



# LAWS OF MALAYSIA

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REPRINT

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**Act 362**

## **TIN CONTROL ACT 1954**

*Incorporating all amendments up to 1 January 2006*

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**TIN CONTROL ACT 1954**

First enacted ... .. 1954 (Ord. No. 41 of  
1954)

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**ARRANGEMENT OF SECTIONS**

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## LAWS OF MALAYSIA

### Act 362

#### TIN CONTROL ACT 1954

An Act to provide for the control and regulation of the production, possession, sale, purchase, movement, delivery and export of tin and tin concentrates and for the purpose of implementing in Malaysia the International Tin Agreement 1953 and for purpose ancillary thereto.

[1 July 1956]

#### **Short title and application**

1. (1) This Act may be cited as the Tin Control Act 1954.
- (2) This Act shall apply throughout Malaysia.

#### **Interpretation**

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

“the Agreement” means the International Tin Agreement 1953 and includes any Agreement which may be substituted therefor;

“buffer stock” means the buffer stock to be established under Part VIII of the Agreement;

“certificate of production” means a certificate issued in accordance with regulations made under this Act permitting a producer to produce and deliver or produce and export a specified quantity of tin concentrates in a specified period;

“conveyance” means any contrivance capable of moving or being moved or transporting matter;

“goods” includes animals, birds, fish, plants and all kinds of movable property;

“mining sublease” means a sublease, whether registered or not, of mining land under any written law, and includes a subsublease and a further unregistered sublease for a period not exceeding one year;

“quota” means the quantity of tin concentrates which a producer is permitted to produce and deliver or produce and export in accordance with a certificate of production; and in relation to dealings in quota means any amount or amounts of quota over and above the estimated production of a producer or producers;

“tin concentrates” means any aggregate of minerals containing more than 4 per cent of metallic tin.

(2) For the purpose of this Act and any regulations made thereunder tin and tin concentrates shall be deemed to be exported at the time at which such tin and tin concentrates have been weighed by the proper officer of customs for the purpose of the determination of the customs duty leviable thereon, and the expression “export” shall unless the context otherwise requires be construed accordingly.

### **Power to make regulations**

3. (1) The Minister charged with responsibility for mining may from time to time make regulations for the purpose of providing for the control and regulation of the production, possession, sale, purchase, movement, delivery and export of tin and tin concentrates, and for the purpose of implementing the Agreement, and for all matters incidental thereto.

(2) Without prejudice to the generality of the preceding subsection such regulations may—

- (a) provide for the appointment of officers and other persons to carry out any regulations made under this section and prescribe the power and duties of such officers;
- (b) notwithstanding any provision to the contrary in or under the Criminal Procedure Code [Act 593], the Evidence Act 1950 [Act 56] or any other written law, provide for powers of search, seizure, arrest, erecting barriers in public places, investigation, and examination of persons (including the taking of statements and the calling for information from such persons), and further provide for the custody, forfeiture or release of anything seized under such regulations, the making of presumptions, the admissibility of facts and documents in court proceedings, and matters relating to informers;

- (c) provide for the establishment of such committees as may be desirable for the carrying out of any regulations made under this section and prescribe the powers and duties of such committees;
- (d) prescribe the method of assessing the productive capacity of tin mines;
- (e) prescribe in relation to the total quantity of tin and tin concentrates which may be exported from Malaysia under the Agreement the percentages which may be produced by different classes of producers;
- (f) provide for the issue of certificates of production and prescribe the persons and classes of persons to whom such certificates may be issued;
- (g) prescribe the amount of stocks of tin concentrates which may be held by producers of and dealers in tin concentrates;
- (h) define the conditions under which certificates of production may be held and used in common by groups of producers;
- (i) provide for the setting up of pools to facilitate dealings in quota and prescribe the conditions under which quota may be transferred to and from such pools and the manner in which the price of quota shall be determined for the purposes of purchase and sale from or to such pools where such purchase and sale is permitted;
- (j) regulate dealings in tin and tin concentrates;
- (k) regulate the export of tin and tin concentrates and prescribe the conditions under which and the places from which tin and tin concentrates may be exported;
- (l) prohibit or restrict the exercise of any right to cancel a mining sublease for specified breaches of condition directly resulting from the coming into force of any regulations made under this section;
- (m) prescribe the persons or classes of persons liable to contribute to the buffer stock and the nature, amount and rate of such contributions, and the method of collecting the same;
- (n) prescribe the circumstances in which loans may be made in respect of contributions to the buffer stock and the security for and the method of repayment of such loans;

- (o) prescribe the manner in which the proceeds of the liquidation of the buffer stock in accordance with part XI of the Agreement shall be distributed;
- (p) prescribe fees to be charged for anything to be done under any regulations made under this section;
- (q) provide for the forfeiture of tin and tin concentrates in respect of which an offence has been committed under any regulation under this section and any conveyance and goods used in the commission of such offence;
- (r) impose penalties (which may be in addition to any forfeiture) for the breach of or failure to comply with any regulation made under this section, provided that no such penalty shall exceed a fine of fifty thousand ringgit or ten times the value of the tin or tin concentrates, whichever is the greater and any such term of imprisonment not exceeding two years.

(3) Regulations made under this section shall, as soon as possible after the making thereof, be laid before the House of Representatives and if at the next meeting of the House of Representatives after any regulation is laid before it a resolution is passed annulling such regulation or any part thereof, the whole regulation shall thenceforth be void but without prejudice to the validity of anything previously done thereunder.

(4) Any such regulation, unless so annulled, shall have the same force and effect as if it were enacted in this Act.

### **Rewards**

4. The Director General of Customs and Excise may order such rewards as he may deem fit to be paid to any officer or other person for services rendered in connection with the detection of cases of smuggling or of offences under this Act, or in connection with any seizures made under this Act.

### **Protection of persons acting under this Act**

5. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or any regulations made thereunder.

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## LIST OF AMENDMENTS

Amending law	Short title	In force from
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13-11-1958
Act A417	Tin Control (Amendment) Act 1977	30-09-1977
Act A591	Tin Control (Amendment) Act 1984	29-06-1984

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
Long title	Act A591	29-06-1984
1	L.N. 332/1958	13-11-1958
2	Act A417	30-09-1977
3	L.N. 332/1958 Act A417 Act A591	13-11-1958 30-09-1977 29-06-1984
4	Act A417 Act A591	30-09-1977 29-06-1984

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