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Act 244

PERBADANAN KEMAJUAN FILEM NASIONAL MALAYSIA ACT 1981

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**PERBADANAN KEMAJUAN FILEM NASIONAL
MALAYSIA ACT 1981**

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LAWS OF MALAYSIA**Act 244****PERBADANAN KEMAJUAN FILEM NASIONAL
MALAYSIA ACT 1981**

An Act to promote, nurture and facilitate the development of the film industry of Malaysia, to establish the Perbadanan Kemajuan Filem Nasional Malaysia and to provide for matters necessary therefor, connected therewith or incidental thereto.

*[1 May 1981, P.U. (B) 265/1981;
except Part V: 1 January 1984, P.U. (B) 648/1983]*

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I**PRELIMINARY****Short title, application and commencement**

1. (1) This Act may be cited as the Perbadanan Kemajuan Filem Nasional Malaysia Act 1981 and shall apply throughout Malaysia.

(2) This Act shall come into operation on such date or dates as the Minister may, by notification in the *Gazette*, appoint and he may appoint different dates for different provisions and for different parts of Malaysia.

Interpretation

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

“authorized officer” means an officer authorized in writing by the Minister;

“Chairman” means the Chairman of the Perbadanan appointed under section 4 and includes the Deputy Chairman and a temporary Chairman while exercising the functions of the Chairman;

“chief executive officer” means the chief executive officer of the Perbadanan appointed under section 9;

“cinema hall” includes any premises, building, structure and any place whatsoever used to screen films for viewing by the public or any class of the public;

“films” includes feature films, short films, short subject films, trailers, documentaries, advertising filmlets and any recording on material of any kind, including video tapes and video discs, of moving images, accompanied or unaccompanied by sound, for viewing by the public or any class of the public;

“film activities” includes all activities related to the film industry;

“film distribution” includes the renting, hiring and loaning of films for profit or otherwise, the importation and distribution of films produced abroad and the distribution of films produced locally;

“film exhibition” means the screening of films for viewing by the public or any class of the public;

“film industry” includes the activities of film production, distribution and exhibition carried out in Malaysia;

“film production” includes all activities related to the production or processing of films, or the recording or duplicating of video tapes, for viewing by the public or any class of the public;

“licence holder” means any person issued with a licence under this Act;

“member”, in relation to the Perbadanan, includes the Chairman, Deputy Chairman and a temporary Chairman of the Perbadanan; and, in relation to a committee of the Perbadanan, includes the chairman of the committee;

“Minister” means the Minister charged with the responsibility for the development of the film industry;

“officer of the Perbadanan” includes the chief executive officer;

“Perbadanan” means the Perbadanan Kemajuan Filem Nasional Malaysia established under section 3;

“prescribed” means prescribed by subsidiary legislation made under this Act;

“short subject film” means—

- (a) any documentary;
- (b) any animation film;
- (c) any film of cultural or educational value; or
- (d) any experimental film,

whose duration does not exceed thirty minutes.

PART II

PERBADANAN KEMAJUAN FILEM NASIONAL MALAYSIA

Establishment of the Perbadanan Kemajuan Filem Nasional Malaysia

3. There shall be established a corporation by the name of “Perbadanan Kemajuan Filem Nasional Malaysia” which shall have perpetual succession and a common seal and which may sue and be sued in the same name and, subject to and for the purposes of this Act, may enter into contracts and hold and deal in or with any movable or immovable property and do all other matters and things incidental or appertaining to a body corporate.

Membership of the Perbadanan

4. (1) The Perbadanan shall consist of a Chairman, a Deputy Chairman and not less than seven but not more than ten other members, to be constituted as follows—

- (a) a Chairman and a Deputy Chairman to be appointed by the Minister from amongst persons who, in his opinion, by reason of their knowledge and extensive experience, would be of substantial service to the film industry;

- (b) four members to be appointed by the Minister from amongst persons who are connected with the film and related industries and are not public officers;
- (c) the Secretary General of the Ministry charged with the responsibility for the development of the film industry, or his representative;
- (d) the Secretary General of the Ministry charged with the responsibility for finance, or his representative;
- (e) the Secretary General of the Ministry charged with the responsibility for information, or his representative; and
- (f) such other persons, being not more than three in number, as the Minister considers fit and proper persons to be members of the Perbadanan, to be appointed by the Minister.

