Magistrate.

Search with warrant

19. (1) Whenever it appears to any Magistrate upon written information on oath and after such inquiry as he considers necessary, that there is reasonable cause to believe that in or on any dwelling house, shop, or other building or place there is concealed or deposited any agricultural produce as to which an offence against this Act or any regulations made thereunder has been committed, the Magistrate may issue a warrant authorizing any authorized officer or police officer named therein, at any reasonable time by day or night and with or without assistance, to enter the dwelling house, shop, or other building or place, and there—

- (a) search for, inspect, collect samples of, or seize any agricultural produce as to which such offence is suspected to have been committed;
 - (b) search for and seize any book, record, account, computerized data or other documents which are reasonably believed to contain information in respect of such offence suspected to have been committed;
 - (c) inspect, make copies of, or take extracts from any book, record, account, computerized data or other documents so seized; or
 - (d) search for, inspect or seize any machinery, contrivance, or other equipment or article.
- (2) Any such officer may if it is necessary so to do—
- (a) break open any outer or inner door of the dwelling house, shop, or other building or place, and enter thereinto;
 - (b) forcibly enter the place and every part thereof;
 - (c) remove by force any obstruction to entry, search, seizure and removal as he is empowered to effect; and
 - (d) detain every person found in the place until the place has been searched.
- (3) A list of all things seized in the course of a search made under this section and of the places in which they are respectively found shall be prepared by the authorized officer or police officer conducting the search and signed by him.
- (4) The occupant of the premises entered under subsection (1), or some person on his behalf, shall in every instance be permitted to attend during the search, and a copy of the list prepared and signed under subsection (3) shall immediately be delivered to such occupant or person.

Search without warrant

20. Whenever it appears to any authorized officer or police officer that there is reasonable cause to believe that in any dwelling house, shop, other building or place there is concealed or deposited any agricultural produce as to which an offence against this Act or any regulations made thereunder has been committed, and if he has reasonable grounds for believing that by reason of the delay in obtaining a search warrant the agricultural produce is likely to be removed, the officer may exercise in, upon and in respect of the dwelling house, shop, other building or place all the powers mentioned in section 19 in as full and ample a manner as if he were authorized so to do by a warrant issued under that section.

Authorized officer may stop and search conveyances

21. (1) Where an authorized officer or police officer has reasonable suspicion that any conveyance is carrying any agricultural produce in contravention of this Act or any regulations made thereunder, it shall be lawful for the officer to stop and examine the conveyance for the purpose of ascertaining whether any agricultural produce is contained therein or is being moved or transported contrary to this Act or any regulations made thereunder and the person in control or in charge of the conveyance shall if required to do so by the officer, stop the conveyance and allow the officer to examine the same.

(2) The person in control or in charge of any conveyance examined under this section shall on request by the authorized officer or police officer open all parts of the conveyance for examination by the officer and take all measures necessary to enable such examination as the officer considers necessary to be made.

Power to take possession

21A. (1) If any authorized officer or police officer has reason to believe that any person is committing an offence under this Act or any regulations made thereunder he may take possession in such manner as he shall deem fit of any agricultural produce in respect of which he has reason to believe such an offence has been committed or of any conveyance, machinery, contrivance, or other equipment or

article by means of which any such offence has been committed or which he has reason to believe is intended to be used for the commission of that offence.

(2) Where under this section possession has been taken of any agricultural produce, then the Director General—

- (a) if he has reason to believe that an offence under this Act or any regulations made thereunder has been committed and criminal proceedings have been instituted against any person in respect of the offence, may apply to the court for an order that the agricultural produce shall be sold or disposed of and if the agricultural produce is ordered to be sold, the proceeds of sale shall be kept until the conclusion of the proceedings; or
- (b) in any other case, may restore possession of the agricultural produce to the owner.

(3) Where under this section possession has been taken of any conveyance or other article, then the Director General—

- (a) if he has reason to believe that an offence under this Act or any regulations made thereunder has been committed, may at his discretion, temporarily return the conveyance, machinery, contrivance, or other equipment or article to the owner of the same on security being furnished to his satisfaction that the conveyance, machinery, contrivance or other article shall be surrendered to him on demand; and
- (b) in any other case, may restore possession of the conveyance, machinery, contrivance, or other equipment or article, to the owner.

