



LAWS OF MALAYSIA

REPRINT

Act 682

UNIVERSITY OF MALAYA ACT 1961

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UNIVERSITY OF MALAYA ACT 1961

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|---------------|--------|---------------------------------------|
| First enacted | | 1961 (Act No. 44 of 1961) |
| Revised | | 2007 (Act 682 w.e.f. 6 December 2007) |

LAWS OF MALAYSIA**Act 682****UNIVERSITY OF MALAYA ACT 1961**

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LAWS OF MALAYSIA**Act 682****UNIVERSITY OF MALAYA ACT 1961**

An Act to provide for the establishment and incorporation of the University of Malaya and for matters connected therewith.

[1 January 1962, L.N. 400/1961]

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. This Act may be cited as the University of Malaya Act 1961 and shall come into force on such date as the Minister may by notification in the *Gazette* appoint.

Interpretation

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

“Act”, “regulation” and “Statute” respectively have the same meaning as in the Constitution;

“appointed day” means the date appointed under section 1;

“Constitution” means the Constitution of the University contained in the *Schedule to this Act, as amended from time to time;

*NOTE—The Schedule has been replaced *vide* P.U. (A) 104/1972 which in turn has been repealed and replaced *vide* P.U. (A) 107/1997. Paragraph 2 of the Schedule defines “Foundation Day” as the date appointed under section 1 of the University of Malaya Act 1961.

“Minister” means the Minister charged with responsibility for the University;

“provident scheme” means

- (a) any provident fund scheme established by the University of Malaya under the powers conferred on the University by the Constitution contained in the Schedule to the University of Malaya Ordinance 1949 [*Ord. No. 17 of 1949*]; and
- (b) any provident scheme continued in force by any rules made under the University of Malaya Ordinance 1949 of Singapore [*Ord. No. 12 of 1949*];

“University” means the University of Malaya established and incorporated by this *Act.

Constitution of University of Malaya to have the force of law

3. The Constitution shall, upon the appointed day, take effect and have the force of law within Malaysia.

University to keep office as an address for service in Malaysia

4. (1) The University shall keep and maintain an office situated within Malaysia, which shall be its address for service for all writs, complaints, notices, pleadings, orders, summonses, warrants or other proceedings and written communications of all kinds.

(2) All writs, complaints, notices, pleadings, orders, summonses, warrants or other proceedings or other written communications shall, if left at the office kept and maintained under subsection (1), be deemed duly served upon or delivered to the University or such officer or authority to whom they may have been addressed, in all proceedings before any court in Malaysia.

*NOTE—Section 25 of the Universities and University Colleges Act 1971 [*Act 30*] deems the University of Malaya to be a University established under and subject to, Act 30.

Copies of Statutes, etc., to be kept at office of University

5. The University shall keep at the office mentioned in section 4 a copy of each current Statute, Act, regulation or other document required to be published under this Act or the Constitution, and shall keep the same available at all reasonable hours for inspection by the public and, where any books or copies of documents are, under this Act or the Constitution, required to be available for purchase by the public, such books or copies shall be kept available for purchase at such office or at some other place within Malaysia as the University may think fit.

Grants-in-aid and accounts

6. (1) The Minister shall pay to the University such moneys as may be provided by Parliament from time to time as grants-in-aid of the University.

(2) All moneys paid to the University under subsection (1) shall be applied or expended by the University for all or any of the purposes of the University in accordance with the estimates approved under Part V of the Constitution:

Provided that any such moneys appropriated to and not applied for the purpose of the annually recurrent expenditure of the University may, at the discretion of the University, be applied to capital expenditure.

(3) A copy of the accounts of the University for each financial year when prepared and audited in accordance with the Constitution shall, as soon as practicable after the completion of the audit, be sent to the Minister.

Acquisition of land for purposes of the University

7. (1) When any immovable property, not being State land or reserved land or land vested in a State or in the Federation or occupied or used by the Federation or a public authority for Federal purposes, is needed for the purposes of the University and cannot be acquired by agreement, such property may be acquired in accordance with any written law relating to the acquisition of land for a public purpose for the time being in force in the State in which such property is situate, and any declaration required

under any such written law that such land is so needed may be made notwithstanding that compensation is to be paid out of the funds of the University, and such declaration shall have effect as if it were a declaration that such land is needed for a public purpose made in accordance with such written law.

(2) Expenses and compensation in respect of any immovable property acquired under subsection (1) shall be paid by the University.

(3) All immovable property acquired under this section shall vest in the University, and an entry to that effect in the appropriate register shall be made by the proper registering authority.