(2) A member of the Perbadanan appointed under paragraph (a), (b) or (f) shall, unless his appointment is sooner revoked or he sooner resigns, hold office for such period not exceeding three years as the Minister may determine and he shall be eligible for reappointment.

(3) The members of the Perbadanan may be paid such remuneration or allowances as the Minister may determine.

(4) The Schedule shall apply in respect of the Perbadanan and its members.

Seal of the Perbadanan

5. (1) The Perbadanan shall have a common seal and such seal may, from time to time, be broken, changed, altered or made anew as the Perbadanan deems fit:

Provided that until a seal is provided under this section a stamp bearing the inscription “Perbadanan Kemajuan Filem Nasional Malaysia” may be used as a common seal.

(2) All deeds, documents and other instruments requiring the seal of the Perbadanan shall be sealed accordingly in the presence of two members of the Perbadanan who shall sign every deed,

document or instrument to which the seal is affixed; and such signing shall without further attestation be sufficient evidence that the seal was duly and properly affixed and that the same is the lawful seal of the Perbadanan:

Provided that a deed, document or other 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 Perbadanan; and such deed, document or instrument may be executed on behalf of the Perbadanan by any of its officers or servants generally or specially authorised in writing so to act.

(3) The seal of the Perbadanan shall be officially and judicially noticed.

Functions of the Perbadanan

6. (1) The functions of the Perbadanan shall be—

- (a) to make recommendations to the Minister as to the policies, methods and measures to be adopted to promote, nurture and facilitate the development of the film industry;
- (b) to develop, and stimulate the growth and maintain the standards of, the film industry by various means, including the provision of research and advisory services;
- (c) to regulate and co-ordinate the activities of persons and bodies relating to matters pertaining to the film industry;
- (d) generally to promote and assist, both inside and outside Malaysia, in the development of the film industry;
- (e) to regulate and control the production, distribution and exhibition of films in Malaysia, and in relation thereto to provide for the issue of licences; and
- (f) to manage and control the maintenance and operation of places and equipment belonging to the Perbadanan for the purposes of paragraph (2)(c).

(2) The Perbadanan shall have power to do all things expedient or 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 the power—

- (a) to conduct surveys in respect of the film industry and carry out feasibility studies for the development of film production locally;
- (b) to provide training facilities and to control and supervise the implementation of training projects and programmes relating to the film industry;
- (c) to provide or assist in the production of services, facilities and filming equipment to film producers, distributors and exhibitors and cinema hall owners, but not itself to participate in film production, directly or indirectly;
- (d) to receive, in consideration of the services rendered by it, such commission or payment as may be agreed upon;
- (e) to grant any subsidy or credit facility but in no way as to enable itself to participate in film production, directly or indirectly;
- (f) to prescribe and levy fees or other charges in relation to the performance of its functions and the exercise of its powers under this Act;
- (g) to participate in international organisations relating to the film industry and to hold, promote and participate in film festivals, exhibitions and seminars or in any activity of a similar nature both inside and outside Malaysia;
- (h) to establish institutions, centres, sub-centres and workshops for the undertaking of research and other activities necessary for or related to the development of the film industry;
- (i) to provide incentives in respect of the film industry;
- (j) to disseminate information to the public on the various aspects of the film industry; and
- (k) to do such other matters as may be directed by the Minister.

Delegation

7. (1) The Perbadanan may delegate any of its functions and powers to the Chairman.

(2) Without prejudice to subsection (1), the Perbadanan may, by an instrument in writing under its common seal, delegate to any other person or any body such of its functions and powers as may be necessary to be performed inside or outside Malaysia except the power to make regulations:

Provided that any such person or body shall not have control over the Fund and shall act in all respects in accordance with the directions of the Perbadanan.

Directions by the Minister

8. (1) The Minister may give to the Perbadanan any direction not inconsistent with this Act as to the exercise and performance of its functions and powers in relation to any matter which appears to him to concern the film industry and the Perbadanan shall give effect to any such direction.