(4) (a) The Director General may in writing delegate his powers under subsections (2) and (3) to any authorized officer and may at any time revoke any such delegation.

(b) Notwithstanding any such delegation, the Director General may, if he thinks fit, exercise the powers so delegated.

Power of investigation

22. (1) An authorized officer or police officer shall have the power to investigate the commission of any offence under this Act or any regulations made thereunder.

(1A) An authorized officer or police officer may, for the purpose of investigating an offence under this Act or any regulations made thereunder—

- (a) require any person, orally or in writing, to produce books, records, accounts, computerized data or other documents which may, in the opinion of the authorized officer or police officer, assist in the investigation of the offence, and to inspect, make copies of, or take extracts from, any of the books, records, accounts, computerized data or other documents;
- (b) require a person suspected to have committed any offence or involved in the commission of any offence under this Act or any regulations; made thereunder to produce documents verifying his identity; and
- (c) make such inquiry as may be necessary.

(2) Every person required by an authorized officer or police officer to give information or produce any book, record, account, computerized data or other document relating to the commission of such offence which it is in the person's power to give shall be legally bound to give the information or to produce the book, record, account, computerized data or other document.

23. (*Deleted by Act A1235*).

PART IV

OFFENCES, PENALTIES AND PROCEEDINGS

Offence for obstruction

24. Any person who obstructs or impedes the Director General, any authorized officer or police officer in the lawful exercise of any of his powers under this Act or any regulations made thereunder commits an offence and shall be liable on conviction to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding two years or to both and, for a second or subsequent offence to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding five years or to both.

False declaration, return, certificate or other document or information, etc.

24A. A person who makes or causes to be made, orally or in writing, or signs or furnishes, any declaration, return, certificate or other document or information required under this Act which is false, inaccurate or misleading in any material particular commits an offence and shall be liable on conviction to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding two years or to both and, for a second or subsequent offence to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Offences by body corporate, etc.

25. (1) Any body corporate which commits an offence under, or fails to comply with, this Act or any regulations made thereunder, shall be liable on conviction to a fine not exceeding twenty-five thousand ringgit and, for a second or subsequent offence to a fine not exceeding fifty thousand ringgit.

(2) Where a person charged with an offence under this Act or any regulations made thereunder is a body corporate—

- (a) every person who, at the time of the commission of the offence is a director or officer of the body corporate may be charged jointly in the same proceedings with the body corporate; and
- (b) where the body corporate is convicted of the offence charged, every such director or officer shall be deemed to have committed that offence and shall be liable on conviction to a fine not exceeding fifteen thousand ringgit or to imprisonment for a term not exceeding two years or to both and, for a second or subsequent offence to a fine not exceeding twenty-five thousand ringgit or to imprisonment for a term not exceeding five years or to both, unless he proves that the offence was committed without his knowledge or that he took reasonable precautions to prevent its commission.

(3) Any person who would have been liable under this Act or any regulations made thereunder to any penalty for anything done or omitted if the thing had been done or omitted by him personally, shall be liable to the same penalty if the thing had been done or omitted by his partner, agent or servant, unless he proves that he took reasonable precautions to prevent the doing or omission of the thing.

Burden of proof

26. (1) In any prosecution in respect of an offence under this Act or any regulations made thereunder upon a charge of doing any act which is unlawful unless the person doing the act is entitled to do so by reason of his being the holder of a licence, permit or written permission, consent, authorization or exemption entitling him to do the act, it shall be sufficient for the prosecution to allege and prove his doing the act and the onus shall then be upon the accused to show that he was entitled to do it.

(2) In any prosecution in respect of an offence under this Act or any regulations made thereunder, the production by the person conducting the prosecution of an original invoice or a duplicate invoice proved to have been found in the possession of the seller, shall, where the person conducting the prosecution so requests, be

admitted as *prima facie* evidence of a sale by the seller and of all the facts stated in the original invoice or duplicate invoice and notwithstanding any law to the contrary, the burden of proving that the sale did not take place or that any fact stated in the original invoice or duplicate invoice is not what it is stated to be, shall lie upon the accused.