Protection of benefits under provident schemes

8. The following provisions shall apply to any provident scheme:

- (a) no assurance on the life of any contributor under any provident scheme and no moneys or other benefits received under such assurance or in any other manner under any such scheme shall be capable of being taken in execution or otherwise garnished, attached, sequestered or levied upon for or in respect of any debt or claim whatsoever against the contributor or his estate unless the University in its discretion shall have assigned such assurance moneys or other benefits to the contributor for his absolute use and benefit or, in the case of his death, to his legal personal representative;
- (b) subject to any discretionary trusts or powers as to the application thereof vested by any Act or rules relating thereto in the University or other person administering the provident scheme, all moneys and benefits arising from any such provident scheme shall be deemed to be impressed with a trust in favour of the objects entitled thereto under the will or intestacy of any deceased contributor;
- (c) no donation or contribution to a fund established under a provident scheme or interest thereon shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever other than a debt due to the University;

- (d) no such donation or contribution or interest shall be subject to the debts of the contributor, nor shall such donation, contribution or interest pass to the Director General of Insolvency on the bankruptcy of such contributor, but, if such contributor is adjudicated a bankrupt or is declared insolvent by judgment of the Court, such donation or contribution or interest shall, subject to this Act and the Constitution and any Act or rules relating thereto, be deemed to be impressed with a trust in favour of the persons entitled thereto on the death of the contributor;
- (e) the bankruptcy of a contributor shall not affect the making of deductions from the salary of the contributor in accordance with any Act or rules relating thereto, but such deductions shall continue to be made notwithstanding any written law, and the portion of salary so deducted shall be deemed not to form part of his after-acquired property;
- (f) subject to any Act or rules relating thereto, all moneys payable or paid out of any fund established under a provident scheme on the death of a contributor shall be deemed to be impressed with a trust in favour of the persons entitled thereto under the will or intestacy of such deceased contributor, or under a nomination in such form as may be prescribed under the scheme, but shall not be deemed to form part of his estate or be subject to the payment of his debts.

Enforcement of transitional provisions in Malaysia

9. Any rules made by the Governor in Council, and approved by the Legislative Council of Singapore, under the University of Malaya Ordinance 1949 [*Ord. No. 12 of 1949*] which relate to—

- (a) the terms and conditions of service of persons transferred from the service of the Government of Singapore, or of the Councils of Raffles College or the King Edward VII College of Medicine, to the service of the University;
- (b) the continuance in force of any provident scheme and the obligations and duties of the University thereunder;
- (c) the administration by the University of any trust;
- (d) the construction and interpretation in any document of any reference to Raffles College or the King Edward VII College of Medicine or to the Councils or Principals of either such College; or

- (e) the transfer to the University of any right, privilege or power of the Council of Raffles College or the Council of King Edward VII College of Medicine or the performance by the University of any duty or obligation imposed on either of such Councils,

shall, in so far as the same may be capable of application within Malaysia, be binding on the University and all other persons in Malaysia as if such rules had been rules duly authorized and made under this Act.

Power to make minor amendments of existing laws

10. (1) The Yang di-Pertuan Agong may, by order, make such amendments, modifications and adaptations of existing laws as may appear necessary or expedient for the transfer to any officer or member of, or other person associated with, the University of any function vested in any officer or member of, or other person associated with Raffles College or the King Edward VII College of Medicine, and for conferring on any holder of a degree or diploma of the University privileges similar to those conferred by any such written law on the holder of any similar or corresponding diploma of either of such Colleges.

(2) For the purposes of this section “existing laws” means the laws in force on Foundation Day, as defined in the Constitution.

Exemption from estate duty

11. No estate duty shall be payable in respect of the amount of any bequest to the University, and the value of the property passing on the death of a deceased shall be deemed not to include the amount of such bequest for the purpose of fixing the rate of estate duty.

Repeal

12. The University of Malaya Ordinance 1949 is hereby repealed.

SCHEDULE

(Omitted)

LAWS OF MALAYSIA

Act 682

UNIVERSITY OF MALAYA ACT 1961

LIST OF AMENDMENTS

| Amending law | Short title | In force from |
|-------------------|--|---------------|
| P.U. (A) 104/1972 | The Constitution of the University of Malaya | 01-01-1972 |
| P.U. (A) 110/1978 | University of Malaya (Exemption) Order 1978 | 25-03-1978 |
| P.U. (A) 107/1997 | The Constitution of the University of Malaya | 01-03-1997 |

LIST OF LAWS OR PARTS THEREOF REPEALED

| No. | Title |
|----------------|---|
| No. 17 of 1949 | The University of Malaya Ordinance 1949 |

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LIST OF SECTIONS AMENDED

| Section | Amending authority | In force from |
|---------|--------------------|---------------|
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– NIL –