(2) The Perbadanan shall furnish the Minister with such information with respect to its property and activities as he may from time to time require.

PART III

ADMINISTRATION

Appointment of chief executive officer and other officers and servants of the Perbadanan

9. (1) The Perbadanan may appoint a chief executive officer who may be designated by any name, and such other officers and servants as it considers necessary for the purposes of this Act and for the efficient conduct of its affairs.

(2) The appointment of the chief executive officer shall be with the prior approval of the Minister and the name by which he is designated shall be published in the *Gazette*.

(3) If during any period the chief executive officer is for any reason unable to exercise the powers and perform the duties of his office, the Perbadanan may, with the prior approval of the Minister, appoint any other fit and proper person to so act.

Duties of chief executive officer

10. The chief executive officer shall—

- (a) be responsible for putting into execution the policy decisions of the Perbadanan;
- (b) exercise supervision and control over all the other officers and servants of the Perbadanan; and
- (c) perform such duties and exercise such powers as may from time to time be determined or delegated by the Perbadanan or as the Chairman may direct.

Perbadanan to determine conditions of service of its officers and servants

11. (1) The officers and servants of the Perbadanan shall hold office for such period, receive such remuneration, fees and allowances, and be subject to such conditions of service as may be determined by the Perbadanan with the approval of the Minister.

(2) The Perbadanan shall have power to formulate and regulate the procedure for the appointment and disciplining of its officers and servants.

Public servants for purposes of Penal Code

12. The members, officers and servants of the Perbadanan and the members of a committee thereof shall be deemed to be public servants within the meaning of the Penal Code [*Act 574*].

Committees

13. (1) The Perbadanan may appoint such committees as it thinks desirable to exercise such functions and powers as may be delegated to them by the Perbadanan or to examine and report to the Perbadanan on any matter arising out of or connected with any of the functions and powers of the Perbadanan under this Act.

(2) A committee may do all such things as may be necessary for the effective discharge of the functions and powers so delegated but shall be subject to the directions of the Perbadanan.

(3) A committee shall consist of a chairman and not more than five other members who may be paid such remuneration or allowances as may be determined by the Perbadanan with the approval of the Minister.

(4) The Schedule shall *mutatis mutandis* apply in respect of a committee appointed under this section.

No person having interest to be appointed as member, officer or servant of the Perbadanan

14. (1) No person shall be appointed as a member, an officer or a servant of the Perbadanan or as a member of a committee thereof if he has any interest, directly or indirectly, in—

- (a) any person, body, corporation or company carrying on or engaged in, or about to carry on or engage in, any of the activities or any combination thereof referred to in section 21; or
- (b) any person, body, corporation or company with which the Perbadanan proposes to enter into a contract or has entered into a subsisting contract.

(2) Notwithstanding paragraph (1)(b), such person may be appointed as a member, an officer or a servant of the Perbadanan or as a member of a committee thereof if he has an interest, directly or indirectly, as a shareholder only of a company referred to in that subsection and provided that the holding of the shares in that company does not result in any controlling interest, directly or indirectly.

(3) Prior to his being appointed as a member, an officer or servant of the Perbadanan or as a member of a committee thereof, every person shall disclose fully, in the case of a person who is to be appointed as a member of the Perbadanan, to the Minister, and, in the case of a person who is to be appointed as a member of a committee or as an officer or a servant of the Perbadanan, to the Perbadanan, whether he has any such interest as is referred to in subsection (1).

(4) Where such member, officer or servant acquires any such interest after the coming into operation of this Act, he shall cease to be such member, officer or servant of the Perbadanan or a

committee thereof, as the case may be, and his appointment shall be deemed to be revoked forthwith:

Provided that this subsection shall not apply where the member, officer or servant inherits or is bequeathed with such interest and he relinquishes or disposes of such interest within a period of three months of its being bequeathed and vesting in him and within that period reports in writing, in the case of a member of the Perbadanan, to the Minister and, in the case of a member of a committee or an officer or a servant, to the Perbadanan, the fact of such relinquishment or disposal.