Power of court to confiscate

27. Where any person is convicted of an offence under this Act or any regulations made thereunder the court may order the confiscation—

- (a) in whole or in part of the proceeds of sale of any agricultural produce sold under section 21A, in respect of which the offence has been committed and which has been seized by, or has otherwise come into the possession of, the Director General or any authorized officer or police officer; and
- (b) of any conveyance, machinery, contrivance or other equipment or article the property of the accused by means of which the offence has been committed or which was intended to be used for the commission of an offence under this Act or any regulations made thereunder.

Jurisdiction

28. Notwithstanding anything to the contrary in any other written law, a Sessions Court shall have jurisdiction to try any offence under this Act or any regulations made thereunder, and to award full punishment for any such offence.

Saving

29. No proceedings shall be instituted under this Act or any regulations made thereunder against any person duly authorized in that behalf by the Director General who has knowingly done or omitted to do any act which would, but for this section, have been an

offence; provided that he has done or omitted to do the act with the intention of procuring evidence for the purpose of prosecuting the seller for an offence under this Act or any regulations made thereunder.

FIRST SCHEDULE

[Subsection 2(2)]

1. (1) A member of the Authority shall be deemed to have vacated his office if he fails to attend three consecutive meetings of the Authority without the permission in writing of the Minister.

(2) There shall be paid to members of the Authority, or to such of those members as the Minister may determine, such salaries, remuneration or allowances as he may determine.

(3) Any minutes made of any meeting of the Authority shall, if duly signed, be receivable in evidence in all legal proceedings without further proof and every such meeting shall be deemed to have been duly convened and held and all members present at such meeting shall be deemed to have been duly qualified to act.

2. (1) The quorum for meetings of the Authority shall be seven.

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

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

3. (1) The Authority may appoint committees for any purpose arising out of or connected with any of its powers, duties and functions under this Act; any committee so appointed shall include not less than one member of the Authority, and there may be appointed to such committee such other persons as the Authority may think fit.

(2) Any committee appointed under subparagraph (1) may appoint one or more sub-committees; any sub-committee so appointed shall include not less than one member of the committee appointing it, and there may be appointed to such sub-committee such other persons as the committee appointing it may think fit.

(3) Any committee or sub-committee so appointed shall conform to any instructions from time to time given to it by the Authority, and the Authority may at

any time discontinue or alter the constitution of any committee or sub-committee so appointed.

(4) There may be paid to members of any committee or sub-committee such remuneration or allowances as the Authority may from time to time determine with the approval of the Minister.

(5) The Authority, a committee or a sub-committee may, respectively, invite any person who, in its opinion, is possessed of special knowledge of advantage to it, to attend any meeting of the Authority, committee or sub-committee and the person so invited shall not be entitled to vote at any such meeting.

(6) Any minutes of any meeting of any committee or sub-committee shall, if duly signed, be receivable in evidence in all legal proceedings without further proof and every such meeting shall be deemed to have been duly convened and held and all members of the committee or sub-committee present at such meeting shall be deemed to have been duly qualified to act.

4. (1) The Authority shall have a common seal, which shall bear such device as the Authority shall approve and such seal may from time to time be broken, changed, altered or made anew, as the Authority may think fit.

(2) The common seal shall be authenticated by either the Chairman or such other person as may be authorized by the Authority or by any officer authorized by either of them in writing; 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 under seal may, in like manner, be executed by the Authority and any such document or instrument may be executed on behalf of the Authority by any officer or servant of the Authority generally or specially authorized by the Authority in that behalf.

SECOND SCHEDULE

[Subsection 3(3)]

1. The Authority shall, on or before the date on which any corporation is established under section 3, make regulations in respect of the corporation defining—

- (a) the purposes and objects for which the corporation is established;
- (b) the rights, powers, duties and functions of the corporation;

- (c) the system of management of the corporation and of any fund established for the purpose of the corporation; and
- (d) the relations between the corporation and the Authority and its rights of control over the corporation.