(5) For the purposes of this section, “indirect interest” shall include the having or acquiring of any such interest as is referred to in this section by a spouse or a natural or an adopted child (below twenty-one years of age) of a person or a member, an officer or a servant of the Perbadanan or a member of a committee thereof, as the case may be.

(6) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding five years or to a fine not exceeding twenty-five thousand ringgit or to both.

Declaration of share or interest and disqualification

15. (1) A member of the Perbadanan or of a committee thereof who has or acquires, directly or indirectly, by himself, his partner or agent—

(a) any share or interest—

- (i) in a contract or an arrangement made with the Perbadanan;
- (ii) in any work to be done for the Perbadanan; or
- (iii) in a company, firm or an undertaking with which the Perbadanan proposes to enter into a contract or an agreement; or

(b) any beneficial interest in immovable property proposed to be purchased or otherwise acquired or leased or otherwise dealt with by the Perbadanan,

shall declare the nature and extent of his share or interest to the Perbadanan or committee, as the case may be.

(2) The declaration required to be made by a member under subsection (1) shall be made at the meeting of the Perbadanan or committee at which any question relating to such contract, arrangement, work, purchase or other acquisition or lease or other dealing is first taken into consideration or at the earliest opportunity after the acquisition of such share or interest.

(3) For the purposes of this section, a notice given to the other members by a member to the effect that he has such share or interest as is specified in subsection (1) and is to be regarded as interested in any such contract, arrangement, work, purchase or other acquisition or lease or other dealing which may, after the date of the notice, be made with, or be required to be carried out by, the company, firm or undertaking in question shall be deemed to be sufficient declaration of interest in relation thereto:

Provided that such notice shall be of no effect unless it is given at a meeting of the Perbadanan or committee or the member concerned takes all reasonable steps to ensure that it is brought up and read at the next meeting of the Perbadanan or committee after it is given.

(4) Every declaration made in pursuance of this section shall be recorded in the minutes of the meeting at which it is made or read and shall have no effect until it is so recorded.

(5) A member shall not vote upon any resolution or question relating to any such contract, arrangement, work, purchase or other acquisition, or lease or other dealing in which he has any share or interest whether or not he has declared the same, nor shall he take part in any deliberation (except on the invitation of the Perbadanan or committee) or decision relating thereto or to any matter incidental thereto, and if he shall do so his vote shall not be counted, nor shall he be counted in the quorum present at the meeting for the purposes of such resolution or question.

(6) A member shall not be deemed to have a share or interest under this section by reason only of his being a shareholder in the company with which it is proposed that the Perbadanan shall enter into a contract or an arrangement unless he has a controlling interest in that company.

(7) A member who contravenes any of the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding five years or to a fine not exceeding twenty-five thousand ringgit or to both.

PART IV

FINANCE

The Fund of the Perbadanan

16. For the purposes of this Act there is established a fund, which in this Act is referred to as “the Fund”, to be administered and controlled by the Perbadanan—

(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 Perbadanan for the purpose of meeting any of its obligations or discharging any of its functions and powers;
- (iii) all moneys earned by the Perbadanan;
- (iv) all moneys earned or arising from any property, investment, mortgage, charge or debenture acquired by or vested in the Perbadanan;
- (v) any fees or other charges prescribed and collected by the Perbadanan; and
- (vi) all other sums or property which may in any manner become payable to or vested in the Perbadanan in respect of any matter incidental to its functions and powers;

(b) and out of which shall be defrayed—

- (i) all expenditure, including capital expenditure, incurred by the Perbadanan in carrying out its functions and duties;

- (ii) moneys for the repayment of any loan made to the Perbadanan pursuant to its power to borrow; and
- (iii) any subsidy or credit facility granted by the Perbadanan pursuant to its powers under this Act.

Borrowing powers

17. The Perbadanan may, with the approval of the Minister of Finance and upon such terms and conditions as may be determined by him, borrow such sums as it may require for discharging any of its functions and powers under this Act.

Investment

18. The Fund of the Perbadanan shall, in so far as it is not required to be expended by the Perbadanan under this Act, be invested in such manner as the Minister of Finance may approve.

Finance

19. (1) The expenses of the Perbadanan up to such amount as may be authorised by the Minister for any one year shall be defrayed out of the Fund.

(2) Before the beginning of September of each year, the Perbadanan shall submit to the Minister an estimate of the expenses 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 of that year, notify the Perbadanan of the amount authorised for expenses generally or of the amount authorised for each description of expenditure.

(3) The Perbadanan 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.

Statutory Bodies (Accounts and Annual Reports) Act 1980

20. The Statutory Bodies (Accounts and Annual Reports) Act 1980 [*Act 240*] shall apply in respect of the Perbadanan.

PART V

PRODUCTION, DISTRIBUTION AND EXHIBITION
OF FILMS**No person to engage in all three activities of production, distribution and exhibition of films**

21. (1) Subject to the provisions of this Part, no person shall engage in all three activities of production, distribution and exhibition of films but he may, however, engage in any one of the following combinations of activities—

- (a) production and distribution; or
- (b) production and exhibition; or
- (c) distribution and exhibition,

of films.

(2) Subsection (1) shall not in any way be construed as preventing a person from engaging in only one of the activities of production, distribution or exhibition of films.

Activity or combination of activities to be licensed

22. (1) No person shall engage in any of the activities of production, distribution or exhibition of films or any combination of those activities as specified in subsection 21(1) unless there is in force a licence authorising him to do the same.

(2) An application for a licence shall be made on the prescribed form to the Perbadanan, and the licence may be issued on payment of the prescribed fees for the prescribed period and subject to such terms and conditions as may be imposed therein.

(3) The Perbadanan may refuse to issue a licence without assigning any reason therefor or it may issue a licence subject to terms and conditions, and its decision in any case shall be final and conclusive and shall not be challenged, appealed against, reviewed, quashed or questioned in any court.

Grant of certificate of merit to short subject films

22A. (1) The Perbadanan may select any short subject film produced by a licence holder engaged in the production of films for the purpose of evaluating such film with a view to granting the same a certificate of merit.

(2) In this section, “certificate of merit” means a certificate issued by the Perbadanan for any short subject film to indicate that such film is of acceptable quality for film exhibition.

Restriction on partnership or company where person has controlling interest

23. (1) No partnership of which a person licensed under section 22 is a partner, and no company in which such person has a controlling interest, directly or indirectly, shall engage in any of the activities of production, distribution or exhibition of films:

Provided that where such person engages in only one of the activities of production, distribution or exhibition of films, the partnership or company may engage in the other only of the combination of activities referred to in subsection 21(1).

(2) For the purposes of this section, “indirect interest” shall include the having or acquiring of an interest in a partnership or company by a spouse or a natural or an adopted child (below twenty-one years of age) of such person and, where such person is a company, by any member of the board of directors of the company or a spouse or a natural or an adopted child (below twenty-one years of age) of such member.

Person licensed to ascertain that film has come into possession, custody or control lawfully

24. (1) A person licensed under section 22 shall not engage in any one of the activities or the combination thereof referred to in section 21 without first ascertaining that any film which is the subject matter of his activity or combination of activities has come into the possession, custody or control of himself, his servant or agent lawfully.

(2) In any prosecution for an offence under this section, it shall be presumed that the film came into the possession, custody or control of such person, his servant or agent unlawfully unless such person is able to prove that the film so came into possession, custody or control without his knowledge, consent or connivance or that of his servant or agent and that he exercised all due diligence to prevent the film so coming into possession, custody or control.

Imposition of film charges

24A. Every licence holder who imports any film shall, before such film is distributed, submit a declaration in the prescribed form, and pay a film charge at the prescribed rate, to the Perbadanan.

Presumption

24B. For the purposes of this Act, any person who has in his possession, custody or control three or more copies of a film of the same title shall, unless the contrary is proved, be presumed to be engaged in the distribution of films.

Offence to contravene any of the provisions of this Part

25. (1) Any person who contravenes any of the provisions of this Part shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to *imprisonment for a term not exceeding two years or to both such fine and imprisonment, and he shall in addition, in the case of a continuing offence, be liable to daily fine not exceeding ten thousand ringgit.