2. Subject to this Act, 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.

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

4. The Authority may direct that any corporation established by it shall be wound up and dissolved.

4A. (1) Notwithstanding the provisions of paragraph 4, the Authority pursuant to subsection 3(3A) may apply to register as a company under the Companies Act 1965 a corporation which has been established under paragraph 3(3)(a) without first winding-up and dissolving such corporation.

(2) In so applying to register a corporation as a company, the Authority shall comply with the provisions of the Companies Act 1965, and the provisions of this Act shall not be construed to derogate from the powers of the Registrar of Companies under that Act.

(3) Upon its registration as a company under the Companies Act 1965, the corporation shall be deemed to be dissolved, and—

- (a) all powers, rights, privileges, duties, liabilities or obligations that immediately before registration were those of the corporation shall devolve on the company;
- (b) all assets and movable and immovable property that immediately before registration were vested in the corporation or any person acting on behalf of the corporation shall vest in the company without any conveyance, assignment or transfer whatsoever and the company shall, in respect of all immovable property, apply to the proper registering authority for an entry to be made to that effect;
- (c) all deeds, bonds, agreements, instruments and working arrangements subsisting immediately before registration in favour of or against the corporation shall be in full force and effect in favour of or against the company and enforceable as fully and effectually as if, instead of the corporation or any person acting on behalf of the corporation, the company had been named therein or been a party thereto; and

- (d) any proceedings, whether civil or criminal, or cause of action pending or existing immediately before registration by or against the corporation or any person acting on behalf of the corporation may be continued or instituted by or against the company as it might have been by or against the corporation.

(4) If any difficulty or anomaly arises in connection with the transitional provisions contained in this paragraph the Minister may, after consultation with the Minister charged with responsibility for companies, by order make such modifications as appear to him to be necessary for removing, resolving or preventing such difficulty or anomaly but he shall not exercise the powers conferred by this subparagraph after the expiration of two years of a corporation being registered as a company pursuant to subsection 3(3A).

5. Every corporation established under section 3, shall be a body corporate by such name as the Authority shall give to the corporation and shall have perpetual succession and a common seal and may sue and be sued in that name, and 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 this Act and subject to such restrictions or limitations as may be prescribed by the Authority in each case.

6. (1) Every such corporation shall have a common seal, which shall bear such impression as the corporation, with the approval of the Authority, may determine and such seal may from time to time be broken, changed, altered or made anew by the corporation, with the approval of the Authority as the corporation shall think fit.

(2) Until a seal is provided by the corporation under this paragraph a stamp bearing the name of the corporation encircling the letters "FAMA" may be used as a common seal.

(3) The common seal, or the stamp referred to in subparagraph (2) shall be in the custody of such persons as the corporation shall direct and shall be authenticated by those persons; and all deeds, documents and other instruments purporting to be sealed with the 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 seal of every corporation shall be officially and judicially noticed.

LAWS OF MALAYSIA**Act 141****FEDERAL AGRICULTURAL MARKETING
ACT 1965**

LIST OF AMENDMENTS

| Amending Law | Short title | In force from |
|--------------|--|---------------|
| Act 160 | Malaysian Currency (Ringgit) Act 1975 | 29-08-1975 |
| Act A200 | Federal Agricultural Marketing Authority (Amendment) Act 1973 | 01-07-1973 |
| Act A375 | Federal Agricultural Marketing Authority (Amendment) Act 1977 | 18-03-1977 |
| Act A759 | Federal Agricultural Marketing Authority (Amendment) Act 1990 | 01-08-1990 |
| Act A1049 | Federal Agricultural Marketing Authority (Amendment) Act 1999 | 01-09-1999 |
| Act A1235 | Federal Agricultural Marketing Authority (Amendment) Act 2005 | 31-03-2005 |
| Act A1417 | Federal Agricultural Marketing Authority (Amendment) Act 2012 | 01-07-2012 |