(2) Where a person who has been issued with a licence under section 22 is guilty of an offence, the licence shall be liable to be cancelled by the Perbadanan and subsection 22(3) shall apply in respect of any decision of the Perbadanan to cancel the licence.

Persons who shall be deemed to be guilty of offence

26. Where an offence under this Part is committed by a company or a firm, every director, secretary or manager of the company or,

*NOTE—This provision was added by the Perbadanan Kemajuan Filem Nasional Malaysia (Amendment) Act 1984 [Act A589]. Previously, the punishment was a fine only.

as the case may be, every partner in the firm shall also be deemed to be guilty of the offence unless he proves that the offence was committed without his knowledge, consent or connivance and that he exercised all due diligence to prevent the commission of the offence.

PART VA

ENFORCEMENT

Authorization of officers to exercise powers under this Part

26A. (1) The Minister may authorize in writing any public officer or officer of the Perbadanan 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.

Powers of arrest

26B. (1) Any authorized officer or police officer may arrest without warrant any person who commits or attempts to commit or abets the commission of an offence or whom he reasonably suspects of being engaged in committing or attempting to commit or abetting the commission of any offence under this Act or subsidiary legislation 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) When any person has been arrested under subsection (1) he shall thereafter be dealt with as provided by the Criminal Procedure Code [*Act 593*].

Search with warrant

26c. (1) Whenever it appears to any Magistrate upon written information on oath and after any enquiry which he may think necessary that there is reasonable cause to believe that in any

dwelling house, shop, other building or place there is being committed an offence under this Act or subsidiary legislations made thereunder, the Magistrate may issue a warrant authorizing any authorized officer or a police officer not below the rank of Inspector named therein, by day or night and with or without assistance, to enter the dwelling house, shop, other building or place and there search for and seize, and therefrom remove, any films, filming equipment, books, documents or other things reasonably believed to furnish evidence of the commission of the offence.

- (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 enter, 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.

Search without warrant

26D. Whenever it appears to any authorized officer or a police officer not below the rank of Inspector that there is reasonable cause to believe that in any dwelling house, shop, other building or place there is concealed or deposited any films or filming equipment in respect of which an offence under this Act or subsidiary legislation made thereunder is being or has been committed, or any other things relating to the offence, and if he has reasonable grounds for believing that by reason of the delay in obtaining a search warrant the films, filming equipment, books, documents or things are likely to be removed, the officer may exercise all the powers specified in section 26C as if he were authorized so to do by a warrant issued under that section.

List of things seized

26E. The authorized officer or police officer seizing any films, filming equipment, books, documents or other things under this Part shall prepare a list of the things seized and forthwith deliver a copy signed by him to the occupier or his agents or servants present in the premises.

Sealing of things seized

26F. (1) Where any films, filming equipment, books, documents or other things seized by the authorized officer or a police officer in the exercise of the powers under this Act are by reason of their nature, size or amount not practical to be removed from where they are found, he may by any means seal such films, filming equipment, books, documents or other things in the premises or container in which they are found and it shall be an offence for any person without lawful authority to break, tamper with or damage such seal or remove such films, filming equipment, books, documents or other things or to attempt to do so.

(2) Any person who commits an offence under subsection (1) shall, on conviction, be liable to a fine not exceeding three thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Power of investigations

26G. (1) Any authorized officer or a police officer not below the rank of Inspector shall have the power to investigate the commission of any offence under this Act or subsidiary legislation made thereunder.

(2) Any authorized officer or a police officer not below the rank of Inspector may, in relation to any investigation in respect of any offence under this Act or subsidiary legislation made thereunder, exercise the special powers in relation to police investigations given by the Criminal Procedure Code in any seizable case.

Conduct of prosecution

26H. Any prosecution in respect of an offence under this Act or subsidiary legislation made thereunder may be conducted by an authorized officer.

Power of inspection

26I. Without prejudice to the other provisions of this Part, any licence holder or any person, applying to be or required to be

licensed under this Act shall permit the inspection and examination of the premises, films, filming equipment, books, documents or things belonging or kept by the licence holder or person.

Obstruction to search, etc.

26j. Any person who—

- (a) refuses any authorized officer or police officer access to any place;
- (b) assaults, obstructs, hinders or delays any authorized officer or police officer in effecting any entrance which he is entitled to effect under this Act, or in the execution of any duty imposed or power conferred by this Act; or
- (c) refuses or neglects to give any information which may reasonably be required of him and which he has it in his power to give,

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

Compounding

26k. (1) An authorized officer may in his discretion compound such offences under this Act (except section 22) or subsidiary legislation made thereunder as may be prescribed by regulations under section 34 as offences which may be compounded by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding one thousand ringgit or, where the maximum fine specified by this Act or subsidiary legislation made thereunder for the offence is less than one thousand ringgit, a sum of money not exceeding the maximum fine.

(2) Notwithstanding section 26L, on payment of the amount payable under subsection (1), the person reasonably suspected of having committed an offence, if in custody shall be discharged, and any thing seized shall be released without any further proceedings.

Forfeiture of things seized

26L. (1) All things seized in exercise of any power conferred under this Act shall be liable to forfeiture.

(2) An order for the forfeiture or for the release of any things seized in exercise of any power conferred under this Act shall be made by the Court before which the prosecution with regard thereto has been held and an order for the forfeiture of the things shall be made if it is proved to the satisfaction of the Court that an offence under this Act or subsidiary legislation made thereunder has been committed and that the things were the subject matter of or were used in the commission of the offence notwithstanding that no person may have been convicted of such offence.

(3) If there be no prosecution with regard to any things seized in exercise of any power conferred under this Act such things shall be taken and deemed to be forfeited at the expiration of one calendar month from the date of seizure unless a claim thereto is made before the date in the manner hereinafter set forth.

(4) Any person asserting that he is the owner of such things and that they are not liable to forfeiture may personally or by his agent authorized in writing give written notice to any authorized officer or any police officer not below the rank of Inspector that he claims the same.

(5) On receipt of such notice the authorized officer or police officer shall refer the claim to the chief executive officer who may, after such inquiry as may be necessary, direct that such things be released or forfeited or may direct the authorized officer or police officer to refer the matter to a court for decision.

(6) The court to which the matter is referred shall issue a summons requiring the person asserting that he is the owner of the things and the person from whom they were seized to appear before it and upon his appearance or default to appear, due service of the summons being proved, the court shall proceed to the examination of the matter and on proof that an offence under this Act or subsidiary legislation made thereunder has been committed and that such things were the subject matter or were used in the commission of such offence shall order the same to be forfeited or may in the absence of such proof order their release.

(7) All things forfeited or deemed to be forfeited shall be disposed of in accordance with the directions of the chief executive officer.

PART VI

MISCELLANEOUS

Protection against legal proceedings

27. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Perbadanan or a committee thereof or against an officer or a servant of the Perbadanan in respect of any act done, omission committed or statement made *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any person is exempted from liability by reason only of the provisions of this section, the Perbadanan shall be liable only to the extent that it would be if such person were a member, an officer, or a servant or an agent of the Perbadanan or a member of a committee thereof.

Appearance in and conduct of civil proceedings by federal counsel

28. Notwithstanding any written law to the contrary, in civil proceedings by or against the Perbadanan, any person holding the appointment of federal counsel and authorised by the Attorney General in that behalf may, on behalf of the Perbadanan, institute, appear in and conduct such proceedings and do all other matters, acts and obligations in respect of such proceedings.

Information of organization, business, finance, transactions and affairs of the Perbadanan not to be disclosed except in certain circumstances

29. (1) Except for the purposes of the Government as may be necessary from time to time, of any law or of performing his duties, no person, or member, officer or servant of the Perbadanan or member of a committee thereof shall disclose any information concerning the organisation, business, finance, transactions or affairs of the Perbadanan or any of its committees.

(2) Any person or member, officer or servant who knowingly contravenes any of the provisions of subsection (1) shall be guilty of an offence and shall, on conviction, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five thousand ringgit or to both such imprisonment and fine.