LAWS OF MALAYSIA

Act 141

FEDERAL AGRICULTURAL MARKETING ACT 1965

LIST OF SECTIONS AMENDED

| Section | Amending authority | In force from |
|------------|--|--|
| Long Title | Act A1235 | 31-03-2005 |
| 1A | Act A375 Act A1235 | 18-03-1977 31-03-2005 |
| 2 | Act A200 Act A375 Act A1235 | 01-07-1973 18-03-1977 31-03-2005 |
| 3 | Act A200 Act A375 Act A1235 Act A1417 | 01-07-1973 18-03-1977 31-03-2005 01-07-2012 |
| 3A | Act A200 Act A1235 | 01-07-1973 31-03-2005 |
| 4 | Act A200 Act A759 | 01-07-1973 01-08-1990 |
| 5 | Act A200 Act A759 | 01-07-1973 01-08-1990 |
| 6 | Act A200 Act A759 Act A1049 Act A375 Act A1235 | 01-07-1973 01-08-1990 01-09-1999 18-03-1977 31-03-2005 |
| 6A | Act A1049 Act A1235 | 01-09-1999 31-03-2005 |
| 6B | Act A1049 Act A1235 | 01-09-1999 31-03-2005 |

| Section | Amending authority | In force from |
|---------|---|--|
| 6C | Act A1235 | 31-03-2005 |
| 9 | Act A375 Act A1235 | 18-03-1977 31-03-2005 |
| 11 | Act A200 | 01-07-1973 |
| 11A | Act A759 Act A1235 | 01-08-1990 31-03-2005 |
| 12 | Act A759 Act A1235 | 01-08-1990 31-03-2005 |
| 12A | Act A759 Act A1049 Act A1235 | 01-08-1990 01-09-1999 31-03-2005 |
| 14 | Act A375 Act A1235 | 18-03-1977 31-03-2005 |
| 15 | Act A375 | 18-03-1977 |
| 15A | Act A1235 | 31-03-2005 |
| 17 | Act A200 | 01-07-1973 |
| 17A | Act A1417 | 01-07-2012 |
| 18 | Act A200 Act A759 Act A1235 | 01-07-1973 01-08-1990 31-03-2005 |
| 19 | Act A200 Act A759 Act A1235 | 01-07-1973 01-08-1990 31-03-2005 |
| 20 | Act A200 Act A759 | 01-07-1973 01-08-1990 |
| 21 | Act A200 Act A759 | 01-07-1973 01-08-1990 |
| 21A | Act A200 Act A375 Act A759 Act A1235 | 01-07-1973 18-03-1977 01-08-1990 31-03-2005 |

| Section | Amending authority | In force from |
|----------------|--------------------|---------------|
| 22 | Act A200 | 01-07-1973 |
| | Act A759 | 01-08-1990 |
| | Act A1235 | 31-03-2005 |
| 23 | Act A200 | 01-07-1973 |
| | Act A759 | 01-08-1990 |
| | Act A1235 | 31-03-2005 |
| 23A | Act A200 | 01-07-1973 |
| 23B | Act A200 | 01-07-1973 |
| 23C | Act A200 | 01-07-1973 |
| 23D | Act A200 | 01-07-1973 |
| 23E | Act A200 | 01-07-1973 |
| 23F | Act A200 | 01-07-1973 |
| 24 | Act A200 | 01-07-1973 |
| | Act A375 | 18-03-1977 |
| | Act A759 | 01-08-1990 |
| | Act A1235 | 31-03-2005 |
| 24A | Act A1235 | 31-03-2005 |
| 25 | Act A759 | 01-08-1990 |
| | Act A1235 | 31-03-2005 |
| 26 | Act A759 | 01-08-1990 |
| 27 | Act A375 | 18-03-1977 |
| | Act A759 | 01-08-1990 |
| | Act A1235 | 31-03-2005 |
| 28 | Act A759 | 01-08-1990 |
| 29 | Act A375 | 18-03-1977 |
| | Act A759 | 01-08-1990 |
| First Schedule | Act A200 | 01-07-1973 |
| | Act A375 | 18-03-1977 |
| | Act A759 | 01-08-1990 |

Federal Agricultural Marketing

| Section | Amending authority | In force from |
|-----------------|--------------------|---------------|
| Second Schedule | Act A200 | 01-07-1973 |
| | Act A375 | 18-03-1977 |