30. *(Deleted by Act A589).*

31. *(Deleted by Act A589).*

Validation of acts done in anticipation of Act

32. (1) All acts and things done by any person or authority, whether or not purporting to be done for or on behalf of the Perbadanan, in anticipation for or in anticipation of the promulgation of this Act and any expenditure incurred in relation thereto shall be deemed to have been authorized by this Act provided that the acts and things done are not inconsistent with the general intention and purposes of this Act, and the rights and obligations acquired or incurred as a result of the doing of acts and things or any expenditure so incurred shall be deemed to be the rights and obligations of the Perbadanan.

(2) For the avoidance of doubt, it is declared that subsection (1) does not authorize the appointment of members, officers or servants of the Perbadanan except in so far as authorising the temporary appointment of such persons until appointed under this Act.

Act not to derogate from other laws

33. Nothing in this Act shall derogate from the provisions of any other written law relating to films or to entertainment.

Regulations

34. (1) The Perbadanan may, with the approval of the Minister, make such regulations as it may deem expedient or necessary to carry out the purposes and provisions of this Act and for the discharge of its functions and the exercise of its powers.

(2) Without prejudice to the generality of the foregoing, the Perbadanan may, with the approval of the Minister, in particular make regulations in respect of the following matters—

- (a) to regulate by licensing any film activity, to provide for terms and conditions to be imposed on licences, and for fees, charges and deposits in respect thereof, including provisions for the forfeiture, use or return of such deposits and for offences under the regulations to be punished in like manner as offences under this Act;
- (b) to prescribe forms and all other matters necessary for the purposes of Part V;
- (c) to regulate the provision of research, training and instruction in respect of any film activity and for the Perbadanan to itself establish institutions or provide facilities for the same; and
- (d) prescribe the offences which may be compounded and the procedure for compounding such offences.

Exemption

34A. The Minister may exempt any person or class of persons from any or all of the provisions of this Act.

SCHEDULE

[Subsection 4(4)]

Persons disqualified for being appointed members of the Perbadanan

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

- (a) a person who is of unsound mind or is otherwise incapable of performing his duty;
- (b) a bankrupt;
- (c) a person who has been convicted of an offence and sentenced to imprisonment for a term of one year or more.

Member deemed to have vacated office if absent from three consecutive meetings without approval of Minister

2. A member of the Perbadanan shall be deemed to have vacated his office if he is absent from three consecutive meetings of the Perbadanan without the prior approval in writing of the Minister.

Chairman and three other members to form quorum of the Perbadanan

3. (1) The Chairman, or any member presiding in the absence of the Chairman, and three other members shall form a quorum at a meeting of the Perbadanan.

(2) In the absence of the Chairman the Deputy Chairman shall preside at a meeting of the Perbadanan and, in the absence of both of them, the members present shall choose one of their member to preside and such member may exercise all the powers of the Chairman in respect of that meeting.

Chairman to have casting vote

4. If on any question to be determined there is an equality of votes the Chairman shall have the casting vote in addition to his deliberative vote.

Perbadanan to determine its procedure

5. Subject to this Act, the Perbadanan shall determine its own procedure.

Perbadanan may appoint committees

6. (1) The Perbadanan may appoint such committees of its members with or without other persons as it may determine.

(2) Any committee so appointed shall conform to instructions that may from time to time be given to it by the Perbadanan, and the Perbadanan may at any time discontinue or alter the constitution of such committee.

(3) Subject to the directions of the Perbadanan, the quorum and procedure of a committee shall be determined by the committee.

LAWS OF MALAYSIA**Act 244****PERBADANAN KEMAJUAN FILEM NASIONAL
MALAYSIA ACT 1981**

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A589	Perbadanan Kemajuan Filem Nasional Malaysia (Amendment) Act 1984	15-09-1984

LAWS OF MALAYSIA**Act 244****PERBADANAN KEMAJUAN FILEM NASIONAL
MALAYSIA ACT 1981****LIST OF SECTIONS AMENDED**

Section	Amending authority	In force from
2	Act A589	15-09-1984
7	Act A589	15-09-1984
22A	Act A589	15-09-1984
24A	Act A589	15-09-1984
24B	Act A589	15-09-1984
25	Act A589	15-09-1984
26A-26L	Act A589	15-09-1984
30	Act A589	15-09-1984
31	Act A589	15-09-1984
34	Act A589	15-09-1984
34A	Act A589	15-09-1984
